



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-seventh session

**List of issues to be taken up in connection with the consideration of the fourth
and fifth periodic report of EL SALVADOR (CCPR/C/SLV/2002/3),
adopted by the Committee on 19 March 2003**

**Constitutional and legal framework within which the Covenant is
implemented (art. 2)**

1. Please indicate what specific steps have been taken to give effect to the Covenant and implement the Committee's concluding observations, in particular those concerning the Amnesty Law, the right of victims to an effective remedy and the rights under the Covenant that were not previously included in the Constitution of El Salvador (see CCPR/C/79/Add.34 of 18 April 1994, paragraphs 7 and 12).
2. Please explain how the General Amnesty (Consolidation of the Peace) Act of 1993 is compatible with article 2 of the Covenant and with the Constitution (paras. 75 and 76).
3. The 1993 report of the Truth Commission recommended the suspension from office of all military and court officials named in the report and wide-ranging reform of the judiciary, police and armed forces. To what extent have the measures recommended by the Truth Commission been taken into account?

4. Please provide information on the jurisdiction and activities of the Office of the Procurator for the Protection of Human Rights (paras. 10, 29, 43, 462 and 567).

5. Information received by the Committee suggests that persons who were members of the armed forces and who could have been involved in criminal activities, as well as paramilitary groups that were active during the armed conflict, have been appointed to senior positions in the National Civil Police (PNC). Please comment.

Equality of the sexes and non-discrimination (arts. 3 and 26)

6. What measures has the State party taken to secure equality for women in higher education, political life and public administration? What positive results have been achieved following the establishment of the National Institute for the Advancement of Women (ISDEMU) (para. 148 et seq.)?

7. How effective has the Domestic Violence Act been in reducing violence? Please give examples of the application of the Act. What were the findings of the Inter-Agency Juridical Commission on reform of the Act (para. 159)?

8. According to information received by the Committee, some factories in the Export Processing Zones do not hire pregnant women and require women to submit the results of a pregnancy test. What steps are being taken by the State party to prevent such discrimination and infringements of the right to privacy?

9. Please provide details of the penalization of abortion under article 133 of the 1998 Penal Code. Is abortion on medical grounds and subsequent to rape penalized (paras. 188-190)?

Right to life and to liberty and security of person, and treatment of prisoners and other persons deprived of liberty (arts. 6, 7, 9 and 10)

10. Please provide information on the investigations into the following murders and the bringing to justice of the authors and those responsible:

(a) Six Jesuit priests, their cook and her daughter (Fathers Ignacio Ellacuría, Ignacio Martín Baró, Segundo Montes, Armando López, Joaquín López, Juan Ramón Moreno, Julia Elba Ramos and Celina Mariceth Ramos - 15 years old), murdered on 16 November 1989 at their residence at the José Simeón Cañas University of Central America;

(b) Monsignor Oscar Romero, Archbishop of San Salvador, killed while celebrating mass on 24 March 1980 in the chapel of Divine Providence Hospital in San Salvador;

(c) The massacre at El Mozote, department of Morazán, took place on 10 December 1981, as did the massacres of the civilian population of the cantons of La Joya and Cerro Pando and of the villages of La Ranchería, Jocote Amarillo and Los Toriles, in which 767 persons, mostly children, elderly people and women, reportedly died.

11. The Asociación Pro-búsqueda de Niñas y Niños Desaparecidos submitted a request to Parliament for the establishment of a national commission to investigate the disappearance of children in the armed conflict in El Salvador, but the request was rejected. What is the position of the State party regarding the creation of a national commission on disappeared children? Has consideration been given to creating a compensation fund for young people who are found?
12. While information has been received indicating improvements in the National Civil Police, there are continued reports of their participation in violations of the right to life, and in torture, ill-treatment and abuse of authority. In this regard, please provide information on:
- (a) The regulations governing the use of firearms by the police, army and other security forces;
 - (b) Procedures for the investigation of such complaints and the application of measures for disciplining or trying those responsible, as well as the outcome of specific investigations;
 - (c) The results of the work carried out by the presidential commission established to investigate police misconduct.
13. According to information received by the Committee, almost 60 per cent of female sergeants have allegedly been victims of violence within the National Civil Police (PNC). Please comment, and indicate the number of cases that have actually been investigated, as well as their outcomes.
14. The report states (para. 271) that between 1996 and 2001 the PNC Inspectorate-General received 1,222 reports of cruel, inhuman or degrading treatment inflicted by police officers, and that “the trend was clearly upwards”. What steps are being taken to counter this increase and to bring about a change of attitude among PNC officers (para. 292)? What kind of training is being given to PNC officers in this field in particular (paras. 284 and 286)?
15. Information received by the Committee indicates that, owing to a lack of individual cells, pre-trial detainees are often placed in cells with convicted persons. Please comment.
16. What measures are being taken by the State party to prevent prisoner-on-prisoner violence, particularly among minors?
17. Please provide information on the measures taken by the State party to combat trafficking in persons, and indicate the number of cases that have actually been investigated and their outcomes.

Liberty of movement and rights of aliens (arts. 12 and 13)

18. Please provide information on progress by the Frontiers Division of the National Civil Police in drafting an in-house handbook on procedures governing undocumented aliens (para. 451).

Right to trial with due guarantees, and independence of the judiciary (art. 14)

19. The Committee has received information regarding possible irregularities in the academic qualifications of lawyers, prosecutors and judges. With respect to reports that the Supreme Court has established a commission to look into the problem of bogus qualifications, what are the results of the investigation?

Freedom of expression (art. 19)

20. Please provide information on developments regarding the national defence bill and, in particular, article 25, which could compel journalists to reveal their sources in the interest of national defence.

Freedom of association and right to form trade unions (art. 22)

21. Information received by the Committee indicates that in August 2000 a report was issued by the Ministry of Labour on conditions of work in assembly plants. The report described what it termed the systematic violation of workers' efforts to form unions. Please comment.

Minority rights (art. 27)

22. Please indicate what steps are being taken by the State party to prevent the loss of the ancestral languages and cultures of the indigenous peoples (para. 752). Are the rights of indigenous populations as contained in the Covenant protected under the law of the State party?

Dissemination of the Covenant and Optional Protocol

23. Please indicate what measures have been adopted to disseminate information on the submission of reports and their consideration by the Committee, and information on the Committee's concluding observations.

24. Please provide information also on education and training programmes relating to the Covenant for all State officials, in particular schoolteachers, judges, lawyers and police officers.
