



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr. general
2 November 2009
English
Original: Spanish

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties
under Article 9 of the Convention**

**Fourteenth and fifteenth periodic reports of States parties
due in 2008***

El Salvador**

[13 May 2009]

* This document contains the fourteenth and fifteenth periodic reports of El Salvador, due on 30 December 2008, submitted in one document. For the ninth to the thirteenth periodic reports of the Republic of El Salvador and the summary records of the meetings in which the Committee considered those reports and adopted its concluding observations thereon, see documents CERD/C/471/Add.1 and CERD/C/SR.1741, 1742, 1757 and 1758.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Acronyms

ACCIES	Coordinating Association of Indigenous Communities of El Salvador
ACIES	Association of Indigenous Communities of El Salvador
ACOLGUA	Association of Lenca Communities of Guatajiagua
ART	Antiretroviral therapy
CCENIS	Coordinator of Salvadoran Indigenous Communities
CCNIS	Salvadoran National Indigenous Coordinating Council
CEMUJER	Centre for Women's Studies
CODER	Commission for the Determination of Refugee Status
CONAIPD	National Council for the Comprehensive Care of Disabled Persons
CONCULTURA	National Council for Culture and the Arts
CT	Labour Code
DIGESTYC	General Directorate of Statistics and Censuses
DOTS	Directly observed treatment short course
EMAS	Eco-management and Audit Scheme
FISDL	Social Investment Fund for Local Development
FORGAES	El Salvador Environmental Management Strengthening Project
GAPIE	Advisory Group for the Participation of Indigenous and Ethnic Peoples
ISDEMU	Salvadoran Institute for the Development of Women
ISNA	Salvadoran Institute for the Comprehensive Development of Children and Adolescents
MAG	Ministry of Agriculture and Livestock
MIDP	Mesoamerican Integration and Development Project"
MIGOB	Ministry of the Interior
MINED	Ministry of Education
MSPAS	Ministry of Health and Welfare
MTPS	Ministry of Labour and Social Insurance
PLWHA	Persons living with HIV/AIDS
PNC	National Civil Police
PNM	National Policy on Women
PPP	Plan Puebla Panama
STDs	Sexually transmitted diseases

Table of Contents

	<i>Paragraph</i>	<i>Page</i>
I. Introduction	1–5	4
II. Information relating to articles 2 to 7 of the Convention	6–258	4
A. Article 2 of the Convention: Legal rules for the protection of fundamental rights and legislation against discrimination	6–30	4
B. Article 3 of the Convention: Apartheid	31–32	9
C. Article 4 of the Convention: Prohibition and punishment of Discriminatory activities	33–39	9
D. Article 5 of the Convention: Legal rules for the protection of fundamental rights and legislation against discrimination	40–199	10
E. Article 6 of the Convention: Effective remedies against discriminatory acts	200–239	35
F. Article 7 of the Convention: Information and the media	240–258	42

I. Introduction

1. The Government of El Salvador hereby submits its fourteenth and fifteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with article 9 of the Convention.

2. The information contained in this report is the result of an inter-agency team effort coordinated by the Ministry of Foreign Affairs and involving the following institutions, among others: the Supreme Court, the Attorney-General's Office, the Ministry of Labour and Social Insurance (MTPS), the Ministry of Health and Welfare (MSPAS), the Ministry of Education (MINED), the National Civil Police (PNC), the National Council for Culture and the Arts (CONCULTURA), the General Directorate of Migration and Alien Status, the Salvadoran Institute for the Development of Women (ISDEMU), the National Council for the Comprehensive Care of Disabled Persons (CONAIPD), the General Directorate of Statistics and Censuses (DIGESTYC) in the Ministry of the Economy, the Solidarity Network and the Legislative Assembly.

3. This report has been drawn up in accordance with the instructions provided in the Compilation of Guidelines on the form and the content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.2). The Committee's concluding observations on the ninth to thirteenth periodic reports of El Salvador (CERD/C/SLV/CO/13) have been taken into consideration.

4. The Government of El Salvador submits this report in fulfilment of its obligations as a State party to the Convention and wishes to draw particular attention to the constitutional and legal principles on non-discrimination and human rights which guide the Government's approach to both domestic and international policy. According to the Sixth Population Census and the Fifth Housing Census, conducted in 2007, El Salvador's total population of 5,744,113 comprises various ethnic and racial groups, namely 4,959,210 persons of mixed race, 731,702 whites, 7,441 blacks and 32,450 persons belonging to other racial groups. Indigenous groups comprise 13,310 persons, accounting for 0.23 per cent of the total population. The country's previous population census had taken place in 1992.

5. The Government of El Salvador takes this opportunity to express its firm resolve to establish a constructive dialogue with the international bodies which monitor compliance with the provisions and obligations contained in this Convention and the other human rights instruments to which El Salvador is a party.

II. Information relating to articles 2 to 7 of the Convention

A. Article 2 of the Convention: Legal rules for the protection of fundamental rights, and legislation against discrimination

1. Paragraph 1, subparagraph (a)

6. El Salvador ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1979 and the Convention on the Elimination of All Forms of Discrimination against Women in 1981.

7. In order to meet its obligations under the Convention, the State of El Salvador has incorporated provisions ensuring such compliance into its Constitution and secondary legislation. Article 144 of the Constitution, under which all treaties signed by El Salvador are State law and take precedence over secondary acts, is worded as follows: "Upon

entering into force, international treaties concluded by El Salvador with other States or with international organizations shall constitute State acts, in keeping with the provisions of the given treaty and of the Constitution. An act may not amend or annul agreed provisions of a treaty binding on El Salvador. In the event of a conflict between a treaty and the law, the treaty shall prevail." In other words, according to the Salvadoran legal system, treaty provisions are directly enforceable.

8. Article 1 of the Constitution, in title I, sole chapter, is worded as follows: "El Salvador recognizes the individual as the mainspring and aim of State activity. The State is organized in a manner conducive to the pursuit of justice, certainty of the law, and the common good. Consequently, it is incumbent upon the State to ensure that the inhabitants of the Republic enjoy freedom, health, culture, prosperity and social justice."

9. Article 3 of the Constitution is worded as follows: "All persons are equal before the law. No restrictions based on nationality, race, gender or religion may be imposed on the exercise of civil rights. Hereditary offices or privileges shall not be recognized."

10. In the area of education, science and culture, article 58 of the Constitution, which provides that no educational institution may deny education on the grounds of racial difference, is worded as follows: "No educational establishment shall refuse to admit students because of the nature of their parents' or guardians' union or because of social, religious, racial or political differences."

11. Non-discrimination in the area of health care is established in secondary legislation, specifically in the Health Code, which in article 33 (under chapter VIII (Obligations, Rights and Prohibitions), section 1 (Obligations)) provides as follows: "Health professionals, technicians, auxiliaries, hygienists and assistants shall provide the best type of care to all who seek their professional services, and shall always consider those persons' human condition, without any distinction based on, inter alia, nationality, religion, race, political conviction or social class."

12. Under article 47 of the same code, MSPAS and its units must promote the community's social welfare without any distinction related to ideology or creed.

13. Moreover, discrimination in the workplace on racial grounds is prohibited by secondary legislation, and in particular by Criminal Code article 246, worded as follows:

"Discrimination in the workplace

Article 246. Any person who is responsible for serious discrimination occurring in the workplace on the basis of gender, pregnancy, origin, civil status, race, social status, physical condition, religious or political beliefs, membership or non-membership of a trade union, adherence or non-adherence to a trade union's agreements, or kinship with other workers in the enterprise, and who fails to restore conditions of equality before the law in accordance with injunctions or an administrative punitive measure and to redress any financial prejudice occasioned, shall be sentenced to six months to two years' imprisonment."

14. The Criminal Code, in article 17, recognizes the equality of all persons under the law, without any distinction based on nationality, gender, race or religion, and punishes anyone who violates that equality; and characterizes such conduct as a felony under article 292, quoted in the next paragraph. The first of the two articles is worded as follows:

"Application of criminal law to individuals

Article 17. Criminal law shall apply equally to all persons who, at the time of the offence, were over the age of 18. Persons under that age shall be subject to a special regime.

Notwithstanding the provisions of the preceding paragraph, criminal law shall not apply to persons enjoying privileges under the Constitution and international law or enjoying immunity in relation to certain matters, in accordance with the Constitution."

15. With regard to the equality of individuals, the Criminal Code provides as follows:

"Infringements of the right to equal treatment

Article 292. Any civil servant, public employee or employee of a public institution or public authority who, on the grounds of nationality, race, gender, religion or any other personal attribute, denies a person any of the individual rights enshrined in the Constitution shall be liable to one to three years' imprisonment and disqualification from holding his/her post or job for an equal period of time."

16. With regard to war crimes and crimes against humanity, including genocide, the Criminal Code, book II, title 19, article 361 (Crimes against humanity), defines and punishes severely the crime of genocide. Moreover, under Criminal Code article 99 and Criminal Procedure Code article 34, the sentence carried is not extinguishable by limitation. These articles are worded as follows:

"Genocide

Article 361 (of the Criminal Code). Whoever, in order to partially or fully destroy a given group of persons because of their nationality, race or religion, commits homicides or causes serious physical or mental injury to members of that group or subjects them to conditions threatening their livelihood or imposes on them measures designed to prevent their reproduction or ensures their forcible displacement to other groups shall be punished with 10 to 25 years' imprisonment.

That sentence may be increased to 30 years, if the person directly responsible for any act of genocide is a civil servant or military officer.

Proposing or conspiring to commit acts of genocide shall carry a penalty of 6 to 12 years' imprisonment. Incitement to the public to commit genocide shall carry a penalty of four to eight years' imprisonment."

"Extinction of sentences by limitation

Article 99 (of the Criminal Code). Once imposed by unappealable judgement, an imprisonment sentence shall be extinguishable by limitation within a period equal to the sentence plus one fourth thereof, but in no event may last less than three years.

Non-custodial sentences shall be extinguished after three years.

Sentences for minor offences shall be extinguished after one year.

Criminal proceedings shall not be subject to extinction by limitation in cases of torture, acts of terrorism, abduction, genocide, violation of the laws and customs of

war, enforced disappearance of persons, and political, ideological, racial, gender-based or religious persecution, provided that the act in question commenced subsequent to the entry into force of this Code."

"Limitation of criminal proceedings

Article 34 (of the Criminal Procedure Code). Where criminal prosecution has not been initiated, criminal proceedings shall be extinguished by limitation:

- (1) After a period equal to the maximum sentence for crimes carrying a sentence of imprisonment but in no event may that period exceed 10 or be less than 3 years;
- (2) After three years for crimes carrying non-custodial sentences;
- (3) After one year for minor offences.

Extinction by limitation shall be determined in reference to the main sentence and shall also apply to any consequence of that penalty.

Criminal proceedings shall not be subject to extinction by limitation in cases of torture, acts of terrorism, abduction, genocide, violation of the laws and customs of war, enforced disappearance of persons, and political, ideological, racial, gender-based or religious persecution, provided that the act in question commenced subsequent to the entry into force of this Code."

2. Paragraph 1, subparagraph (b)

17. El Salvador is firmly committed to abstaining from sponsoring, defending or supporting racial discrimination practiced by any persons or organizations. That commitment is attested by the country's laws, which include the Constitution, international treaties in force and secondary legislation.

3. Paragraph 1, subparagraph (c)

18. The current national laws and regulations comply with the principles of non-discrimination and the right to equal treatment.

4. Paragraph 1, subparagraph (d)

19. As mentioned earlier, the Constitution and the secondary legislation contain explicit provisions prohibiting discriminatory acts based on racial factors. To this date, there are no records on racial discrimination cases in the country.

5. Paragraph 1, subparagraph (e)

20. Organizations of a wide variety exist and may be legally created in El Salvador. Certain activities, including sport, cultural, artistic and scientific events, have been encouraged with a view to promoting intercultural and interracial exchange and partnership. According to the Directorate of the Registry of Non-Profit Associations and Foundations in the Ministry of the Interior (MIGOB), 38 organizations of various types were set up in the country in the period 2004-2008 by aliens, including persons from Spain, Sweden, the USA and Guatemala.

Foreign entities, 2004-2008 (1)

Belgium	3
Canada	1
Spain	18
United States	13
Guatemala	1
Netherlands	1
Switzerland	1
Total	38

6. Paragraph 2

21. Vulnerable groups are protected under specific legislation, such as the Comprehensive Care for Older Persons Act of 23 January 2002, the Refugee Status Determination Act of 18 July 2002, the HIV Infection Prevention and Control Act of 24 October 2001, the Equal Opportunities for Disabled Persons Act of 27 April 2000, and the Comprehensive Protection for Children and Adolescents Act, adopted on 25 March 2009.

22. With respect to the policies for persons infected with HIV/AIDS, El Salvador has drawn up a National Plan for monitoring, evaluation and epidemiological surveillance, 2006-2010, based on relevant Joint United Nations Programme on HIV/AIDS (UNAIDS) handbooks and manuals. An initiative entitled "HIV Prevention among mobile population groups" was launched in 2004 as part of national action for HIV prevention in mobile and migrant sections of the population and, by the end of 2007, included prevention, diagnosis and care for persons living with HIV/AIDS (PLWHA) at 13 border-area, airport and seaport locations.

23. In the first quarter of 2005, the Ministry of Public Health and Social Assistance, through the STD-HIV-AIDS Programme, initiated a series of disease prevention and monitoring, health promotion and health care activities for the inmates all of the country's prisons, which are under the responsibility of MIGOB, and of the rehabilitation centres for minors of the Salvadoran Institute for the Comprehensive Development of Children and Adolescents (ISNA).

24. On 14 November 2006, during the Thirty-third Assembly of Delegates of the Inter-American Commission of Women (CIM) of the Organization of American States (OAS), the President of the Republic, Mr. Elías Antonio Saca, declared 27 June of every year National HIV Testing Day.

25. Through the Youth Department, El Salvador formulated a National Plan for Young Persons, 2005-2015 (PNJ 05-15), which constitutes the frame of reference for State action designed to provide young Salvadorans with the means for becoming strategic actors in promoting their own prosperity and a more equitable, participatory and humane society.

26. The State develops public policies embracing the Salvadoran population as a whole, including the indigenous population; and has carried out specific activities promoting the cultural rights of indigenous peoples. In that area, activities related to the preservation and dissemination of the Nahuatl language in various manners are the most characteristic example.

27. With regard to disability, El Salvador participated in the process of negotiation of the International Convention on the Rights of Persons with Disabilities and the related Optional Protocol, which it signed on 30 March 2007 and ratified in October 2007. El

Salvador has been the first country in Central America, and the eighth of 117 countries, to ratify those instruments.

28. The Government has developed an action plan for the implementation of the above Convention through CONAIPD, acting as the leading entity in that connection. The action plan specifies the commitments that the various bodies concerned must make in order to ensure the fulfilment of the rights provided for in the instrument in question.

29. In cooperation with the Social Committee of the Cabinet, CONAIPD has updated the National Policy for Equal Opportunities for Disabled Persons, aligning it with the above Convention.

30. In order to ensure balance, transparency and legal security with respect to the protection of the rights of consumers in their relations with suppliers, article 4 of the Consumer Protection Act provides as follows: "Without prejudice to other rights under other acts, consumers shall enjoy the following basic rights: ... (e) Freedom of choice and equal treatment under similar circumstances, without any type of discrimination or abuse".

B. Article 3 of the Convention: Apartheid

31. El Salvador has been a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports since 1979.

32. In accordance with the country's international obligations, especially under the International Convention on the Elimination of All Forms of Racial Discrimination, a bill amending the Criminal Code has been drafted and includes provisions characterizing apartheid as a crime. El Salvador, however, has no system comparable to the apartheid regime.

C. Article 4 of the Convention: Prohibition and punishment of discriminatory activities

1. Paragraph (a)

33. Article 292 of the Criminal Code provides as follows: " Any civil servant, public employee or employee of a public institution or public authority who, on the grounds of nationality, race, gender, religion or any other personal attribute, denies a person any of the individual rights enshrined in the Constitution shall be liable to one to three years' imprisonment and disqualification from holding his/her post or job for an equal period of time."

34. Article 246 of the Criminal Code provides as follows: " Any person who is responsible for serious discrimination occurring at the workplace on the basis of gender, pregnancy, origin, civil status, race, social status, physical condition, religious or political beliefs, membership or non-membership of a trade union, adherence or non-adherence to a trade union's agreements, or kinship with other workers in the enterprise, and who fails to restore conditions of equality before the law in accordance with injunctions or an administrative punitive measure and to redress any financial prejudice occasioned, shall be sentenced to six months' to two years' imprisonment."

35. As can be seen from the legislation in force, El Salvador has adopted provisions punishing all acts or ideas encouraging superiority claims or racial hatred and all acts of violence or incitement to violence against any race or group of persons of a different colour or ethnic origin.

2. Paragraph (b)

36. With regard to the issue of measures taken against any possible discriminatory or racist platforms, it should be noted that no organizations or activities propagandizing for and inciting to racial discrimination exist in El Salvador.

3. Paragraph (c)

37. As already mentioned, no cases of a public authority or public institution, whether national or local, promoting or inciting to racial discrimination have occurred in El Salvador.

38. Nevertheless, should it occur, such conduct would fall within the ambit of Criminal Code article 292, which prohibits all authorities and public institutions, both national and local, from encouraging acts aimed at promoting or inciting to racial discrimination.

39. In 2006, El Salvador adopted the Government Ethics Act, which elaborates on the principles of public ethics as follows: "Article 4. Public servants shall act in accordance with the following principles of public ethics: ... (c) Non-discrimination. Attending to persons requiring or requesting public services, without any discrimination based on nationality, race, gender, religion, ideology, political opinion or social or economic condition".

D. Article 5 of the Convention: Legal rules for the protection of fundamental rights and legislation against discrimination**1. Paragraph (a)**

40. In an amparo judgement dated 23 October 2001, the Constitutional Chamber of the Supreme Court affirmed the following: "The Constitution is a legal instrument which, in addition to containing regulations governing the State's political life, organizing its society, structuring its institutions and placing limits on the discretionary authority and arbitrary power exercised by those who govern, *establishes safeguards for the rights of the governed, without any discrimination whatsoever*, and authorizes restricting those rights in the cases provided for by law and by order of the competent authority."

41. The Constitution establishes, inter alia, the State's obligation to ensure the enjoyment of freedom, health, culture, economic well-being and social justice by the inhabitants of the country. Moreover, under the Title on Fundamental Individual Rights and Remedies, the Constitution guarantees every person's right to, inter alia, life, physical and moral integrity and freedom; provides for compensation for moral prejudice, in accordance with the law; and establishes the principle of equal treatment.

42. The Constitution, primary source of Salvadoran law, clearly provides that the State must offer protection not only to its own nationals but also to all those residing in the country, since the rights recognized and protected are inherent in the human person and, therefore, not subject to distinctions based on nationality, save in particular cases.

43. In its capacity as the judicial system's highest authority, the Supreme Court, through its Constitutional Chamber, has established case law regarding the principles of equality, non-discrimination and equal treatment by the legislator.

44. The judgement in question contains the following statement: "Equality is a principle which derives from human nature itself and is based on the identical origin and destiny of

human beings. It is a relationship which implies recognizing the fundamental rights of all persons and fully respecting their dignity, without arbitrary discrimination. The right to equal treatment is a constitutional right, provided for in article 3 of the Constitution, which justly and explicitly guarantees the equality of all persons before the law."

45. In an amparo judgement dated 29 November 2001, the Supreme Court ruled as follows:

"The principle of equality entails the following two constitutional rules: (a) equality before the law and (b) equality in the implementation of the law.

According to the first rule, given similar basic facts, the consequences must be identical and display no arbitrary or unwarranted inequality. According to the second rule, applicable to the judiciary, judicial decisions must analyze similar basic facts in the same manner, even where cases are heard by different courts, and should avoid violations consisting in the manifestly non-uniform application of the same legal provisions to similar cases."

46. Regarding the scope of the principle of equality in administration of law by the courts, the Constitutional Chamber, in a judgement dated 26 August 1998, held that equality "is the personal right of all to receive equal treatment. That right, which the authorities are obliged and constrained to respect, requires that identical basic facts must be treated in the same manner as to their legal consequences. This requirement encompasses equality in the implementation of the law. Accordingly, a court may not arbitrarily vary its judgement in substantively similar cases unless it has adequate and reasoned grounds for setting aside precedent."

2. Paragraph (b)

47. As to the right to security of person, the National Civil Police (PNC) ensures the protection and guarantees the personal safety and freedom of all persons in general. PNC also prevents and combats all types of offences in order to maintain peace, order and security in the urban and rural areas, strictly respecting human rights.

48. In chapter II (Duties of the Police), article 23, the National Civil Police Organization Act provides as follows: "The duties of the National Civil Police consist, inter alia, in ensuring compliance with the laws, regulations, ordinances and other legal provisions; and in protecting and guaranteeing the free exercise of individual rights and freedoms throughout the national territory."

49. In chapter V, article 31, the Statute of the National Civil Police provides as follows: "The Police has the following duties: (1) Respecting human rights, the Constitution and the law, regardless of the circumstances in which it is called upon to fulfil its mission ..."

50. PNC statistical records through 2008 show no cases or complaints designating members of the police force, civil servants or private individuals as responsible for any discrimination-related violations of the right to security of person, acts of violence or attempts against personal integrity.

51. PNC engages in comprehensive and multifaceted work addressing all groups in the various social sectors and geographic areas through social and domestic violence prevention strategies and programmes targeting women, children and young persons. Such action is carried out through the Juvenile and Family Services Division of the Public Security Branch and through Prevention Units established in the Police Departments deployed at the national level.

52. As part of its programme for promoting human rights within the police force, the PNC Human Rights Unit organizes, at the national level, annual information events on human rights, particularly the rights of the most vulnerable groups.

53. The Criminal Code, title XIV ("Offences related to the fundamental rights and civil liberties of the person"), sole chapter ("Individual fundamental Rights and civil liberties"), defines the following offences: Detention by a civil servant or public employee, employee of a public institution or public authority (article 290); undue restrictions on personal freedom (article 291); infringements of the right to equal treatment (article 292); infringements of freedom of religion (article 296); torture (article 297); infringements of the right to defence (article 298); illegal inspections and searches (article 299); search of premises without legal authorization (article 300).

3. Paragraph (c)

54. Political rights are recognized to all persons over 18 who are Salvadorans by birth or by naturalization, without any distinction based on race, gender or religion. These rights include the right to vote; the right to form political parties in accordance with the law and to join existing parties; and the right to seek public office, subject to the provisions of the Constitution and of the secondary legislation.

55. The right to vote is provided for in the Constitution, chapter III ("The citizens, their political rights and obligations and the electoral body", articles 71-82, which refer to the citizens' political rights and obligations; the right to form political parties in accordance with the law and to join existing parties; the right to seek public office; the suspension and forfeiture of a citizen's rights; the electoral body and voting; voting standards and conditions; elected office holders; and election campaigns.

56. In particular, article 77 of the Constitution requires, as a necessary condition for voting, registration on the electoral roll, which is drawn up independently by the Supreme Electoral Tribunal (TSE) and is separate from any other official register. Under article 78, the ballot must be free, direct, equal and secret.

57. For all Salvadorans by birth or by naturalization, the right to vote includes the right to participate in the direct popular referendum provided for in the Constitution.

58. In unconstitutionality case No. 28-2002, judgement dated 8 April 2003, preambular paragraph III (1), the Constitutional Chamber of the Supreme Court defined suffrage as follows: "Rightful involvement of all citizens in the organization and exercise of power through participation in the formulation of the collective will with respect to electing the holders of an elective office or to making decisions on fundamental issues submitted to the citizens for consideration."

59. Preambular paragraph III (4) of the same judgement stipulates the following essential prerequisites for the right to vote:

"(1) Citizenship (article 71 of the Constitution). Articles 90 and 92 of the Constitution specify which persons enjoy Salvadoran citizen status.

(2) Full exercise of political rights (articles 74 and 75 of the Constitution and article 7 of the Electoral Code): Voting presupposes the necessary capacity, namely understanding, independence and dignity. Accordingly, persons lacking adequate mental faculties, freedom or dignity may not participate in the voting exercise.

(3) Registration in the list of voters or electoral roll, stipulated in article 77 of the Constitution."

60. TSE is the highest authority with regard to election-related matters. It enjoys jurisdictional, administrative and financial autonomy and its decisions are binding on the authorities, political parties and citizens. TSE performs the following main functions:

(a) Organizing, directing and conducting the process of election of the President and Vice-President of the Republic, deputies to the Legislative Assembly, deputies to the Central American Parliament (PARLACEN) and municipal councils

(b) Meting out electoral justice in response to citizens' claims of violation of electoral rights and resolving conflicts falling within TSE jurisdiction.

4. Paragraph (d)

61. Article 2 of the Constitution provides as follows:

"Every person has a right to life, physical and moral integrity, freedom, security, work, property and ownership, and protection in preserving and defending these rights. The right to honour, to personal and family privacy and to the perception of one's person shall be guaranteed. Compensation for moral prejudice shall be provided in accordance with the law."

(i) *Right to freedom of movement and residence within the border of the State*

62. Article 5 of the Constitution provides as follows:

"All persons shall be free to enter, stay in and leave the national territory, subject to restrictions established by law. No one may be compelled to change domicile or residence, save by order of a judicial authority, in the cases and in accordance with the requirements specified by law. No Salvadoran may be compelled to live abroad, prohibited from entering the national territory or denied a passport for his/her return or other identification papers. Nor may he/she be prohibited from leaving the territory except by decision or judgement of a competent authority, issued in accordance with the law."

63. In that connection, the Constitutional Chamber of the Supreme Court (in amparo case No. 27-G-96, judgement dated 23 July 1998, preambular paragraph II (3)) has characterized "freedom of movement" as follows: "Also called freedom of locomotion, transport or ambulation (...), it constitutes one of the most important facets of individual freedom because it concerns a person's spatial coordinates. It consists in the possibility to stay in a place or to move from a location to another, within the country or abroad, without any restriction by the authorities, save for the limitations imposed by law (...). [Article 5 of the Constitution] implies the following:

(a) Every person's right to freedom of movement and stay, applicable in principle to the entire population;

(b) Subjection of such freedom to legal restrictions based, generally speaking, on considerations of, inter alia, security, health, public order and legitimate detention;

(c) Every Salvadoran's outward freedom, consisting in, inter alia, being able to leave the territory unobstructed unless such exit is precluded by a decision or judgement issued by a competent authority in accordance with the law;

(d) The obligation of the State and of State authorities to guarantee to those governed freedom of movement or transit vis-à-vis third parties and the public authorities."

64. Regarding restrictions on such freedom, the Constitutional Chamber of the Supreme Court (in unconstitutionality case No. 5-86, judgement dated 18 June 1987, preambular paragraph VII) has stated that "if article 5, paragraph 1, of the Constitution authorizes the common legislator to set limitations on freedom of transit which are applicable to all, then, according to this court, it must be understood that such limitations relate or refer to migration control requirements or other requirements based on a recognized public interest, provided that such limitations do not give rise to rules which prevent the exercise of the right to freedom of transit, violating Criminal Code article 246".

(ii) *Right to leave any country, including one's own, and to return to one's country*

65. The right in question is enshrined in article 5 of the Constitution, which provides as follows:

"All persons shall be free to enter, stay in and leave the national territory, subject to restrictions established by law. No one may be compelled to change domicile or residence, save by order of a judicial authority, in the cases and in accordance with the requirements specified by law. No Salvadoran may be compelled to live abroad, prohibited from entering the national territory or denied a passport for his/her return or other identification papers. Nor may he/she be prohibited from leaving the territory except by decision or judgement of a competent authority, issued in accordance with the law".

(iii) *Right to a nationality*

66. Under article 90 of the Constitution, the following persons are Salvadorans by birth: "Persons born in the territory of El Salvador; children born abroad to a Salvadoran father or mother; and persons from the other States which formed the Federal Republic of Central America, who, residing in El Salvador, declare to the competent authorities their wish to become Salvadorans, without being required to renounce their initial nationality."

67. An alien may obtain Salvadoran nationality in two ways, namely by birth or by naturalization. The legal basis for acquiring Salvadoran nationality is set forth in the Constitution (articles 90-100), the Aliens Act and the Migration Act.

68. Nationality by birth may be requested by the persons referred to in article 90 (3) of the Constitution, which is worded as follows: "The following are Salvadorans by birth: ... persons from the other States which formed the Federal Republic of Central America, who, residing in El Salvador, declare to the competent authorities their wish to become Salvadorans, without being required to renounce their initial nationality."

69. The procedure for requesting nationality by birth includes submitting various personal documents, such as, inter alia, a birth certificate, photographs and a passport, and completing an application form (Aliens Act, article 38). MIGOB reviews the application and the documents submitted, issues its decision (Aliens Act, article 43) and delivers a certificate to the applicant, with a copy to the Directorate of Migration, the Attorney-General's Office, the Ministry of Foreign Affairs and the applicant's municipality of residence (Aliens Act, article 44 (3)).

70. Nationality by naturalization may be requested by the persons referred to in article 92 of the Constitution, which is worded as follows: "The following persons may obtain the status of a Salvadoran by naturalization: Persons of Spanish or Spanish American origin having resided in El Salvador for one year; aliens from any country having resided in El Salvador for five years; those who are granted that status by the Parliament for outstanding services to the Republic; and male or female aliens who are married to a Salvadoran and can prove having resided in the country for two years before or after the marriage. Nationality by naturalization is granted by the competent authorities in accordance with the law." Clearly, no restrictions based on, for instance, race, colour or nationality may prevent a person from seeking Salvadoran nationality.

71. The right of Salvadorans by birth to hold dual or multiple nationality is provided for in article 91 of the Constitution, which is worded as follows: "Salvadorans by birth have the right to hold dual or multiple nationality." Clearly, there is no race-related obstacle to the acquisition of Salvadoran nationality.

(iv) *Right to marriage and to choice of spouse*

72. The commitment to encouraging marriage is enshrined in article 32 of the Constitution, which provides as follows: "The family is the foundation of society and shall be protected by the State, which shall enact the necessary legislation and create appropriate organizations and services for the formation, well-being and social, cultural, and economic development of the family. Marriage is the legal basis of the family and rests on the equality of the spouses before the law. The State shall encourage marriage, whose absence, however, shall not affect the enjoyment of the rights accorded to the family.

73. Article 6 and 7 of the Family Code provide as follows, respectively: "Every person has the right to form his/her own family, in accordance with the law." "The State shall encourage marriage. State action to that end shall be coordinated by the Attorney-General's Office and shall be geared towards establishing a firm basis for the stability of marriage and the most effective fulfilment of family duties."

74. Article 12 of the Family Code provides as follows: "Marriage is constituted and contracted by the free and mutual consent of the parties, as declared to an authorized official and celebrated in accordance with the form and other requirements established in this Code. The parties are deemed to have entered into a contract for life."

75. With respect to the *origin of the family, as a legal concept*, the Constitutional Chamber of the Supreme Court (in unconstitutionality case No. 2-95, judgement dated 28 April 2000, preambular paragraph V (1)) has ruled as follows: "According to the pertinent family law rules, the family, as fundamental social group, is rooted in the biological factors of sexual union and procreation. In view of these immutable facts of human life, the legislator establishes, with regard to those facts, various rules which, as a whole, form the Family Law." With regard to *intra-couple relations*, "according to the pertinent legal rules, there exist various types of relations within a couple. The traditional form under which ties are established between a man and a woman is marriage. Nevertheless, the rules in question also refer to other types of relations and classify them into legal, illegal and extra-legal. Marriage and common-law union or cohabitation are - under those rules and the law - the only forms of a legal relation. The range of illegal relations, which under some legislations have been known to constitute offences, includes, for instance, adultery, incest, abduction, rape and bigamy. Lastly, so-called extra-legal relations entail extra-marital sexual relations established by the persons concerned in exercise of their freedom but not in violation of any legal prohibition."

76. With regard to *the legislator's obligations* under articles 32 and 33 of the Constitution, the paragraph referred to above contains the following statement: "The Constitution provides for the obligation to regulate relations resulting from marriage and common-law or cohabitation. Observably, however, the legislator must also regulate relations within the couple and between parents and children".

(v) *Right to own property alone and in association with others*

77. This right is enshrined in articles 2, 102, 103 and 105 of the Constitution. The first of these articles provides as follows:

Article 2 (1). "Every person has a right to life, physical and moral integrity, freedom, security, work, property and ownership, and protection in preserving and defending these rights."

78. In this connection, the Constitutional Chamber of the Supreme Court (in amparo case No. 317-97, judgement dated 26 August of 1998) has ruled as follows: "This Chamber considers that the right to property - enshrined in article 2 of the Constitution - must be understood as full legal authority over an asset. Such authority entails simultaneously the power to occupy the asset, use it in any possible manner, make use of its products and yield, modify it and divide it. The property right is conceived as a right in rem (by its legal nature), fully binding on third parties and limited only by the pre-existing conditions from which it arises as a conferred right".

79. Articles 102, 103 and 105 (1) of the Constitution provide as follows:

"Article 102. Economic freedom is guaranteed in all matters, in which it is not prejudicial to the interests of society. The State encourages and protects private initiative under the conditions necessary for increasing national wealth and making the benefits thereof available to as many of the country's inhabitants as possible."

"Article 103. The right to private ownership is recognized and guaranteed as a conferred right. Intellectual and artistic property is also recognized, for periods and in the manner specified by law. The subsoil belongs to the State, which may grant concessions for its exploitation."

"Article 105. The State recognizes, promotes and guarantees the right to private individual, cooperative, communal or any other associative ownership of rural land, and may under no circumstances reduce the maximum land holding established as a property right in this Constitution."

(vi) *Right to inherit*

80. Article 22 of the Constitution provides for the right to inherit as follows: "Every person has the right to alienate freely his/her property in accordance with the law. Property is transferable in the manner established by law. The drawing up of a will shall be free."

81. The Civil Code, book III ("On inheritance subsequent to death, and on bequests"), title III ("On the rules governing wills"), fully develops, in four chapters, the right to draw up a will freely.

(vii) *Right to freedom of peaceful assembly and association*

82. The freedom of assembly and association is a right enshrined in article 7 of the Constitution, which is worded as follows: "The inhabitants of El Salvador have the right to

associate freely and to assemble peacefully and without weapons for any lawful purpose. No one may be compelled to join an association."

83. In its first and second paragraphs, article 7 of the Constitution establishes the State's obligation to guarantee the right of the inhabitants of El Salvador to associate freely. El Salvador is endowed with the legal structure necessary for promoting freedom of association, and in particular with a Non-Profit Associations and Foundations Act, which (in article 1) defines its aim as follows: "The purpose of this Act is to establish a special legal framework applicable to non-profit associations and foundations."

(viii) *Right to freedom of thought, conscience and religion*

84. The right to freedom of thought, conscience and religion is enshrined in the Constitution. Article 25 of the Constitution provides as follows:

"The free exercise of all religions, subject to no limitation other than the requirements of public morals and public policy, is guaranteed. No religious act shall serve to establish the civil status of persons."

85. Article 26 of the Constitution provides as follows:

"The legal status of the Catholic Church is recognized. Other churches may have their status recognized according to the law."

86. The majority of Salvadorans are Catholics. There has been a noticeable increase in the number of followers of the Evangelical Baptist Church, which has various local congregations, and of other protestant confessions (inter alia, Anglicans, Adventists, Presbyterians, Jehovah Witnesses and Mormons). Other minority confessions also worship freely and include, for instance, a Muslim minority, with space for religious practice, and a small Jewish community.

87. The main religious groups run their own newspapers, magazines, radio stations and television channels.

88. In addition to State schools, the country's education system includes private secular and religious schools. A number of Catholic and Protestant schools offer courses on religion or stress Christian values. There also exist religious higher education establishments.

5. Paragraph (e)

(i) *Right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration*

89. The right to work is enshrined in article 2 of the Constitution, which provides as follows: "Every person has a right to life, physical and moral integrity, freedom, security, work, property and ownership, and protection in preserving and defending these rights."

90. Accordingly, the State has an obligation to use all available means in order to provide manual and professional workers with an occupation and to ensure them and their families the economic conditions for a dignified existence. The State must also promote work and employment for persons with physical, mental or social impairments or disabilities.

91. Employment is governed by the Labour Code (CT), whose main purpose is to regulate relations between employers and workers by defining their respective rights and obligations. The Labour Code is based on general principles aimed at improving the living conditions of workers, and in particular on the principles set out in the Constitution, chapter II ("Social Rights"), section 2 ("Labour and social security").

92. All Salvadorans and aliens enjoy the right to free choice of employment, without any restrictions other than those stipulated by law.

93. The right to just and favourable conditions of work is stipulated in the Constitution, chapter II, section 2, articles 32-57; and in various Labour Code provisions, including, inter alia, article 2 (on matters regulated by the Labour Code), article 12 (on the principle of equal opportunities and equal treatment in the workplace), articles 55-57 (on dismissal), articles 58-60 (on compensation for unjustified dismissal) and articles 62-64 (on work subject to special schemes). (2)

94. The right in question is also protected under the Labour and Social Insurance Sector Organization and Functions Act (3), article 1 of which defines the scope and composition of the labour and social insurance sector; the jurisdiction, functions and organizational structure of MTPS; and the relations between MTPS and the institutions related to the sector.

95. El Salvador has ratified the following International Labour Organization (ILO) conventions:

- (a) No. 12, Workmen's Compensation (Agriculture) Convention, 1921;
- (b) No. 29, Forced Labour Convention, 1930;
- (c) No. 81, Labour Inspection Convention, 1947;
- (d) No. 100, Equal Remuneration Convention, 1951;
- (e) No. 105, Abolition of Forced Labour Convention, 1957;
- (f) No. 107, Indigenous and Tribal Populations Convention, 1957;
- (g) No. 111, Discrimination (Employment and Occupation) Convention, 1958;
- (h) No. 129, Labour Inspection (Agriculture) Convention, 1969;
- (i) No. 131, Minimum Wage Fixing Convention, 1970;
- (j) No. 138, Minimum Age Convention, 1973;
- (k) No. 155, Occupational Safety and Health Convention, 1981;
- (l) No. 156, Workers with Family Responsibilities Convention, 1981;
- (m) No. 159, Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983;
- (n) No. 182, Worst Forms of Child Labour Convention, 1999 (No. 182).

96. In order to ensure harmonious relations between workers and employers, the Legislative Assembly adopted Legislative Decree No. 859 of 21 April 1994 (published in the Official Journal, No. 87 bis, vol. 323, 12 May 1994), which refers to the establishment of the Higher Labour Council as an advisory body attached to the executive authorities and seeking to institutionalize dialogue and promote economic and social coordination between public authorities and employers' and workers' organizations.

97. Under the Labour and Social Insurance Sector Organization and Functions Act, adopted on 11 April 1996, it is incumbent upon MTPS to formulate, implement and monitor policies on labour relations, labour inspection, occupational safety and health, the working environment, social insurance and welfare and labour migration, and to promote, coordinate and participate in drawing up employment, social security, vocational training and cooperative policies for the sector.

98. The principle of equal remuneration for work of equal value was recognized first of all in the preamble to the ILO Constitution, adopted in 1919, and subsequently in the text of the constitutions of the ILO member States, in line with the view that the failure of any nation to offer humane conditions of labour is an obstacle in the way of other nations which desire to improve conditions in their own countries.

99. The Constitution is no exception. It enshrines this principle in article 38 (1), worded as follows: "Workers employed in the same enterprise or establishment and in identical circumstances, shall receive equal pay for equal work regardless of their gender, race, creed or nationality."

100. This principle is reflected in Labour Code article 123, worded as follows: "Workers who perform the same work in the same enterprise or establishment and in identical circumstances shall receive equal pay regardless of their gender, age, race, colour, nationality, political opinions or religious beliefs."

101. Both provisions are closely related to ILO Convention No. 100, ratified by El Salvador on 12 October 2000 and making it obligatory for ILO member States to apply the principle in question to all workers through the national legislation, legally established or recognized machinery for wage determination, collective agreements between employers and workers, or a combination of these various means.

102. The provisions are also related to ILO Convention No. 111, ratified by El Salvador on 14 July 1994, and establishing the principle that every member State, on which the Convention is binding, must formulate and pursue a national policy promoting, by methods appropriate to national conditions and practice, equal opportunities and treatment in respect of employment and occupation.

103. This principle is enshrined in article 12 of the Labour Code, worded as follows: "The State shall ensure respect for the principles of equal opportunities and equal treatment in employment and occupation, including access to vocational training." The effective implementation of these principles implies that workers' remuneration must be satisfactory.

104. The Constitution sets forth this principle in article 9, which provides as follows: "No one shall be obliged to perform work or provide personal services without fair compensation and his/her full consent, save in cases of public disaster or other cases specified by law."

105. The Constitution further develops this principle in article in chapter II, second section, article 38 (2), worded as follows: "All workers are entitled to receive a periodically reviewed minimum wage, based primarily on the cost of living, the type of work, the

method of remuneration, the production area, and other similar criteria. This wage must be sufficient to meet a worker's normal material, non-economic and cultural household needs."

106. According to the Labour Code, wages must be determined freely but may not be lower than the minimum wage established in the manner laid down in the Code. Moreover, failure to comply with the principle of equal remuneration for men and women entitles the workers concerned to request the equalization of their wages (articles 122 and 124). Lastly, wages must be paid to the person concerned in full and on time (article 127).

107. With regard to the right to protection against unemployment, article 37 (1) of the Constitution provides that labour is a social function, enjoys the protection of the State and is not considered as "an article of commerce". Under article 37 (2), "the State has an obligation to use all available means in order to provide manual and professional workers with an occupation and to ensure them and their families the economic conditions for a dignified existence. The State must also promote work and employment for persons with physical, mental or social impairments or disabilities."

108. Therefore, as the principal factor in the country's social and economic development, labour is entitled to State protection. In other words, the State is obliged to generate sources of employment for its citizens. That calls for the adoption, as part of coordinated economic and social measures, of an active employment policy designed to strengthen the labour market by expanding opportunities for vocational training, employment, access to resources and technical assistance, and by organizing labour so as to support social harmony and create conditions of equality in the enjoyment of the benefits of development.

109. Accordingly, El Salvador has adopted an active policy of promoting full, productive and freely chosen employment as an important objective of the State, which has taken steps to ensure the enjoyment of justice, legal certainty and the common good.

(ii) *Right to form and join trade unions*

110. Under the Constitution, chapter II ("Social Rights), second section ("Labour and social security"), article 47, employers and workers in the private sector, without any distinction based on nationality, sex, race, religious beliefs or political opinions and regardless of the activity or the nature of the work performed, shall have the right to associate freely for the defence of their respective interests and to form trade associations or trade unions. Workers in autonomous public institutions and all migrant workers enjoy that right.

111. This principle is fully developed in Labour Code article 204, which provides as follows:

"Article 204. The following persons shall have the right to associate freely in order to defend their common economic and social interests by forming trade associations or trade unions, without any distinction based on nationality, gender, race, religious beliefs or political opinions: Private sector employers and workers, and workers in autonomous public institutions. One may not be a member of more than one trade unions."

112. Accordingly, the persons in question fully exercise the right to associate freely in relation to their occupation through workers' or employers' associations whose purpose is to improve and defend the common and occupational interests of their members.

113. The functions, duties and powers of these associations are set forth in their statutes in accordance with the law and the Constitution (Labour Code, article 229), with the sole

restriction that no associations composed of both employers and workers may operate in the country, given that the law prohibits the organization and functioning of joint associations.

114. The full exercise of the right to form and join trade unions in El Salvador is attested by the existence of 339 trade unions, 17 federations and 3 confederations duly registered with the National Department of Social Organizations.

115. The minimum number of members required for the establishment and functioning is 37 in the case of a workers' union and 7 in the case of an employers' association (Labour Code, articles 211 (1) and 212).

116. The legal existence of a trade union is evidenced by the publication, in the Official Journal, of the decision granting it legal status or by the attestation issued by MTPS.

117. El Salvador has ratified the following ILO conventions:

(a) No. 87, Freedom of Association and Protection of the Right to Organise Convention, 1948, to which El Salvador acceded through executive decision No. 574 of 12 August 2006, approved by the Foreign Affairs executive authority through decision No. 578 of 14 August 2006, ratified by legislative Decree No. 74 of 24 August 2006 and published in the Official Journal, No. 159, vol. No. 372, 29 August 2006;

(b) No. 98, Right to Organise and Collective Bargaining Convention, 1949, to which El Salvador acceded through executive decision No. 575 of 12 August 2006, approved by the Foreign Affairs executive authority through decision No. 579 of 14 August 2006, ratified by legislative Decree No. 75 of 24 August 2006 and published in the Official Journal, No. 159, vol. No. 372, 29 August 2006

118. On 16 October 2007, the expression "without any distinction" used in article 2 of ILO Convention No. 87 was declared to be unconstitutional in a comprehensive and binding manner on the grounds that it contravenes article 47 (1) of the Constitution inasmuch as the expression extends trade union rights to public employees not included in the constitutionally defined set of holders of that right.

119. As a result, it became necessary to amend article 47 of the Constitution by extending union rights to the remaining public employees. Currently, that prerogative is acknowledged only for workers in autonomous public institutions. The amendment would explicitly guarantee union rights to the population group in question.

120. To that end, one of two constitutional amendment decisions, adopted in August 2006 by the Legislative Assembly, concerned article 47 of the Constitution and consisted in bridging a gap in the current constitutional provisions authorizing the exercise of trade union rights by State and municipal workers.

121. The second of the above decisions provided for an amendment to article 48 of the Constitution, which enshrines and guarantees the workers' right to strike, by limiting that right so as to ensure that its exercise does not affect the provision of public services essential to the community.

122. In order to enter into force, the two decisions in question, adopted by one legislature, must be ratified by a second legislature. That ratification is currently lacking. Elections were held on 18 January 2009 and the new Legislative Assembly, formed for the period 2009-2014 and scheduled to begin to function on 1 May 2009, is expected to deal with the task in question.

123. The above procedure is specified in article 248 of the Constitution, which provides as follows: "Constitutional amendments may be decided by the Legislative Assembly, with at least half of the deputies plus one casting an affirmative vote. In order to be enacted, such an amendment must be ratified by the subsequent Legislative Assembly, with at least two thirds of the deputies casting an affirmative vote. Once the amendment is thus ratified, the relevant decree shall be issued and published in the Official Journal".

(iii) *Right to housing*

124. According to article 2 of the Constitution, every person has a right to life, physical and moral integrity, freedom, security, work, property and ownership, and protection in preserving and defending these rights.

125. Furthermore, article 119 of the Constitution provides as follows: "Housing construction is declared to be of social benefit. The State shall ensure that as many Salvadoran families as possible become owners of their homes. It shall encourage all farm owners to make hygienic and comfortable accommodation available to resident workers, and appropriate facilities available to seasonal workers; and it shall provide the owners of small farms with the necessary resources for that purpose."

126. The People's National Housing Fund (FONAVIPO) Act addresses the issue of human settlements. Preambular paragraph III of the act is worded as follows: "As a result of the political, economic and social conditions which have been experienced by the country, the housing problem of the neediest sections of the population has become more acute. It is therefore urgent to reorganize governmental activity in that sector by revamping the institutions concerned in order to ensure that, through administrative efficiency criteria, lower income families are offered equal opportunities of access to a housing solution."

127. Home ownership is possible through FONAVIPO, an independent credit institution mainly designed to facilitate access to credit for Salvadoran families with a monthly income not exceeding four minimum wages, in order to help such families to solve their housing problem.

128. Article 36 of the FONAVIPO Act establishes the Contributions for Housing Programme, designed to offer beneficiary households, in conjunction with the family's contribution and possibly a complementary credit, a grant or a non-returnable contribution in kind in order to enable the households to secure housing.

129. In order to be eligible for the above benefit, families must prove that they legally own the land where the grant or contribution will be invested or that the contribution or other grants will serve to complement the resources necessary for acquiring the land; and that the family income does not exceed four minimum wages.

(iv) *Right to public health, medical assistance, social security and social services*

130. In view of the right to health, the Government has decreed primary health care services to be free of charge in order to meet the population's health requirements. In keeping with the Constitution, all public health institutions provide care to applicants without any distinction based on faith, race or social status.

131. Article 65 of the Constitution provides as follows: "The health of the inhabitants of El Salvador constitutes a public good. The State and individuals must ensure its protection and restoration. The State shall formulate the national health policy and shall monitor and oversee its implementation."

132. In order to ensure that the right to health is actually exercised, the State recognizes health as a public good and attaches cardinal importance to primary health care, namely basic health assistance available to all community members and their dependents, without any distinction.

133. Under article 146 of the Health Code (in section 31, "Preventive immunization"), all of the country's inhabitants, without any distinction, must be vaccinated and receive boosters against whooping cough, diphtheria, tetanus, poliomyelitis, measles, tuberculosis and other diseases determined by MSPAS. Such immunization is provided to the entire population through campaigns organized by the Ministry regardless of, inter alia, the social conditions, religion or nationality of the target population group.

134. In the area of prevention and treatment of endemic, occupational and other diseases, the HIV/AIDS Prevention and Control Act of 2001 is implemented with a view to preventing, monitoring and regulating the treatment of HIV infection; establishing the obligations of infected persons; developing the overall national policy for comprehensive HIV/AIDS treatment; and protecting the personal and social rights of PLWHA. Campaigns aimed at preventing sexually transmitted diseases (STDs) focus on the various age groups.

135. Under the MSPAS National Programme for STD/HIV/AIDS treatment, universal access to antiretroviral therapy (ART) has been available in El Salvador since 2001. Access to such treatment is facilitated for all persons requiring HIV/AIDS treatment on the basis of criteria laid down in treatment protocols. As a result of a free test administered to all pregnant women, there has been an increase in the rate of prevention of mother-to-child transmission.

136. Tuberculosis detection and diagnosis have been enhanced. Patients are guaranteed antituberculosis treatment through the DOTS (directly observed treatment short course) approach. The ongoing tuberculosis prevention and control programme, incorporated into the health services, is of national scope and provides completely free treatment to any person who requests and needs it.

137. The following comprehensive prevention initiatives are implemented:

- National initiative for the prevention of mother-to-child HIV transmission;
- National initiative for the prevention of HIV in moving and migrant population sections;
- National initiative for the prevention of HIV in the labour force;
- National initiative for the prevention of HIV in prisons and detention centres;
- Enhanced accessibility and scope of HIV detection tests and launching of mobile units to that end.

138. The following information, communication and awareness-raising campaigns have been launched:

- "Winning the battle against AIDS";
- "United against discrimination", a national drive against stigmatizing and discriminating against PLWHA;
- "Take the HIV test";

- "Decide to hope";
- "Awareness-raising Drives for High Risk Groups and the General Population".

139. In 2001, ART was launched in four hospitals of the MSPAS network. In 2002, action for comprehensive treatment in these hospitals was enhanced, and the "ART Decentralization Programme" began to be implemented.

140. ART constitutes one of the basic national strategies for providing comprehensive PLWHA care and reducing HIV-related mortality and opportunistic infections.

141. The number of persons treated in the framework of MSPAS activities has increased from 73 patients in 2001 to 6,814 persons receiving ART free of charge in September 2008, including 5,205 persons treated in 16 hospitals of the MSPAS network and 1,609 persons treated through Social Security.

142. A total of 53 HIV/AIDS patients (21 men and 32 women) of various nationalities, living in El Salvador, are currently receiving ART on an ongoing basis and free of charge. That figure is broken down as shown in the following tables:

143. A total of 53 HIV/AIDS patients (21 men and 32 women) of various nationalities, living in El Salvador, are currently receiving ART on an ongoing basis and free of charge. That figure is broken down as shown in the following tables:

Aliens receiving ART, 2008

Breakdown by gender and nationality

Nationality	Total		Women	
	Total	Men		
Mexican	1	1		0
Colombian	1	1		0
Panamanian	1	1		0
Chilean	1	1		0
Honduran	29	10		19
Nicaraguan	5	2		3
Guatemalan	12	5		7
Beliceño	1	0		1
Spanish	1	0		1
South African	1	0		1
Subtotal		21		32
Total	53			

Breakdown by age group

Age (years)	Number	Per cent
Under 1	0	0.0
1-4	1	1.9
5-14	1	1.9
15-24	5	9.6
25-34	19	35.8
35-39	17	32.7
40-44	6	11.5
45-49	3	5.8
Over 50	1	1.9

Breakdown by gender

Men	31	59.6
Women	21	40.4

(v) Right to the education and vocational training

144. In El Salvador, the right to education is recognized as a human right and, therefore, no person may or should be denied the right to enjoy that right, as stated in the Constitution in the following articles:

"Article 53. The right to education and culture is inherent in the human being. Consequently, preserving, promoting and disseminating this right is a fundamental obligation and goal of the State. The State shall encourage scientific research and activities."

"Article 54. The State shall organize the education system, and shall create the institutions and services necessary to that end. Individuals and legal entities are guaranteed the freedom to establish private teaching centres."

145. Article 1 of the General Education Act provides as follows: "Education is a process of continuing personal, cultural and social learning based on a comprehensive conception of the human being and his/her dignity, rights and duties."

146. Article 3 of the Act provides as follows: "National education pursues the following main goals:

- Developing fully the physical, intellectual and spiritual potential of Salvadorans and avoiding the imposition of limits on those capable of attaining a higher level of excellence;
- Drawing up balanced study plans and programmes based on the indivisibility of learning so as to forge a fitting image of the person in the context of the country's economic and social development;
- Designing teaching programmes in a manner ensuring that all cognitive information promotes the development of mental functions and encourages sound habits and commendable feelings;
- Cultivating creative imagination, thinking and planning habits, persistence in the pursuit of objectives, prioritization and critical capacity.

147. El Salvador's education system covers all young and adolescent children of aliens.

(vi) *Right to equal participation in cultural activities*

148. Pursuant to article 53 of the Constitution, the right to education and culture is inherent in the human being; and, consequently, preserving, promoting and disseminating this right are a fundamental obligation and goal of the State.

149. In El Salvador, the cultural centres known as "Casas de la Cultura" form a national network, promote the people's participation in culture without any discrimination and are responsible for preserving customs and traditions.

150. In 1996, MINED and CONCULTURA launched efforts to encourage citizen participation as a driving force for promoting culture among the population with a view to developing basic strategies for encouraging sociocultural development. To that end, the following objectives have been defined:

(a) Contributing to cultural development by creating forums which ensure that the communities and the general population have access to, and participate in, the organization and enjoyment of various cultural events at the local, regional and national levels;

(b) Promoting and disseminating the various forms of cultural expression in order to support and encourage culture among Salvadorans;

(c) Supporting and encouraging persons, communities and institutions that develop or promote artistic expression at the local, regional and national levels;

(d) Strengthening and enhancing the Salvadoran cultural identity through the participation of civil society;

(e) Protecting, preserving, restoring and disseminating the nation's cultural heritage;

(f) Supporting the development of an education system that conveys a comprehensive idea of culture and is closely related to, and consistent with, a national policy on art;

(g) Strengthening the sense of ownership among Salvadorans.

6. Paragraph (f)

151. No national legal provisions prohibit the access of specific groups to places and services intended for public use, such as transport facilities, hotels, restaurants, cafes, shows and parks.

7. Protection of vulnerable groups

152. Information on action taken by State authorities to protect persons against all discriminatory acts is provided throughout this report. In this section, such information is presented in disaggregated form in relation to specific vulnerable groups.

(i) *Protection of women*

153. In February 1996, in keeping with the international instruments ratified by the country, including the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Declaration and Platform for Action, the Government and the Legislative Assembly set up ISDEMU through Legislative Decree No. 644.

154. The mandate of ISDEMU consists in drawing up, advising on and ensuring the implementation of the National Policy on Women (PNM), which is the outcome of a national consultation process and has been approved by the Council of Ministers.

155. ISDEMU pursues the following goals: drawing up, supervising, implementing, advising on and ensuring the implementation of PNM; promoting, to that end, women's comprehensive development; formulating, supervising, managing and monitoring the implementation of PNM; and encouraging the effective participation of women's organizations, the community and other civil society bodies in preventing and resolving problems faced by women.

156. The mission of ISDEMU is defined as follows: "Promoting and encouraging women's comprehensive development through the formulation and implementation of PNM; coordinating effective PNM implementation through citizen participation; and encouraging transparent management, including measures designed to sensitize Salvadoran society to, and raise its awareness of, gender issues, equal opportunities and respect for women's rights."

157. ISDEMU aims to be a leading institution in coordinating and managing activities which promote equal opportunities for men and women and women's effective integration and access to the benefits derived from the development of Salvadoran society.

158. Building on the responsibility of ISDEMU to formulate, supervise, implement and ensure compliance with PNM, a National System for PNM Implementation Follow-up has been established.

159. PNM focuses on the following areas of action:

- (a) Legislation;
- (b) Health;
- (c) Labour;
- (d) Citizen and political participation;
- (e) Family;
- (f) Violence;
- (g) Agriculture;
- (h) Environment;
- (i) Media and culture.

160. In November 2007, El Salvador submitted its seventh periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination

against Women. That report was considered by the Committee on the Elimination of Discrimination against Women (CEDAW) on 31 October 2008.

(ii) *Protection of the indigenous population*

161. With regard to El Salvador's indigenous population, it is significant that technical round tables were held for the organization of the Sixth Population Census and the Fifth Housing Census, conducted by DIGESTYC.

162. A draft census form was designed and developed in October and November 2005 with technical support provided by an international expert contracted by the Inter-American Development Bank (IBD). The relevant proposals, priorities and opinions of ten thematic round tables were systematically considered.

163. In the consultations, DIGESTYC made no verbal or written commitment to draw up the census questions in the form proposed by the thematic round tables, which were informed that the questions would subsequently (in July 2006) be reviewed by the experts of the Latin American Demographic Centre of (CELADE) of the Economic Commission for Latin America and the Caribbean (ECLAC). CELADE is the leading United Nations regional office for population censuses, and its technical recommendations are important to statistical units in general and DIGESTYC in particular because expert support is crucial to statistical activities scheduled to take place every ten years. CELADE recommendations reflect the progress achieved and the best practices observed by the United Nations in the areas of statistics and censuses and, through the standardization of census design, facilitate international comparisons of census findings.

164. As a result of the observations formulated by the Committee on the Elimination of Racial Discrimination in April 2006, the Ministry of Foreign Affairs held consultations with a view to adding a question on ethnic origin to the census form and, to that effect, set up a Multi-sector Technical Committee, which included, inter alia, CONCULTURA and DIGESTYC, which have expertise on indigenous issues, and the Salvadoran National Indigenous Coordinating Council (CCNIS). In the meetings, it was decided to propose to DIGESTYC the same question on indigenous origin, which had been used for the Multi-purpose Household Survey (MPHS).

165. Initially, the MPHS question adopted by the committee referred only to indigenous origin and cultural attributes. The scope of the question was eventually expanded to other ethnic groups (white, black, racially mixed or other). The reformulated question was as follows:

"According to your ancestors, customs, values, and/or traditions, do you consider that you belong to one of the indigenous peoples?"

If so, which of the following descriptions fits your group?

1. Lenca
2. Kakawira (Cacaopera)
3. Nahua Pipil
4. I do not know
5. Other

Otherwise, which of the following descriptions fits your group?

1. White
2. Black
3. Racially mixed
4. Other".

166. CELADE expertise has been crucial because a question related to ethnic origin was last asked in El Salvador in the 1930 census, which had shown that there were 79,573 indigenous persons, accounting for 5.5 per cent of the total population. The question referred to in the preceding paragraphs was included, on an experimental basis, in the 2005 and 2006 MPHs, which yielded the rates of 17 per cent and 8 per cent, respectively. This sudden decline in the proportion of the indigenous population cast doubts on the reliability of the question.

167. In evaluating the census form in July 2006, CELADE concurred with addressing the question proposed by the committee to every member of a household in a form distinguishing between indigenous and other ethnic groups but suggested "a simple interrogatory structure without an introductory question" (an approach conceptually different from the committee's). In view of CELADE's observations, the suggested reformulation was agreed upon and the question took the following form:

"Are you:

1. White?
2. Racially mixed (of white and indigenous origin)?
3. Indigenous? (If so, please answer the next question.)
4. Black?
5. Other?

If you are indigenous, to which of the following groups do you belong?

1. Lenca
2. Kakawira (Cacaopera)
3. Nahua Pipil
4. Other".

168. CELADE also made the following recommendation: "... since it is (practically) the first time in El Salvador that the census form will include a question on ethnic origin, it is necessary to draw up at least two or three alternative questions (a direct question, such as the one proposed here, and one or more differently phrased questions including such optional components as an introductory interrogative clause or additional grounds for belonging to the various groups listed). In any case, as many tests as possible should be

carried out in various areas of the country both with and without indigenous groups, taking into consideration that the question will be formulated for all persons in the national territory."

169. Accordingly, the question was tested in field trials in Delgado City, Mejjicanos and Nahuizalco, after introducing improvements in order to reduce the rejection rate. The census results showed that the indigenous population consisted of 13,310 persons, accounting for 0.23 per cent of the total population. The United Nations Population Fund (UNFPA) standing expert, who provided advice for the given stage of the census, considered that the formulation of the question was satisfactory.

170. In addition to the recommendations of CELADE and of the UNFPA international expert supporting the census, the ultimate formulation of the question on ethnic origin also followed the guidelines set out in the United Nations Principles and Recommendations for Population and Housing Censuses, Revision 2, containing the considerations highlighted below:

(a) *The handling and sensitivity of questions on ethnicity require special care.* Indeed, the DIGESTYC technical staff was aware that the historical background of the identity of indigenous people is so charged with social and cultural connotations that it is particularly difficult to formulate relevant questions in a manner allowing both the enumerator and the respondent to ignore that reality. However, building on DIGESTYC technical capacity and UNFPA expertise, every effort was made to reduce the rejection rate that the question could generate.

(b) Ethnicity can be measured using a variety of concepts, including ethnic ancestry or origin, ethnic identity, cultural origins, nationality, race, colour, minority status, language, religion or various combinations of these concepts. The United Nations acknowledges that the method and the format of the question used to measure ethnicity can influence the choices that respondents make regarding their ethnic backgrounds and current ethnic identification. The United Nations also acknowledges that the subjective nature of the term "indigenous" requires that information on ethnicity should be acquired through self-declaration of a respondent and also that respondents should have the option of indicating multiple ethnic affiliations. Accordingly, the question on ethnic origin for the Sixth Population Census and the Fifth Housing Census was formulated according to the United Nations principle of self-declaration or self-identification, an approach which differed from the committee's initial proposal inasmuch as the formulation adopted was based on a more open or subjective conception of the cultural factors determining indigenous ethnicity and on the view that the respondent has a clear perception of his/her ethnic affiliation.

171. In the phase preceding census taking, some indigenous associations requested that the question on ethnic origin should be modified. In response, DIGESTYC and UNFPA organized two meetings with indigenous representatives. In these meetings, the considerations referred to in this report were explained and the members of indigenous communities were invited to participate in the census-related training activities. Although they indicated that the new proposal should be discussed with their communities, the indigenous representatives have not provided any reply or transmitted any observations since those meetings.

172. As part of public policies addressing the needs of indigenous people, activities for promoting the cultural and social rights of such population groups have been carried out.

173. Since 2004, CONCULTURA, in cooperation with Don Bosco University, has been implementing the Nahuatl Language Revival Project. In that connection, approximately

3,500 second- to seventh grade pupils attend 11 schools, 10 in the department of Sonsonate and 1 in the department of La Paz.

174. The project in question has so far lasted six years, an exceptionally long period, and MINED has approved its incorporation into the school curriculum. The project's value added consists in creating a new relationship between grandparents and the grandchildren who study Nahuatl, a language whose transmission from one generation to the next stopped in the 1930s and whose speakers are currently scarce.

175. In order to preserve traditions and customs, an archive of folk and other dances has been created as part of the "Pre-Hispanic Footsteps" project. The expressions thus preserved partly stem from alien cultures.

176. In order to raise awareness of the indigenous culture and its significance through the school curriculum, CONCULTURA and MINED have established a basic framework for intercultural education within the education system.

177. The National Directorate of Cultural Heritage in CONCULTURA places archaeological sites at the disposal of indigenous groups, provided they submit a written request to that effect and commit themselves to complying with the measures taken for the preservation of the sites.

178. Moreover, CONCULTURA has developed activities in the areas of, inter alia, identity, health and ethnobotany, traditional medicine, care for women, indigenous world views and spirituality, indigenous peoples' rights and historical memory.

179. Valuable research conducted on indigenous culture has led to the following publications:

(a) *Cartilla de enseñanza del idioma náhuatl* ("Nahuatl language primer"), San Salvador, 1993;

(b) *Estudios lingüísticos* ("Linguistic studies"), San Salvador, 1997;

(c) *Salud y calidad de vida de los pueblos indígenas de El Salvador* ("Health and quality of life of El Salvador's indigenous peoples), 1999;

(d) *Segunda jornada indígena centroamericana sobre tierra, medio ambiente y cultura* ("Second Central America indigenous peoples' day on earth, the environment and culture"), First edition, San Salvador, 1999 and 2001;

(e) *Perfil de los pueblos indígenas* ("Profile of indigenous peoples"), 2001.

180. El Salvador is a signatory to the Mesoamerican Integration and Development Project" (MIDP) (formerly "Plan Puebla Panama" (PPP)). The Advisory Group for the Participation of Indigenous and Ethnic Peoples (GAPIE), representing the signatory Governments and the indigenous population groups, participates in the implementation of MIDP. With a view to pursuing the MIDP goals, El Salvador organized, in October and November 2004, a participatory consultation process with the indigenous peoples.

181. In 2005, CONCULTURA organized a national round table for cultural policy research and formulation, including on indigenous issues.

182. Current public policy on indigenous peoples may be comprehensively described as "participatory creation of spaces for cultural development". In keeping with the approach

currently taken by the United Nations Educational, Scientific and Cultural Organization (UNESCO), culture is viewed as the most dynamic form of activity in life. The policy in question is implemented through the Indigenous Affairs Unit of the National Directorate for Cultural Development Spaces in CONCULTURA.

183. The Solidarity Network Programme is a national poverty reduction strategy implemented on the basis of a poverty map and focused direct assistance to families. The programme has been conducted in communities with indigenous presence and its goals include social integration and women's empowerment within the country's indigenous groups affected by extreme poverty. To that purpose and with technical support from the World Bank, the programme conducted, in 2005, social assessment aimed at launching an indigenous component for promoting indigenous participation and social inclusion in the social development and poverty reduction process.

184. The new component is meant to pursue at least the following two objectives:

(a) Enhancing the effectiveness and efficiency of culturally relevant Solidarity Network initiatives;

(b) Supporting population groups affected by high levels of poverty, socioeconomic inequality, non- participation in decision making and long-standing ethnic discrimination.

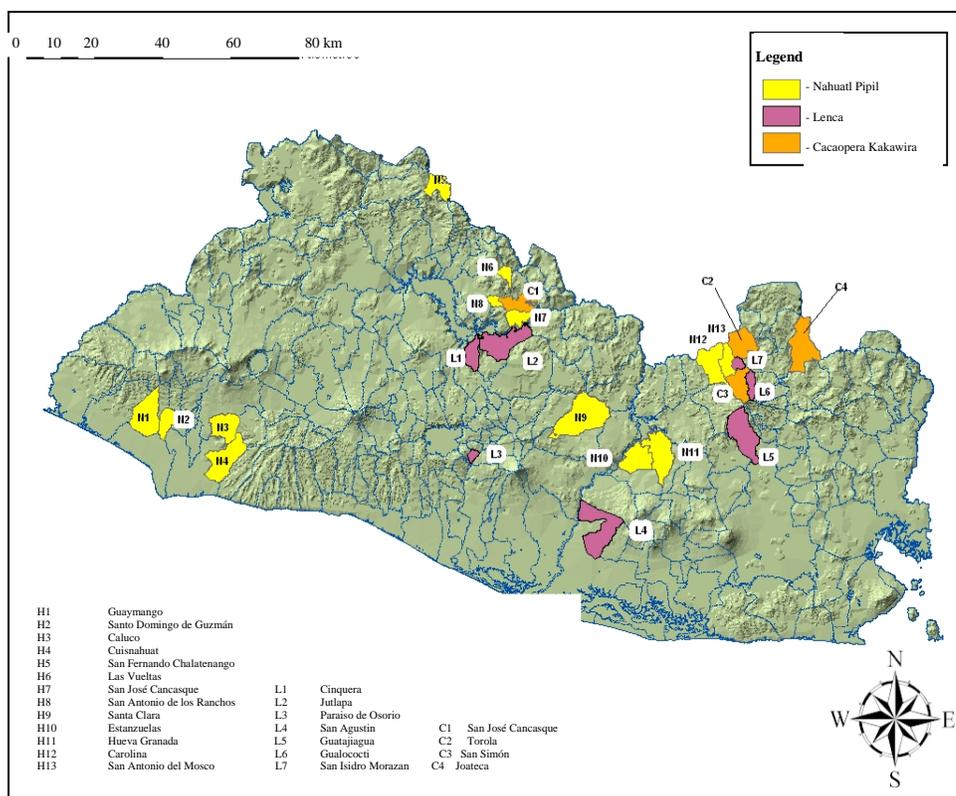
185. A plan of action resulting from the assessment includes measures for promoting the integration and active participation of indigenous persons residing in municipalities prioritized on the basis of the poverty map. The plan constitutes a key tool for developing participatory methods adapted to conditions in El Salvador and, in particular, comprises the following activities:

(a) Promoting the participation of indigenous leaders in the Solidarity Network municipal coordination committees in municipalities with indigenous presence;

(b) Reviewing the various training protocol modules and adapting them to the beneficiary families from an intercultural perspective;

(c) Developing a specific training module on cultural diversity and launching training processes mainly in municipalities with indigenous presence.

186. According to the Social Investment Fund for Local Development (FISDL), of the 3,032 indigenous persons who, out of a total of 179,369 beneficiaries, received benefits under the Solidarity Network Programme in 2007, 2,768 (91.29 per cent) were Nahuatl Pipil, 132 (4.35 per cent) were Lenca, 50 (1.64 per cent) were Cacaopera Kakawira and 81 (2.67 per cent) were members of other groups. The breakdown by group is shown on the following map:



(iii) *Protection of refugees*

189. As already reported, since the signing of the Peace Agreements in El Salvador and the voluntary repatriation of thousands of Salvadoran families who had sought refuge abroad, El Salvador is currently a destination country for refugees.

188. As reported in 2004, the Refugee Status Determination Act was adopted in July 2002 and published in the Official Journal, No. 148, vol. 356, 14 August 2002. The enactment of such legislation was crucial to formalizing refugee status determination in El Salvador and in the region.

189. The new instrument sets forth clear procedures, under which refugees may request asylum and national institutions may examine their cases in accordance with the standards laid down in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

190. Pursuant to article 2 of the Act, the instrument's provisions must be interpreted and implemented in keeping with the principles of non-discrimination, non-refoulement, family reunification and voluntary repatriation, and in the manner that best ensures the effectiveness of human rights and the fundamental guarantees laid down in the Constitution and in international treaties ratified by the State.

191. The Act provides for the establishment of a Commission for the Determination of Refugee Status (CODER), which is under the supervision of the Ministry of Foreign Affairs and the Ministry of Public Security and Justice. Previously, the Office of the United Nations High Commissioner for Refugees (UNHCR) was responsible for determining refugee status and the Government endorsed UNHCR decisions. However, since the

withdrawal of UNHCR from the country in 1997, decisions on refugee matters are taken by the Government.

192. Article 35 of the Act, under title VI, sole chapter ("Rights and duties of refugees"), is worded as follows:

"Article 35. Refugees shall enjoy the individual and social rights recognized under the Constitution, the treaties and the laws, with the exceptions and limitations laid down in such legal instruments. Refugees must respect the Constitution, the laws and the authorities of the Republic."

193. To this date, refugee status has been granted to a total of 66 aliens, broken down by nationality as follows:

<i>Nationality</i>	<i>Cases</i>
Colombian	33
Nicaraguan (long-time residents)	29
Tamil (from Sri Lanka)	2
Russian	1
South African	1
Total	66

(iv) *Protection of the migrant population*

194. El Salvador signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the United Nations General Assembly in December 1990, on 13 September 2002 and deposited the relevant instrument of ratification on 14 March 2003.

195. A Comprehensive Care Centre for Extra-regional Migrants was set up on 7 July 2008. The PNC Border Division, in cooperation with the General Directorate of Migration and Alien Status, has drawn up the Centre's administrative and procedures manual, which stipulates that a migrant's stay in the Centre may not exceed five days. Under the procedure in question, migrants are directly placed in the Centre instead of being kept in the PNC Border Division facilities. The migrants subsequently go through documents inspection and a health check. The Centre provides adequate food and medical attention and may host up to 80 persons.

196. The Centre seeks to offer aliens a shelter while issues related to their status as migrants are resolved. The Centre's administration, ensured by the General Directorate of Migration and Alien Status, aims at providing aliens with nutrition, psychological, social and health care, relative stability, and security.

197. The Centre is set up in facilities belonging to the Ministry of Public Security and Justice and located in a three-storey building with a basement. There are four sections, designed for women, men, families and vulnerable groups. The building includes visiting, entertainment and relaxation rooms, a kitchen, a dining room and separate showers for each section. The services offered include medical care, psychological attention by social workers, and consular support.

198. PNC and MSPAS have signed an agreement for timely medical attention to migrants in need of care.

199. An amount of US\$189,697.08 has been invested in the renovation of the above facilities, including, inter alia, reconstruction, equipment and the electrical installation.

E. Article 6 of the Convention: Effective remedies against discriminatory acts

200. According to a Supreme Court report, all judicial and administrative procedures initiated by Salvadoran courts comply with the provisions of the Constitution and the legislation and all persons, without any distinction, have access to justice.

201. The remedy of amparo, designed to protect the rights enshrined in the Constitution, is developed in the Constitutional Procedure Act. Article 3 of the Act provides as follows: "Any person may submit a petition for amparo to the Constitutional Chamber of the Supreme Court on the grounds of violation of rights accorded by the Constitution."

202. Amparo action is possible for any type of acts or omissions by any State authority, civil official or decentralized Government unit, and of unappealable judgements handed down by the Chamber of Administrative Disputes, which violate or hinder the exercise of constitutional rights. Where the injured party is the State, the Constitutional Chamber must order the discontinuation of the act in question.

203. Regarding the right to judicial protection, the Constitutional Chamber, in an amparo judgement dated 30 August 2001, made the following assertion: "The right to judicial protection has been established in article 2 of the Constitution, mainly in order to give effect to all personal legal rules, which constitute the legal field concerning the individual, through the possibility of protesting against individual or State acts undermining the preservation, maintenance, defence and right to the application of the rules in question."

204. This right constitutes explicit recognition of the possibility, open to all, to address the competent State organ in order to request, through legal proceedings, the recognition of a violation of a fundamental rule. The constitutional provision in question obliges the State to ensure all citizens' full judicial protection against arbitrary or illegal acts affecting their individual rights.

205. In an amparo judgement dated 9 February 1997, the Constitutional Chamber, addressing the issue of the right of access to justice, formulated the following assertion: "The essential components of the right to access to justice include, inter alia, the subsequent elements:

- (a) Free access to single-judge and collegiate courts according to the procedures established by law;
- (b) Right to obtain from the court a reasoned decision based on the law;
- (c) Trial proceedings, in which the parties are allowed to exercise all rights and fulfil all obligations and responsibilities involved in order to be able to argue in defence of their rights;
- (d) Effective enforcement of the judgement."

206. With regard to the right to appeal, the Constitutional Chamber, in amparo case No. 714-1999, judgement dated 19 November 2001, ruled as follows: "The right to appeal is a constitutional legal rule, by virtue of which it is possible to challenge the content of a prejudicial decision so that the authority which took the decision or any other authority as appropriate may examine the decision."

207. The right to impugn or appeal against a decision is based on a constitutional procedural rule and, therefore, while grounded in law, is also protected under the Constitution as a right of those governed, which offers the possibility for genuine protection by the courts.

208. In criminal matters, the Criminal Procedure Code provides for the following remedies:

1. Remedy of reconsideration

209. This remedy is governed by Criminal Procedure Code articles 24, 40, 45 (g), 348 (5), 363 (7), 409, 414, and 442 (2).

210. The remedy of reconsideration is admissible during a hearing only if the matter may be decided immediately without suspension of the proceedings. An application for reconsideration also signifies the intention to seek judicial review, should the defect indicated in the application is not corrected and the judgement causes prejudice to the applicant. This remedy is available only against interlocutory decisions on a procedure or motion during the proceedings and is aimed at the revocation or amendment of such decisions by the court which pronounced them.

2. Remedy of appeal

211. This remedy is governed by Criminal Procedure Code articles 50 (2) [2], 51 (1), 54 (2), 247 (4), 257, 304 (2), 312 (23), 416, 417 and 425 (3).

212. The remedy of appeal is available against decisions of district judges and examining magistrates, provided that such decisions are appealable and prejudicial to the applicant. It is also available against decisions of an examining court in cases of preliminary proceedings for judicial misconduct and against court decisions on the award of costs. The application must be submitted with due supporting arguments and in writing to the court which handed down the decision, within a time limit of five days. Where the applicant is the accused, the application may be entered orally in the respective official record.

3. Remedy of annulment

213. This remedy is governed by Criminal Procedure Code articles 38 (1) [2], 50 (1) [3], 362, 363 (1) [7] and (2), 365 (2), 373 (2), 377, 409 (2), 421 and 423.

214. The remedy of annulment is available against judgements based on disregard or incorrect application of a legal principle. Where the incorrect application of the principle invoked constitutes a procedural error, the remedy is admissible only if the applicant has sought correction of the error in due time or has notified his/her intention to seek annulment, save in cases of irremediable nullity, in view of flaws in the judgement or voidness of the verdict.

215. Apart from the specific cases provided for by law, this remedy is available only against unappealable judgements, decisions terminating or precluding the continuation of proceedings or a sentence or rejecting the extinction of a sentence, and decisions terminating an abbreviated procedure.

4. Discretionary remedy

216. This remedy is governed by Criminal Procedure Code articles 50 (4), 51 (2), 53 (2), 78 (4), 133 (2), 106, 431, 432, 433, 436, 437 and 440.

217. The discretionary remedy is available against an unappealable conviction, at any time and only for the benefit of the defendant, in the following cases:

(a) Where the facts forming the basis for the conviction are inconsistent with the facts established in the judgement or in another unappealable criminal decision;

(b) Where the disputed conviction is based on documentary evidence or witness testimony, which has been declared false in a subsequent unappealable judgement;

(c) Where the conviction has been pronounced as a result of malfeasance in office, bribery, violence or any other dishonest action confirmed in a subsequent unappealable judgement;

(d) Where the sentence directly and manifestly violates a constitutional right;

(e) Where, subsequent to the conviction, new facts or evidence come to light and, alone or in conjunction with the facts and evidence already examined in the proceedings, make it clear that the offence did not take place, that the accused did not commit it, or that the act in question is not punishable;

(f) Where more favourable criminal law provisions should be applied.

5. Constitutional proceedings

218. Under article 174 of the Constitution, the Salvadoran court invested with constitutional jurisdiction is the Constitutional Chamber, administratively incorporated into the Supreme Court and, under articles 174, 183 and 247 of the Constitution, in conjunction with article 53 of the Organization of Justice Act and articles 2-4 of the Constitutional Procedures Act, having jurisdiction to:

(a) Hear and decide on constitutional proceedings relating to allegedly unconstitutional laws, decrees or regulations and to amparo and habeas corpus matters;

(b) Resolve disputes between the legislative and executive branches of Government in the cases provided for in article 138 of the Constitution;

(c) Hear proceedings relating to the suspension or forfeiture of citizenship rights in the cases provided for in articles 74 (2) and (4) and 75 (1), (3) and (5) of the Constitution;

(d) Determine whether a law is consistent with public policy, in keeping with article 21 (2) of the Constitution.

219. Under article 1 of the Constitutional Procedures Act, proceedings relating to the following matters are of the type in question:

- (a) Unconstitutionality of laws, decrees and regulations;
- (b) Amparo;
- (c) Habeas corpus.

220. In connection with a constitutional claim, the Constitutional Chamber (in amparo case No. 5-S-96, dismissal of proceedings dated 10 July 1996, preambular paragraph I) stated the following view: "Constitutionally, a claim is the means for exercising or realizing the right to action. It is, namely, a request addressed to a court against another legal person, from whom a particular legally protected interest is claimed on the basis of specific facts. In constitutional proceedings, a claim filed with the court plays the same role as in action of other types but differs from those other claims inasmuch as it specifically refers to inconsistency between the contested act and the relevant constitutional provisions. In other words, the claimant holds that constitutional rules have been infringed and therefore petitions the court - namely, the Constitutional Chamber - to conduct a constitutionality assessment."

221. The Constitutional Chamber (in unconstitutionality case No. 19-98, judgement dated 26 February 2002, preambular paragraph III (1)) has asserted that the *legal character* of the constitutional right in question involves a *legal action* and, therefore, requires pressing a claim. The assertion is worded as follows: "Article 1 of the Constitutional Procedures Act describes the procedure, through which a decision is made on unconstitutionality petitions, as a legal action. Moreover, in unconstitutionality case No. 17-95, judgement dated 14 December of 1995, preambular paragraph II, this Court has held that the subject of any legal action is the claim lodged, 'understood as the substantiated request made by the party concerned to the court to act in a given manner with respect to a legally protected interest', a request 'crucial to the action, which is initiated, conducted and concluded in order to satisfy or make a decision on that request'."

6. Action of unconstitutionality (articles 174 and 183 of the Constitution and articles 2 and 6-11 of the Constitutional Procedures Act)

222. Where the content of a law, decree or regulation is contrary to or incompatible with the provisions of the Constitution, any citizen may file with the Constitutional Chamber of the Supreme Court, in writing, an unconstitutionality petition against such law, decree or regulation. The objective of such a procedure is to prevent the implementation of provisions inconsistent with the Constitution.

223. The Constitutional Chamber (in unconstitutionality case No. 19-98, judgement dated 26 February 2002, preambular paragraph III (1)) has asserted that the *legal character* of the constitutional right in question involves a *legal action* and, therefore, requires pressing a claim. The assertion is worded as follows: "Article 1 of the Constitutional Procedures Act describes the procedure, through which a decision is made on unconstitutionality petitions, as a legal action. Moreover, in unconstitutionality case No. 17-95, judgement dated 14 December of 1995, preambular paragraph II, this Court has held that the subject of any legal action is the claim lodged, 'understood as the substantiated request made by the party concerned to the court to act in a given manner with respect to a legally protected interest', a request 'crucial to the action, which is initiated, conducted and concluded in order to satisfy or make a decision on that request'."

224. The Constitutional Chamber (in unconstitutionality case No. 3-92, judgement dated 17 December of 1992, preambular paragraph X) has described the basic characteristics of the constitutional right in question as follows: "The following clarifications regarding the purpose, bounds and scope of an action of unconstitutionality are in order here:

(a) The objective in this type of constitutional proceedings consists in judging whether a general and abstract rule is consistent or inconsistent with the constitutional provisions.

(b) The bounds of constitutionality assessment are set by the constitutional provision or provisions, on the basis of which the constitutional legitimacy of the challenged rule is considered, and include, first and foremost, according to our legal system, the limits placed on the scope of constitutional interpretation by the very Constitution, which in article 235 provides that civil servants must comply and ensure compliance with the text of the Constitution.

(c) The political system or rules adopted in the Constitution must be taken into consideration in carrying out the constitutionality assessment.

(d) Account must be taken of the place of the constitutionality control organ in the State structure because the activity of that organ will vary depending on whether it is a political organ or a court and whether it meets criteria of judicial centralization or specialization.

(e) The Chamber's jurisdiction is limited to hearing and ruling on the matter of the request, provided it is reasonable and pertinent.

(f) Any declaration of unconstitutionality is confined to the provisions contrary to the Constitution, while the articles or parts of articles consistent with the Constitution continue to be valid."

225. The Constitutional Chamber (in unconstitutionality case No. 19-98, judgement dated 26 February 2002, preambular paragraph III (2)) has characterized the statutory and individual elements in an unconstitutionality claim as follows:

"To be tenable, the claim, as such, must build on certain statutory and individual elements, stay within the bounds of asserting legal principles and contain a factual account of the actual circumstances prompting it. Accordingly, the court called upon to handle the claim must hear it and legally resolve it within the following limits:

(a) With regard to the statutory and individual elements, the claim must basically:

- Be lodged by a citizen acting in that capacity;
- Be specifically directed against:
- An omission, despite a mandate from the author of the Constitution, to legislate;
- A general provision, whether antedating or post-dating the adoption of the Constitution;

- A specific act carried out by State organs and directly based on the Constitution;
- Put forward strictly constitutional reasons, to the exclusion any other source of law,

(b) In relation to the legal and factual elements, an action of unconstitutionality consists in an abstract verification of the constitutional legitimacy of general provisions and therefore, to be allowable and valid under the law, the claim prompting such action is not required to challenge specific acts, held by the claimant to violate constitutional provisions. Generally speaking, therefore, in the absence of facts, the legal foundation of the action consists in the precise identification of the contested provision(s) and of the constitutional provision(s) proposed as a criterion for verification. Accordingly, the substantive foundation or factual basis of an unconstitutionality claim consists, first, in the establishment of the subject matter and of the constitutionality criterion, and, second, in the arguments advanced in support of the conflict, as perceived by the claimant, between the two sets of provisions as to their content."

7. Action of amparo (article 247 (1) of the Constitution and articles 19-37 of the Constitutional Procedures Act)

226. Under article 247 (1) of the Constitution, any person having suffered a prejudice may, through an action of amparo, request the Constitutional Chamber to examine the related violation of, or threat to, his/her constitutional rights (save for the right to freedom) by a civil servant or a State authority or organ and to reinstate him/her in those rights.

227. On the nature and the function of amparo, the Constitutional Chamber has affirmed the following (amparo case No. 107-2000, inadmissibility judgement dated 28 February 2000, preambular paragraph II): "In considering the foregoing bases in the light of constitutional procedure law, it is observed that amparo, as a form of constitutional proceedings, constitutes an instrument for resolving claims lodged by a person against a specific authority or person. Consequently, all actions of amparo presuppose a claim as the subject, namely the focus of the set of elements constituting the proceedings."

228. The Constitutional Chamber has also stressed the following (amparo case No. 114-2001, inadmissibility judgement dated 18 April 2001, preambular paragraph I (1)): "... amparo is a constitutional procedural mechanism ... aimed at strengthening the protection of rights or other protectable personal legal rules having constitutional status and designed to shield the governed against acts or omissions by public authorities or individuals violating, restricting or preventing the exercise of such rights or rules".

229. On the personal aims of amparo, the Constitutional Chamber has affirmed the following (amparo case No. 1263-2002, judgement dated 7 January 2004, preambular paragraph II (1)): "... actions of amparo are aimed at defending the effective force of the Constitution and, in particular, of the constitutional rights of persons and any other constitutionally protectable rule. Thus, where one of the governed considers that a judicial, administrative or legislative decision violates such constitutional rights or rules, amparo offers a judicial means for his/her reinstatement."

230. On the statutory aims of amparo, the Constitutional Chamber has affirmed the following (amparo case No. 366-99, judgement dated 3 May 2001, preambular paragraph IV): "... since this Court is the body which definitively develops, supplements and satisfies the substance of constitutional provisions, no authority may offer an interpretation different from this Chamber's because doing so would violate the Constitution."

8. Remedy of habeas corpus (articles 11 (2) and 247 (2) of the Constitution and articles 19-37 of the Constitutional Procedures Act)

231. Article 11 (2) of the Constitution provides for the remedy of habeas corpus, which is the protection mechanism that a person may use against a judicial or administrative authority or an individual, where his/her fundamental right to physical freedom is illegally or arbitrarily restricted or where such restriction has not occurred but is imminent or where disorderly occurrences prejudice that right, provided the restrictions, threats or disorderly occurrences in question directly violate constitutional rules.

232. On the *right protected through the remedy of habeas corpus*, the Constitutional Chamber has ruled as follows (habeas corpus case No. 154-2002, judgement dated 24 October 2002, preambular paragraph III): "Although the right in question has multiple manifestations, so-called physical freedom is its more tangible form and, accordingly, constitutes the object of protection under habeas corpus proceedings. As its name indicates, this procedure is directly aimed at protecting a person against illegal or arbitrary restrictions on his/her freedom, since the Latin words "habeas" and "corpus" mean "you have your body" or "you are master of your body" and therefore this type of constitutional proceedings manifestly guarantees the protection of the individual's physical freedom. Therefore, since the object of protection through the remedy of habeas corpus consists - as shown - uniquely and exclusively in one's personal freedom, such proceedings may not be limited to protecting a person solely against arrests or detentions, but also against all illegal or arbitrary restrictions on the right to physical freedom by an authority or an individual, taking the term 'restriction' in its broadest sense."

233. On the *scope of protection through the remedy of habeas corpus*, the Constitutional Chamber has ruled as follows (habeas corpus case No. 154 - 2002, judgement dated 24 October 2002, preambular paragraph III): "Thus, although article 11 (2) makes no explicit reference to personal freedom as the object of habeas corpus protection, this Chamber holds that the freedom to which the said article refers is uniquely and exclusively personal or physical freedom; and that all acts which imply a restriction or limitation on various forms of freedom other than personal freedom must be excluded from the proceedings in question inasmuch as such acts are the object of remedy through an action of amparo. This conclusion is valid although in other countries freedom of movement is protected through habeas corpus proceedings. Such is the case in, for instance, Argentina, whose legislation specifically stipulates that habeas corpus proceedings may be initiated against violations of freedom of ambulation and physical freedom. As extensively affirmed, however, this is not the case in El Salvador and this Chamber shall not hear violations of freedom of locomotion in habeas corpus proceedings because such freedom is the object of remedy through an action of amparo."

234. On the *legal character* of the remedy in question, the Constitutional Chamber has ruled as follows (habeas corpus case No. 448-99, judgement dated 25 January 2000, preambular paragraph III): "As stated on numerous occasions ..., the remedy of habeas corpus constitutes constitutional proceedings".

235. The Constitutional Chamber has recognized habeas corpus as a form of constitutional proceedings designed for identifying illegal or arbitrary restrictions (habeas corpus case No. 168-2002, judgement dated 20 January 2003, preambular paragraph III (a)): "Habeas corpus, as a type of constitutional proceedings, constitutes a mechanism for resolving claims lodged by a person against a judicial or administrative authority or an individual, where the freedom of the claimant or of the person whom the claim concerns is illegally or arbitrarily restricted or where such restriction has not occurred but is imminent."

236. In the following statement, the Constitutional Chamber has refused to liken habeas corpus to an appeal (habeas corpus case No. 23-99, judgement dated 11 February of 1999, preambular paragraph III): "Habeas corpus is not a means of replacing ordinary appeals which are part of criminal procedure, because the function of habeas corpus is constitutional in nature, as this Chamber has maintained in its case law."

237. To this date, three amparo cases regarding alleged racial discrimination acts have been concluded by the Constitutional Chamber and classified, namely judgements No. 765-2007 dated 25 January 2008, 766-2007 dated 21 January 2008 and 767-2007 dated 25 January 2008. The contested acts were attributed to the former Minister of the Economy and to the Director of DIGESTYC and concerned data collection in the framework of the Sixth Population Census and the Fifth Housing Census, conducted in 2007, and in particular the wording of the sixth question on the census form. The petitioners considered that formulation to be phenotypic and discriminatory and, consequently, prejudicial to the right to equal treatment, enshrined in article 3 of the Constitution.

238. The claims having prompted the proceedings in question were declared inadmissible on the grounds that they failed to formulate clearly the charges of violation of the rights that had allegedly been infringed, by not:

- Indicating unequivocally how each of the legal rules concerned had been contravened as a result of the circumstances described in the petitions;
- Identifying the person with whom the petitioners placed themselves on an equal footing;
- Stating the comparison criteria establishing that the right to equal treatment of the persons concerned had been violated.

239. The Office of the National Counsel for the Defence of Human Rights (PDDH) has received a complaint, filed under No. SO-0158-2007 and expressing the dissent of indigenous communities and associations in El Salvador against the DIGESTYC with respect to the same issue, namely data collection in the framework of Sixth Population Census and the Fifth Housing Census, conducted in 2007. The complaint specifically characterizes the wording of the sixth question on the census form as phenotypical and discriminatory inasmuch as the formulation in question seeks to establish membership of a particular indigenous group on the basis of skin colour. A draft decision regarding this case has been prepared and is currently before the National Counsel for the Defence of Human Rights for his consideration and signature.

F. Article 7 of the Convention: Information and the media

240. In line with the National Policy on Women and the related Plan of Action, particularly with regard to the area of culture, ISDEMU, according to the Institute's report, has been developing, since 2002, activities aimed at raising awareness of the role played by indigenous women in preserving and safeguarding the country's culture and at promoting their creativity. In particular, ISDEMU has been supporting initiatives which contribute to the integration of indigenous women in production and, consequently, to the improvement of the quality of their life.

241. The strategic goal in this area consists in "enhancing the value of the cultural identity of Salvadoran women from a gender perspective" and is pursued through such activities as may, first, support and promote the role of indigenous women in preserving and safeguarding the country's culture; and, second, assist craftswomen in the preservation and creative, productive and commercial development of their craft. These activities are

coordinated with initiatives in the areas of labour and integration into the production process and of agriculture, livestock breeding, fishing, aquiculture and food processing, with a view to encouraging rural women's economic participation and raising their status. Such action has been carried out in coordination with the following Government and non-governmental bodies:

- (a) MTPS;
- (b) Ministry of Agriculture and Livestock (MAG);
- (c) CONCULTURA;
- (d) Coordinator of Salvadoran Indigenous Communities (CCENIS);
- (e) Association of Lenca Communities of Guatajiagua (ACOLGUA);
- (f) Association of Indigenous Communities of El Salvador (ACIES);
- (g) Centre for Women's Studies (CEMUJER)

1. Participatory assessment workshop, May 2007

(i) Objective

242. The objective was to assess the current situation regarding indigenous women's participation in community organization, education, and basic and health services in order to develop strategies conducive to the solution of the problems encountered, with due regard for the environment.

(ii) Methodology

243. The method employed was participatory. The participating women's knowledge and experience served as a basis for analyzing their situation and formulating strategies for improving their situation and facilitating their integration.

244. The points discussed included, inter alia, personal and community strengths and weaknesses, in relation to such areas as education, culture, health, basic services, production, organization, infrastructure and national and international institutions supporting women. A poll was taken to identify risk situations faced by the communities concerned.

245. The workshop outcome reflects the needs and living conditions described by the women and presented in a systematic manner in order to serve as a basis for drawing up a strategic work plan for the coming years and as input to the preparation of plans, programmes and projects by bodies seeking to help to solve the problems in question.

246. The 130 women who participated in the workshop represented the following Sonsonate department entities: Municipality of Santo Domingo de Guzmán, Casa de la Cultura; Municipality of Apancoyo, Cuisnahuat, Los Clara settlement; Municipality of San Antonio del Monte, Canton of San Ramon, Coordinating Association of Indigenous Communities of El Salvador (ACCIES); Community of the El Castaño settlement, Palo Verde, Canton of El Presidio; Municipality of Acajutla, Canton of Las Tablas; Municipality of Sonsonate, Community of La Flor, ANIS; Community of Santa Marta; Municipality of Izalco, Community of Común; ASNAIS/CCNIS; Municipality of San Salvador, Santiago

Texacuangos, Community Santiago Texacuangos, Canton of Shaltipa; RAIS; and ACOLGUA.

247. Summary of conclusions:

(a) The women who participated in the workshop found it difficult to describe their individual qualities. They expressed their wish to provide services, support and aid to other persons, especially by minding children in the community. They are keenly interested in participating actively in community action, combining such activity with household work.

(b) Most of the women expressed the following aspirations, inter alia:

(i) Learning to read and write Spanish and Nahuatl;

(ii) Dispensing childbirth care and first aid;

(iii) Being able to speak in public;

(iv) Knowing their rights.

(c) With regard to culture, all women wished to safeguard their cultural and work-related traditions in order to preserve their identity.

(d) With regard to production, the women expressed interest in learning and developing their skills in crafts (making of grass or leaf mats, weaving, clay pottery making and woodcraft) and dressmaking.

(e) Handicrafts must be marketed.

(f) The need to develop marketing skills (through training in, inter alia, trade and advertising) is crucial.

(g) With regard to agriculture, the women who participated in the workshop grow maize, beans and vegetables, mainly for household consumption and also for sale, although such products yield minimal earnings.

(h) The women expressed considerable interest in preserving natural medicine because it is part of a culture that is being lost, because Western medicine is not readily accessible and because of the lack of health care centres near their communities.

(i) The development of the women concerned is clearly hindered by inadequate economic resources and limited access to education as a result of the remoteness of schools from their communities.

(j) Very few organizations provide assistance. Mention should be made of the valuable contributions of the United Nations Children's Fund (UNICEF); Medicus Mundi Aragon, Spain; and CONCULTURA, which cooperates with the women in preserving cultural elements related to, inter alia, identity and tradition. Other organizations having carried out activities in cooperation with the communities include FISDL, ÁGAPE and PNC.

(k) Most of the women concerned are organized. This fact is a key advantage with regard to planning and to mobilizing resources for their improvement.

(l) The organizations most effectively coordinated with a view to securing benefits to the communities are CCNIS, RAIS and CONCULTURA. ANIS, founded in 1952, is the oldest indigenous organization.

(m) Many indigenous women report difficulties of access to such basic services as, for instance, power and drinking water. Despite the small size of the territory, the indigenous population has poor access to, inter alia, schools and markets because they are remote.

248. A training programme entitled "Human rights and women's rights and their relation with the rights of indigenous people" has been developed in:

(a) San Salvador, with the participation of indigenous men and women from six communities;

(b) Izalco and Guatajiagua, with indigenous men and women.

249. The programme is carried out in cooperation with CCNIS.

250. The programme has served to sensitize the population and to raise awareness of human rights, women's rights, the relation between such rights and the indigenous peoples' identity, and the existence of agreements, treaties, covenants and declarations regarding the recognition of rights, the State's obligations and the principle of non-discrimination.

251. The dissemination of information on the rights of indigenous people by the programme is entirely focused on communities, ethnic groups, peoples and tribes.

252. Projects for development and integration into the production process have been supported by the El Salvador Environmental Management Strengthening Project / European Union (FORGAES/EU, 2006). The goal has been to raise women's productive capacity through access to resources and the preservation of traditions. To that end, women have been provided with training (in, inter alia, gender issues and human rights), technical assistance and seed capital, and adult literacy groups have been organized, with due regard for environmental protection. The activities in question benefit 720 households headed by women and concern the following localities and types of group or activity:

(a) Guatajiagua, Morazán department: Black clay pottery craftswomen;

(b) Sonsonate department: Creation of a willow and bulrush twig craftswomen's cooperative and support of the Nahuizalco women's group;

(c) Santo Domingo de Guzmán, Sonsonate: Women potters of the "Women's sectoral board of Santo Domingo de Guzmán";

(d) Petacas, San Julian, Sonsonate: Women's Committee, "Hands-on acquaintance with natural medicines" training project, creation of a medicinal plants nursery and installation of a grain grinder to facilitate household work;

(e) Guzamalut Cooperative in Tacuba, Ahuachapán department: "Hands-on acquaintance with natural medicines" training project and creation of a medicinal plants nursery;

(f) Tonacatepeque: "Bird raising, reproduction and marketing".

253. Eco-management and Audit Scheme (EMAS) drinking water pumps and also improved stoves and grain grinders have been set up to serve 45 households headed by women in order to facilitate household work and thereby enable the women to take time for activities contributing to their own development, such as, inter alia, participation in literacy groups and visits to health care units.

254. In 2008, a training programme on gender issues, human rights and related United Nations documents was developed for women and men of the Coordinating Association of Indigenous Communities of El Salvador (ACCIES) in Sonsonate.

255. According to its report, CONCULTURA, in cooperation with Don Bosco University, has been implementing, since 2004, the Nahuatl Language Revival Project.

256. At the beginning, the project operated five schools in Sonsonate department communities with considerable indigenous presence. In 2008, the project included 11 scholastic centres attended by more than 3,500 pupils and currently employing 30 Nahuatl teachers, more of whom are trained every year. As a result of the project, elderly persons in some communities have begun to converse publicly in Nahuatl.

257. A basic framework for Bilingual Intercultural Education has been developed within the formal education system in order to raise awareness of the indigenous culture and its significance as part of the roots and identity of Salvadorans.

258. In order to preserve traditions and customs, an archive of folk and other dances has been created as part of the "Pre-Hispanic Footsteps" project. Most of the expressions thus preserved stem partly from other customs and traditions and have developed under the influence of migration, directly affecting the younger population groups.

(1) Source: Directorate of the Registry of Non-Profit Associations and Foundations, MIGOB.

(2) The Labour Code is published at:
<http://www.mtps.gob.sv/imagenes/codigo/codigo%20de%20trabajo.pdf>

(3) The Labour and Social Insurance Sector Organization and Functions Act is published at: <http://www.mtps.gob.sv/imagenes/ley/LEY%DE%20ORGANIZACION.pdf>