



**International Covenant on
Civil and Political Rights**

Distr.: General
23 December 2016
English
Original: Spanish
English, French and Spanish only

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant pursuant
to the optional reporting procedure**

Seventh periodic reports of States parties due in 2016

El Salvador*, **

[Date received: 22 November 2016]

* The present document is being issued without formal editing.

** The annexes to the present document are on file with the secretariat. They are also available on the Committee's website.

GE.16-22885 (EXT)



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Paragraph 1

1. In recent years, laws have been adopted to protect the human rights set forth in the International Covenant on Civil and Political Rights (hereafter the Covenant):

- Act on Comprehensive Care for Older Persons (2002);
- Child and Adolescent Protection Act (2009);
- Special Comprehensive Act on a Violence-Free Life for Women (2010);
- General Act on the Prevention of Workplace Hazards (2010);
- Act on Equality, Equity and Elimination of Discrimination against Women (2011);
- General Act on Young People (2011);
- Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families (2011);
- Framework Act on Civic Harmony and Antisocial Behaviour (2011);
- Medicines Act (2012);
- Act on Promotion, Protection and Support for Breast-Feeding (2007);
- Special Act on Voting from Abroad (2013);
- Social Development and Protection Act (2014).

2. In June 2014, the Legislative Assembly also ratified the amendment to article 63 of the Constitution of the Republic, adding a paragraph that states: “El Salvador recognizes Indigenous Peoples and will adopt policies aimed at preserving and developing their ethnic and cultural identity, world view, values and spirituality”.

3. Amendments have likewise been made to the General Education Act and the Act on the Teaching Profession to help identify and prevent gender-based violence in the education system.

4. The enactment of laws by the Legislative Assembly involves extensive consultations with diverse sectors of society, thereby ensuring a comprehensive review of draft legislation and proper discussion based on the criteria of constitutionality, legality and international human rights standards.

5. National courts, including the Constitutional Chamber of the Supreme Court, have referred in their decisions and judgments to human rights standards laid down in international human rights law and decisions of the Inter-American Human Rights System and the United Nations. Provisions of the Covenant have been invoked in the following rulings:

- Judgment of 8 July 2011, Constitutional Review (*amparo*) 437-2009: article 8.2 of the American Convention on Human Rights and article 14.3 of the Covenant were cited in support of the concept of the right to technical or legal defence as a manifestation of the right to defence;
- Judgment of 19 December 2009, Constitutional Review (*amparo*) 18-2004: the Court ruled that exclusion of any kind from enjoyment of fundamental rights on the grounds of sexual orientation was constitutionally inadmissible in light of article 3 of the Constitution, article 1.1 of the American Convention on Human Rights and article 26 of the Covenant;

- Judgment of 13 July 2016, Unconstitutionality Review 44-2013/145-2013: the Court declared the General Amnesty (Consolidation of the Peace) Act to be unconstitutional insofar as it violated article 2, subparagraphs 1 and 3, and article 144, subparagraph 2, of the Constitution, in conjunction with articles 1.1 and 2 of the American Convention on Human Rights, article 2.2 of the Covenant and article 4 of the 1977 Additional Protocol II to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international armed conflicts.

Paragraph 2

6. The Office of the Human Rights Advocate (PDDH) has its own budget, financed from the State's General Fund. It recorded a cumulative increase of 45.4 per cent in the period 2010–2015 and was boosted in 2015 by a grant of \$500,000 for institutional strengthening. The allocation in 2016 will show an annual growth rate of 5.3 per cent (see annex 1).

7. The funds are aimed at human rights protection, monitoring, education and promotion, as well as institutional strengthening, through the provision of increased human resources.

8. Protection of the Office of the Human Rights Advocate from any external interference is stipulated in the provisions with constitutional rank that govern its mandate and in the associated secondary legislation. These have been the basis for the initiation of disciplinary investigations against judicial authorities for neglect of the requirements of the Counsel General. In this way, the Judicial Investigation Department punished El Salvador's Chief Investigating Judge with three days' suspension from office without pay under disciplinary proceedings initiated for denying information to the Office of the Human Rights Advocate concerning criminal proceedings No. 51-2014, corresponding to the disciplinary offence of "unjustifiable failure to dispatch office business".

9. The process of electing the Human Rights Advocate is also a guarantee of his or her independence and suitability for the office since the candidate is appointed by the Legislative Assembly and the incumbent's broad mandate under the Constitution allows him or her to exercise fully the function of comptroller and supervisor of all the institutions of State.

Paragraph 3

10. In 2009, El Salvador established the Secretariat for Social Inclusion (SIS) within the Office of the President, with responsibility for advising all branches of the Executive and providing guidelines on social inclusion and non-discrimination. This guidance has been incorporated in the strategic plans of various institutions, such as the Ministry of Justice and Public Security, whose strategic plan establishes as its objective "To convert El Salvador into a safe country where individual rights and freedoms are effectively guaranteed, on the basis of the principle of equality", and formulates guidelines to serve as a framework for eliminating discrimination and respecting diversity.

11. Since 2014, in recognition of the country's ethnic and cultural diversity, Afro-Salvadoran Heritage Day been celebrated annually on the last Saturday of August, over 7000 inhabitants having identified themselves as being of African descent in the 2007 Population and Housing Census.

12. With regard to the indigenous population, following the amendment to article 63 of the Constitution in 2014, municipal ordinances for the recognition and effective enjoyment of the rights of indigenous peoples have been promoted in the municipalities of Nahuizalco, Izalco, Panchimalco and Cuisnahuat, while other ordinances are being drawn up in the municipalities of Cacaopera in Morazán, Conchagua in La Unión and Santo Domingo in

Sonsonate. In addition, work is taking place on the formulation of a National Policy on Indigenous Peoples on the initiative of indigenous leaders and nine State bodies forming part of the Multisectoral Panel of the Cultural Secretariat of the Presidency, and drafting is in progress on the declaration of the cultural heritage of the Náhuat language, which is spoken by some 300 persons, mostly older adults.

13. Concerning persons with disabilities, the National Council for Persons with Disabilities was restructured in 2010 to ensure a better representation of civil society, in terms of types of disability, together with the associations and foundations working in the field. In addition, a campaign entitled “Share It: We All Have Equal Rights” was launched in 2015 to raise awareness of the rights of persons with disabilities.

14. In the health sector, the adoption took place in 2014 of the National Policy for Comprehensive Support for Persons with Disabilities; while in the education field, out of a school-age population of over 3 million, the number of children with disabilities totalled 19,908 – 8,596 girls and 11,312 boys (see annexes 2 and 3). In addition, there are 11,019 teachers trained in inclusive education, and 226 workshops have been held to acquaint teachers with the social model of disability (see annexes 4 and 5).

15. El Salvador has 30 special education schools and, as part of the process of transforming resource centres, seven centres had been converted by 2014. Between 2015 and 2016, the Ministry of Education likewise invested \$1.4 million in inclusive educational centres, as well as installing computer equipment under the “One child, one computer” plan, so as to reduce the gaps that prevent various traditionally excluded groups from gaining access to education.

16. In the area of employment, the Ministry of Labour and Social Security reports that 3,473 persons with disabilities registered in the Employment Exchange Service, of whom 2,624 secured jobs (see annex 6).

17. With regard to persons with HIV/AIDS, a massive communication campaign entitled “Don’t label me” was organized in 2011, aimed at reducing discrimination against this population group, and the programme “Let’s talk about HIV/AIDS” is being broadcast on national television to provide training on prevention and care of HIV and to combat discrimination.

18. A new bill on a comprehensive response to the HIV/AIDS epidemic has been drawn up by the National AIDS Commission, with the aim of eliminating discrimination and stigmatization; it also embodies an approach that views HIV/AIDS as a national development problem, not simply a health issue.

19. In the education field, a model for a preventive approach to HIV and discrimination, aimed at teachers and students, has been in operation since 2009, and methodological guides and a teacher’s handbook on AIDS prevention have been drawn up to accompany it.

20. The Ministry of Health has also approved the following instruments:

- A National Strategic Multisectoral Plan to Combat HIV/AIDS and Sexually Transmitted Infections (STI) 2011–2015, containing technical guidelines for promoting the right to health;
- An information, education and communication strategy for combating sexually transmitted infections (STI) and HIV (2012);
- A clinical guide to comprehensive health care for persons with HIV (2014);
- A handbook of procedures for quality control of immune-serological testing for STI and HIV (2015);

- A strategy for eliminating the vertical transmission of HIV and congenital syphilis (2015).

21. Concerning migrants, the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families, adopted in 2001, established the National Council for the Protection and Advancement of Migrants and Their Families, consisting of governmental, academic and civil society representatives.

22. Other initiatives include a programme for the reintegration of returning migrants of the Ministry of Foreign Affairs and the “Welcome Home” programme of the Directorate General for Migration and Alien Affairs (DGME), aimed at guaranteeing better conditions for returnee Salvadoran migrants.

23. The Legislative Assembly is currently examining a Migration Bill that is focused on the protection and promotion of the human rights of migrants.

24. In the educational field, the Ministry of Education has introduced more flexible processes for the enrolment of child and adolescent returnees at any stage of the year. An instruction has also been issued to departmental directors to guarantee access to education for foreigners wishing to enrol in the national education system, in accordance with domestic legislation and international treaties. Entry is subject to an objective test of maturity and skills at the basic and intermediate levels and pupils are allowed to sit the baccalaureate at a distance.

25. El Salvador has also supported domestic workers in obtaining residence in order to reduce their vulnerability to exploitation; and in 2013 the format of the residence permits of refugees living in the country was altered to align it with that of provisional and temporary residence permits so as to prevent any kind of stigmatization. Work is likewise proceeding on a draft law for refugees, which will recognize them as the subject of rights, furthering their integration in the productive life of the nation.

26. With regard to health care for foreign migrants living in El Salvador, the Ministry of Health provides basic and specialized services for this population group, with the emphasis on integration, non-discrimination and the life cycle. According to their particular needs, migrants receive curative and preventive medical services at the different levels of care within the national network, such as outpatient treatment, gynaecological services, prenatal care, paediatrics, nutritional care, general and specialized surgery, educational counselling, dental care, vaccination and rehabilitation.

27. Finally, recognizing the importance of education in eliminating attitudes that foster discrimination, the government has strengthened civic education under the National Teacher Training Plan in order to promote respect for diversity and plurality. Training has been provided to some 500 social science specialists and 800 social science teachers.

Paragraph 4

28. The State has adopted measures to prevent violence and discrimination based on sexual orientation or gender identity. Executive Decree No. 56 setting out provisions for the avoidance of all forms of discrimination in the civil services on the grounds of gender identity or sexual orientation was issued in May 2010, and a Directorate for Sexual Diversity was created in the Secretariat for Social Inclusion to contribute to the development of a culture respectful of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

29. The Directorate prepared a Self-Training Manual on Sexual Diversity and a pamphlet containing information on Executive Decree No. 56; these have been distributed to the National Civil Police (PNC) and the National Public Security Academy (ANSP). The Manual was based on the findings of a 2010 report on acts of aggression against

the LGBTI community and a national consultation organized in 2012 by the Directorate and other bodies associated with the defence of LGBTI rights.

30. A sexual diversity help line was established in 2013 and continues to operate, providing advice on procedures for lodging complaints of discrimination and violence based on sexual orientation and gender identity and offering psychological and emotional assistance, including the possibility of referral to mental health professionals.

31. In the legislative field, amendments were adopted to articles 129 and 155 of the Criminal Code, providing for aggravating circumstances in the case of threats or homicide motivated by hatred towards the sexual orientation, gender identity and gender expression of the victim. This has been accompanied by the organization of gender and sexual diversity workshops for prosecutors, police and National Public Security Academy personnel.

32. In order to monitor the implementation of the self-training manual and amendments to the Criminal Code, the Secretariat for Social Inclusion is coordinating from 2016 an Intersectoral Panel on Security Issues, with the participation of organizations representing the LGBTI population; it also coordinates the Intersectoral Panel on Human Rights and Sexual Diversity in places of detention, with the aim of identifying and proposing measures to eradicate discrimination against LGBTI detainees. The Directorate General of Prisons and organizations representing the LGBTI population play an active part in this Panel.

33. In May 2012, the Office of the Human Rights Advocate established the Permanent Panel on the Rights of the LGBTI Community, in association with social organizations and independent activists. The Panel studies the situation of the LGBTI population and promotes awareness among officials responsible among other things for the administration of justice. The Panel's priority tasks are to strengthen and ensure the effective implementation of legal and political norms relating to the problems of gender-based violence, sexual violence and HIV and to help eliminate the obstacles of stigma and discrimination towards the LGBTI population on the part of health-service providers and personnel responsible for the administration of justice.

34. Concerning the provision of health services to transgender persons, transgender women are treated separately from transgender men, and measures have been adopted to ensure respect for their expression of gender at the time it is identified. Efforts have also been made to ensure the exercise of political rights, the Supreme Electoral Tribunal having taken steps since the legislative and municipal council elections of 2012 to ensure their participation in electoral processes, with particular reference to transgender persons.

35. From January 2010 to 2011, the Office of the Human Rights Advocate received 18 complaints alleging interference with the rights of the LGBTI population by the National Civil Police, the Metropolitan Police Force, the Ministry of Labour and Social Security and the Office of the Attorney General (FGR) with particular reference to the right to personal integrity and access to justice and employment discrimination. In the period 2015–2016, the Office of the Human Rights Advocate received 31 complaints against the LGBTI community, including 14 cases of alleged homicide and 8 of ill-treatment (see annex 7).

36. From 2009 to early 2016, the Office of the Human Rights Advocate received reports of 19 homicides of members of the LGBTI population, cases that are currently under investigation by the Attorney General's Office.

37. One of the complaints received by the Office of the Human Rights Advocate concerned the case of A. A. P., a transgender man who was assaulted and placed in detention by police officers in June 2015. The Office investigated the case for alleged violation of the right to safety and personal integrity, involving intimidation and cruel, inhuman and degrading treatment, and in November 2015 decided to consider the violation

of human rights proven and recommended that institutions including the National Civil Police, the former Office of the Inspector General of the National Civil Police, the Ministry of Labour and Social Welfare and the Attorney General's Office investigate the complaints and identify the persons responsible in order to determine their criminal and administrative liability. To ensure that such acts would not be repeated, the authorities were urged to introduce awareness-raising and training activities within the police force on the human rights of the LGBTI population.

38. From 2013 to 2014, the Office of the Human Rights Advocate received reports of alleged cases of discrimination against the LGBTI population by the National Civil Police, the Metropolitan Police Force, the Salvadoran Armed Forces, the National Registry of Natural Persons, the Salvadoran Social Security Institute, the Attorney General's Office and the University of El Salvador, among others.

39. An example of juridical protection from discrimination based on sexual orientation or gender identity is *amparo* ruling 18-2004 of 19 December 2009, in which a constitutional review was exercised with regard to the denial of legal capacity to an association for the promotion of sexual diversity on the grounds that registration of an association with purposes contrary to morality and public order was illegal. The Court ruled that the State can only determine on an exceptional, reasonable and proportional basis those aims that associations may not pursue and that any exclusion from the enjoyment of fundamental rights based on discrimination with regard to sexual preference or orientation was inadmissible under the Constitution.

Paragraph 5

40. The measures adopted to avoid a wage gap between men and women include the creation in 2012 by the Ministry of Labour and Social Security of the Consolidated Labour Inspection Act incorporating a unified list of possible violations of labour, security and occupational health standards with which the employer must comply, including equal remuneration.

41. In 2013, the Ministry drew up a plan on wage gaps in the western part of the country, based on a sample of 12 companies, which benefited 1,789 workers (824 women and 965 men). In addition, breaches of labour regulations were punished in two cases, one of which resulted in wage levelling. Since 2016, this plan has been implemented in the agricultural, industrial, commercial and service sectors.

42. Also in 2013, through the Special Unit for the Prevention of Employment Discrimination, the Ministry implemented a plan for monitoring women's labour rights at national level, to check wage equality (see annex 8).

43. In the public sector, institutions such as the Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA) have modified their personnel management tools to incorporate the principle of equal wages.

44. Measures to prevent sexual harassment in the workplace currently rely on the legal framework for gender equality. This includes the Special Comprehensive Act on a Violence-Free Life for Women (LEIV), reinforcing the existing public service regulations, and the measures taken by the Ministry of Labour and Social Security, such as the drafting of the "Protocol for Addressing Cases of Sexual Harassment".

45. In the State sector, institutions such as the Salvadoran Institute for Child and Adolescent Development have developed gender awareness plans and have modified their institutional regulations to make harassment a very serious offence subject to disciplinary sanctions.

46. The Salvadoran Institute for the Advancement of Women (ISDEMU) provides information, guidance and support for women facing gender-based violence, through its 126 call centre, its comprehensive support programme for a violence-free life for women, its specialized support units in the Women's City Programme ("Ciudad Mujer") centres and its permanent support units at departmental level.

47. The Secretariat for Strategic Affairs, with the aim of improving labour relations within the Executive, has designed tools such as the directive on labour relations in the executive branch and the guide for preventing, addressing and eradicating sexual harassment in the public sector.

48. Efforts have also been made to ensure that women are effectively represented in decision-making positions. In the private sector, companies have been assisted in the recruitment and selection of staff to help increase the number of technical and executive posts occupied by women. In the period 2013–2015, many leadership and executive-level posts were filled by women (see annex 9).

49. In the public domain, a national campaign entitled "Strengthening civic involvement in defence of women's rights" was launched in 2013 to further the empowerment of women in municipalities and encourage them to organize, involving the participation of over 20,000 women nationwide. In addition, the Salvadoran Institute for the Advancement of Women has put in place a strategy of advisory and social oversight councils, which facilitate the involvement and influence of women in decision-making functions.

50. The same year saw the adoption of the Political Parties Act, which provides that at least 30 per cent of the candidates on party lists for election to the National Assembly, the Central American Parliament and municipal councils must be women. In addition, allowing voter to make a selection from the party lists and the inclusion of candidates' photos on ballot papers were measures that resulted in more women on party lists winning seats, so that whereas there were 16 women deputies in the 2009–2012 legislature (19 per cent), the number increased to 23 in the period 2012–2015 (27.4 per cent) and reached 27 in the period 2015–2018 (32.1 per cent) (see annex 10).¹ The Presidency of the Legislative Assembly is currently occupied by a woman, the third to occupy that position since 1983.

51. In the period 2009–2014, there were five women members of the Cabinet (14.7 per cent): 2 ministers and 3 deputy ministers; while for the period 2014–2019, the number of women Cabinet members is eight (22.2 per cent): three ministers and five deputy ministers (see annex 11). The post of Counsel General of the Republic is currently held by a woman, as is that of the Human Rights Advocate; and women also head important bodies responsible for monitoring public policies, such as the Salvadoran Institute for the Advancement of Women, the Secretariat for Social Inclusion, the National Council for Children and Adolescents (CONNA) and the Salvadoran Institute for Child and Adolescent Development (ISNA).

52. As regards elected offices for the period 2015–2018, there are 27 women mayors, while 13 women ambassadors from the Salvadoran diplomatic corps serve as high-level representatives of the State.

53. In March 2014, the Salvadoran Institute for the Advancement of Women promoted the signing of the Pact for the Defence of the Civil and Political Rights of Women together with the candidates for the Office of President of the Republic, including the current

¹ Sixteen women were elected to the Assembly, but they were joined by two women deputies from the Frente Farabundo Martí para la Liberación Nacional (FMLH), who were alternate members replacing two men who were appointed ministers in 2009, so that the number of women deputies in the period was 18.

President, Salvador Sánchez Cerén, by way of a commitment to the achievement of substantive equality and the strengthening of democracy.

Paragraph 6

54. With regard to women domestic workers, between 2012 and 2013 the Technical and Planning Secretariat (STTP) of the Office of the President and the International Labour Organization (ILO) carried out a study of the Special Health and Maternity Regime for Domestic Workers of the Salvadoran Social Security Institute (ISSS) with the aim of improving the registration procedure and studying a change to the ordinary regime to ensure equality for this group of workers.

55. In 2016, the Technical and Planning Secretariat and relevant institutions of the executive branch submitted a draft amendment to the Act on the Pension Savings System, article 11 of which provides for the affiliation of agricultural and domestic workers to the Mixed System in accordance with the conditions and special features of their work.

56. While at present the legislation regulating domestic work does not contain specific and individualized measures for rural or indigenous girls engaged in domestic work, the Government has taken steps to promote the social, economic and cultural development of the indigenous populations, including the amendment of article 63 of the Constitution recognizing the indigenous peoples.

57. With regard to workers in the *maquila* sector, in 2014 the Ministry of Labour and Social Security implemented a Work Plan for Checking the Labour Rights of Women *Maquila* Workers, under the “Agenda of labour rights of women in the *maquila* industry of Central America”. As part of the Plan, 134 labour inspections were carried out, covering a total of 14,681 women and 8,481 men.

58. Inspections in the *maquila* industry have the support of the Ministry of Health with regard to the verification of health standards, water quality and occupational safety conditions.

59. In 2015, the Ministry of Labour and Social Security set up an inter-agency committee to study the possible ratification of ILO Convention No. 189 concerning decent work for domestic workers, in which the Technical and Planning Secretariat of the Office of the President, the Ministry of Foreign Affairs, the Ministry of Health, the Salvadoran Social Security Institute and the Salvadoran Institute for the Advancement of Women participated, with the support of ILO. The Legislative Assembly is currently examining the possibility of ratifying the Convention.

60. Work is moreover taking place on a draft public policy for the indigenous peoples of El Salvador, including an economic development strategy designed to improve the quality of life of the peoples concerned through measures geared to the promotion of income opportunities, decent employment and work training from the perspective of local intercultural development and based on the world view of the indigenous peoples (see annex 12).

61. Furthermore, the National Policy on Comprehensive Protection for Children and Adolescents (PNPNA) 2013–2023 provides for the protection and social inclusion of children and adolescents affected by situations of economic vulnerability.

62. Finally, with regard to the information provided to the Committee on women domestic workers subject to conditions comparable to forced labour, the State party notes that its normative and institutional framework is geared to preventing, investigating and punishing conduct in violation of human rights, such as domestic work resembling forced labour. In this regard, recognizing the potential vulnerability of this population group, the State has taken measures to include those concerned in the social security system and has

also authorized the registration of the first domestic workers' union. It has likewise adopted measures to assist migrant women domestic workers in obtaining Salvadoran residency in order to reduce their vulnerability to exploitation.

Paragraph 7

63. The National Policy on Access to a Violence-Free Life for Women was adopted in 2013, and the Five-Year Development Plan 2014–2019 included the gender perspective for first time and defined strategies and action plans for guaranteeing women's rights, together with guidelines for the design and implementation of public policies by government institutions.

64. In keeping with the Special Act on a Violence-Free Life for Women, a Special Technical Commission was established to ensure implementation of public policies for promoting women's access to a life free from violence. The Salvadoran Institute for the Advancement of Women has moreover developed guidelines and mechanisms for furthering women's right to a life free of violence, including:

- Municipal guidelines for drawing up equality plans, creating municipal units for women and developing plans for preventing violence against women;
- Guidelines for identifying types and patterns of violence against women;
- Guidelines for accrediting, monitoring and evaluating specialized institutional support units for women;
- Guidelines for accrediting and operating shelters for women;
- Regulations governing the specialized support programme for women facing violence;
- Guidelines for the prevention of violence against women in educational institutions;
- Guide to the Special Act on a Violence-Free Life for Women from a psychosocial perspective.

65. Ongoing outreach and awareness activities for the prevention of violence against women have also been organized, including violence prevention campaigns such as "Violence against women is violence against society" and "Trafficking in women is a crime, let's speak out"; the radio programme "Woman's Voices"; the strategy of mobile and permanent units for raising awareness of women's rights; and sporting encounters and marches.

66. Government and municipal bodies have developed similar institutional policies on gender equality and equity. In keeping with institutional guidelines on gender equality, State entities have also created institutional gender units and specialized institutional support units for women. To date, 50 such gender units and 88 specialized support units for women have been set up (see annexes 13 and 14).

67. In addition, all the internal work regulations adopted by the Labour Directorate of the Ministry of Labour and Social Security contain inclusive language, this being a prerequisite for their adoption (see annex 15).

68. In eleven municipalities representing urban networks of community solidarity, the Salvadoran Institute for the Advancement of Women has also developed a project to adapt support centres for the local management of equality and the social prevention of gender violence. Under this project, technical assistance has been provided to municipal authorities, case guidance and support offered to municipal authorities through Institute helpdesks in town halls, and various measures taken to prevent violence and discrimination against women. In the framework of the Central American Security Strategy, the project for

the “Prevention of violence against women in Central America” has also been implemented to help strengthen the institutional response capacity for preventing and addressing violence against women, trafficking and femicide at the regional, national and local levels.

69. Under the Safe El Salvador Plan, coordination with the municipalities is taking places to train promoters and the municipal police force on the referral of complaints by women victims of domestic and gender violence, sexual abuse and trafficking in persons.

70. In February 2016, special courts for a life free from violence and discrimination were created to address crimes against women, such as femicide, illegal dissemination of information, encouraging failure to comply with financial assistance obligations, the expression of violence against women, discrimination in the workplace, denial of the right to equality, domestic violence, failure to fulfil economic assistance obligations, and disobedience in the case of domestic violence.

71. With regard to measures to protect adolescents from coercion by *maras* (youth gangs) and *pandillas* (criminal bands), the Salvadoran Institute for the Advancement of Women implemented the strategy for the prevention of violence against women in three schools, including training and awareness-raising among the educational community on the prevention of violence against women, girls and adolescents, together with distribution of the protocol for sex instruction in schools.

72. In 2015, the National Council for Children and Adolescents applied protective measures in the case of 29 adolescent girls whose sexual integrity was threatened or violated by some link with gang members. Such measures are intended to ensure that schoolchildren do their homework, avoid company harmful to their full development and receive support and guidance on sexual and reproductive health, psychological counselling, vocational training and protection from ill-treatment, conducive to the effective exercise of their rights and duties as set out in the Child and Adolescent Protection Act (see annex16).

73. Another measure designed to have an impact on preventing the violence to which women are exposed in settings such as prisons are the 2015 amendments to the Prisons Act relating to the regulation of family or general visits to detainees. This involves restriction or prior identification with regard to the group of persons authorized to make the visit.

74. In addition, the Salvadoran Institute for the Advancement of Women has developed innovative awareness-raising tools designed to have an impact on young people through interactive technology supplying information on gender-based violence, such as the mobile application “SOS Women” and the interactive game “Reflection in the mirror”.

75. A draft policy on public performances, radio, film and television has been drawn up, including regulatory mechanisms to protect women’s image in the widest sense. The Observatory on Non-Sexist Advertising, under the authority of the Consumer Protection Bureau, also helps to promote good practices in that regard.

76. The country is making progress with regard to the creation of special institutional support units for women, in accordance with the provisions of the Special Act on a Violence-Free Life for Women. The judiciary’s specialized victim support units report having dealt with 1,600 cases of violence. Concerning remedial measures, including rehabilitation in the case of sexual and domestic violence, victims (adults and minors) and aggressors alike, depending on the courts in question, are referred for psychological therapy or talks on alcoholism and drug addiction among parents or married couples, as the case may be. The aim is always to curb aggressive behaviour and overcome the trauma of the attacks to which the victims were exposed.

77. In line with its institutional policy on gender equality and equity, the Salvadoran Institute for Child and Adolescent Development has cooperated with the Salvadoran Institute for the Advancement of Women and OXFAM in organizing training sessions on

gender, masculinity and violence and has drawn up the curriculum for a specialized course on gender.

78. In addition, the Gender Unit has developed technical guidelines on the inclusion of a gender and intersectoral focus that, among other things, provides guidance on adapting statistical records to take account of the comments made to the State party by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC).

Paragraph 8

79. In 2012, the Attorney General's Office adopted the Procedural Protocol for Investigating Femicide, designed to guide the handling of crime scenes involving the murder of women classifiable as femicide. In addition, assistant prosecutors receive training at the School for Prosecutors on access to justice for women, the types of offences that may be defined in gender terms and special methods for investigating such offences, including the Procedural Protocol.

80. In accordance with articles 12 and 30 of the Special Act on a Violence-Free Life for Women, a National Data and Statistics System has been created as a tool for managing information on gender violence against women, making it possible to unify the sources of relevant statistical information from public bodies such as the National Police Force, the Office of the Counsel General (PGR) and the Office of the Attorney General.

81. In 2000, the Institute of Forensic Medicine (IML) began keeping a systematic record of corpses, recording the violent deaths of women by homicide. In relation to both administrative investigations and criminal proceedings, the Attorney General's Office also keeps an institutional register of female homicides and separate data on femicides.

82. In 2011, the Institute initiated the Forensic Medical Information System (SIMELE) to improve the processing, consolidation and analysis of statistical information, of which forensic medical protocols are the main source. Under the Special Act, the Institute is required to present annual indicators of the prevalence of femicide, the effects of violence on women and the effects of exposure to violence and assault on the children and adolescents in the care of women victims of violence, together with an evaluation of their incidence, the objective danger presented by the aggressor and the risk of recurrence.

83. Under the Domestic Violence Act, reconciliation is confined to the administrative sphere, the Counsel General's Office being responsible for handling cases of domestic violence; yet while article 27 implicitly prohibits reconciliation in the judicial sphere, the agreements reached by the parties must be approved by the judge, who also has the procedural duty to establish the alleged facts, attribute the violence to the person responsible and impose the necessary measures if the parties have not reached an agreement.

84. Ordinary criminal procedure provides for conciliation as an alternative solution, since article 200 of the Criminal Code prescribes a penalty of one to three years for the crime of domestic violence; however, prosecution in this case requires that the procedure specified in the Domestic Violence Act has been exhausted previously.

85. Given that domestic violence can involve crimes such as bodily harm, threats and other offences, the latter are subject to an ordinary — essentially criminal — procedure, since the fact that the offence has been committed in a domestic setting is not regarded as a mitigating factor.

86. There is also a national network of psychosocial care centres (CAPS), staffed by trained and specialized personnel, which exists to handle such cases.

87. According to the Attorney General's Office, there are currently 481 active cases of femicide, of which 231 have been initiated this year, 303 have been prosecuted and convictions have been obtained in 15 instances (see annexes 17, 18, 19 and 20).

Paragraph 9

88. Secondary legislation on abortion in El Salvador is directly related to the provision in article 1 of the Constitution stipulating that: "El Salvador recognizes the human person as the source and object of the activity of the State, which is organized for the attainment of justice, legal certainty and the common good. It also recognizes every human being as a human person from the moment of conception. Accordingly, the State has the duty to guarantee the inhabitants of the Republic liberty, health, culture, economic well-being and social justice". However, a draft legislative amendment has been tabled to establish cases in which abortion will not be punishable; this proposal will be submitted for discussion and must in any case follow the established procedure for legislative reform.

89. Beyond the existing legal framework and the draft amendments already introduced, the Government is committed to guaranteeing the human rights of women and within the scope of the law has pursued important public policy measures which have had significant impacts on the lives of women, such as access to comprehensive maternal health services; the Strategic National Plan to Reduce Maternal, Perinatal and Neonatal Mortality, which has contributed to reducing the maternal mortality rate beyond the target set by MDG 5 (the rate has fallen from 56 per 100,000 live births in 2009 to 38 per 100,000 live births in 2013); more accessible health services closer to the population; design and implementation of the instruments that govern the response of the health-care system to violence against women; and promotion of sexual and reproductive rights.

90. It is important to note that there is no procedural protocol in the guidelines of the Ministry of Health requiring medical staff to report women suspected of having had an abortion.

91. On the promotion of sexual and reproductive rights, the Policy on Sexual and Reproductive Health has been formalized and a Unit for Comprehensive and Integrated Sexual and Reproductive Health Care has been set up by the Ministry of Health to cater for women at different stages of life. In addition, the Child and Adolescent Protection Act incorporates the right of children and adolescents to receive information and education on sexual and reproductive health, in accordance with their physical, psychological and emotional development, in the first instance from their parents.

92. Another valuable contribution in this area is the Women's City Programme, which has six comprehensive support centres for women and, through the sexual and reproductive health module, provides specialized care to bring about improvements in women's health status. As of 3 August 2016, one million women (1,215,433) had attended the Programme's centres and it is planned to establish three new centres in the departments of Sonsonate, Chalatenango and La Unión.

93. In September 2014, the Women's City Programme established the "Young Women's City" subprogramme, an offshoot of the Programme's different support modules, adapted to suit adolescents and young women.

Paragraph 10

94. In its Judgment of 5 February 2014 on Constitutional Review (*amparo*) 665-2010 concerning the San Francisco Angulo massacre of 25 July 1981 in the municipality of Tecoluca, Department of San Vicente, the Constitutional Chamber recognized the State's obligation to investigate serious human rights violations that had occurred during the internal armed conflict in El Salvador. Prior to this decision by the Chamber, there had been

progress in the case law relating to the enforced disappearance of persons, in the form of *habeas corpus* judgments of first instance dating from 2009 urging the prosecuting authority to establish the situation of those who had disappeared and ordering it to keep the Chamber informed of the progress of the efforts to locate them, as a guarantee of due compliance with the Court order.

95. On 13 July 2016, the General Amnesty (Consolidation of the Peace) Act was declared unconstitutional by the Constitutional Chamber on the grounds that it violated article 2, paragraphs 1 and 3, and article 144, paragraph 2, of the Constitution, in conjunction with articles 1.1 and 2 of the American Convention on Human Rights, article 2.2 of the International Covenant on Civil and Political Rights and article 4 of the 1977 Protocol II additional to the Geneva Conventions of 12 August 1949 concerning the protection of non-international armed conflicts, inasmuch as the extension of the amnesty was to be considered contrary to the right of access to justice, judicial protection and the protection of fundamental rights and to the right to reparation for the victims of crimes against humanity and war crimes constituting serious violations of international humanitarian law.

96. Having examined the content of the Act in question, the Chamber ruled that the extension of the amnesty was contrary to the right to protection of fundamental rights since it impeded compliance with the State's obligations to prevent, investigate, prosecute, punish and redress serious violations of those rights. Moreover, because the amnesty involved the extinction of "civil liability", it contradicted the right to compensation for moral damage since it impeded a form of reparation that the Constitution and International Human Rights Law guaranteed in the case of serious human rights violations.

97. With regard to the degree of compliance with the judgment of the Inter-American Court of Human Rights in the case of the massacres of El Mozote and neighbouring areas, the Attorney General was currently taking steps to investigate the facts, which included identifying the burial sites in the massacre zone and exhuming the skeletal remains in order to identify them and return them to family members. This was being carried out in the presence of the Justice of the Peace of Meanguera, in Morazán, who had set up an inter-agency coordination group with the participation of all the institutions of the Public Legal Service, the Institute of Forensic Medicine, the Ministry of Foreign Affairs, the victims in the case and their representatives.

98. The cooperation of the Argentine Forensic Anthropology Team in the exhumation process was important for ensuring compliance with international standards of forensic investigation and respect for the principles of transparency, participation and access to information by the families throughout the process.

99. Following the Constitutional Court's declaration concerning the Amnesty Act, the Second Court of First Instance of San Francisco Gotera, which had ordered the closure of the proceedings in application of the Act, required the proceedings to be reopened.

100. With regard to the question of reparations in this case, the Technical and Planning Secretariat of the Presidency and the Ministry of Foreign Affairs are coordinating implementation of the Programme for the Comprehensive Social Development of El Mozote and neighbouring areas, as well as the creation of the official register of victims of the massacre. In addition, Executive Decree No. 53 contains specific restorative provisions for implementing and monitoring the judgment of the Inter-American Court of Human Rights in the case of *The Massacres of El Mozote and Nearby Places v. El Salvador*. The Inter-American Commission on Human Rights is responsible for monitoring El Salvador in relation to compliance with the reparatory measures ordered in this case.

Paragraph 11

101. In 2009, a National Commission on Reparations for the Victims of Human Rights Violations in the context of the Internal Armed Conflict was set up with the mandate to propose to the President of the Republic a reparations programme for victims of serious human rights violations in the context of the internal armed conflict. This programme was contained in Executive Decree No. 204 of October 2013, which established the Reparations Programme, the Register of Victims, the Board of Directors of the Register of Victims and the Monitoring Bureau.

102. The Reparations Programme is a set of measures and institutional activities implemented by various units of the Executive, in accordance with their responsibilities, aimed at rehabilitating, compensating and restoring the dignity of victims and guaranteeing that there will be no repetition of the human rights violations.

103. The Board of Directors has issued its operating regulations, which establish the procedure for organizing and entering the victims in the register. The regulations also cover the mechanism for accessing and referring information through a specific protocol to ensure that the data in the register is protected and remains confidential.

104. At the time this report was drawn up, the Board had launched the indemnity programme forming part of the reparations package, whereby the victims will receive compensation in the form of a pension.

Paragraph 12

105. In November 2014, the Act on the Inspectorate-General of Public Security (IGSP) came into force, giving the Inspectorate the role of an external body responsible for monitoring and overseeing National Civil Police and the National Public Security Academy, under the overall authority of the Ministry of Justice and Public Security.

106. The Inspectorate-General of Public Security, in coordination with the human rights unit of the National Civil Police, carries out human rights awareness and training activities for the operational and administrative staff of the various police units, including workshops on the following: ethical principles of policing; code of conduct for law enforcement officials; the Special Act on a Violence-Free Life for Women; and the Convention against Torture. In addition, police personnel have received training on the topic of torture and on the definition of cruel inhuman and degrading treatment or punishment; and on the rights of victims and persons under detention (see annex 21).

107. With regard to complaints against the police, the Office of the Human Rights Advocate received 1,629 such complaints from June 2010 to May 2011; 1,805 complaints from June 2011 to May 2012; 1,431 complaints from June 2013 to May 2014; and 1,123 complaints in the period 2015–2016; the police force was always the subject of most complaints, followed by the armed forces (see annexes 22, 23, 24 and 25). Concerning these cases, the Office issued 689 initial decisions from June 2010 to May 2011, and 689 initial decisions from June 2013 to May 2014.

108. In the period covered by this report, the right to personal integrity was found in the Office's initial and final decisions to have been violated 620 times, the right to privacy 273 times, the right to security of person 242 times, and the right to personal freedom 239 times. Most of the instances were attributed to the National Civil Police, the institution found to have committed most violations, being identified as responsible in 164 decisions.

109. In 2015, the Inspectorate-General of Public Security received 1,402 complaints, representing a decrease compared to 2012 when the final total was 1,490 (see annex 26). The Complaints Department referred cases relating to alleged cruel, inhuman and degrading treatment to the Head of the Disciplinary Section responsible for preliminary or disciplinary

investigations and for monitoring and supervising investigations (see annex 27). In 2015, 1,297 disciplinary hearings were held in the various regional disciplinary tribunals (see annex 28). A total of 143 cases involving the investigation of cruel, inhuman and degrading treatment were registered in the period 2012–2015 (see annex 29).

110. The Police Disciplinary Act was also amended with regard to very serious offences, specifically application of the penalty of dismissal for offences such as that established in article 9, paragraph 8: “The following constitute very serious misconduct: acts involving cruel, inhuman, degrading, discriminatory or humiliating treatment to peers, subordinates or any other person, a harsher punishment being applicable where the victim is under detention or in custody”.

111. In the case of protection measures for alleged human rights violations by law enforcement officers, the Office granted interim measures in case No. SO-0024-2014 related to the disappearance of three young people in February 2014 in the Department of Sonsonate, an event attributed to elements of the military detachment based in Sonsonate. The measures were applied to ensure the personal integrity and security of the victims and their families and the launching of an investigation to determine responsibility for the events and impose punishments.

112. The Office also granted interim measures in case No. CU-0089-2015 relating to the alleged summary execution of the young man J. D. Ch. T., an event that had taken place in August 2015 in the Department of La Paz and had been attributed to members of the police force. The measures were intended to ensure protection of the right to life, security and personal liberty of the young man’s mother, who had been identified and detained for serious crimes allegedly committed against police officers, without there being any basis for such an allegation, and who had been tried for a minor offence of which she had been definitively acquitted. A request was made to launch an investigation to determine responsibilities in the matter and to impose the corresponding sanctions.

113. As regards compensation to victims, following disciplinary hearings in various cases penalties were imposed in accordance with the Constitution and the Police Disciplinary Act; the way was thus cleared for victims to claim civil liability before the domestic courts as compensation for the damage incurred.

Paragraph 13

114. Under the Constitution, domestic order and public security are the responsibility of the National Police Force, a civil institution currently attached to the Ministry of Justice and Public Security. In accordance with article 168, paragraph 17, of the Constitution, the President has the power and duty “to organize, lead, and maintain the National Civil Police in order to preserve peace, tranquility, order and public security”.

115. Paragraph 12 of article 168 also stipulates that the President has the power to deploy the Salvadoran Armed Forces (FAES) to maintain public order, subject to the criteria of exceptionality, subsidiarity, temporality and strict necessity, which is why provision has been made for the armed forces to be used for security duties to combat crime and public disorder within a legal framework established by executive order, such as Executive Decree No. 138 of 22 December 2008, which provides for the armed forces to be used in support of public security activities for a period of one year.

116. On expiry of the deadline set in this Decree, given the persistence of the activities of criminal groups in urban and rural areas, the armed forces continued to support the National Civil Police with additional personnel and resources for undertaking larger-scale operations, which is why Executive Decree No. 60 of 28 September 2009 renewed the provision for the armed forces to assist the police in domestic peacekeeping operations. Executive Decree No. 61 of 19 April further extended this decree until 31 December 2016.

117. To ensure respect for human rights by the armed forces, mechanisms have been put in place to provide ongoing human rights training for military personnel at all hierarchical levels, focused on the use of force and employment of firearms, by means of courses, seminars, conferences and skills training, aimed particularly at those elements directly involved in public security duties. The Ministry of National Defence also signed an agreement with the Office of the Human Rights Advocate to provide human rights training to members of the armed forces, who in this way become trained instructors and in turn serve as multiplier agents.

118. The Salvadoran Armed Forces have also institutionalized the armed forces education system, which includes education subsystems for all ranks and a training subsystem imparting all forms of human rights knowledge. Updating is also provided through courses, lectures and seminars, both inside and outside the country, in coordination with other institutions such as the Graduate School of Human Rights and International Humanitarian Law, the Office of the Human Rights Advocate, the Attorney General's Office and non-governmental organizations (NGOs).

119. In May 2016, the Salvadoran Government announced the creation of a coordination mechanism to strengthen the internal controls of public security institutions. The purpose of this inter-institutional mechanism, coordinated by Ministry of Foreign Affairs with the participation of the Minister of Governance, the Presidential Commissioner for Citizen Security and Coexistence, the Ministry of Justice and Public Security and the Office of the Human Rights Advocate, is to analyse and make proposals to ensure that police officers and military personnel assigned to security duties act in strict accordance with the law. Representatives of churches of various denominations, the United Nations Permanent Representative in El Salvador and the United States Ambassador to El Salvador participate in this mechanism as observers; others, including public officials and representatives of international organizations, civil society and the academic world take part on an occasional basis.

120. The mechanism's functions include: submitting proposals for law enforcement and amendments to existing legislation, in accordance with international human rights standards and instruments related to security topics; developing a permanent human rights training and evaluation programme for the National Civil Police; developing a proposal for the provision of psychosocial care in the public health network for members of the National Civil Police and their families; and developing a proposal for the strengthening and functioning of the victim support unit of the Ministry of Justice and Social Security.

Paragraph 14

121. Healthcare protocols at the Psychiatric Hospital are aimed at restoring mental health to enable patients to return home, which is why there are only 41 women and 53 men permanent patients, most of whom are interned as a result of being abandoned by their families. In the treatment of psychiatric patients, there are also official protocols relating to the use of mechanical constraints, measures in the case of patients leaving the hospital without medical authorization and the prevention of falls.

122. The sterilization of women with disabilities requires the prior consent of the Office of the Counsel General, which is based on the results of psychological tests and legal competence. The request for sterilization and the opinion issued by the Counsel General are submitted to the judicial authority in accordance with article 147, subparagraph 3, of the Criminal Code, since sterilization without authorization of the appropriate judicial authority constitutes the offence of "very grievous hurt", punishable under the Criminal Code with a sentence of four to eight years' imprisonment.

123. Sterilization requested of their own free will by patients of legal age who are psychiatrically stable and who do not wish to have any more children is treated as a regular procedure provided there is no evidence of mental disorder and the necessary medical checks have been carried out previously.

124. In accordance with the provisions of the Policy on Sexual and Reproductive Health, the Ministry of Health has made institutional efforts to meet the needs of traditionally excluded or poorly served groups, such as persons with disabilities. The specific objectives of the policy include the development of comprehensive and integrated measures to promote the sexual and reproductive health of historically excluded groups in order to move beyond the exclusive focus on reproduction in keeping with an ethical and human rights approach.

Paragraph 15

125. With the ratification of the Palermo Protocol in 2003, El Salvador took significant steps towards preventing, investigating and punishing the crime of trafficking in persons and restoring victims' rights.

126. In 2004 trafficking in persons was made a criminal offence under the Criminal Code, and in 2005 the National Committee on Trafficking in Persons was established. It operated until 2011, when the National Council on Trafficking in Persons (CNCTP) was created with responsibility for preventing trafficking and providing inclusive support for victims. In 2012, the Council adopted the National Policy on Trafficking in Persons (PNCTP), which guides the activities of the institutions responsible for implementing the policy and oversees the drafting and implementation of a national plan.

127. In 2014, the Special Act on Trafficking in Persons (LECTP) was adopted and came into force in January 2015, establishing a penalty for the crime of trafficking in persons aged 10 to 14 years. This Act provides for the existence of aggravating circumstances, which can increase the sentence to a term of imprisonment ranging from 16 to 20 years; and where the person concerned is an organizer, chief, director or financier of an illicit group or criminal structure, whether national or transnational, the sentence is further increased, to from 20 to 25 years' imprisonment.

128. The Ministry of Justice and Public Security, which is responsible for the Presidency and Executive Secretariat of the National Council on Trafficking in Persons, is engaged in developing the National Information System on Trafficking in Persons regulated by the Special Act. This seeks to prioritize and update indicators on trafficking in keeping with the National Policy on Trafficking in Persons, which will be the basis, once validated, for fixing the variables to be reported by the institutions. It also promotes the training of officials and relevant institutions, including: the Ministry of Justice and Public Security (see annex 30), the Attorney General's Office (see annex 32), the National Civil Police (see annex 32), the Executive Secretariat of the National Council on Trafficking in Persons, with inter-institutional cooperation (see annex 33), the Directorate-General for Migration and Alien Affairs (see annex 34), the Secretariat for Social Inclusion (see annex 35), the National Council for Children and Adolescents (see annex 36), the National Council of the Judiciary, Office of the Counsel General, and judges and labour inspectors.

129. The National Council on Trafficking in Persons has developed tools to strengthen inter-institutional coordination, such as the National Policy on Trafficking in Persons, the regulations of the Special Act on Trafficking in Persons (in preparation) and the inter-institutional protocol for the care of victims of trafficking in persons. In addition, the following specific instruments are in place:

- Guidelines for the Foreign Service of El Salvador on Trafficking in Persons;

- Inter-institutional coordination protocol for bringing trafficking cases before the courts;
- Handbook on psychosocial care of victims of trafficking and vulnerable persons; (produced by IOM);
- Immigration officer’s handbook on the detection and prompt treatment of victims of the crime of human trafficking;
- Procedural handbook for the repatriation of child and adolescent victims of trafficking in persons; (Document created by CRM).

130. The following campaigns have also been organized: “Life’s byways can be unexpected” and “Trafficking in women is a crime, let’s speak out”, the latter in coordination with the Regional Coalition Against Trafficking in Persons and Smuggling of Migrants.

131. The Office of the Attorney General includes a specialized prosecution unit for people smuggling and trafficking and has also set up the “Missing Angel” (*Ángel Desaparecido*) alert system, including a free complaints hotline for tracing children and adolescents who disappeared for various reasons, including some form of smuggling and trafficking.

132. According to official data of the National Council on Trafficking in Persons, a total of 241 complaints involving this offence were received in the period 2012–2015, and 241 investigations were carried out in the same period, resulting in 25 convictions.

133. With regard to victim protection measures, the Salvadoran Institute for Child and Adolescent Development has a specialized shelter for girl victims of trafficking. In addition, the Special Act on Trafficking in Persons has a section on migratory guarantees for foreign victims of trafficking, including their safe and assisted transit and coordination arrangements with their countries of origin guaranteeing freedom from punishment and access to justice.

Paragraph 16

134. Salvadoran legislation stipulates that provisional detention or deprivation of liberty, for adults and minors alike, should only be imposed exceptionally and with the sole purpose of ensuring enforcement of the corresponding judgment, which is why it should only last for so long as is absolutely necessary to ensure its application. When the deprivation of liberty is effected in flagrante, the person or authority carrying it out must refer the detainee immediately to the nearest competent judge or authority, as the case may be.

135. Criminal legislation currently provides that the judge or competent court, ex officio or at the request of the party, may at any stage of the proceedings, where appropriate, apply an alternative to provisional detention or may replace it by another less restrictive measure for the accused. The mechanism for judicial review of interim measures is the detention review hearing, which involves assessing the procedural risk presented and checking that the requirements have been met for modifying or replacing an existing interim measure — generally provisional detention — by a less restrictive one.

136. The jurisprudence of the Constitutional Chamber on the duration of police custody has repeatedly noted that provisional detention cannot exceed the time necessary to achieve its intended aims nor be maintained in cases where the criminal proceedings for which it was imposed have terminated, cannot be longer than the prison sentence applicable to the alleged offence and cannot be extended beyond the legal time limit. From 2012 to 2015, the Constitutional Chamber heard 315 *habeas corpus* applications alleging that pretrial detention had exceeded the legal limit: 34 (2015), 47 (2014), 163 (2013) and 71 (2012).

137. Since 2009, prison policy has sought to reduce the number of persons subject to provisional detention or preventive imprisonment (see annexes 37 and 38). In this respect, article 138 of the Code of Criminal Procedure was amended in October 2015 to enable courts and tribunals at the national level to authorize virtual hearings, by means of videoconferences, to address the problem of hearings being suspended because of a lack of resources for transferring detainees.

Paragraph 17

138. Every prison has its rules of procedure and protocols for registering visitors, based on respect for the law and for the dignity of the person. In addition, amendments to the Prisons Act have sought to exercise general supervision of prison facilities, regulating the number of visits, entrance requirements and the obligations and restrictions placed on visitors.

139. In order to correct any conduct that may involve a violation of human rights, the Directorate-General for Prisons has focused on training prison staff — including trainee personnel — through the Prison Training Academy. The course includes training in human rights and the application of the Prisons Act in order to ensure respect for the rights of detainees and their visitors, which also involves carrying out searches in such a way as to respect the integrity of each visitor and ensuring that facilities are available for interviews between detainees and their lawyers, without any interference and allowing for confidentiality, while not overlooking the rules and regulations of each prison establishment.

Paragraph 18

140. Since 2009, El Salvador has pursued a prison policy that includes among its main elements the reduction of prison overcrowding through improved information systems for detainees, the construction of new prisons and the adaptation of existing ones in order to increase installed capacity and create new spaces that help to reduce the level of prison overcrowding and improve security, habitability and rehabilitation, having regard to the fact that current prison infrastructures were for the most part not built with that purpose in mind.

141. This is the function of the Programme for Strengthening the Prison System in El Salvador, currently being implemented, which incorporates the following prison infrastructure projects:

- Construction of new sectors in the Ilopango and Quezaltepeque prisons;
- Construction of the Izalco prison complex, phases II and III;
- Improvements in the Santa Ana prison farm;
- Construction of a temporary detention centre in San Luis Mariona;
- Projected construction of a third prison farm in Zacatecoluca.

142. Improvements have also been made to the infrastructure of prison clinics and the quality of care through an increase in medical personnel in various specialities (general medicine, geriatrics, gynaecology, paediatrics, internal medicine, psychiatry and dental care) as well as in nursing, physiatry and support staff. Where additional specialties are required, arrangements are made for coordination with the public health network to be established.

143. Medicines, equipment and other inputs have also been acquired with the help of national organizations, international bodies and the international community, which lend support in keeping with the State's objectives. In this way, with the assistance of the European Union and UNICEF and in coordination with child protection agencies in

El Salvador, the Child Development Centre was established within the precincts of the women's prison farm in Izalco, providing health, education and psychological support programmes.

144. Regarding hygiene conditions, improvements have been made to the supply of drinking water in prison facilities with the assistance of the International Committee of the Red Cross (ICRC); and prevention campaigns, including general cleaning, fumigation, screening and talks on hygiene and health, are being operated through prison clinics.

145. El Salvador is also pursuing the strategy of increasing the number of inmates with criminal convictions released on probation or placed in semi-open regimes. In this way, it has furthered the opportunities for rehabilitation through initiatives such as the launching of the "I am changing" Programme throughout the country's prison network, which is aimed at persons about to complete their sentences and which, besides creating work in support of the community, helps to alleviate prison boredom and develop the skills of detainees.

146. This programme has also involved the introduction of the "prison farm" model, the first inaugurated in February 2012, to familiarize detainees with agricultural work, beekeeping, etc. The prison population also participates in various educational programmes, in areas such as human rights, work, sports, artistic activities, culture and environmental sanitation.

147. The rights-based approach operating in the national prison system means that incommunicado detention does not exist in the country's penitentiaries, and conditions of detention are supervised by the judges responsible for prison inspection and sentence enforcement.

148. As stipulated in the Juvenile Offenders Act, the administration of child protection centres is the responsibility of the Institute for Child and Adolescent Development, which has a programme for monitoring protection facilities to ensure that the rights and duties of adolescents are met in the areas of health, food, nutrition and legal assistance before their transfer to the juvenile justice system (see annex 39).

149. Having regard to this obligation, the Institute is implementing a project to construct a protection centre that will serve the central and sub-central regions of the country, which is due for completion in early 2017; it is also taking steps to develop a second project in the eastern region of the country.

150. With regard to convicted persons currently serving sentences in police stations, official figures showed 337 detainees to be serving sentences of four years or more in police cells nationally at 6 June 2016, which led to steps being taken, in conjunction with the Directorate-General for Prisons, to transfer them to prison facilities. However, given the number of convictions handed down on a daily basis by the judicial system, there will always be a significant number of convicted persons serving sentences in police cells nationwide (see annex 40).

Paragraph 19

151. The Centre for the Comprehensive Care of Migrants (CAIM), set up in 2008 to hold foreigners with an irregular migration status in administrative custody, can accommodate an average of 80 persons. The Centre provides assistance and support to cover basic personal needs, health care and legal and psychological support and facilitates contact with embassies and consulates for the purpose of identifying and documenting migrants before they are returned to their countries of origin.

152. Migrants subject to migration controls have a right for a decision on their status to be taken and implemented in such a way as to uphold and safeguard their right to due process, which is why cases are settled within 10 to 20 days despite the fact that the law

does not establish a time limit for this purpose. This issue has been addressed in a new draft Migration and Aliens Act, currently being debated in the Legislative Assembly, which fixes the maximum period that migrants can remain in the holding centre at 30 days, extendable to 45 days.

153. There is also a migration policy setting out the general guidelines that serve as a framework for the work of migration officials.

Paragraph 20

154. The process of appointing judges to the Supreme Court of Justice involves two stages: one is the election of 15 candidates by the Salvadoran Federation of Bar Associations (FEDAES); and the other is the selection by the National Council of the Judiciary (CNJ), through a procedure laid down in its Act and implementing regulations, of the remaining 15 candidates to complete the list of 30 candidates. The list is submitted for consideration by the Legislative Assembly, which completes the election process.

155. On the basis of Judgment No. 94-2014 by the Constitutional Chamber of the Supreme Court, which declared article 74, subparagraph 1, of the Regulations of the National Council of the Judiciary to be partially unconstitutional, the foundation was laid for discussion and voting by the Council in plenary on the selection of candidates for the office of Judge of the Supreme Court of Justice to take place in a public, documented and reasoned manner.

156. For the selection of appeal court judges, judges of first instance and justices of the peace, when there is a judicial vacancy the Supreme Court requests the National Council of the Judiciary to draw up a short list of candidates, which is transmitted to the plenary, having regard to the criteria established in the implementing regulations of the Act, the Judicial Service Act and the Council's manual on the selection of judges and magistrates.

157. The Judicial Investigation Department of the Supreme Court, a body with special responsibility for disciplinary proceedings against judicial officials, received a total of 810 complaints between 2012 and 2015: 209 (2012), 220 (2013), 193 (2014) and 188 (2015).

158. With regard to the system of disciplinary offences and penalties, article 49 of the Judicial Service Act classifies offences as less serious (art. 50), serious (art. 51) and very serious (art. 55) and establishes the grounds for removal from office (art. 55). The disciplinary penalties prescribed are verbal or written warning, suspension from duty and removal from office (arts. 53 and 55).

159. With regard to the application of sanctions, a warning can be applied in the case of less serious offences; suspension from duty, from 3 to 15 days, in the case of serious offences; suspension from 15 to 60 days, in the case of very serious offences; and removal from office where there are grounds for doing so.

160. Interim suspension measures can be imposed: (a) where a temporary detention order has been issued against a judicial official; and (b) through a declaration of grounds for legal action against the judicial official concerned (art. 54 of the Judicial Service Act).

161. Furthermore, when the conduct of a judicial official constitutes a threat or harm to the proper administration of justice or has caused a public scandal because of the circumstances involved or the status of the person, or when the continued presence of the official in his or her post could prevent or hinder investigation of the matter, the Supreme Court can agree to the suspension of the official prior to or at any stage of the procedure that the Judicial Service Act indicates for the imposition of sanctions.

162. With regard to disciplinary reports, the Professional Investigation Section registered 212 such reports in 2012; 351 in 2013; 339 in 2014; and 384 in 2015, making a total of 1,286 reports in the period 2012–2015.

Paragraph 21

163. The situation of violence faced by El Salvador has many causes going back over decades. However, in the face of the current violence resulting from the criminal activities of organized criminal groups or gangs, the Government has focused its efforts on the fight against crime, while remaining committed to the observance and protection of human rights. This is reflected in the implementation of a comprehensive security strategy not confined to crime prevention and in the creation of the National Council for Citizen Security and Coexistence, composed of institutions of the executive branch, the judiciary and the public prosecution service as well as national bodies responsible for monitoring policies on women, children, adolescents and young people, local government, the private sector, churches, the media, political parties, representatives of civil society and even the international community.

164. The National Council has been responsible, following extensive consultations, for drawing up the Safe El Salvador Plan, based on a comprehensive approach and including 124 measures for reducing violence. These measures constitute one of the Plan's five key components: prevention of violence; enforcement and criminal prosecution; rehabilitation and reintegration; support and protection of victims; and institutional strengthening. This justifies the claim that the Government's efforts to combat criminality are based on respect for and protection of the human rights of the population.

165. The Safe El Salvador Plan is the road map for addressing the problem of violence through a holistic approach that is not restricted to combating and prosecuting crime since it includes measures to promote work opportunities, education, social reintegration, protection of victims and institutional strengthening. The fifty municipalities with the highest rates of violence have been prioritized, and the activities have been organized in coordination with 26 government institutions, local government and civil society. The approach has been guided in every case by respect for the human rights of citizens.

166. Priority has also been given to developing activities for rehabilitating and reintegrating members of gangs that have broken with these structures and to defining programmes for preventing young people at risk from joining gangs. To this end, a bill has been submitted to the legislature proposing a prevention, rehabilitation and reintegration programme for members of *maras* and *pandillas*.

167. The support of friendly countries and international organizations in the form of financial and technical contributions has been fundamental to the Government's efforts, together with cooperation in the framework of the Central American Security Strategy (ESCA), since tackling the crime phenomenon calls for regional and global perspectives.

168. With regard to weapons control, the National Policy on Justice, Public Security and Civic Harmony 2014–2019 establishes as its strategy the reduction of "risk factors that promote violent behaviour prejudicial to civic harmony", which is why, in order to achieve a reduction in violence and combat the circulation of illegal arms, legislative reforms have been promoted to combat the illicit arms trade and strengthen firearms control. El Salvador has also established the National Inter-Institutional Commission on the Control and Monitoring of Firearms, which brings together relevant institutions and coordinates and supervises initiatives on arms control and the prevention of violence deriving from their use. Public campaigns on the impact of firearms on violence and delinquency have likewise been promoted, aimed mainly at young people and focused on family violence in particular.

169. El Salvador is also making efforts to comply with international commitments on the control and marketing of firearms and in April 2014 became a State party to the United Nations Arms Trade Treaty. It has also participated actively in defining an institutional structure to monitor and support the effective implementation of agreements under the Treaty.

170. In the framework of judicial proceedings involving the illegal possession of firearms, the judicial authorities will order the weapons to be destroyed where ownership has not been established.

171. The Directorate General for Social Prevention of Violence and for a Culture of Peace (PREPAZ) has contributed to advice and coordination processes for the implementation of an arms ban in conjunction with the direct participants and all the inhabitants of the municipalities in which the ban is being implemented — San Salvador, Ahuachapán and Ciudad Delgado.

172. With regard to the law banning *maras* and *pandillas*, some courts report that this provision is rarely applied; for example, San Salvador's Specialized Magistrates Court A registered only 76 prosecutions based on this law. However, it is important to note that the court in some instances took the view that none of the Covenant's articles had been violated, case law having determined that the fact that certain specifically designated groups were considered illegal and their members terrorists did not restrict observance of their fundamental rights and due process.

173. For its part, the Attorney General's Office initiates prosecutions on the basis of ordinary criminal proceedings; however, exceptionally the Act in question is used to classify so-called *maras* or *pandillas* as illegal groups.

174. As regards respect for the rights recognized in article 2 of the Covenant, the same rights are recognized in the dogmatic part of the Constitution as well as in secondary legislation, such as the Criminal Code, the Code of Criminal Procedure, the Family Code, the Family Court Procedure Act, the Child and Adolescent Protection Act, the Special Act on a Violence-Free Life for Women and the Domestic Violence Act.

175. Concerning article 7 of the Covenant, the prohibition of torture can be seen as a crime under article 297 of the Criminal Code, protection being guaranteed under article 82, subparagraphs 6 and 7, of the Code of Criminal Procedure.

176. With regard to article 9, protection is provided under articles 2, 11, 12, 13, 14 and 15 of the Constitution; and articles 1, 2, 3, 4, 6, 8, 9, 10, 12, 81 and 82 of the Code of Criminal Procedure. As to the right to redress in the case of illegal detention or sentence, there are mechanisms such as *habeas corpus* guaranteed by the Constitution.

177. With regard to article 10, as with the previous provision, the right of persons deprived of their liberty to be treated humanely and with respect for human dignity is guaranteed in articles 2, 11, 12, 13, 14, and 15 of the Constitution and articles 1, 2, 3, 4, 6, 8, 9, 10, 12, 81 and 82 of the Code of Criminal Procedure, as well as under the *habeas corpus* procedure.

Paragraph 22

178. The State of El Salvador recognizes the importance of the work of human rights defenders, which is why it does not act to limit the work of organizations operating in the human rights field.

179. In recognition of the importance of the work of human rights defenders and the risks to which they may be exposed, an amendment has been introduced to article 30 of the Criminal Code, making it an aggravating circumstance in criminal law: "When the crime is

motivated by the victim's work in the promotion and protection of human rights and fundamental freedoms".

180. In the exercise of its mandate, the Office of the Human Rights Advocate has received complaints of violations of the human rights of journalists, environmentalists and members and leaders of civil society organizations. In these cases, the Attorney General's Office has conducted enquiries and, where there is sufficient evidence, has initiated criminal proceedings that have resulted in convictions. Depending on the nature of the alleged facts, protection measures have also been taken in accordance with a specific law on the subject.

181. The Special Act on the Protection of Victims and Witnesses (LEPVT) and its implementing regulations constitute the legal framework of the Victim and Witness Protection Programme (PPVT), which arises from the need to protect victims and witnesses involved in criminal investigations or criminal proceedings. This mechanism is used when the protection of human rights defenders is necessary in situations that involve a risk to their safety and that have led to investigations of a criminal nature.

182. Measures granted under this protection programme are based on a request by one of the bodies empowered under the Special Act, namely the Attorney General's Office, the judiciary, the Office of Counsel General, the National Civil Police or the individual concerned. These institutions are moreover authorized to take urgent protection measures before formally submitting the request to the Protection of Victims and Witnesses Programme.

183. The request for protection should include a statement of the facts leading the applicant to consider the safety of the beneficiary to be at risk. The request is examined by a technical evaluation team, consisting of a member of the national civil police, a lawyer, a psychologist and a social worker, which issues an opinion based on the relevant reports. The opinion is submitted for consideration by the protection authority, which decides on the granting of protection measures by means of a decision that indicates the form and duration of the measure. This procedure must be completed within a period of no more than ten days.

184. Protection schemes implemented under this Programme vary, depending on the risk or danger to which the victim is exposed, and require the beneficiary's consent. These schemes can include personal and/or residential police security and temporary residence in shelters or protection centres administered by the Victim and Witness Protection Programme.

185. With regard to the defamation of defenders in the media, it should be pointed out that the Special Act on the Exercise of the Right of Correction or Reply regulates exercise of the right of correction or reply as an aspect of the protection of honour, personal and family privacy and self-image, in conjunction with the unrestricted exercise of freedom of expression and information. Article 2 of the Act provides that:

"The right of correction or reply is that granted to a natural or legal person who considers him or herself harmed by a news or information item not consistent with the established facts, containing insulting or offensive terms or expressions, published and disseminated by the media, and deriving from third parties or paid advertisements. This right entitles the person to demand that the corresponding correction or reply be inserted free of charge in the same media outlet and in a form similar to that in which it was communicated or published, in accordance with the present law."

186. When defamation of human rights defenders in the media and by non-State actors is found to have taken place, the foregoing provision may be seen as an appropriate mechanism of redress, where deemed appropriate by those concerned.

Paragraph 23

187. Articles 19, 20 and 21 of the Covenant recognize the rights to freedom of expression and peaceful assembly. In El Salvador, freedom of assembly and demonstration are recognized as fundamental rights, integral to freedom of association and freedom of expression, in accordance with the relevant constitutional provisions.

188. Article 6 of the Constitution provides as follows:

“All persons may freely express and impart their thoughts, provided that they do not disturb public order or harm the morals, honour or privacy of others. The exercise of this right shall not be subject to prior examination, censorship or security; but the person who in exercising it breaks the law shall be held liable for the offence committed [...]”; while article 7 states that: “The inhabitants of El Salvador have the right to associate freely and to assemble peacefully and without weapons for any lawful purpose [...]”.

189. While the right to freedom of assembly and association are guaranteed under the Constitution, this right is not absolute, since it must be exercised peacefully and its purpose must be lawful. In keeping with these constitutional provisions and those under article 21 of the Covenant, articles 345 and 348 of the Criminal Code consider groups, associations and organizations that seek to commit crime or are criminal in nature to be illegal and punish disturbances of public order such as the obstruction of public highways, restriction of free circulation or transit or the invasion of premises. The implementation of these provisions is subject to a restrictive interpretation, as is appropriate to provisions that limit or suspend rights and freedoms.

190. Furthermore, the Special Anti-Terrorism Act was subjected to constitutional review, since the Constitutional Chamber in its judgment of 24 August 2015 declared unlawful those articles that violated the requirement of certainty or specificity with regard to prohibition under criminal law, as well as the principle of social reintegration. The application of the Act in a specific case is decided by the prosecuting authority, whose decision is subject to subsequent review by the judicial authority.

191. With regard to access to public information, the Public Information Institute (IAIP) created by the Access to Public Information Act (LAIP), issued by Legislative Decree No. 534 of 2 December 2010, began its work in February 2013 with the induction of the five Commissioners exercising the highest authority. According to the Public Information Act, the Institute has the task of monitoring the correct interpretation and application of the Act and of ensuring the effective exercise of the right of access to public information and the protection of personal data in the possession of public bodies.

192. The Public Information Unit’s training unit is responsible for coordinating and implementing training activities for the Salvadoran population and for carrying out educational activities aimed at the professionalization of public servants. In 2015, a total of 85 on-site training sessions were organized, consisting of 112 meetings attended by a total of 2,124 participants (see annex 41).

Paragraph 24

193. El Salvador has special legislation on children and a policy aimed at effectively guaranteeing the rights of children and adolescents. Articles 38 and 39 of the Child and Adolescent Protection Act provide for the protection of children from abuse, torture and

cruel, inhuman and degrading treatment. In order to prevent violations and threats to the right of children and adolescents to physical, sexual and psychological integrity, the National Council for Children and Adolescents has designed a communication strategy to promote awareness by the adult population of the need to respect children's rights.

194. As part of this strategy, two campaigns were launched with the aim of changing negative rearing practices and promoting positive discipline by fathers, mothers, relatives, educators and persons responsible for the care of children and adolescents. The first campaign, conducted on radio and television and through the press, was called "Mark my life" and included the creation of a "Mark my life" network, consisting initially of 18 government bodies, 120 municipalities, 15 child and adolescent rights organizations and 12 media outlets, which supported the dissemination of the campaign to different sectors of the population.

195. The second campaign, launched in 2015, was called "Protection begins in the home" It included the national transmission of the radio programme "Speak to me", in which specialists in health, education, social work, psychology, pedagogy, psychiatry and human rights contribute to a global approach to the topics. This programme was subsequently retransmitted on 22 community radio stations.

196. Training in children's rights has also been considered essential, which is why since 2010 the Salvadoran Institute for Child and Adolescent Development (ISNA), in coordination with the Inter-American Children's Institute (IIN), an OAS advisory body, has been developing an in part on-site course on the commercial sexual exploitation of children and adolescents. As of 2015, a total of 104 professionals in fields including education, psychology, sociology, law, medicine, social work, economics, engineering, business administration and public security had graduated from this course, as well as teachers of child and adolescent support programmes at the national level, many in the area of support for the victims of sexual exploitation.

197. The Salvadoran Institute also has a school for training in child and adolescent rights, which offers a course on positive discipline for officials of the National System of Comprehensive Protection for Children and Adolescents, the intention being that they should in turn promote awareness among mothers, fathers or those in charge of families. The course is aimed at increasing knowledge about the rights of the child among parents and/or those responsible for the care of children and adolescents and at providing a valid and effective alternative to verbal, physical and emotional punishment, as well as specific and constructive tools for resolving disputes between parents (or caregivers) and children and adolescents.

198. Since 2015, sixty national system officials have been trained in this area, including managers, technical and operational staff from Salvadoran Institute and NGO support centres, pedagogical assistants, infant school teachers and coordinators of relevant university courses.

199. Another Salvadoran Institute initiative for the prevention of violence against children, including corporal punishment, has been the implementation of three programmes for the promotion of human rights and the prevention of violence. These programmes, implemented through Salvadoran Institute delegations nationwide, focus on a topic developed with families participating in the training process relating to the promotion of alternative forms of discipline and the prevention of all forms of violence against children and adolescents. These programmes include the:

- “Volunteer Outreach Workers” programme. Its aim is to foster participatory leadership qualities among adolescents so as to develop personal and collective skills in the context of full exercise of their rights in the family and society. A total of 737 adolescents were trained in 2015 and the number of children and adolescents reached through peer-group networking came to 1,558.
- “Adolescent Participation Groups” programme. Its objective is to enable adolescents to exercise their citizenship by developing their life skills and awareness of their rights and duties, with the emphasis on participation to bring about a change in their personal, family and community environment. A total of 436 adolescents were trained in 2015 and an equal number of families.
- “I am also a person” programme. Its aim is to strengthen the capacities of technical staff, mothers, fathers or others directly responsible for the care of children and adolescents in the area good child-rearing practices, with a focus on rights and gender. The programme was developed in four Salvadoran municipalities, and 120 facilitators and 138 enablers have been trained, benefiting 1,007 families and 1,302 children. A total of 417 technicians from the Salvadoran Institute’s Family Relations Improvement Programme, the Women’s City Programme and 10 national child-care networks have received training.

200. The outreach strategies of the Salvadoran Institute for Child and Adolescent Development include the organization, through family schools, of puppet shows, painting and picture exhibitions, fairs and talks in educational centres for students, teachers and families.

201. The National Policy on Comprehensive Protection of Children and Adolescents and the Policy on Sexual and Reproductive Health define guidelines and procedures for safeguarding sexual and reproductive rights on the basis of human rights and the comprehensive protection of children and adolescents, which accordingly include ethical, biological, emotional, social, cultural and gender-related elements.

202. The action plans for implementing both policies are not limited to fixing an age of consent for sexual relations but include measures to broaden the coverage of education services and comprehensive care in the area of sexual and reproductive health. At the same time, they establish measures for facilitating access to timely scientific information so as to encourage responsible and informed decision-making; this implies fostering self-esteem, autonomy and the definition of a life project among young and adolescent girls, and fostering responsible sexual behaviour among young and adolescent males.

Paragraph 25

203. In coordination with public and private organizations, the Salvadoran Institute for Child and Adolescent Development is offering a framework support programme in four Social Inclusion Centres (CIS) for adolescents serving internment sentences, with the aim of ensuring that adolescent detainees enjoy the right to education in keeping with the socio-educational purpose of the measures. The support components in the Centres have therefore been strengthened and the quality of support has been enhanced through improvements in skills training offered, infrastructures and the technical training of operators.

204. At the close of 2015, a total of 629 men and 75 women were interned at the centres, of whom 432 were serving definitive sentences and 197 were under provisional detention (see annex 42).

205. Since 2009, the framework programme of the Salvadoran Institute for Child and Adolescent Development has included monitoring of open-system measures, aimed at developing the components of formal and non-formal education, psychosocial care, legal assistance and life skills for adolescents and young people referred by sentence enforcement courts responsible for juvenile offenders and by juvenile courts. Assistance under this programme was provided to 1,416 adolescents in 2015 (see annex 43). In the same year, a total of 1,465 adolescents, 90 per cent men and 10 per cent women (see annex 44), were catered for in Social Inclusion Centres.

206. In 2015, the official educational enrolment figure was 532 adolescents, of whom 223 were promoted at the end of the year; while, with the support of the Lutheran University of El Salvador, four adolescents from the Ilobasco Freedom Trail Centre for Social Inclusion attained the fifth grade in the professional social work course (see annex 45).

207. Access to non-formal education is provided through vocational workshops, where 359 adolescents and young people, male and female, have received training (see annex 46).

208. The preventive and curative health-care component is linked to hospitals, health units and mobile Ministry of Health network units, providing timely access to primary medical services and specialized and emergency care, for which inter-institutional agreements exist. In addition, medical campaigns are planned and implemented periodically, a total of 11,413 health-care actions having been performed in 2015.

209. With regard to legal aid, adolescents subject to provisional or definitive detention measures were given help, in accordance with legally prescribed institutional roles, in obtaining access to justice through individual and group assistance, as were their families, depending on their legal situation, rights, duties, guarantees and the purpose of the measures ordered by the juvenile criminal justice system; in 2015, legal assistance was made available in 4,368 cases. In addition, legal assistance was provided to 4,257 adolescent detainees, with a view to safeguarding their rights prior to their transfer to the juvenile justice system.

210. Once the objectives of internment have been met, the adolescents face two possibilities: the end of the detention measure on fulfilment of its objectives; or its replacement by a probation order.

Paragraph 26

211. With regard to the eradication of child labour, Section I, Title II, chapter 2 of the Child and Adolescent Protection Act makes full provision for the special protection of adolescent workers; it contains 15 articles, ranging from “Protection in the workplace” (art. 57) to “Legal protection” (art. 71). It also includes provisions and mandates for the protection of girls and boys, in particular the eradication of child labour.

212. Apart from these legal provisions, specific institutional measures have included the formulation in 2010 of a “Road map to make El Salvador a country free of child labour, including its worst forms”.

213. In 2011, Ministerial Agreement No. 241: “List of Dangerous Activities and Work in which young persons may not engage” was approved by the Ministry of Labour and Social Security. This list was drawn up with the active participation of representatives of employers and workers and the Government.

214. In the same year, the Ministry signed a cooperation agreement with Plan International El Salvador to promote youth employment and prevent child labour, with the aim of improving the living conditions and quality of life of children and adolescents. Its components include the development of affirmative action measures aimed at preventing and eradicating child labour, including its worst forms.

215. In addition, a project on the elimination of child labour in El Salvador through economic empowerment and social inclusion yielded the following results in the period 2010–2014:

- Preparation of an inter-agency protocol on the prevention of child labour and the withdrawal of children and adolescents from child labour;
- Implementation of the Information System for Monitoring and Evaluating Child Labour (SIMETI);
- Development of a strategy for the municipal child labour monitoring system;
- Development of plans for the prevention and elimination of child labour, which were implemented in 74 educational institutions;
- Inclusion of provisions for the prevention and eradication of child labour in the codes of ethics of the Salvadoran Agro-industrial Chamber (CAMAGRO), the Salvadoran Construction Chamber (CASALCO) and the Agricultural Suppliers Association (APA), as well as in 18 collective agreements in the public, autonomous and private sectors;
- Inclusion of the topic of child labour in the single inspection record, a tool for verifying employer compliance with labour liabilities.

216. El Salvador also has a National Committee on the Elimination of the Worst Forms of Child Labour which, through the coordinated efforts of its constituent institutions, achieved a reduction of 19,409 children and adolescents subject to the worst forms of child labour, out of a total of 1,688,024 according to the records of the Directorate-General of Statistics and Censuses (DIGESTYC) for 2013.

217. The inter-agency protocol on the prevention of child labour, and on the withdrawal of children and adolescents from child labour, including mechanisms for referral and coordination between the Ministry of Labour and Social Security and other key players, will help to strengthen the Labour Inspectorate's ability to identify children and adolescents subject to child labour and the efforts of the System for the Comprehensive Protection of Children and Adolescents to develop mechanisms for the provision of protection measures, including the rehabilitation and reintegration of victims of the worst forms of child labour. Three workshops have been held at the national level with the aim of publicizing the Protocol and establishing procedures and activities conducive to positive results.

218. On the eradication of domestic child labour, the Legislative Assembly is discussing the possible ratification of ILO Convention No. 189 concerning Decent Work for Domestic Workers, which governs this topic under articles 3 and 4.

219. In 2015, on the occasion of the International Day Against Child Labour, the Ministry of Labour signed a cooperation agreement with the Salvadoran Sugar Association and the Salvadoran Sugar Foundation (FUNDAZUCAR) for the elimination of child labour in the sugar cane sector.

220. As regards the proportion of children working in the informal economy, it is thought that 50.8 per cent work in the agriculture, livestock, hunting and forestry sectors; 28.1 per cent in trade, hotels and restaurants; 7.6 per cent in manufacturing; 4.3 per cent in construction and 5.1 per cent in other sectors (see annex 47). The number of children aged between 5 and 17 subject to child labour fell from 9.4 per cent in 2012 to 7.8 per cent in 2014.

221. With regard to the registration of births, a civil registry facility has been operating in 13 national hospitals since December 2008, a total of 70,000 births having been recorded in this way since that date.

Paragraph 27

222. In 2013, the Ministry of Foreign Affairs launched the campaign “Risks of undocumented migration for adolescents and young people”, aimed at breaking with the tendency of young migrants to think of themselves as illegals from the start of the migration process by informing them about their rights and how to exercise them before, during and after irregular migration to the United States.

223. In 2014, El Salvador was confronted by an increase in the number of unaccompanied child and adolescent migrants, which led to the adoption of more intensive measures to assist and protect returning migrant children. A Bureau for the Protection and Care of Child and Adolescent Migrants, coordinated by the National Children and Adolescent Council, was established as an operational platform, and a route map and protocol were produced for supporting and protecting Salvadoran child and adolescent migrants travelling by road and air, with the aim of ensuring their safe return.

224. In addition, arrangements for the reception and care of migrant children have been strengthened through improved coordination between public institutions such as the Office of the Counsel General, responsible for representing unaccompanied or separated children, the National Council for Children and Adolescents, the Directorate General for Migration and Alien Affairs, the Ministry of Foreign Affairs, the Ministry of Education and the Salvadoran Institute for Child and Adolescent Development, with the aim of guaranteeing protection and differentiated support for child and adolescent migrants and their families.

225. Based on a comprehensive approach, a prevention and warning campaign has been launched to highlight the risks of illegal migration, with the focus on children and adolescents.

226. Furthermore, in order to provide support to families that have benefited from family reunification following the migration process, a support network has been established in the United States, including specialists in the fields of medicine and psychology.

227. With regard to protection, between 2012 and 2014 the National Council for Children and Adolescents created 15 Child and Adolescent Protection Boards, whose chief function is to protect the individual rights of children and adolescents at the local level. In 2013, these authorities dealt with 311 cases of unaccompanied child and adolescent migrants; from January to April 2014, a total of 538 cases were handled. In these cases, hearings were held and protective measures ordered, including emergency placements as an extreme measure.

228. In July 2014, a multidisciplinary team was established to support the Protection Boards at the migrant reception centres. From July to December 2014, assistance was provided to 1,956 children and adolescents who had returned to the country because their irregular migration status, and from January to December 2015 support was given to 4,914 children and adolescents returning to the country for the same reason.

229. In 2015, the Salvadoran Institute for Child and Adolescent Development, with the support of private bodies, launched the pilot project “Care Centre for Returnee Children, Adolescents and Families” (CANAF); in the same year, a second care centre was established in the Department of San Miguel, catering for 170 children and adolescents in 2015.

230. In addition, the National Council for Children and Adolescents, the Ministry of Foreign Affairs and the National Council for the Protection and Advancement of Migrants and their Families have worked on a programme for checking the identity of child and adolescent migrants or transmigrants by verifying the information on their birth certificates in the database of the National Registry of Natural Persons or in the Family Status Register located in any of the country’s 262 municipalities.

231. Since 2013, the Directorate for Assistance and Protection of Salvadorans Abroad under the Ministry of Foreign Affairs includes specialized technical staff specifically assigned to supporting returnee migrant children, and training has been provided to technical staff in the decentralized offices and in the consular representation of El Salvador in Guatemala. The year 2013 also saw the adoption of the Internal Procedure for the Care of Returning or Deported Children and Adolescents, which was distributed in 2014 to the entire Salvadoran consular network in Mexico and the United States.

232. In order to strengthen the technical capabilities of consular officials in Mexico and the United States and to assist and protect the rights of migrant children, the Ministry of Foreign Affairs has organized training sessions and workshops, with special emphasis on ensuring due process, in accordance with migration legislation in those countries. It has also worked on the implementation of strategies for cooperation between recipient or transit countries in order to protect the rights of children and adolescents.

233. Training sessions for border personnel have also been held to improve the checks on child and adolescent migrants, applying systems for the comprehensive protection of the rights of children and adolescents.

234. El Salvador also emphasizes the importance of awareness by the international community of the need to define instruments for the protection of unaccompanied migrant children. This is why, in the framework of the Central American Integration System, it signed the Special Declaration on the Situation of Central American Unaccompanied Child and Adolescent Migrants Towards the United States.

235. In the framework of the Organization of American States, as part of a tripartite agreement with Guatemala and Honduras, El Salvador sponsored the adoption of the Declaration on “Central American Unaccompanied Child Migrants”, which was approved unanimously and which stresses the need to approach the subject of irregular child migration from a humanitarian perspective and to work on the structural causes of this phenomenon in the countries of origin.

236. In 2014, el Salvador submitted to the United Nations General Assembly a draft resolution on “Migrant children and adolescents”, which was adopted by consensus. In 2015, as a member of the Human Rights Council, it similarly tabled a draft resolution on “Unaccompanied children and adolescents and human rights”, which was likewise adopted by consensus.

Paragraph 28

237. The Child and Adolescent Protection Act provides that the lead body for children and adolescents is the National Council for Children and Adolescents, which was established on 26 May 2011 and whose main functions include the design, approval and monitoring of the National Policy for the Comprehensive Protection of Children and Adolescents of El Salvador, the coordination of the comprehensive protection system, and the effective defence of child and adolescent rights.

238. The National Council for Children and Adolescents has developed and adopted policy guidelines for the functioning of the comprehensive protection system, including its rules of procedure and operating regulations and those of the Protection Boards; regulations on the organization and functioning of the Shared Care Network; regulations on the organization and functioning of the public register of child and adolescent care institutions; regulations on the organization and functioning of the local committees on the rights of children and adolescents; and the National Council’s internal work procedure.

239. With regard to the effective defence of the rights of children and adolescents, the Child and Adolescent Protection Act provides that the National Council should create, organize, maintain and finance at least one protection board per department, with the primary function of protecting the rights of children and adolescents at local level. To date, there are 15 Protection Boards at the national level, 1 per department and 2 in San Salvador.

240. In 2013, the National Council's Board of Directors adopted the National Policy for the Comprehensive Protection of Children and Adolescents 2013–2023, which includes guidelines on the activities and coordination of the components of the Comprehensive Protection System. In 2015, the Board of Directors adopted the National Council's National Plan of Action for the period 2014–2017. This Plan is the result of a process of consultation and planning involving public representatives and social organizations.

241. In 2013, the National Council established a public register of shared care agencies to ensure that programmes for children and adolescents are consistent with the philosophy of comprehensive protection. To date, it has authorized 80 agencies that meet the legal requirements; together with the Salvadoran Institute for Child and Adolescent Development they constitute the Shared Care Network. These entities care for over 195,000 children and adolescents, who participate in some 54 human rights promotion, dissemination, protection and restoration programmes; they include programmes on prevention, care, rehabilitation, participation, family strengthening, study and research, assistance, early childhood development, and cultural and artistic development.

242. In December 2014, in its role as coordinator of the comprehensive protection system, the National Council for Children and Adolescents established the Technical Committee for System Coordination, an executive-level mechanism overseen by the National Council's Board of Directors, which is responsible for ensuring effective and efficient communication and coordination between the institutions making up the comprehensive protection system.

243. Other coordination and cooperation mechanisms linked to the comprehensive protection system are: the National Bureau responsible for technical support to local human rights committees (established in 2012), the Coordination Bureau responsible for the protection and care of migrant children and adolescents (established in 2013), and the Technical Commission responsible for implementing the National Policy for the Comprehensive Protection of Children and Adolescents (established in 2014).

244. As of March 2016, forty-five local human rights committees had been created and are currently functioning in 13 of the country's 14 departments. Their role, as operational and coordination bodies, is to promote and protect child and adolescent rights at the community level, with the support of representatives of the municipality, the Ministry of Health, the Ministry of Education and the local community.

245. The National Council for Children and Adolescents has also strengthened the capacities of local governments, through the creation of 14 departmental teams providing technical support to local human rights committees. These multidisciplinary teams consist of three professionals in the fields of social work, the legal sciences, education or psychology, prominent in their respective departments.

246. With regard to the financial and human resources allocated to the National Council for performing its functions, the General Fund of El Salvador allocated over \$22.5 million in the period 2011–2015, a sum that also facilitated the creation and phased operation of 15 Protection Boards. As of April 2016, the National Council had a workforce of 355 persons (women with disabilities making up 0.5 per cent and men with disabilities 0.2 per cent (see annex 48).

Paragraph 29

247. With regard to measures to promote the participation of indigenous peoples and processes for consulting them on matters affecting them, El Salvador has a multisectoral body, coordinated by the Department of Indigenous Peoples within the Secretariat for Culture (SECULTURA), which is a body composed of indigenous organizations and government bodies that discusses and adopts proposals by indigenous organizations and communities. This was the forum for the joint formulation of a draft national policy on indigenous peoples, which is currently under consideration by the Executive.

248. With a view to achieving the goals of the United Nations Declaration on the Rights of Indigenous Peoples, the Government is currently working on the draft of a National Action Plan for Indigenous Peoples. This is a community-driven process that will enable the indigenous peoples to decide on matters affecting them and, in this way incorporate their world view in the exercise of their rights.

249. In addition, ordinances have been adopted at local level in the municipalities of Nahuizalco, Izalco, Panchimalco and Cuisnahuat, setting out the rights of indigenous peoples, including the right to be consulted on matters affecting them. Generally speaking, these ordinances stipulate that any activity, programme, enterprise or project related to the land, territory, natural resources or environment of indigenous communities, and any activity that affects the legitimate interests of the indigenous community, must involve prior consultation with its representatives, established in accordance with its specific forms of organization. This consultation process must be free and informed and provision is also made for the involvement in the process of the Supreme Electoral Court to guarantee its legitimacy.

250. With regard to the property rights of indigenous peoples and to land titling for indigenous families identified as indigenous, the State party reports that, while El Salvador does not yet possess a census of the indigenous population, nor does it have data disaggregated by population groups, between 2010 and 2015 the Salvadoran Agrarian Reform Institute (ISTA) issued property deeds to 55,950 families in rural areas, 24,110 of which concerned agricultural plots and 31,840 solar homes. These deeds have been granted on the basis of existing regulations regarding property rights, pending the adoption of special legal provisions on the protection, transfer and preservation of the culture and forms of organization of the indigenous peoples. However, indigenous communities have also benefited from the law establishing a special regime for land belonging to rural cooperative, communal and community associations and beneficiaries of the Agrarian Reform.

251. In the area of housing, the regulations developed so far include indigenous peoples as programme beneficiaries without discrimination of any kind. In this way, the guidelines of the National Policy on Housing and Habitat (PNVH) recognize that housing and habitat must be adapted to the social, demographic and territorial diversity of El Salvador.

252. Moreover, members of the indigenous communities involved in agricultural production have benefited from implementation of the Agricultural Policy overseen by the Ministry of Agriculture and Livestock (MAG), which works with farmers broadly understood.

253. Another relevant measure was the implementation of the project "Indigenous Peoples' Birth and Identity Papers Register", which was developed by the Corporation of Municipalities of the Republic of El Salvador, the Secretariat for Social Inclusion and the Office of the Counsel General, with the support of UNICEF.

254. El Salvador is also a member State of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (the Indigenous Fund), a multilateral international cooperation body specializing in the promotion of

self-development and recognition of the rights of indigenous peoples, in which governmental and indigenous delegates of member States participate. El Salvador also participates in the United Nations Permanent Forum on Indigenous Issues (UNPFII).

Paragraph 30

255. For the purposes of preparing this report, El Salvador planned and implemented a coordinated process involving relevant institutions in the domains concerned. In total, twenty-seven government institutions participated in the preparation of the report, including representatives of 10 of the 13 ministries comprising the government structure.

256. In addition, the report's preparation involved the participation of representatives of councils serving as links between government and society in the formulation of public policies and action plans and the monitoring of activities in their respective areas of competence. These bodies, comprising representatives of civil society, included the National Council on AIDS (CONASIDA), the National Council for Persons with Disabilities (CONAIPD), the National Council for Children and Adolescents, the National Council for the Protection and Advancement of Migrants and Their Families, the National Council on Trafficking in Persons and the National Council for Citizen Security and Coexistence (CNSCC).
