



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Implementation of the Convention on the Rights  
of Persons with Disabilities**

**Initial reports submitted by States parties under article 35 of  
the Convention**

**El Salvador\***

[5 January 2011]

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

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## I. Introduction

1. The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto were signed by El Salvador on 30 March 2007 and ratified in accordance with constitutional procedure on 4 October 2007. The corresponding instruments of ratification were deposited with the Secretary-General of the United Nations on 14 December 2007.

2. On signing and subsequently ratifying the Convention, El Salvador entered the following general reservation: “The Government of the Republic of El Salvador signs the present Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, adopted by the United Nations General Assembly on 13 December 2006, to the extent that its provisions do not prejudice or violate the provisions of any of the precepts, principles and norms enshrined in the Constitution of the Republic of El Salvador, particularly in its enumeration of principles.”

3. Objections to the general reservation were subsequently entered by Austria, the Czech Republic, Germany, the Netherlands, Portugal, Slovakia and Sweden.<sup>1</sup> In accordance with consistent practice under international law, these objections do not constitute an obstacle to the entry into force of the Convention between El Salvador and the aforementioned States. The preparation of this report provided an opportunity to examine and review State practices in the area of disability and also to highlight the lack of inclusive public policies. This situation poses considerable challenges for El Salvador which, with the aid of the recommendations to be made by the Committee on the Rights of Persons with Disabilities when it considers the report, will inform the formulation and implementation of public policies with a human rights emphasis that encourage real and effective citizen participation.

4. El Salvador needs to harmonize its laws with the Convention and align its domestic legal framework with the standards established therein and with the Committee’s interpretations of its provisions. In pursuit of this objective, applying the human rights policy adopted by the current Administration and taking the objections to the general reservation entered by various States into account, the State party will be considering the course of action outlined below which, once fully defined, will be officially communicated to the Secretary-General of the United Nations, in his capacity as depositary.

5. The Government of El Salvador recognizes the importance of the periodic reporting mechanism, principally because of the recommendations and observations that treaty bodies make in general and those which the Committee will make during the current reporting process. These recommendations and observations will enable the Government to identify areas of public policy in which improvements are needed. In application of its new human rights policy, and in line with the recommendations consistently issued by the Office of the United Nations High Commissioner for Human Rights, the Government will consider the observations and recommendations of the different committees from a multidisciplinary angle in conjunction with civil society organizations, with the aim of stimulating a dialogue that should facilitate their implementation in good faith.

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<sup>1</sup> For the text of these reservations (in English and French only) see United Nations Treaties Collection at [http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en&clang=\\_en](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en&clang=_en). Accessed on 6 September 2011.

## **II. General information**

### **A. Demographics of El Salvador**

6. The Republic of El Salvador covers an area of 21,040.79 square kilometres and is divided for political and administrative purposes into 14 departments and 262 municipalities. The capital city is San Salvador. The country is located in the south-west of Central America bordering the Pacific Ocean and is the only Central American country without a Caribbean coastline. Its northern border and part of its eastern border are shared with Honduras, while the remainder of the eastern border runs through the waters of the Gulf of Fonseca and is shared with Nicaragua. To the west the country is bordered by Guatemala and to the south by the Pacific Ocean. According to the Sixth Population Census and the Fifth Housing Census, carried out between 12 and 27 May 2007 by the Directorate-General of Statistics and Censuses of the Ministry of the Economy, the country has a population of 5,744,113 inhabitants, equivalent to 273 persons per square kilometre.

7. Publications produced by the United Nations Development Programme (UNDP) indicate that El Salvador has become a predominantly urban society in recent decades. The country's fragmented and unequal cities are home to more than 2 million people living in around half a million households located in areas where living conditions are considered precarious. At present, 58 per cent of the country's poor live in precarious urban settlements.<sup>2</sup>

### **B. Economic situation**

8. El Salvador is the third largest economy in Central America, after Costa Rica and Guatemala.<sup>3</sup>

9. In 2009, El Salvador registered its worst economic performance since 1990 (base year), with GDP shrinking in the first three quarters and indicators of growth in goods and services also falling. Remittances, which are the main variable in global demand and GDP, were US\$ 322.6 million lower than in 2008 and the employment index for November 2009 showed a total of 33,421 job losses relative to November 2008.

10. Owing to a substantial decline in trade, the current account balance-of-payments deficit for September 2009 was lower than in September 2008, at US\$ 179 million.

11. The Central Reserve Bank's monthly statistics bulletin for August 2010 attested to a slight increase in economic activity attributable to more robust figures from the agricultural, industrial, electricity, retail and financial sectors.

## **III. General definitions, principles and obligations**

### **A. Domestic legal framework**

12. The Constitution of the Republic of El Salvador entered into force on 20 December 1983. It was enacted by the Constituent Assembly elected by popular vote in 1982 and is the supreme law of the Nation. In addition to containing regulations governing the State's

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<sup>2</sup> Map of Urban Poverty and Social Exclusion in El Salvador, 2010.

<sup>3</sup> Source: IMF and CIA, August 2010.

political life, organizing and structuring its institutions and restricting bias and arbitrary action on the part of its rulers, the Constitution establishes safeguards protecting the rights of all citizens without distinction and powers to restrict those rights, in the circumstances provided for by law, by order of the competent authority. It also contains provisions regulating the relationship between international law — specifically international treaties — and the domestic legal order.

13. These provisions are transcribed below:

**Article 144.** International treaties concluded by El Salvador with other States or international organizations shall constitute laws of the Republic as soon as they enter into force, in conformity with the provisions of the treaties in question and those of this Constitution.

The law shall not be permitted to amend or repeal provisions agreed in a treaty in force for El Salvador. In the event of a conflict between the treaty and the law, the treaty shall prevail.

**Article 145.** Treaties in which constitutional provisions are in any way restricted or affected may be ratified only if the ratification is accompanied by the corresponding reservations. The provisions of treaties in respect of which reservations have been made shall not be a law of the Republic.

**Article 146.** No treaties may be concluded or ratified and no concessions may be granted that in any way alter the Republic's system of governance or infringe upon or undermine the integrity of its territory, sovereignty and independence or the fundamental rights and freedoms of its people.

The foregoing provisions shall apply to international treaties and agreements with national Governments or enterprises by virtue of which the Salvadoran State submits itself to the jurisdiction of a court of another State.

In the case of both treaties and agreements, in the event of conflict the foregoing shall not preclude the Salvadoran State from submitting the decision to arbitration or to an international court.

**Article 147.** The ratification of any treaty or agreement by virtue of which the State submits a dispute related to the boundaries of the Republic to arbitration shall require the vote in favour of at least three quarters of elected deputies.

Any treaty or convention relating to sovereign territory which the Executive concludes shall also require the vote in favour of at least three quarters of elected deputies.

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**Article 149.** In exercise of their power to administer justice, the courts shall have the authority to declare inapplicable any treaty provisions that run counter to constitutional precepts.

Declarations of the unconstitutionality of a treaty shall, as a general rule, be issued in the form established in the Constitution for laws, decrees and regulations.

14. Although these provisions limit the scope of international treaties within the domestic legal order, the interpretation issued by the Constitutional Division of the Supreme Court — the body with constitutional oversight and the supreme interpretative authority with regard to the Constitution — indicates that the relationship between constitutional provisions which establish fundamental rights and the provisions of international treaties which establish similar rights is not a hierarchical one but one of compatibility or coordination, such that a substantive connection between the two should be

considered to exist.<sup>4</sup> On this basis, a human rights treaty cannot be considered unconstitutional and should be interpreted as being complementary to the Constitution.

15. The competent authorities of El Salvador have ratified the following international treaties relating to the area addressed by the Convention:

(a) Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, published in the Official Gazette of 17 December 2001 (No. 238, vol. 353);

(b) International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), ratified by the Legislative Assembly by Decree No. 471, published in the Official Gazette of 25 September 1986 (No. 177, vol. 292);

(c) ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified by El Salvador by Legislative Decree No. 78, published in the Official Gazette of 26 August 1994 (No. 157, vol. 324).

16. The Constitution of El Salvador establishes that the individual shall be the source and object of the activities of the State. The State recognizes that, owing to differing circumstances which may be inherited or acquired, the physical, mental, psychological and sensory capacities of an individual may be diminished, placing them at a disadvantage to their peers and constituting an impediment to their full integration within society. This recognition led it to adopt the Equal Opportunities for Persons with Disabilities Act and its implementing regulations<sup>5</sup> as an enabling mechanism that would allow persons with disabilities to become fully integrated in society without experiencing discrimination of any form.

17. Since the aforementioned Act pre-dates the ratification and entry into force of the Convention on the Rights of Persons with Disabilities, it undoubtedly needs to be aligned and harmonized with the Convention.

## **B. National Council for Persons with Disabilities**

18. In El Salvador the institution that oversees national policy for persons with disabilities and coordinates the initiatives benefiting persons with disabilities carried out in the different sectors is the National Council for Persons with Disabilities (CONAIPD).

19. CONAIPD was created by Executive Decree No. 111 of 6 December 1993 to develop national policy for persons with disabilities. It was later reformed by Executive Decree No. 136 of 22 December 2006, published in the Official Gazette of 15 January 2006 (No. 9, vol. 374). However, the Secretariat for Social Integration, which was created within the Office of the President of the Republic following the change of Government on 1 June 2009 to ensure that public policies promote social inclusion and the elimination of discrimination and are developed from a human rights perspective, subsequently identified some serious flaws in the structure of CONAIPD. These include the following:

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<sup>4</sup> See e.g. Constitutional Division of the Supreme Court of Justice Ruling of Unconstitutionality No. 52/2003, preambular paragraph V.3, of 1 April 2004; Constitutional Division of the Supreme Court of Justice Ruling of Unconstitutionality 61/2009, preambular paragraph IV.3.B.b, of 29 July 2010.

<sup>5</sup> The Equal Opportunities for Persons with Disabilities Act was enacted by Legislative Decree No. 888 of 27 April 2011, published in the Official Gazette of 24 May 2011 (No. 95, vol. 347). The implementing regulations were enacted by Decree No. 99 of 28 November 2000, published in the Official Gazette of 1 December 2000 (No. 226, vol. 349).

(a) Civil society organizations participating in the plenary of CONAIPD were at a numerical disadvantage;

(b) Not all the different segments of the disabled population were represented within CONAIPD;

(c) The level of Government representation restricted the political viability of the decisions adopted by CONAIPD since, in contrast to the composition of other national councils, in the case of CONAIPD ministers did not form part of the decision-making body, only delegates appointed by them;

(d) CONAIPD had no mechanisms to implement its decisions.

20. To achieve the changes needed to enable CONAIPD to effectively fulfil its role as the lead agency for disability issues, the Council of Ministers repealed the decree establishing the Council and the President of the Republic issued a new one in its place.

21. The current CONAIPD was established by Executive Decree No. 80, of 17 June 2010, published in the Official Gazette of 22 June 2010. The principal changes introduced relative to the former structure are as follows:

(a) Government and civil society representation is evenly balanced, with seven representatives of each, and their alternates, making up the plenary;

(b) Civil society organizations representing all forms of disability, including physical, visual, hearing, mental and intellectual disabilities, as well as associations supporting the families of children with disabilities and foundations working in the area of disability, are involved;

(c) Government representatives must be either ministers or deputies;

(d) The Directorate-General of the Secretariat for Social Integration has become the executive secretariat of CONAIPD, responsible for ensuring that decisions adopted in plenary are implemented and facilitating the operational and strategic activities of CONAIPD.

22. Under the new decree, CONAIPD also assumes responsibility for developing and designing national policy for persons with disabilities, implementing, monitoring and assessing the policy, and drafting regulations affecting persons with disabilities.

23. The new Council has three levels. The highest level is the plenary, which is a purely deliberative and decision-making structure. The executive secretariat constitutes the intermediate level. The third level consists of a technical committee responsible for ensuring the technical and scientific viability of the Council's operations.

24. The plenary of CONAIPD has the following functions:

(a) Formulating national policy for persons with disabilities and submitting it to the President of the Republic for approval. The national policy must be rights-based and must reflect the international and national obligations assumed by El Salvador in this area;

(b) Ensuring compliance with the national policy on persons with disabilities, performing periodic compliance checks and concluding whatever agreements may be necessary for this purpose;

(c) Ensuring due compliance with and observance of international standards and domestic legislation concerning persons with disabilities and conducting whatever administrative or legal procedures may be necessary to this end in accordance with the legal framework;

(d) Approving and publishing an annual national report on compliance with the national policy for persons with disabilities and a report on compliance with international standards and domestic legislation related to persons with disabilities;

(e) Submitting proposals to the President of the Republic for the exercise of his initiative in creating, amending and repealing laws to facilitate the process of aligning domestic legislation with the international obligations of El Salvador in the area of the human rights of persons with disabilities;

(f) Submitting proposals to the President for the use of his constitutional powers to promote the effective exercise, observance and protection of the human rights of persons with disabilities, including the considerations deemed relevant to budget allocations for these purposes;

(g) Approving and publicizing the technical guidelines enabling implementation of the national policy for persons with disabilities;

(h) Overseeing the analysis, survey and research work necessary to accurately appraise the current situation of persons with disabilities in El Salvador, for which purpose it may request assistance from public and private bodies working in the area;

(i) Ensuring the availability of harmonized, accurate and up-to-date official statistics reflecting the situation of persons with disabilities to serve as a tool for formulating and updating national policy for persons with disabilities;

(j) Nominating members to serve on the committees and working groups it deems necessary;

(k) Adopting the CONAIPD internal regulations, and any other regulations deemed necessary to the exercise of its functions and the administration of CONAIPD;

(l) All other functions established by law.

25. The plenary of CONAIPD is currently composed of:

(a) Representatives of the following institutions:

(i) The Secretariat for Social Integration;

(ii) The Ministry of Health and Social Welfare;

(iii) The Ministry of Labour and Social Security;

(iv) The Ministry of Public Works, Transport, Housing and Urban Development;

(v) The Ministry of Education;

(vi) The Ministry of Finance;

(vii) The Ministry of the Interior;

(b) Seven representatives and their alternates elected from civil society organizations working in the following areas:

(i) Associations for people with physical disabilities;

(ii) Associations for people with hearing disabilities;

(iii) Associations for people with visual disabilities;

(iv) Associations for people with mental disabilities;

(v) Associations for people with intellectual disabilities;

- (vi) Associations for the parents and families of children with disabilities of any form;
  - (vii) Foundations working in the area of disability or providing support for persons with some form of disability, including rehabilitative support.
26. Representatives of State institutions are expressly required to participate in all plenary sessions which they are asked to attend. In exceptional circumstances, ministers may nominate their deputies to represent them and the representative of the Secretariat for Social Integration may be represented by an officer expressly nominated for that purpose.
27. The institutional and legal framework regulating the work of CONAIPD is composed of:
- (a) The decree establishing CONAIPD;
  - (b) The national policy on equal opportunities for persons with disabilities introduced in April 2000;
  - (b) The Equal Opportunities for Persons with Disabilities Act (Decree No. 888 of 27 April 2000, published in the Official Gazette of 24 May 2000, No. 95, vol. 347);
  - (c) The regulations implementing the Equal Opportunities for Persons with Disabilities Act (Decree No. 99 of 28 November 2000, published in the Official Gazette of 1 December 2000, No. 226, vol. 349);
  - (d) The technical guidelines for architectural, urban, transport and communications accessibility (Decision No. 29 of 17 February 2003);
  - (e) The technical guidelines on comprehensive rehabilitation (reviewed, agreed and approved in 1998);
  - (f) The guidelines for the issue of special licence plates for vehicles driven by or used to transport persons with disabilities, which entered into force on 1 June 2002;
  - (g) The guidelines for integration of persons with disabilities in the workforce.
28. The new CONAIPD has now concluded the process of electing members to represent civil society and will hold its inaugural meeting and begin the process of reviewing and developing national policy for persons with disabilities in due course. The Government of El Salvador is already implementing the national policy on equal opportunities for persons with disabilities.

### **C. Estimated population of persons with disabilities**

29. According to the National Registry of Natural Persons, which registers all persons over 18 years of age who hold a national identity document, at 31 March 2010 there was a total of 196,807 persons with disabilities in El Salvador. Of this total, 97,845 lived in urban areas and 98,962 in rural areas. According to the Registry, 114,153 were male and 82,654 were female.
30. According to the Registry, there were 22,288 persons with disabilities aged between 18 and 30 years, 89,354 aged between 31 and 64 years and 85,165 aged 65 or over.
31. The latest population census conducted by the Directorate-General of Statistics and Censuses recorded 235,302 persons with some form of disability, equivalent to 4.1 per cent of the country's total population.

## IV. Information relating to individual articles of the Convention

### Article 5

#### Equality and non-discrimination

32. Article 5 of the Convention establishes the principles of equality and non-discrimination in terms similar to those used in other international human rights treaties. The principle of equality between human beings and the attendant prohibition of all forms of discrimination are therefore recognized as constituting part of *jus cogens* in El Salvador.

33. Provisions of the same order are contained in the Constitution of El Salvador and the domestic legal framework contains no provision that might promote, encourage or produce discrimination on the grounds of disability. De jure discrimination attributable to disability does not therefore exist in El Salvador.

34. El Salvador adopted affirmative action measures to reduce de facto inequalities and situations of discrimination with the enactment of the Equal Opportunities for Persons with Disabilities Act. Under the Act, disabled persons have the right to be protected against any form of discrimination, exploitation or degrading or abusive treatment attributable to their disability. Taking the principle of non-discrimination as its point of departure, the Act establishes the following substantive rights:

(a) The right to comprehensive rehabilitation, which is defined as a right requiring the State to set up and run whatever rehabilitative and restorative services and institutions may be necessary, to provide equipment and training for staff, and to encourage persons with disabilities and members of their families to become involved. Comprehensive rehabilitation also implies an obligation on the part of the State to take action to facilitate the prevention, early detection, timely diagnosis and prompt treatment of disabilities;

(b) The right to architectural facilities guaranteeing road mobility and access to public and private buildings that are open to the public. This entails eliminating obstacles that prevent persons with disabilities from accessing services and the public and private places or buildings in which services are provided, as well as using appropriate signage. Respecting the right to accessibility also means that at public and private establishments at least 3 per cent of parking bays must be reserved for vehicles driven by or used to transport persons with disabilities and that the designated bays must be close to building entrances. To ensure compliance with this requirement, vehicles driven by or used to transport persons with disabilities should have an identification badge and permit issued by the relevant transport authorities.

35. Accessibility considerations also dictate that buildings must be fitted with lifts that are easy to access and operate, include visual and tactile signage and audible signals, and have emergency mechanisms that can be easily used by any person. Accessibility is also an issue in the use of public transport and in this connection the Land Transport, Transit and Road Safety Act, which is the law regulating this area, establishes technical requirements for public transport that expressly define the fixtures, fittings, signage and signals needed in public transport vehicles. Failure to provide the service on grounds of disability is classed as a very serious offence. The following rights are also affected by accessibility considerations:

(a) The right to education: the legal framework establishes that all persons without distinction shall enjoy equal educational opportunities at all levels of education. The Ministry of Education recently introduced a national policy for inclusive education which seeks, among other things, to progressively develop the right to education of persons with disabilities;

(b) The right to employment: this right is intended to be broad in scope and gives rise to obligations for the public and private sectors alike. For example, employers in both sectors are required to hire at least one person with a disability for every 25 persons employed in the company or work unit;

(c) Article 3 of the Constitution of El Salvador states that: “All persons are equal before the law. No restrictions on the exercise of civil rights that are based on differences of nationality, race, sex or religion may be established. Hereditary offices or privileges shall not be recognized.” Despite these provisions, the rights of sizeable population groups — foremost among them persons with disabilities — are infringed by a lack of access to information and communications, obstacle-free spaces and real participation.

36. The programmes organized by the Salvadoran Vocational Training Institute (INSAFORP) have been designed to prevent discrimination on the grounds of sex, physical ability or appearance, social or economic situation or political beliefs. Between January 2008 and March 2010, at least 75 persons with disabilities received training on its Work Preparation Programme.

37. Two agreements signed in December 2009 are also making a tangible difference in the area of vocational training for persons with disabilities. The aim of the agreements is to introduce a certification system to facilitate and formalize the skills and knowledge development of persons with disabilities. Both agreements are tripartite; the parties to the first are the AGORA Latin American career training project, the Secretariat for Social Integration and the Salvadoran Vocational Training Institute; the parties to the second are the latter two institutions plus the Partnership in Opportunities for Employment through Technology in the Americas (POETA).

## **Article 6**

### **Women with disabilities**

38. Women are especially vulnerable to situations of social risk and violence. Under previous Governments, little or no official importance was accorded to issues of gender, and civil society organizations were called upon to assume responsibility for safeguarding and promoting the rights of women with disabilities.

39. Under the current Administration, the Salvadoran Institute for the Advancement of Women (ISDEMU), in conjunction with women’s NGOs, has submitted a preliminary bill on equality, fairness and the elimination of discrimination against women in El Salvador, which includes a section addressing the specific situation of women with disabilities.

40. The Salvadoran Institute for the Advancement of Women has undertaken various actions to safeguard the human rights of women with disabilities since ratification of the Convention and the Optional Protocol. In the period running from May 2008 to March 2010, these actions included the development of rehabilitation programmes and a statistical records system.

41. The proposed reforms to the national policy for women which were drafted and submitted to parliament by the women’s section of the El Salvador Association for the Blind in January 2008 have been reviewed.

42. Between April 2008 and April 2010 technical assistance was provided for phase I of the AGORA project, a pilot project implemented by the Salvadoran Red Cross. Continuing technical assistance is envisaged for phase II of the project, in which gender issues will be a cross-cutting theme.

43. In addition, training workshops on gender issues were organized for teaching staff and students at the Griselda Zeledón School for the Deaf, technical assistance was provided in the organization of the First National Conference on Women with Disabilities held in October 2009, and five staff members from the Salvadoran Institute for the Advancement of Women received training in the use of Salvadoran sign language.

#### Preventive activities for persons with disabilities

<i>Year</i>	<i>Population group</i>	<i>No. of initiatives</i>	<i>Female participants</i>	<i>Male participants</i>	<i>Total</i>
2008	Persons with disabilities	36	825	233	<b>1 094</b>
2009	Persons with disabilities	34	895	188	<b>1 117</b>
2010	Persons with disabilities	3	51	15	<b>69</b>
<b>Total</b>		<b>73</b>	<b>1 771</b>	<b>436</b>	<b>2 280</b>

44. In 2008, the Salvadoran Institute for the Advancement of Women launched a series of awareness-raising initiatives aimed at preventing domestic violence against women with disabilities of all ages. Various organizations working with this population group were consulted prior to the launch of the initiatives, including the School for the Blind, the Special Education School, the Salvadoran Institute for the Rehabilitation of Invalids (ISRI) and its two centres in the east and west of the country, national hospitals, Cojutepeque School for the Deaf, and the Medical Rehabilitation Unit of the Salvadoran Social Insurance Institute (ISSS). The focuses of the programme developed for this population group include the rights of women, the rights of the child, healthy lifestyles, domestic violence, sexual abuse, child abuse, mental health and self-esteem.

#### Article 7 Children with disabilities

45. To ensure that all children with disabilities enjoy all rights and freedoms in full, training has been provided to 102 staff working in the comprehensive development centres in the 7 departments of the central and sub-central regions of the country, which between them care for 755 children. Inspections have been conducted at 9 centres in the San Salvador area for the purpose of appraising staff and evaluating the children they care for (resulting in the identification and referral of 42 children with special needs) and follow-up plans have been drawn up. The visits were used to conduct a survey of the child residents, to compile information about their language problems and tactile, auditory and visual needs with a view to their referral for specialist care, and to draw up the corresponding follow-up care plans.

46. A team of 18 preschool education specialists supervise the child welfare centres around the country where group and individual care is provided, fostering participation and cooperation and encouraging positive behaviour patterns. In the associated parenting school, education specialists provide families with guidance and advice on how to create the conditions necessary for children's successful reintegration within the family environment.

47. The 4 October 2007 Special Needs School housed in the centre, named to mark the date on which El Salvador ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol, was officially inaugurated in 2010, thus ensuring compliance with the provisions of the Convention concerning the right to education. Children in the associated care centre follow a healthy diet thanks to guidelines drawn up

by nutritionists attached to the Salvadoran Institute for Child and Adolescent Development (ISNA).

48. In coordination with other NGOs, the centre also supports the following institutions:

(a) The Padre Vito Guarato foundation for humanitarian work, which provides for the basic needs of 43 children and adolescents;

(b) Pro-Hogar Permanente de Parálisis Cerebral, an association for children with cerebral palsy, which cares for 33 children and adolescents on a part-residential basis and 82 children and adolescents on a non-residential basis;

(c) Mensajeros de la Paz, an association that provides residential care for 14 children and adolescents;

(d) The Paraíso Down El Salvador foundation, which cares for 65 children and adolescents with Down's syndrome on a non-residential basis.

49. Recreational visits to spa resorts are organized three times a year to enhance the care provided to institutionalized children. Painting competitions, "happy afternoons" and drawing and modelling workshops are also organized (art therapy: see article 30 of the Convention on the Rights of Persons with Disabilities). Staff training in this area is organized in coordination with the Office of the Human Rights Advocate (*Procuraduría para la Defensa de los Derechos Humanos*). In fulfilment of the right to education without discrimination (whether on the grounds of disability or due to special educational needs), all preschool children enjoy the right to education.

## **Article 8**

### **Awareness-raising**

50. CONAIPD has organized awareness-raising workshops on the rights of persons with disabilities for students of journalism, communications and public relations at five universities in El Salvador, including the University of Technology, José Matías Delgado University, Alberto Masferrer University and Cristiana de las Asambleas de Dios University. In addition, in coordination with *La Prensa Gráfica*,<sup>6</sup> associations working on behalf of persons with disabilities, the Roble Group,<sup>7</sup> and Fundación Teletón Pro Rehabilitación (FUNTER, a foundation providing rehabilitative care), CONAIPD ran three campaigns under the slogan "Respect is My Right", in which information on disability issues was published in the morning newspaper and distributed in the country's main shopping centres.

51. CONAIPD also helped draft basic guidelines for persons with disabilities within the framework of a citizen engagement and institutional capacity-building project designed to ensure respect for the human rights of persons with disabilities in El Salvador led by the Human Rights Institute of the University of Central America.

52. The current Government accords great importance to the obligations assumed under the Convention whereby States parties undertake to raise awareness throughout society and foster respect for the diversity of persons with disabilities. For this reason, and in order to ensure that persons with hearing disabilities can access public information, all public

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<sup>6</sup> *La Prensa Gráfica* is the most widely read daily newspaper in El Salvador.

<sup>7</sup> The Roble Group is a property investment and development company with extensive activities in El Salvador and Central America.

service communications promoting citizenship and human rights are available in Salvadoran sign language and subtitled formats.

53. The rights of persons with physical, sensory or intellectual impairments are also taken into consideration in the development of the various programmes.

54. The activities organized by the Ministry of Labour and Social Security have included a series of sensitization and awareness-raising workshops for companies throughout the country designed to improve their compliance with the Equal Opportunities for Persons with Disabilities Act.

## **Article 9**

### **Accessibility**

55. Article 12 of chapter III of the Equal Opportunities for Persons with Disabilities Act, concerning accessibility, states that: "The bodies responsible for approving urban development plans and projects shall ensure that all new constructions, building extensions and refurbishments, parks, pavements, gardens, squares, roads, medical facilities and other public or privately owned facilities which are open or provide services to the public are free from barriers that might prevent persons with disabilities from accessing the facilities and the services provided in them. There must be clear signage in easy to read and understand forms in all such facilities."

56. CONAIPD reports that workshops have been organized in coordination with the Ibero-American Intergovernmental Network for Technical Cooperation (RIICOTEC) to raise awareness among the communications media and Government and private sector agencies of their shared responsibility for ensuring accessible communications which satisfy the provisions of the Convention.

57. Workshops to disseminate information and raise awareness about the Convention on the Rights of Persons with Disabilities have been organized in various military units for the benefit of the Coordination and Support Unit for Disabled Members of the Armed Forces (UCADFA), staff of SERTRACEN (Central American Transport Services) who deal with members of the public, and staff of the country's cultural centres and libraries. The subject of the workshops was making information accessible to persons with disabilities.

58. In the municipalities under its jurisdiction, the Office of the Deputy Minister of Housing and Urban Development is responsible for verifying that all public and private sector building plans approved in the various Citizens Advice and Building Procedures and Standards Offices incorporate easy-to-access facilities and adequate infrastructure for parking vehicles driven by or used to transport persons with disabilities.

59. To this end, all decisions on project feasibility include a section stating that the Equal Opportunities for Persons with Disabilities Act, its implementing regulations and any other relevant legislation must be taken into account in all project designs submitted for approval.

60. Subsequently, when reviewing the plans prior to granting a building permit, the authorities check that accessibility considerations are adequately reflected in the project design. Before signing off on the construction work, the authorities must also verify that the work has been completed in accordance with the approved plans and that accessibility requirements have been met.

61. A total of 142 building permits were requested between May 2008 and the time of writing. Feasibility studies were approved for 82 of these applications, in all of which the accessibility requirement was specified. In addition, 48 permits for the construction of

public and private sector buildings were granted following verification that the plans submitted complied with the requirements for ease of access and disabled parking bays.

62. Lastly, 12 completed buildings were signed off on following verification that they met the accessibility requirements established in the Equal Opportunities for Disabled Persons Act.

63. It should be mentioned that a considerable proportion of buildings pre-dating the reporting period were not required to comply with or apply the current rules and that these buildings do not therefore meet the accessibility requirements.

64. The authorities are currently working to implement an executive directive to ensure compliance with the law and existing regulations and to eliminate practices that lead to exclusion. In the medium term, with a view to guaranteeing universal design, there are also plans to submit a preliminary bill on the elimination of architectural and urban barriers and on the use of public spaces in El Salvador.

65. In implementation of the First National Accessibility Plan, an Inclusive Cities project is being developed to provide a mechanism through which the Ministry of Public Works, in coordination with the Secretariat for Social Integration and in conjunction with other institutions and bodies, can engineer the systematic transformation of urban infrastructure and environments through the implementation of Design for All.

66. The First National Accessibility Plan is being overseen by the Ministry of Public Works, one of the institutions responsible for monitoring compliance with the standards established in the technical guidelines for architectural, urban, transport and communications accessibility.

67. As the agency spearheading the First National Accessibility Plan, the Ministry of Public Works will take accessibility issues into account when setting tender terms and conditions and will ensure that all work undertaken by the Ministry meets the requirements and thus benefits everyone. In this way a country fit for everyone will be created.

68. The Community Response Unit of the Ministry of Public Works is already putting inclusive design guidelines into practice, an example of this being the construction of seven ramps to facilitate the movement of persons with disabilities along the pavements of 43 Avenida Sur.

69. The Salvadoran Social Insurance Institute plans to make various adjustments to the physical features and infrastructure of its offices in order to facilitate access and movement for users and employees who have some form of disability.

70. In the pharmacies of the San Jacinto Medical Centre in the department of San Salvador and the Zacatecoluca Specialist Consultation Unit and Medical Centre the reception areas have been refitted to facilitate access by wheelchair users. Building features have also been designed or adapted to guarantee easy access for persons with disabilities, particularly in capital works projects. This can be seen in both recently refurbished and newly built service centres, where entrances for persons with disabilities have either been added or incorporated in the initial design.

71. The Ministry of Labour and Social Security has taken all relevant steps to make the necessary infrastructure adjustments that will facilitate access to its offices by persons with some form of disability.

72. The Planning Office of the San Salvador Metropolitan Area is an autonomous municipal body created by decision of the Council of Mayors of the San Salvador Metropolitan Area (Official Gazette of 3 February 1990, No. 24, vol. 306). Its mandate is to research and analyse urban development issues, to provide advice to the Council of Mayors by proposing strategic development and land management programmes and projects, and to

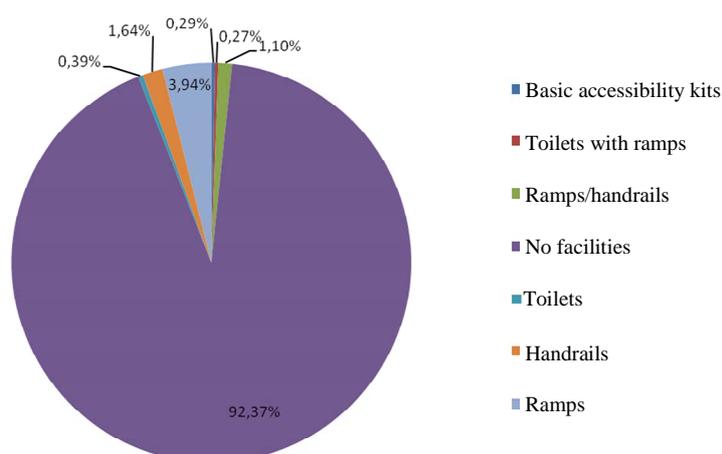
oversee the application of the technical guidelines for architectural, urban, transport and communications accessibility, which are designed to guarantee the safety of persons with disabilities in the physical environment, and the implementing regulations of the Development and Land Use Act for the Metropolitan Area and neighbouring municipalities.

73. Between May 2008 and May 2010 the Planning Office issued 1,591 decisions on site classification applications, 137 street-layout review and zoning decisions and 1,034 building permits, and signed off on 645 constructions after verifying compliance with the original building plans. Despite the various initiatives and laws adopted, civil society organizations working for persons with disabilities in El Salvador perceive little or no change at the national level as the little progress made has been confined to San Salvador and urban areas. Accessibility initiatives allowing for increased compliance with the law have yet to reach rural areas.

74. The 2009 school enrolment census highlighted an urgent need to embark on a process of infrastructure adaptation to make educational institutions accessible to students, teachers, administrative staff and visitors. In the State sector, only 7.63 per cent of educational institutions have been adapted to afford some degree of accessibility, as shown in the figure below.

Figure 1

#### Infrastructure accessibility



Source: 2009 Ministry of Education Census. State education sector.

75. Between 2004 and 2009 the National Directorate for Educational Infrastructure developed guidelines for the design of educational spaces which are now applied to the construction and refurbishment of all educational facilities.

76. The proposal for an inclusive education policy drafted in December 2009 provides for a gradual transformation of infrastructure, with “basic accessibility kits” (handrails, toilet facilities and ramps) being installed in 10 per cent of educational institutions each year.

77. In the Office of the President, the adjustments to architectural and communications infrastructure necessary to improve accessibility in accordance with the Convention have been completed.

## **Article 10**

### **Right to life**

78. El Salvador guarantees the right to life of persons with disabilities in accordance with the standards established in the Convention. Safeguards protecting the right to life include measures providing for the criminal investigation and prosecution of any person responsible for causing the death of a person with a disability.

79. Under article 128 of the Criminal Code, the offence of homicide is defined as intentionally causing the death of a person and carries a prison sentence of between 10 and 20 years. Pursuant to article 129, homicide is considered to be aggravated when committed with malice aforethought (i.e. after rendering the victim defenceless or taking advantage of their inability to prevent or defend themselves against attack) or in abuse of a position of authority (i.e. taking advantage of weakness on the part of the victim attributable to their age or other similar cause or using methods that diminish their ability to defend themselves) and in these cases carries a prison sentence of between 30 and 50 years.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

80. The Government of El Salvador acknowledges that its Civil Protection Action Plan lacks a specific component for persons with disabilities. However, the Secretariat for Social Integration is working to address this issue in conjunction with the Civil Protection Directorate of the Ministry of the Interior.

81. Under the Civil Protection and Disaster Prevention and Mitigation Act, civil protection is defined as a public service which aims to prevent, mitigate and counter the effects of disasters of any form which affect people, their property, the environment or public services. The Act defines disasters as the combination of loss of life, physical injury and damage to property and the country's ecosystem attributable to natural, social or technological phenomena. The Act guarantees the availability of civil protection services in a large number and wide variety of situations, as required under article 11 of the Convention.

82. The various principles underpinning the Civil Protection and Disaster Prevention and Mitigation Act include the "principle of human dignity", which dictates that the human person shall be the principal object of all disaster prevention and mitigation efforts and all necessary protective endeavours, and the "principle of generality", according to which all persons, without distinction, have an equal right to receive help and assistance and effective protection of their property in the event of disaster.

## **Article 12**

### **Equal recognition as persons before the law**

83. This principle is recognized in article 3 of the Constitution of El Salvador, which states that: "All persons are equal before the law. No restrictions on the exercise of civil rights that are based on differences of nationality, race, sex or religion may be established. Hereditary offices or privileges shall not be recognized."

84. As the country's supreme law, the Constitution establishes the general framework of the Salvadoran legal system. However, civil law introduces a distinction in respect of acts and declarations of will, stipulating that they can be made by persons with legal capacity only and establishing, on this basis, that persons of unsound mind, children under 14 years

of age and deaf persons who are unable to make themselves clearly understood shall be considered to be legally incapable and that their acts shall not therefore give rise to natural obligations. Under civil law, adult minors and legal persons are also considered to be legally incapable.

85. The foregoing provisions should not be interpreted to mean that, since these persons are defined as legally incapable, their rights are not safeguarded. On the contrary, the secondary legislation implementing the Family Code stipulates that: “No person may be declared incapable without a court ruling on legal grounds in which the Counsel-General of the Republic (*Procurador General de la República*) or a departmental assistant attorney (*procurador auxiliar departamental*) has intervened in their defence.”

86. Although the foregoing provisions pre-date the Convention’s entry into force for El Salvador, the rights of persons of diminished legal capacity are safeguarded in the Constitution, which confers upon the Counsel-General of the Republic responsibility for protecting the family, the individual and the interests of minors and other persons lacking legal capacity and for providing legal aid to persons of limited financial means. On this basis, the Counsel-General or departmental assistant attorney must ensure that no minors or persons without legal capacity find themselves without a guardian and that the judge assigns a guardian to all minors or persons without legal capacity who do not have one.

87. However, there is a strong probability that these provisions are not duly aligned with the provisions of the Convention.

88. The Government of El Salvador recognizes that implementation of the Convention requires an overhaul of the paradigm that previously guided legal disqualifications of this kind. Such a change will require a shift away from the nineteenth century concept of protection of property towards a model based on the protection of human rights and respect for the freedom and autonomy of persons with disabilities, on an equal footing, in line with the Convention.

89. El Salvador recently chaired the Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities of the Organization of American States. During its chairmanship, it asked the Committee’s technical secretariat to compile a comparative study on the different methods of guardianship, trusteeship and legal disqualification and the implications of each in relation to the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

90. The purpose of requesting the study was to ascertain the scope of the new paradigm, with a view to developing the legal and conceptual inputs and elements needed to make the necessary adjustments to the legal framework.

91. In this connection, El Salvador would like to ask the Committee on the Rights of Persons with Disabilities to set aside a day for discussing, in line with the practice of other treaty bodies, the scope of article 12 of the Convention and its implications for a change of paradigm, the scope of the provisions guaranteeing equal rights, the circumstances, if any, in which a total deprivation of the right to dispose of property, whether temporarily or permanently, may be acceptable, and the protective measures and safeguards that should be implemented to protect such rights.

### **Article 13**

#### **Access to justice**

92. The General Secretariat of the Supreme Court receives requests from the national courts and appoints Salvadoran sign-language court interpreters to assist persons with hearing disabilities. However, efforts to include Salvadoran sign-language interpreters —

who facilitate the investigation of the cases concerned — among the permanent staff of the body responsible for the proceedings have not been successful.

93. In addition, the Supreme Court has made important changes in the main judicial centres. It has incorporated accessibility features for persons with disabilities, such as ramps and elevators, and has set up a project entitled “User Assistance Centres” to provide assistance to the general public, which includes persons with disabilities and therefore improves their access to justice.

94. The Directorate-General of Prisons is in the process of refurbishing prisons. Overcrowding is one of the most serious problems facing the prison population; on the other hand, all detainees, without distinction, receive medical care within the resources available.

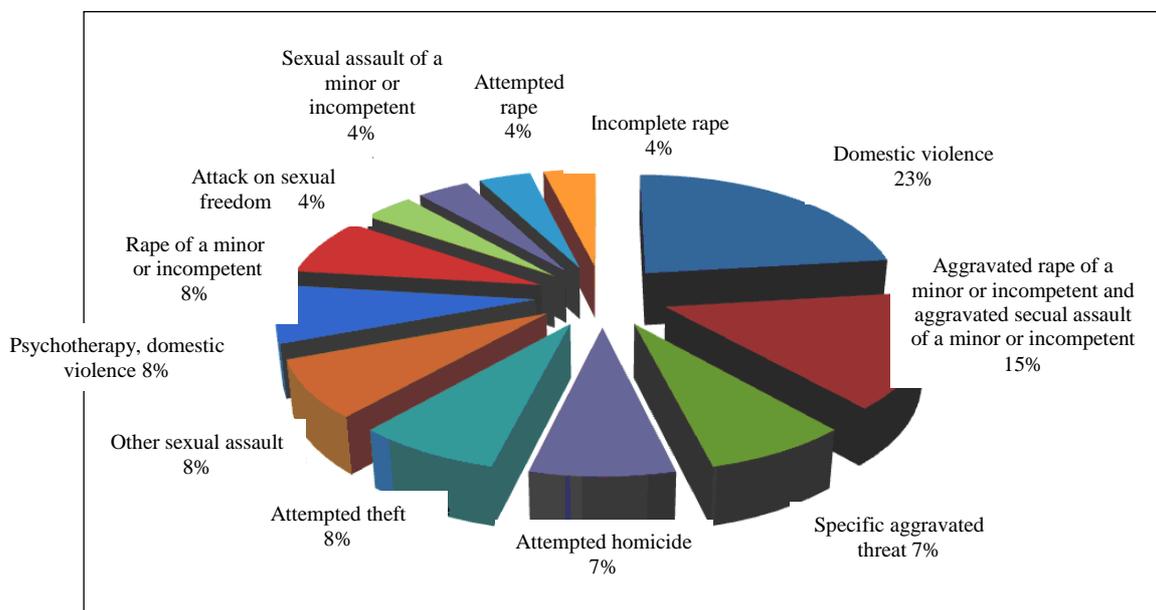
95. A register was kept of persons who were parties to judicial proceedings from January to September 2010; of these, 7.69 per cent were accused persons and 92.3 per cent were victims (see fig. 2).

96. The courts that heard the cases were as follows: courts of investigation and first instance, 34.61 per cent; magistrates’ courts, 50 per cent; and trial courts, 7.7 per cent. Persons receiving psychological treatment at psychosocial support centres accounted for 7.7 per cent of the cases (see annex, fig. 2).

97. The percentage of cases processed by region was as follows: central region, 23.07 per cent; sub-central region, 38.46 per cent; western region, 17.26 per cent; and eastern region, 21.26 per cent (see annex, fig. 3).

Figure 2

**Offences against persons with disabilities, broken down by offence (January-August 2010)**



Source: General Secretariat of the Supreme Court.

## **Article 14**

### **Liberty and security of person**

98. Consultations were held with the heads of the Directorate-General of Prisons and the Human Rights in Prisons Unit to ensure that persons with disabilities who are deprived of their liberty are treated on an equal basis with others through the provision of the “reasonable accommodation” referred to in the Convention and in accordance with the nature of their disability.

99. With regard to article 14, paragraph 2, of the Convention, the Directorate-General of Prisons was asked to provide a list of prisoners or detainees with disabilities. Beginning with Usulután Prison, registration forms for prisoners with disabilities were filled in by CONAIPD and their needs, such as those relating to allowances, family circumstances and suitable training, were addressed.

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

100. El Salvador has taken action to reduce de facto inequalities, namely, by promulgating the Equal Opportunities for Persons with Disabilities Act. Pursuant to this legislation, persons with disabilities have the right to protection against all forms of discrimination, exploitation or abusive or degrading treatment on the grounds of disability.

101. CONAIPD learned that some persons with disabilities who work or are deprived of their liberty in prisons in El Salvador have lodged complaints of inhuman treatment. Accordingly, the Directorate-General of Prisons was asked to ensure that the rights of persons with disabilities in the prisons concerned were respected and that such prisoners received the care they needed, depending on the nature of their disability.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

102. CONAIPD has participated in various meetings convened by the Salvadoran Institute for the Advancement of Women aimed at drafting the Institute’s research reports. Among the topics discussed at those meetings were exploitation, violence and abuse directed at women.

103. It was suggested that the Institute should consider addressing the topics of services for women with disabilities, accessibility, the use of Salvadoran sign-language interpreters to facilitate access to information, and the dissemination of information on women’s rights. These and other topics have been specifically addressed by CONAIPD together with the Institute. The aim is to promote respect for the rights of women with disabilities, so that these women know their rights and have access to mechanisms that help them to protect themselves from violence and exploitation.

104. Since 2008, CONAIPD has given advice and made recommendations to the Salvadoran Institute for Child and Adolescent Development in order to raise awareness of the rights of children with disabilities and ensure they receive proper and timely care. Accordingly, a number of activities were organized in conjunction with the Institute, and several visits were made to its special education centre.

105. CONAIPD has also participated in activities organized by the Red para la Infancia y la Adolescencia (Network for Children and Adolescents) to publicize issues covered by the

Convention. It has formulated the corresponding recommendations on giving effect to the rights of children and adolescents.

106. CONAIPD has participated in a series of workshops to study the impact of the Child and Adolescent Protection Act. One major achievement is that there is now a specific article in the Act on the subject of disability.

107. El Salvador has a number of institutions that are responsible for preventing and combating acts of exploitation, violence and abuse aimed at persons with disabilities. They include the Salvadoran Institute for the Advancement of Women, the Office of the Human Rights Advocate and the Salvadoran Institute for Child and Adolescent Development.

## **Article 17**

### **Protecting the integrity of the person**

108. The Constitution of El Salvador recognizes the right of all persons to life, physical and mental integrity, liberty, security, work, property and ownership, and to be protected in the preservation and defence of those rights. To that end, it makes provision, without any distinction whatsoever, for various judicial mechanisms.

109. Having provided for the protection of the physical and mental integrity of the person, El Salvador adopted the General Act on Prevention of Workplace Risks, article 21 of which stipulates that: "Workplaces, and in particular, passageways, doors, staircases, toilets and workspaces used or occupied by workers with disabilities must be adapted to accommodate such workers in keeping with the technical guidelines for urban, architectural, transport and communications accessibility formulated by the National Council on the Integration of Persons with Disabilities."

110. The principles established in Executive Decision No. 93 on the National Policy on Occupational Health and Safety, of 5 June 2006, which was published in the Official Gazette of 26 June 2006 (No. 117, vol. 371), included universality, which "includes the various sectors of productive activity in the country, taking into account the situation of vulnerable groups (pregnant women, child workers, persons with disabilities and older people, among others)", and non-discrimination, which it defines as "acceptance and equal appreciation of differences between human beings, regardless of their sex, race, religion, social or political views, occupation or disability".

111. The strategic components of the above-mentioned national policy include component I, which is aimed at strengthening the national system of laws, regulations and technical standards, in order to support implementation of the measures needed to protect the life and physical integrity of persons according to the characteristics of the groups represented in the labour market (women, men, adults, older persons, persons with disabilities, etc.).

## **Article 18**

### **Liberty of movement and nationality**

112. The Constitution of El Salvador grants birthright citizenship, without any distinction, to persons born in El Salvador, to children born abroad of a Salvadoran father or mother, and to Central American nationals of the former Central American Federation. In other words, it recognizes *jus soli* and *jus sanguinis* (Constitution, art. 90). In addition, it grants dual and multiple nationality to native Salvadorans (art. 91, para. 1).

113. Nationality by naturalization may be acquired by nationals of other States that were not formerly part of the Central American Federation, subject to the completion of five

years' residence in the country. Spanish Americans and Spaniards are required to have completed one year of residence in El Salvador. Nationality by naturalization may also be obtained by a person whose outstanding service to the Republic is recognized by the Legislative Assembly, as well as by a foreigner married to a Salvadoran woman or man after having completed two years' residence in the country, prior to or following the marriage.

114. The grounds for loss of nationality acquired by naturalization include residence for more than two consecutive years in one's country of origin or an absence of more than five years without permission from the appropriate authority; a naturalized person may also be stripped of their nationality as a result of an executory judgement (Constitution, art. 94). Birthright citizenship is lost only if expressly renounced before the appropriate authority and may be recovered by application to the same authority (art. 91, para. 2).

115. Secondary legislation stipulates that the legal existence of all persons begins at birth, that is, upon complete separation from the mother. Hence, the Constitution requires all children to be registered immediately following birth. Parents have the obligation to provide their children with protection, assistance, education and security; according to article 36 of the Constitution, children have the right to a name as part of their identity. For this reason, the Names of Natural Persons Act governs the creation, acquisition, composition, change, use and protection of names, without any distinction, in conformity with the provisions of the Convention.

116. Despite the foregoing, according to data provided by the Office of the Counsel-General of the Republic, in El Salvador in March 2008, more than 600,000 Salvadorans, or 10 per cent of the population, did not have a birth certificate. Out of a total of 1,757,935 children, 86,623 had still not been registered by their parents after birth.

117. With regard to freedom of movement in El Salvador, the Constitution stipulates that all persons, without any distinction, have the freedom to enter, stay in, or leave the territory of the Republic, subject to the limitations of the law. Accordingly, a body of laws and regulations governing this subject has been enacted. One of these laws is the Passport Issuance and Validation and Entry Permission Act, which makes separate provision for the issuance of an ordinary passport within the country to persons without legal capacity, since it is necessary to verify the authorization of the person exercising custody or guardianship. Permission to allow incompetents, minors or wards to obtain a passport and consequently to leave the country must be granted by the appropriate official in the Directorate-General for Migration. It should be noted that whenever an incompetent person travels with a person exercising custody or guardianship over them, approval must be obtained from the appropriate authority.<sup>8</sup>

118. In March 2009, the Directorate-General for Migration and Alien Affairs issued the Instructions for the Issuance of Passports, which set out the following requirements:

(a) The incompetence must fall within the legal definition thereof; according to this definition, "the causes of incompetence are understood to include: chronic and incurable mental illness, notwithstanding lucid intervals; and deafness, except where the deaf person can clearly understand others and make themselves understood";

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<sup>8</sup> Passport Issuance and Validation and Entry Permission Act, Decree Law No. 1020 of 10 March 1982, published in the Official Gazette of 10 March 1982 (No. 48, vol. 274), arts. 21 (e) and 53.

(b) The person in question must have been declared incompetent by judicial decision (Family Code, art. 292); with regard to the passport procedure, according to page 28 of the Instructions for the Issuance of Passports, he or she must obtain permission to apply for a passport and, by extension, leave the country.

119. In the case of persons with physical disabilities, the Directorate-General for Migration and Alien Affairs has special procedures to prevent delays in these formalities. For example, if the person is missing one or more upper limbs, administrative procedures are in place that allow for alternatives to signatures, including fingerprinting.

120. It should be mentioned that, to date, no disaggregated statistical data have been available on persons with disabilities who have made use of migration services. However, an internal data collection process has been introduced with a view to formulating comprehensive and inclusive policies.

121. One notable phenomenon concerns the repatriation of Salvadorans — for the most part immigrants — from the United States of America and Mexico. In such cases, the Directorate-General for Migration and Alien Affairs coordinates with the Salvadoran Institute for Child and Adolescent Development, the Independent Port Authority (CEPA), the Ministry of Health and Social Welfare and the Ministry of Foreign Affairs for the reception of repatriated persons with disabilities, giving priority to those for whom a request has been filed (see annex, table 1).

122. The Directorate-General for Migration and Alien Affairs plans to develop a project to provide social and economic assistance to persons with disabilities and their families and to strengthen psychological assistance in response to problems related to unlawful migration.

## **Article 19**

### **Living independently and being included in the community**

123. The third preambular paragraph of the Equal Opportunities for Persons with Disabilities Act notes that, owing to a variety of conditions, whether acquired or congenital, human beings may suffer a reduction in their physical, mental, psychological or sensory faculties, thus placing them at a disadvantage with regard to their peers and preventing their full integration in society. It is consequently necessary to take measures to allow persons with disabilities to find their place in society without any form of discrimination. In addition, article 7 states that “persons with disabilities and their family shall be encouraged to participate in all public and private institutions and communities that offer rehabilitation programmes”. However, there is legislation in El Salvador that clearly establishes the joint responsibility of the family, the State and persons with disabilities for guaranteeing the right to be independent, insofar as this is allowed by the nature of their disability.

124. Furthermore, during the reporting period, CONAIPD provided constant advice to design and construction companies, universities and technological institutes, technicians and students of architecture, civil engineering and environmental design, and associations of persons with disabilities, on the content and application of the technical guidelines for accessibility in terms of the obligation to provide means of access that will enable persons with disabilities to enjoy greater autonomy.

125. In addition, CONAIPD advised the Elections Directorate of the Supreme Electoral Court on the access of persons with disabilities to polling stations for municipal, parliamentary and presidential elections between December 2008 and March 2009.

126. CONAIPD coordinates with the Office of the Deputy Minister of Transport and with SERTRACEN (Central American Transit Services) in the process of issuing driver's licences to persons with disabilities. As part of this process, assistance is provided to persons with disabilities who apply for a driver's licence to the Office of the Deputy Minister of Transport, the Directorate-General of Transit or SERTRACEN. It is also involved in the process of issuing licence plates for vehicles belonging to relatives of persons with disabilities or vehicles driven by persons with disabilities.

127. In April 2009, CONAIPD provided advice on accessible design for the "Inclusive School with a Diversity Centre" project, at the Republic of Haiti School in the city of Sonsonate, with funding from the Italian development cooperation agency and in coordination with the Ministry of Education.

## Article 20

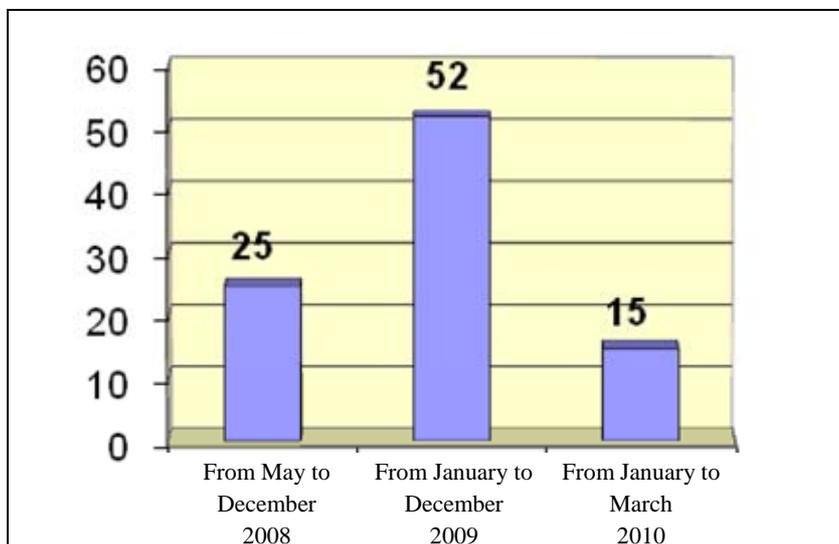
### Personal mobility

128. In El Salvador, services for the provision of assistive devices and mobility aids are granted to persons with disabilities through their affiliation with such institutions as the Fund for Disabled Combatants, the Salvadoran Social Insurance Institute or the Armed Forces Occupational Rehabilitation Centre (CERPROFA). These benefits are provided to unaffiliated members of the general population by the Salvadoran Institute for the Rehabilitation of Invalids, within the budgetary constraints of that agency.

129. As part of its assistance programmes, the Armed Forces Occupational Rehabilitation Centre dispensed 790 prostheses (lower and upper limbs) and 92 orthoses (insoles and braces).

Figure 3

#### Persons with disabilities supplied with custom orthoses (insoles and braces)



130. In the period from May 2008 to March 2010, a total of 2,244 persons with disabilities received prostheses (see annex, fig. 3).

131. In addition, a number of mobility aids were provided: wheelchairs, forearm crutches, prosthetic socks, crutches, tips, crutch pads, walkers, and writing frames and styluses for the blind. In the department of San Miguel, in the east of the country, the Armed Forces

Social Security Institute (IPSFA) set up a facility for the manufacture and repair of prostheses (see annex, table 1).

132. During the reporting period, the following were provided: 33 pairs of orthopaedic shoes, 37 pairs of progressive lenses, 12 hearing aids, 14 ocular prostheses and one pair of contact lenses (see annex, fig. 4).

133. At the same time, private foundations and NGOs for persons with disabilities provide a similar service at relatively low and affordable prices.

134. The Government can confirm that, thanks to a private university, El Salvador meets international standards of training, certification and professional accreditation in the area of orthoses and prostheses.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

135. Articles 2 and 6 of the Constitution safeguard the fundamental right to liberty, without any distinction. These articles read as follows:

**Article 2.** All persons have the right to life, physical and mental integrity, liberty, security, work, property and ownership and the right to be protected in the preservation and defence of these rights.

...

**Article 6.** All persons may freely express and impart their thoughts, provided that they do not disturb public order or cause harm to the morals, honour or privacy of others.

Exercise of this right shall not be subject to prior examination, censorship or security, but any person who, in exercising it, breaks the law shall be held liable for the offence committed. The Constitution recognizes the right of reply as a means of protecting the fundamental rights and freedoms of the person.

136. In other words, El Salvador recognizes the right to freedom of expression as a fundamental right for the maintenance of democracy and as an essential pillar of the development and exercise of other human rights. El Salvador also recognizes that freedom of expression is not limited to freedom of speech but also includes the so-called freedom of information, which implies the right to seek, receive and disseminate information without regard to borders and subject only to the ensuing responsibilities.

137. On 2 December 2010, the Access to Public Information Act was adopted by 55 votes. The Act recognizes the right of every citizen to request public documents from governmental institutions and the State, as part of efforts to ensure the transparency of governance in El Salvador.

138. The Transparency Institute is charged with implementing this Act; its commissioners are selected by the President of the Republic from a slate of nominees submitted by the following five sectors of society: trade unions, academia (universities), the professions, journalists' associations and trade groups from industry. Commissioners discharge their functions for six years and may not be re-elected.

139. Transparency and access to public information are prerequisites for effective citizen participation, which helps to strengthen public institutions, improve the quality of democracy and enforce the rule of law.

140. Nevertheless, the provisions of article 21 (a) of the Convention, are not expressly recognized, either for persons with disabilities or without disabilities.

141. With regard to the requirements set out in article 21 (b) of the Convention, since June 2009 official communications have been translated into Salvadoran sign language. These include official messages delivered by public officials at ceremonies or public events, messages of the President of the Republic and televised broadcasts of the sessions of the Legislative Assembly. Regrettably, not all official communications are translated systematically into Braille. It should be noted that, at the moment, the use of Salvadoran sign language allows for one-way communication from the Government to the general public but does not permit communication in the opposite direction, which is a challenge that remains to be overcome.

142. As to the use of augmentative mechanisms or accessible means and formats, it should be stressed that the official websites of public institutions are being designed with the aim of achieving 100 per cent compliance, as far as technical aspects are concerned, with the standards and guidelines set out in the Web Accessibility Initiative and Web Content Accessibility Guidelines.

143. On the subject of web accessibility, we can report that 33 Government employees in charge of communications from institutions, ministries and other public agencies received intensive training. Moreover, the following 13 accessibility standards were included in at least 45 Government websites:

(a) Standard B.1.2: When accessing a page that no longer exists, is there a message indicating how to find it in its new location?

(b) Standard B.2.2: Does the site provide suitable content for the HTML tag META NAME = "description"?

(c) Standard C.2.1: Is information conveyed by means of colour also available without colour?

(d) Standard C.2.2: Does the site distinguish between links that have been opened and those that have not?

(e) Standard C.2.3: Can the text font size be adjusted or changed by the user with visual display programme tools?

(f) Standard C.2.5: Is a text alternative that serves the equivalent purpose provided for all non-textual elements, such as pictures and animations, in order to explain their content?

(g) Standard D.1.2: Has a title element, indicating the name of the site or institution, been provided as an HTML tag < title >?

(h) Standard D.1.7: (Non-portal pages) The content has been given a title;

(i) Standard D.1.8: (Non-portal pages) Text is available for the page;

(j) Standard D.2.1: (Non-portal pages) A browsing history is available;

(k) Standard D.2.3: Forms are validated with JavaScript, and when an error occurs, users are returned to the same page with indications as to what to correct;

(l) Standard D.2.4: Required fields on a form are highlighted;

(m) Standard E.1.6: A site map is provided.

144. The Technology and Computer Innovation Directorate within the Office of the President is currently carrying out a nationwide project to ensure that Government websites

meet international standards. The website modernization and standardization project has laid the groundwork for this.

145. In addition, in December 2009, the Information Technology Division of the Salvadoran Social Insurance Institute (ISSS) participated in a workshop on web accessibility, sponsored by the Secretariat for Social Integration through the Directorate for Persons with Disabilities. Participants learned more about information accessibility for persons with disabilities. Thanks to the redesign of the ISSS website, which was launched in June 2009, the website was 80 per cent compliant with the above-mentioned technical guidelines and standards.

146. According to the Secretariat for Social Integration, the first information session on web accessibility was held in December 2009 for the following branches of the Department of Information Systems Development:

- (a) Information Technology and Communications Department;
- (b) Solutions and Implementation Department;
- (c) Press Department (User Services Division);
- (d) User Services Department.

147. The Secretariat for Social Integration has organized meetings with media directors and has offered support and guidance on information accessibility standards for their official websites. The Secretariat has also formulated a proposal for the introduction, through CONAIPD, of a Salvadoran sign-language certification process. Salvadoran sign language is currently taught but not duly certified, which could undermine the right of access to information and the right to freedom of expression of persons with hearing disabilities.

## **Article 22**

### **Respect for privacy**

148. The confidentiality of user information is regulated in the Technical Guidelines for Rehabilitation Institutions. Likewise, agencies that manage databases have the obligation to update, centralize and store user information on a permanent and confidential basis.

149. Questions are included in multi-purpose household surveys for the purpose of gathering information on this segment of the population. In addition, agreements have been signed between the National Registry of Natural Persons and CONAIPD in order to supply the required information while observing the principle of respect for the right to privacy.

150. There are no rules or practices in El Salvador that infringe the privacy of persons with disabilities on the basis of their disability, within the meaning of the terms used in the Convention. Personal, health and rehabilitation information relating to persons with disabilities is protected on an equal basis with that of other persons.

## **Article 23**

### **Respect for home and the family**

151. In El Salvador, there is no discrimination on the basis of disability in family-related issues. As stipulated in the Convention, persons with disabilities who are of marriageable age may marry on the basis of the free and full consent of the intending spouses. The Family Code of El Salvador defines marriage as the legal union of a man and a woman with

the aim of establishing a full and permanent life together, enhanced by the free and mutual consent of the contracting parties.

152. As a guarantee of free consent, the Family Code stipulates that the fact that a person is not in full possession of their mental faculties and cannot express consent in an unequivocal manner constitutes an absolute impediment to marriage. Thus the presence of any form of disability is not in itself an impediment to marriage; rather, the impediment lies in the inability to consent to marriage freely (which must be objectively verified) and the fact that the expression of such consent, by whatever means, must be unequivocal.

153. No limitations are placed on the number and spacing of children in El Salvador. The presence of a disability does not affect the observance or guarantee of each person's right to decide in these matters. In order to enhance the effectiveness of the Government's sexual and reproductive health programmes, it is nonetheless important to provide for the various means of personal expression used by persons with disabilities, such as Braille or Salvadoran sign language, thereby ensuring that everyone has the information they need to make informed decisions.

154. Persons with disabilities are entitled to exercise rights to guardianship, wardship, trusteeship or adoption on an equal basis with others.

155. The Family Code of El Salvador makes provision for parental authority, which is defined as the set of powers conferred and duties imposed by law on fathers and mothers in relation to their underage children or children who have been declared incompetent, with a view to protecting, educating and helping them and preparing them for life, as well as representing them and administering their property. Parental authority therefore comprises three elements: personal care, legal representation and administration of property.

156. Personal care, in the context of parental authority, is a set of powers and duties conferred on parents in order to ensure children's proper upbringing, socialization and moral and religious instruction, as well as education, discipline and guidance. Legal representation is exercised while children are underage or lack civil capacity to make fully conscious binding commitments. In addition, the administration of property presupposes the obligation of parents to preserve, administer and, over time, increase the value of their child's assets.

157. No person may be deprived of parental authority on grounds of disability, except in cases of mental illness liable to affect the proper discharge of such authority. In such cases, the removal of parental authority serves as a mechanism for the protection of the child, not as a punishment of the parent with a disability.

158. Nevertheless, there is a lack of programmes or mechanisms to provide persons with disabilities and their families with information on the effects of disability and living with a disability. No information is available on care within the immediate family or in a family setting within the community for children with disabilities who have been abandoned.

## **Article 24 Education**

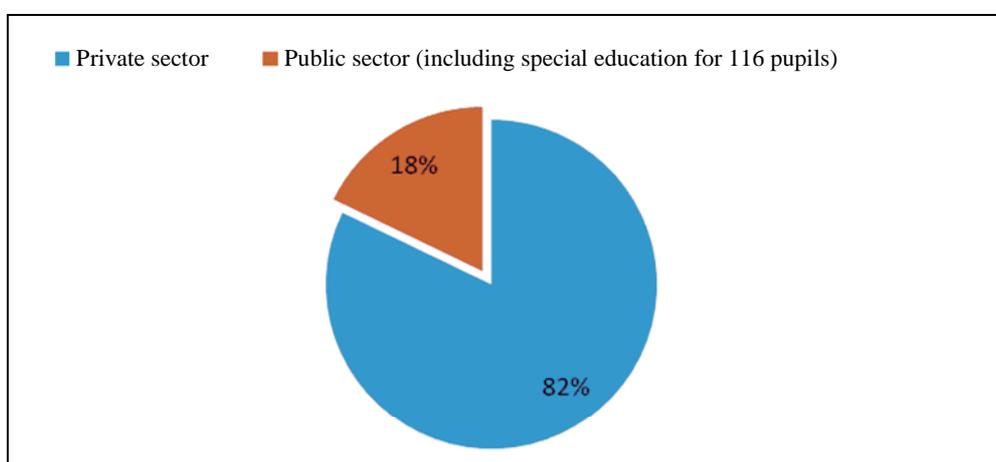
159. The Ministry of Education, through the Department of Inclusive Education, carries out programmes for the benefit of students with some type of disability. In 2008, a pilot project was launched to introduce preschool sections in five special education centres (Acajutla, Juayúa, Sonsonate, Cuscatlán and Ilobasco) and to provide further training for teachers in the area of preschool education. Preschool education programmes reached 75 pupils.

160. According to the Sixth Population and Housing Census, of 2007, the number of children under the age of 4 years was 555,893. In 2009, the Ministry of Education conducted research nationwide to identify the portion of the population that received targeted care through the education system or through assistance provided by NGOs. These variables were included in the Enrolment Census, which showed that 2,997 preschoolers under the age of 3 had received such care.

161. Towards the end of 2009, the Ministry of Education began drawing up a national preschool policy with the objective of “establishing general guidelines for the various plans, programmes and projects geared to ensuring early childhood education and comprehensive development, with the participation of various national and local, governmental and non-governmental organizations, thus incorporating civil society, reinforcing the key role of the family and the community and helping children under the age of 6 to be better prepared for life”.

Figure 4

#### Preschool education



Source: Ministry of Education.

162. One of the strategies set out in this policy is entitled “Inclusive education and attention to diversity”, which stresses the responsibility for providing early childhood education.

163. This policy will enable the system to make the necessary adjustments to ensure that the process of educating children under the age of 6 is initiated, continued and completed.

164. The Ministry of Education has designed a national curriculum for mainstream and special education schools. It gives students in special schools the opportunity to attend a mainstream school and to continue their studies in accordance with their abilities or cognitive development. In addition, learning support and extra help are available for students with special educational needs.

165. Learning support services offer two programmes. The first is the Classroom Learning Support and Psychological Services programme, which is intended to facilitate learning in institutions providing basic education and focuses on the provision of direct assistance to students with inherent or situational learning difficulties. It also provides technical assistance to teachers who need or request support in order to improve their teaching practices to match the individual and particular educational needs of their students. In 2008, \$718,000 was spent on projects to improve 718 learning support services.

166. The second is the Remedial Classroom programme, which helps students who have been rescued from the worst forms of child labour. Remedial classrooms are located in schools with the highest rate of dropout or late enrolment as a result of work, and enable students to remain at school all day and finish the school year. The annual investment for 134 classrooms was \$600,000 for a total of 9,000 students.

167. There are two programmes that provide supplementary assistance:

(a) School kits: beginning in January 2010, free uniforms and shoes were distributed to 1,367,611 pupils in the preschool, second and third cycle of basic and special education, out of a total of 1,504[,000] pupils reported in the 2009 census in preschool, primary and secondary education;

(b) School meal programmes: in 2009, these benefited 857,430 students in 4,167 educational institutions. In 2010, coverage was extended to an additional 452,856 students in 764 educational institutions, for a total of 1,310,286 students in 4,931 educational institutions in rural and urban areas throughout the country. The budget allocation for 2009 was \$10,433,674, increased by \$2,889,458 for the extension of coverage, giving a total of \$13,323,132.

168. In 2009, the inclusive education policy was drawn up and began to be implemented. It allows for adjustments to be made to the national education system for the purpose of eliminating barriers to learning and promoting participation. In addition, the institutional rules for ensuring compliance with the Institutional Education Project at the national level came under review and efforts got under way to design a system to monitor and follow up their implementation in the education system.

169. The Ministry of Education operates a national school for the blind, in which teaching activities are also carried out using Braille. Since 2008, the Ministry has prepared a number of courses for teachers, including an optional course on diversity which was attended by 315 teachers in the country's teacher-training centres.

170. Moreover, 360 professionals have received a day's training on the topic of inclusive education since 2008, the start of the reporting period. The training will be offered until 2012, with support from the Italian development cooperation agency.

171. On the issue of the "linguistic identity of the deaf community", in 2008, \$36,850 was invested in five schools, and \$25,500 in 17 mixed-grade classrooms for the hearing-impaired. In addition, \$1,600 was allocated to the purchase of places for technical and teaching staff on sign-language courses in universities in El Salvador.

172. For 2010, a subsidy of \$20,435 was granted to the Salvadoran Association for the Deaf to design and implement strategies for the use of Salvadoran sign language as the primary language of communication and curriculum development in educational services for teachers with hearing disabilities at the national level, and scholarships were awarded to students in order to enable them to pursue higher studies for a total of \$20,400 in 2008 and 2009.

173. Every year the Aptitude Test for Students Enrolled in Intermediate Education and the Academic and Teaching Skills Assessment is printed in Braille. Moreover, in 2009, 96 of the Cipotes collection of natural sciences and mathematics textbooks were printed in Braille.

174. The Ministry of Education has taken steps towards inclusion; it hired a sign-language interpreter for public events at the Ministry and, during the month-long celebrations of the nation's independence, published the national anthem of El Salvador in sign language on its website. Deaf teachers have been appointed in schools for the hearing-impaired. In administering the Aptitude Test for Students Enrolled in Intermediate

Education and the Academic and Teaching Skills Assessment, efforts are made to ensure the participation of interpreters, in accordance with the manuals for administering the test.

175. A census of higher education exists, but there are no variables for obtaining information on students with disabilities; hence, there is no record of how many students are in higher education or in particular fields of study.

176. Another type of assistance is provided by literacy circles for persons with visual and hearing disabilities. Over the course of 2008 and 2009, such assistance was provided to a total of 573 persons with hearing disabilities and 28 persons with visual disabilities around the country. This programme has enabled such persons, most of whom are 13 years of age or older, to become literate. In the case of the blind, the programme also provided for rehabilitation.

<i>Period of assistance</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<b>February–November 2008</b>			
Circle of deaf persons	124	131	<b>255</b>
Volunteer circle of deaf persons	18	20	<b>38</b>
Circle of blind persons	3	5	<b>8</b>
<b>Total</b>			<b>301</b>
<b>March–November 2009</b>			
Circle of deaf persons	163	107	<b>270</b>
Volunteer circle of deaf persons	3	7	<b>10</b>
Circle of blind persons	11	9	<b>20</b>
<b>Total</b>			<b>300</b>

177. The EDUCAME programme aimed to introduce greater flexibility at the level of the third cycle and high-school certificate by offering new forms of assistance, including online assistance, to reduce the number of overage pupils and bring young people who had interrupted their schooling back into the education system. Under this programme, assistance was provided to students with hearing disabilities.

	<i>2008</i>	<i>2009</i>
Sections	3	4
Beneficiaries	31	42

178. In the process of preparing this report, consultations were held with persons with disabilities, members of their families and civil society organizations, who indicated that the country does not have a national policy on inclusive education that covers schools in rural and urban areas outside the capital, given the shortage of qualified teachers who are trained in inclusive education. Most children with disabilities in rural areas do not attend school, and those who do manage to attend generally go to special education schools, regardless of their type of disability. Moreover, they do not acquire all the academic knowledge they need to follow the curriculum on an equal basis with the rest of the students.

## Article 25

### Health

179. The Constitution recognizes the individual to be the source and object of the activities of the State, which is required to ensure that its inhabitants enjoy freedom, health, culture and economic well-being, among other things. The health of the inhabitants of El Salvador constitutes a public good; consequently, the State and the people have the obligation to ensure it is preserved and restored.

180. The aim of the present Equal Opportunities for Persons with Disabilities Act is to establish the rules on equal opportunities for people with physical, mental, psychological and sensory disabilities, whether congenital or acquired. Article 2, paragraph 6, and article 5 of the Act recognize, respectively, their right to assistance from qualified personnel in making a full recovery and their right to full rehabilitation. Efforts are under way to amend the Act by making the necessary additions or adaptations.

181. On the subject of reproductive health, the disability component has been incorporated into the national HIV/AIDS programme in order to collect data for the establishment of indicators and to respond effectively in terms of prevention and treatment for persons with disabilities.

182. For their part, people with disabilities, their families and civil society organizations, while recognizing that the current Administration abolished the payment of voluntary fees for health services in the national hospitals, are of the view that primary and secondary health-care centres in the national hospital network still present architectural and communication barriers.

183. With regard to medicines and special treatments for illnesses or the consequences of a disability, the health sector is faced with a shortage of aids and medicines that help persons with physical disabilities such as paraplegia, diabetes and kidney failure.

184. Within the area overseen by the Ministry of Health and Social Welfare, there are no mechanisms to determine and evaluate the quality of services provided to persons with disabilities.

185. Until 2009, there were no reliable statistics on rehabilitation; therefore, treatment data are presented for a period of one year only, from May 2009 to March 2010.

186. The Salvadoran Institute for the Rehabilitation of Invalids provides rehabilitation services in nine facilities: the Comprehensive Rehabilitation Centre for Children and Adolescents, the Musculoskeletal System Centre, the Geriatric Outpatient Clinic, the Sara Zaldívar Centre for the Elderly, the Eugenia Dueñas Rehabilitation Centre for the Blind, the Occupational Rehabilitation Centre, the Hearing and Speech Centre, the Eastern Comprehensive Rehabilitation Centre and the Western Comprehensive Rehabilitation Centre.

187. The Ministry of Health offers a physiotherapy service in 30 hospitals around the country; the same service is offered in 20 health units.

188. According to statistical data, a total of 34,414 persons with disabilities were treated from the beginning of 2008 to February 2010. Records for 2008 indicate that 19,569 persons were treated, all pathologies included. In 2009, they indicate that 11,916 persons with disabilities were treated, and in January and February 2010, 2,929 initial visits were recorded for persons with disabilities. Of the 34,414 persons treated, 16,997 were men and 17,417 women.

**First-time consultations by persons with disabilities at the Salvadoran Institute for the Rehabilitation of Invalids (January 2008–February 2010)**

Variable/indicator	2008*			2009**			2010***			Total Jan. 2008–Feb. 2010		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Persons treated (by age bracket, in years)	<b>9 513</b>	<b>10 056</b>	<b>19 569</b>	<b>6 036</b>	<b>5 880</b>	<b>11 916</b>	<b>1 448</b>	<b>1 481</b>	<b>2 929</b>	<b>16 997</b>	<b>17 417</b>	<b>34 414</b>
Under 1	3 362	2 505	<b>5 867</b>	628	732	<b>1 360</b>	157	249	<b>406</b>	<b>785</b>	<b>981</b>	<b>1 766</b>
1–4				1 680	946	<b>2 626</b>	413	257	<b>670</b>	<b>2 093</b>	<b>1 203</b>	<b>3 296</b>
5–9	1 766	1 102	<b>2 868</b>	1 178	603	<b>1 781</b>	289	164	<b>453</b>	<b>1 467</b>	<b>767</b>	<b>2 234</b>
10–19	1 209	1 001	<b>2 210</b>	910	603	<b>1 513</b>	207	130	<b>337</b>	<b>1 117</b>	<b>733</b>	<b>1 850</b>
20–29	1 969	3 391	<b>5 360</b>	294	287	<b>581</b>	82	54	<b>136</b>	<b>376</b>	<b>341</b>	<b>717</b>
30–39				278	380	<b>658</b>	49	87	<b>136</b>	<b>327</b>	<b>467</b>	<b>794</b>
40–49				252	515	<b>767</b>	58	129	<b>187</b>	<b>310</b>	<b>644</b>	<b>954</b>
50–59				245	658	<b>903</b>	62	140	<b>202</b>	<b>307</b>	<b>798</b>	<b>1 105</b>
Over 60	1 207	2 056	<b>3 263</b>	571	1 156	<b>1 727</b>	131	271	<b>402</b>	<b>702</b>	<b>1 427</b>	<b>2 129</b>

Source: Epidemiology System; Salvadoran Institute for the Rehabilitation of Invalids and SEM.

\* The 2008 figures include all pathologies, not only disability-related treatment.

\*\* The 2009 figures represent only disability-related treatment.

\*\*\* The 2010 figures cover only the months of January and February.

**First-time consultations by type of disability (Salvadoran Institute for the Rehabilitation of Invalids, 2009)**

Disability	Percentage
Neuromusculoskeletal and other functions related to movement	54
Mental functions	28
Voice and speech functions	13
Sensory and pain functions	4
Other functions: cardiovascular, haematologic, immune and respiratory systems; digestive, metabolic, endocrine and dermatologic systems and related structures	1
<b>Total percentage</b>	<b>100</b>

189. In the area of physiotherapy, for the period from May 2008 to March 2010, the Ministry of Health reports a total of 88,265 first-time consultations by age bracket (see annex, table 2).

190. The national health network of the Ministry of Health reports that a total of 57,363 consultations were held for the population at large (see annex, table 3).

191. According to data provided by the national health network, a total of 1,199,477 physiotherapy sessions were held during the period from May 2008 to March 2010 (see annex, table 4).

192. Following the Peace Agreements, there was a growing demand for consultations by persons with disabilities resulting from the armed conflict. Accordingly, certain Armed Forces institutions were strengthened, such as the Coordination and Support Unit for Disabled Members of the Armed Forces, which provides medical care and promotes the

return to work and productive activity of persons with disabilities, in coordination with other governmental institutions and private enterprise.

193. Reports indicate that there are 10,448 persons with disabilities in El Salvador. Of these, 934 receive a pension from the Armed Forces Social Security Institute, 4,855 receive one from the Fund for Combatants Wounded and Disabled in the Armed Conflict, 2,225 are survivors of mine blasts and 365 have been discharged from various military units.

194. In coordination with the Salvadoran Institute of Agrarian Reform (ISTA), 1,682 plots of land were awarded on a national basis. These plots are for housing and agricultural use. A further 3,097 plots are scheduled to be awarded. Furthermore, 615 agricultural modules and 288 agricultural packs containing improved seed and fertilizers were granted, in coordination with the National Centre for Agricultural and Forestry Technology (CENTA).

195. The Coordination and Support Unit for Disabled Members of the Armed Forces reports that for 2009 it granted 750 housing lots and repaired 77 homes. Of these, 68 were processed by the Office of the Deputy Minister of Housing and Urban Development and 9 dwellings were provided to disabled members of the Armed Forces.

196. Reports indicate that there are 10,448 persons with disabilities in El Salvador. Of these, 934 receive a pension from the Armed Forces Social Security Institute, 4,855 receive one from the Fund for Combatants Wounded and Disabled in the Armed Conflict, 2,225 are survivors of mine blasts and 365 have been discharged from various military units.

197. Medical, dental and ophthalmological campaigns were conducted throughout the country for this segment of the population and their families.

## **Article 26**

### **Habilitation and rehabilitation**

198. The Equal Opportunities for Persons with Disabilities Act (chap. II, “Comprehensive rehabilitation”, arts. 5–11) sets out the rules on comprehensive care to be provided by State institutions to persons with disabilities. Under article 16 of the regulations implementing the Act, the Ministry of Health and Social Welfare is responsible for the design, planning, coordination and supervision of preventive programmes, the early detection and timely diagnosis of disabilities, and monitoring the treatment and rehabilitation of persons with disabilities.

199. Article 17 of the regulations implementing the Act stipulates that health institutions are to design and promote preventive measures within the framework of inter-agency cooperation. However, the mechanisms for such coordination need to be improved.

200. The Salvadoran Institute for the Rehabilitation of Invalids reports that there are two main reasons for the limited coverage of rehabilitation services: the centralization of such services in San Salvador, Santa Ana and San Miguel; and the lack of coordination between the physiotherapy service of the national health network and the Institute.

201. As regards beginning the rehabilitation process at the earliest possible stage with a multidisciplinary assessment, the Ministry of Health and the Salvadoran Institute for the Rehabilitation of Invalids take action when individuals seek assistance in health centres, without waiting for cases that might need attention to be identified by decentralized services in rural areas.

202. The Salvadoran Social Insurance Institute (ISSS) has taken steps to eliminate all forms of discrimination at work and discrimination that impedes social inclusion, as summarized below.

203. Health and comprehensive rehabilitation services have traditionally been provided for persons with disabilities by the Institute's physical medicine and rehabilitation unit, which can call on decentralized rehabilitation services and a network of health facilities.

204. The ISSS Department of Teaching and Research has plans to resume training medical specialists in physical medicine and rehabilitation; the plans have been approved by the health subdirectorate and will be implemented in 2011.

205. Moreover, the Institute is required by article 48 of the Social Insurance Act to supply the prostheses and orthopaedic devices deemed necessary.

206. Article 40 of the Regulations implementing the Social Insurance Scheme provides that survivors' pensions are paid to children of the insured person who are under the age of 16, or under 21 if they are a student in a public or State-authorized institution, or of any age if they have a disability.

207. The Armed Forces Occupational Rehabilitation Centre is a decentralized branch of the Armed Forces Social Security Institute. Its job is to fully rehabilitate members who are disabled as a result of the armed conflict and to reintroduce them to working life.

208. The Armed Forces Occupational Rehabilitation Centre currently provides the following services:

- (a) Manufacture and repair of prostheses (lower and upper limb);
- (b) Manufacture and repair of orthoses (insoles, braces);
- (c) Supply of ocular prostheses, hearing aids, orthopaedic shoes and progressive, cosmetic and contact lenses;
- (d) Supply of wheelchairs, special chairs for quadriplegics, crutches, sticks for the blind, slates and styluses, stockings, tips, pads, elastic bandages, rubber suspension straps, etc.;
- (e) Other types of medically prescribed aid.

209. Most people with disabilities are in a precarious financial situation. The Special Transmissions Brigade of the Armed Forces was therefore asked to offer the services of two barbers for people who were visiting the institution to complete various formalities or for other reasons.

210. A branch of the Armed Forces Occupational Rehabilitation Centre was opened in September 2009 in the department of San Miguel, in the east of the country, to be closer to users who could not afford or did not have time to go to the offices in San Salvador; this initiative also benefits people who live in the eastern departments of Morazán, Usulután, La Unión and San Miguel.

211. In 2009, 156 wheelchairs, 43 pairs of forearm crutches, 50 underarm crutches and 55 sticks for the blind were supplied; these had been donated by various support agencies (see annex, table 5).

## Article 27

### Work and employment

212. The Equal Opportunities for Persons with Disabilities Act (chap. V, “Integration in the workforce”) sets out the obligations of the State and its agencies, autonomous institutions, municipalities, private companies and others for guaranteeing the rights of persons with disabilities in the area of work. It also sets out the mechanisms for monitoring compliance with these obligations.

213. The employment department of the Ministry of Labour and Social Security is responsible for analysing the employment situation and promoting action to deal with it. Its analysis draws on its own job-seeker profiles, offers from employers and its company database, as well as on outside resources. The department is thus being suitably proactive in the labour market.

214. One way of increasing employment among job-centre users with disabilities and lowering national unemployment rates during the reporting period involved the National Employment Network, a joint initiative headed by the Ministry of Labour and Social Security with the help of, among others, municipalities and vocational training centres.

215. The National Employment Network works by coordinating the various job centres and branch offices to achieve its primary goal of matching job-seekers with job offers.

#### *Compliance with the law*

216. To give effect to the Equal Opportunities for Persons with Disabilities Act, the Directorate-General of Labour Inspections carried out a total of 26,731 inspections nationwide between May 2008 and March 2010, finding 81 companies that were not in compliance with the Act.

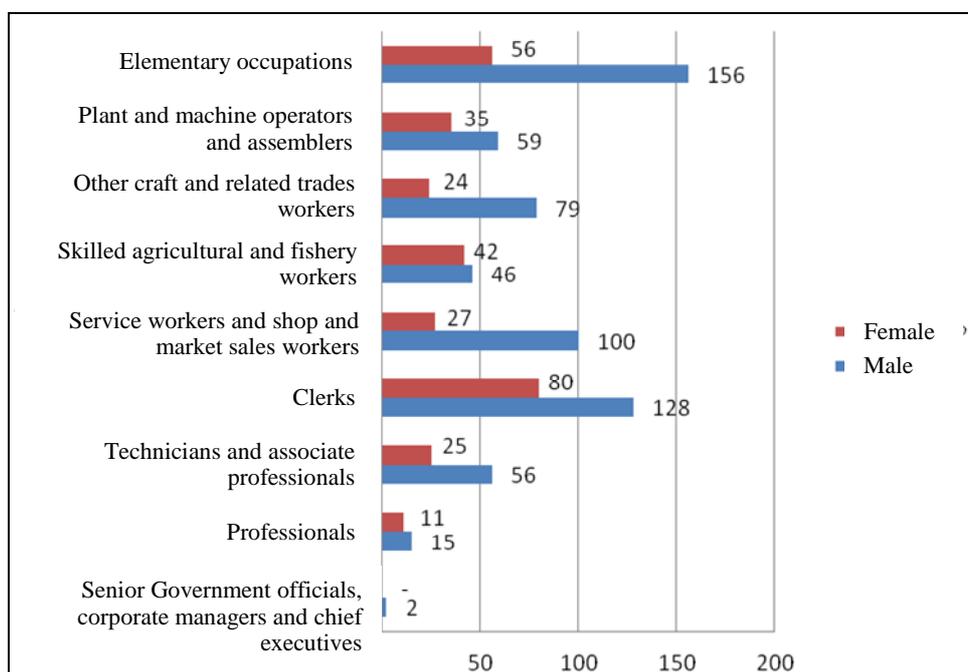
217. Nevertheless, the process of consultation with the representatives of various disability organizations around the country revealed a high level of unemployment and a lack of accessibility in public and private institutions.

218. Institutional policy is directed at supporting the development of people with disabilities at work and in society by offering training programmes and creating job opportunities, as well as by enforcing the relevant legislation. Three projects are currently under way: (a) one offering training in information technology; (b) one offering training in entrepreneurship; and (c) one on financing for microenterprises.

219. The inclusion of persons with disabilities in the workplace in El Salvador is regulated by articles 24 to 26 of the Equal Opportunities for Persons with Disabilities Act. It appears from the input from the State institutions consulted about this legislation that the target of recruiting 1 person with disabilities per 25 workers is not being met.

220. Since 2009, the Ministry of Labour and Social Security and the Secretariat for Social Integration have been working to bring municipalities and private enterprise closer together in order to create mechanisms to bring persons with disabilities into the workforce and to adapt workplaces to make them more accessible to such persons.

Figure 5  
**Number of persons with disabilities registered with the National Employment Network, by occupational group, May 2008–March 2010**



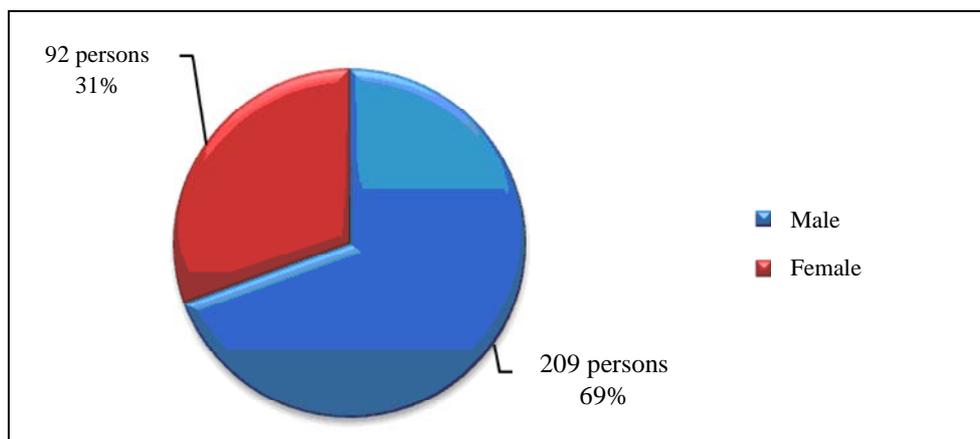
221. Figure 5 shows the number of persons registered by occupational group. Male workers are predominant in the occupational group “Elementary occupations”.

#### Persons with disabilities placed in private companies, by sex and occupational group

Sex and occupational group	Total	
	Male	Female
<b>Total</b>	<b>209</b>	<b>92</b>
Senior Government officials, corporate managers and chief executives	1	-
Professionals	-	3
Technicians and associate professionals	4	2
Clerks	33	19
Service workers and shop and market sales workers	15	10
Skilled agricultural and fishery workers	1	1
Other craft and related trades workers	37	17
Plant and machine operators and assemblers	35	24
Elementary occupations	67	16

Source: Regional and departmental offices of the Directorate-General of Social Security and Employment.

Figure 6  
Persons with disabilities placed in private companies, by sex



222. The resources division of the Salvadoran Social Insurance Institute began implementing a programme to integrate persons with disabilities in the workforce in July 2004, when 106 employees with disabilities were identified, out of a total of 11,619 employees nationwide.

223. The figure had risen to 134 out of a total of 11,739, or 1.14 per cent of all employees, by February 2005. The Institute took further action in December 2009.

224. The Institute has been running a programme to prevent occupational risk, accidents and diseases since 1968. On 14 August 2006 the Department of Occupational Health was established. As occupational health is considered to be one of the pillars of development in El Salvador, the Department's work involves promoting and protecting workers' health and preventing occupational risk arising from the working conditions in various spheres of economic activity. The four basic areas covered by occupational health are (a) accident prevention at work, (b) occupational hygiene, (c) ergonomics and (d) occupational medicine.

225. The Institute has focused in its work mainly on preventing accidents at work and on promoting occupational medicine, by means of:

- (a) Promoting occupational health;
- (b) Training and advice for occupational health and safety committees;
- (c) General inspections;
- (d) The use of a risk map;
- (e) Investigations into specific cases;
- (f) Investigations into accidents at work;
- (g) Medical consultations;
- (h) Pre-recruitment consultation for candidates wishing to work in the Salvadoran Social Insurance Institute;
- (i) Epidemiological surveillance;
- (j) Hygiene measures.

226. These activities are carried out in various settings, including companies affiliated to the Salvadoran Social Insurance Institute (such as private clinics) and support centres and

administrative offices of the Salvadoran Social Insurance Institute. They also involve the Ministry of Labour and Social Security, the Ministry of Health and Social Welfare, the Ministry of the Environment and Natural Resources, and the University of El Salvador.

227. The comprehensive occupational health programme is implemented by 9 doctors and 84 health educators.

228. The Armed Forces Occupational Rehabilitation Centre concentrates on finding jobs, since this helps lift persons with disabilities out of poverty and dependency. As a first step, personal data are being updated so that users without a job can be identified. In January this year, 15 candidates were referred to the Salvadoran Social Insurance Institute for assessment.

229. It also coordinated, along with the Ministry of Labour and Social Security, the placement of 11 persons with disabilities in the human rights unit of the Ministry of Tourism (in Balneario Los Chorros); at least 6 of them are to be considered for a permanent position. The Armed Forces Social Security Institute employs 24 persons with disabilities out of a total of 403 workers.

230. The Salvadoran Vocational Training Institute and the Salvadoran Institute for the Rehabilitation of Invalids have provided information on the percentage of employees with disabilities, in accordance with article 24 of the Equal Opportunities for Persons with Disabilities Act (see annex, table 6). In 2009, the Salvadoran Vocational Training Institute signed two cooperation agreements with the Secretariat for Social Integration to support training and work placements for persons with disabilities.

## **Article 28**

### **Adequate standard of living and social protection**

231. El Salvador wishes to stress that there is no de jure discrimination that might affect the exercise by persons with disabilities of the right to an adequate standard of living and social protection. However, it acknowledges that de facto discrimination, especially with regard to the right to work, has a negative effect on observance of this right.

232. It is widely known that the jurisprudence of the Committee on Economic, Social and Cultural Rights, as developed from its general comment No. 11 onwards, identifies four levels of obligation, namely, the obligations to respect, to protect, to facilitate and to fulfil. The latter obligation is particularly relevant to the situation of individuals who are recognized as being unable to exercise their rights on their own and who therefore need the State to intervene directly to ensure their rights are observed.

233. The right to an adequate standard of living and social protection — particularly in terms of food, clothing and decent housing — can usually be achieved to a large extent by the individual on their own or with their family, thanks to income from a business or job. In the case of persons with disabilities, however, the systematic denial of educational opportunities and, as a direct consequence, job opportunities means they have little chance of realizing this right on their own.

234. De facto discrimination often impedes the realization of this right. The State should then have remedial mechanisms in place, offering special programmes that give access to housing, food and clothing to ensure that persons with disabilities or their families can exercise this right. However, El Salvador has no such special programmes, that is, it has no mechanisms to compensate for or remedy inequities in the realization of this right owing to de facto discrimination. However, the absence of such programmes does not mean the State system or policies reject persons with disabilities as such. Disability is not in itself a requirement for benefiting from social protection. El Salvador wishes to stress that what is

lacking are housing, food and clothing programmes specifically for persons with disabilities.

235. After signing the Peace Agreements, the Government undertook to guarantee the conditions for the social reintegration and return to the job market of persons disabled in the armed conflict; it therefore issued Legislative Decree No. 416, adopted on 13 December 1992 and in force since 14 January 1993. This decree established the Act on Benefits for Persons Wounded and Disabled in the Armed Conflict, which set out dates for the payment of pensions to individuals entitled to one. Clearly there was a period between the entry into force of the Act and the first official payment date when the pension was not paid.

236. The State's failure to pay the pensions in this period could only be resolved with the help of international cooperation agencies, by means of an amendment to the Act contained in Legislative Decree No. 183 of 4 November 1994. This situation of confusion and non-compliance lasted until 2008, when the question was raised again by organizations of disabled veterans receiving payments from the Fund. In August of that year, a study was carried out to determine the legality of the State's possible debt to those veterans, the number of people affected and the amounts owed.

237. When the study was submitted to the Fund's current board of directors, a number of shortcomings were identified, including the possible omission of thousands of individuals from the study, inaccuracies in the estimates for the total amounts to be paid out, and legal arguments that were too weak to support a full petition to the Executive. Nevertheless, the Fund's operational units (its legal and financial units and pension department) were instructed to carry out a more comprehensive study, the results of which are summed up in the following table.

#### **Total owed (US\$)**

<i>Type of beneficiary</i>	<i>Number of beneficiaries</i>	<i>Total for the period (US\$)</i>
Wounded and disabled beneficiaries	8 157	<b>11 340 343.39</b>
Beneficiaries related to combatants who died	10 134	<b>8 244 972.65</b>
<b>Total</b>	<b>18 291</b>	<b>19 585 316.04</b>

238. The Fund currently awards pensions on the basis of a table that differentiates by level of disability: those suffering from 60 to 100 per cent disability receive a pension worth the equivalent of \$230.76; this amount is gradually reduced to \$92.30 for those suffering from 11 to 20 per cent disability. Those suffering from 1 to 10 per cent disability receive a one-off payment equivalent to \$685.71.

239. As for relatives, if the survivor is a parent, he or she receives \$69.23; if there are two parents, they each receive \$57.69; children receive \$76.15. The fourth and any further survivors receive equal shares of the total benefit.

240. When a wounded or disabled combatant dies, their pension is transferred to their children if their children are under the age of 18, or under the age of 25 if in full-time education.

241. If there are no children, the pension will be shared between parents and surviving spouses.

242. The payments provided for by law have never been sufficient to cover beneficiaries' basic needs.

243. According to the 2009 Multi-Purpose Household Survey, the cost of the basic food basket per person in 2009 was \$44.33 in cities and \$27.86 in the countryside. For a typical

household of 3.79 members living in a city in 2009, the cost of the basic food basket was \$168.01, and that of the expanded food basket was \$336.02. For a typical household of 4.34 members living in the countryside, the cost of the basic food basket was \$120.91, and that of the expanded food basket was \$241.82.

244. Of the total number of beneficiaries of the Fund in December 2009 (8,691 persons), 60 per cent (5,286 beneficiaries) were classed as having 11 to 30 per cent disability. Within this range, 27.07 per cent (2,353 beneficiaries) were classed as having 11 to 20 per cent disability, and receive a pension of \$92.30, which is not enough to cover the basic food basket in rural areas (\$99.05) and covers barely 56.88 per cent of the basic food basket in cities (\$162.27). The remaining 33.75 per cent (2,933 beneficiaries) classed as having 21 to 30 per cent disability receive a pension of \$138.46, which does cover the cost of the basic food basket in rural areas but is not enough to cover the basic food basket in cities, where it covers only 85.33 per cent of the cost.

245. It is clear from the above that the rural population in El Salvador (which includes the majority of those disabled in the war) has been hardest hit by the current economic crisis. The pensions received by beneficiaries of the Fund classed as having 11 to 20 per cent disability are not enough to cover the cost of the basic food basket for rural areas.

246. Likewise, disabled former combatants living in cities do not receive enough to cover even 60 per cent of the cost of the basic food basket, leaving them in dire financial straits. Only the few disabled combatants who receive the maximum pension of \$230.76 a month can cover, just, the cost of the basic food basket in the city, though not the cost of education, transport, clothes, shoes, water, electricity, etc.

247. While the pensions are thus not high enough to provide for a decent life, the overall picture is even more bleak if we look at the employment situation in the country; the people disabled in the war face not only age-related and social barriers to employment, but also a high unemployment rate (over 40 per cent) and a huge number of underemployed people, which impact more negatively in urban areas.

## **Article 29**

### **Participation in political and public life**

248. El Salvador recognizes that it needs to improve its legal system in relation to the exercise of political rights. As far as the right to vote is concerned, that is, the opportunity to participate in public life by casting a vote, the highest electoral authority, the Supreme Electoral Court, has taken steps to ensure that persons with visual impairments can vote, by allowing them to be assisted by a person of their choice or to use a Braille grid placed on the ballot paper.

249. Nevertheless, as polling stations are usually in State schools or public buildings, not all of which observe the principles of universal design or accessibility, getting to the polling booth can often be very difficult for persons with disabilities, especially those with a physical disability or visual impairment.

250. Persons with disabilities who wish to run for office in El Salvador also face problems. In particular, article 222 of the Electoral Code imposes an unacceptable restriction on the right of persons with disabilities to seek election to municipal councils (part of local government). Paragraph 4 of article 222 stipulates that no blind, deaf, mute or mentally disturbed person may seek election to a municipal council. Similarly, article 6, paragraph 2, of the Public Notaries Act stipulates that people who are blind, deaf or mute are not qualified to exercise the profession of notary.

251. It should be pointed out that the profession of notary is a public position in that the notary certifies the authenticity of documents and thus confers legal certainty on certain contracts and procedures in civil relationships between individuals. The job of the notary is to certify that something that took place in their presence did indeed take place. El Salvador seeks the Committee's views and guidance on whether these restrictions are acceptable or not under the Convention, and in particular on how practice in El Salvador compares to that in other countries that use the Latin system of notaries (*notariado* or *fedatario*).

252. With regard to article 29 (b) of the Convention, there are no obstacles of any kind to the participation of persons with disabilities in public affairs through non-governmental organizations or political parties (including their administration) or through local, regional, national or international organizations representing persons with disabilities.

### **Article 30**

#### **Participation in cultural life, recreation, leisure and sport**

253. Initiatives and programmes in this area have been rather scattered; there has been no comprehensive, systematic programme. However, the National Sports Institute (INDES) and the Salvadoran Tourism Institute (ISTU) have made an effort to coordinate their work to boost cultural, sporting and leisure activities, including for persons with disabilities.

254. The National Sports Institute has adapted sports facilities and promoted and run courses for specialists who work with persons with disabilities, as well as staging sports events for international teams.

255. Thanks to the Salvadoran Tourism Institute, decisions to award renovation and maintenance work in parks and leisure centres now take into account the need for them to be accessible to persons with disabilities. The Secretariat for Culture set up the "Chorus of Hands", a choir for the deaf, and a contemporary dance group.

256. The Coordination and Support Unit for Disabled Members of the Armed Forces reports that a team took part in the *Copa Hermandad*, an international football tournament for amputees, in Crespo, province of Entre Ríos, Argentina, and won the bronze medal for third place. Later, the President of the Republic and commander-in-chief of the Armed Forces, Mr. Mauricio Funes, handed the team of amputees a plaque in recognition of their success in the event.

257. The National Council for Persons with Disabilities ran a campaign to promote gender-sensitive work-related, educational, sporting and artistic activities for persons with disabilities and for associations, making use of interviews, reports and press releases, which was a good opportunity to promote the Convention on the Rights of Persons with Disabilities.

## **V. Specific obligations**

### **Article 31**

#### **Statistics and data collection**

258. Mechanisms for collecting information on the obligations stemming from the Convention and on the situation of persons with disabilities in general have not been successful so far. The Technical Secretariat of the Office of the President is working to reformulate new information modules to cover the various services provided by the State, and is also working on modules of the Multi-Purpose Household Survey and other

measurement tools, including the inter-census headcount and a new census, which will include variables related to persons with disabilities.

## **Article 32**

### **International cooperation**

259. The Ministry of Education reports that, in 2008, \$22,057.80 was allocated to training teachers of the deaf. The figure for 2009 was \$23,422.64. In 2010, \$6,564.97 of the grant to the Salvadoran Association for the Deaf was used to provide technical support for 75 teachers in schools for the deaf.

260. The Ministry of Education runs a national school for the blind where students are taught, among other things, to use Braille. In 2008, \$4,968.80 was spent on identifying blind students in schools and providing technical support for 17 teachers. In 2009, \$52,951.72 was spent on technical support and materials for the blind, for 290 students identified by the census. In 2010, the El Salvador Association for the Blind received \$65,000 to provide technical support and materials for the blind at 444 educational establishments.

261. Teachers in special schools attend annual training courses, at a cost to the Ministry of Education of \$22,688.77 in 2008, \$24,809.87 in 2009 and \$55,000.00 in 2010.

262. Since 2008, the Ministry of Education has prepared a number of courses for teachers, including an optional course on diversity which was attended by 315 teachers in the country's teacher-training centres.

263. Workshops on inclusive education have been held for 360 professionals from around the country since 2008, with the support of the Italian development cooperation agency. According to the Ministry of Education, the workshops will continue to be held until 2012.

264. In 2008, \$36,850 was spent on 5 schools for the deaf and \$25,500 on 17 mixed-grade classes for the deaf to encourage the recruitment of deaf teachers. An amount of \$1,600 was granted to pay for sign-language courses at universities in El Salvador for technical and teaching staff. In 2010, a grant of \$20,435 was awarded to the Salvadoran Association for the Deaf to design and implement strategies to promote Salvadoran sign language as a primary language for communication and delivery of the curriculum in educational services for deaf pupils nationwide. In addition, grants worth \$20,400 were awarded to deaf students to continue with higher education in 2008 and 2009.

265. In 2007–2008, a project proposed by Don Bosco University and the Salvadoran Institute for the Rehabilitation of Invalids was implemented with funding from the Canadian Technology Transfer Fund to make “Pie de Niágara” orthoses and prostheses.

266. The Technology Transfer Fund, which is run by the Canadian International Development Agency, completed its work in March 2009. It encouraged the transfer of technology, that is, the exchange of established Canadian models or approaches based on experience or specialized knowledge with partner organizations in El Salvador that could successfully adapt such knowledge.

267. The Fund originally had a mandate for five years (2002–2007), though this was extended to March 2009, and a budget of 5 million Canadian dollars (US\$ 3.5 million) to finance individual projects.

268. Priority was given to social development (with the emphasis on health) and environmental management (with the emphasis on the water sector).

269. The Fund financed nine projects altogether, having built up the capacity of the Ministry of Health and Social Welfare, which implemented six of them.

270. In 2009, the Fund for Disabled Combatants budgeted \$21,749,275 for benefits (see annex, table 7).

271. The Ministry of Finance has provided details of the budget allocated to programmes for persons with disabilities (see annex, table 8).

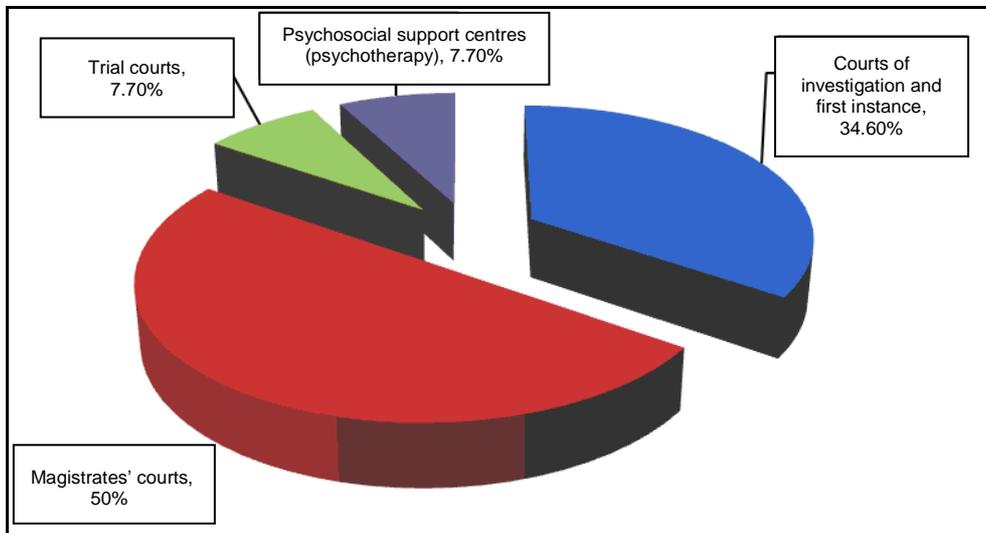
### **Article 33**

#### **National implementation and monitoring**

272. El Salvador has designated the National Council for Persons with Disabilities to be the body responsible for monitoring implementation of the Convention, as is clearly spelled out in its new terms of reference. Constant monitoring is also carried out by the Standing Committee on Persons with Disabilities, set up by the Office of the Human Rights Advocate in conjunction with civil society; the Standing Committee complements, while remaining critical of, the work of the Government.

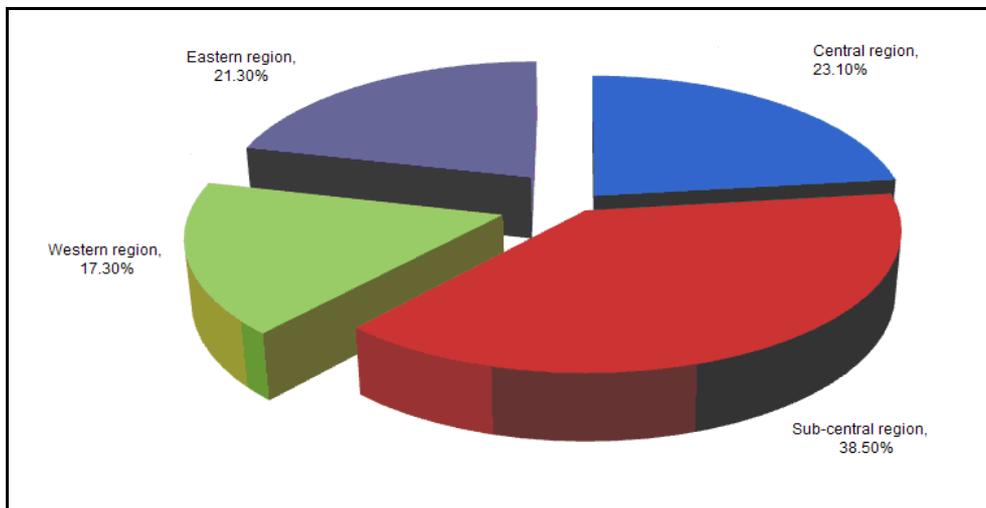
**Annex**

**Figure 1**  
**Crimes against persons with disabilities, by court/institution (January–August 2010)**



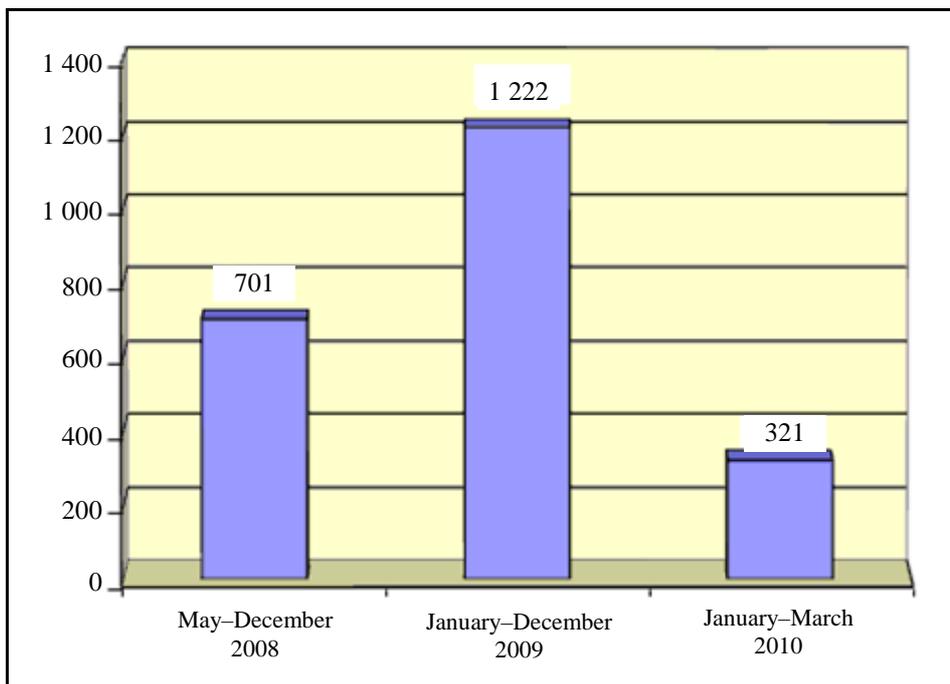
Source: General Secretariat of the Supreme Court.

**Figure 2**  
**Crimes against persons with disabilities, by geographic area (January–August 2010)**



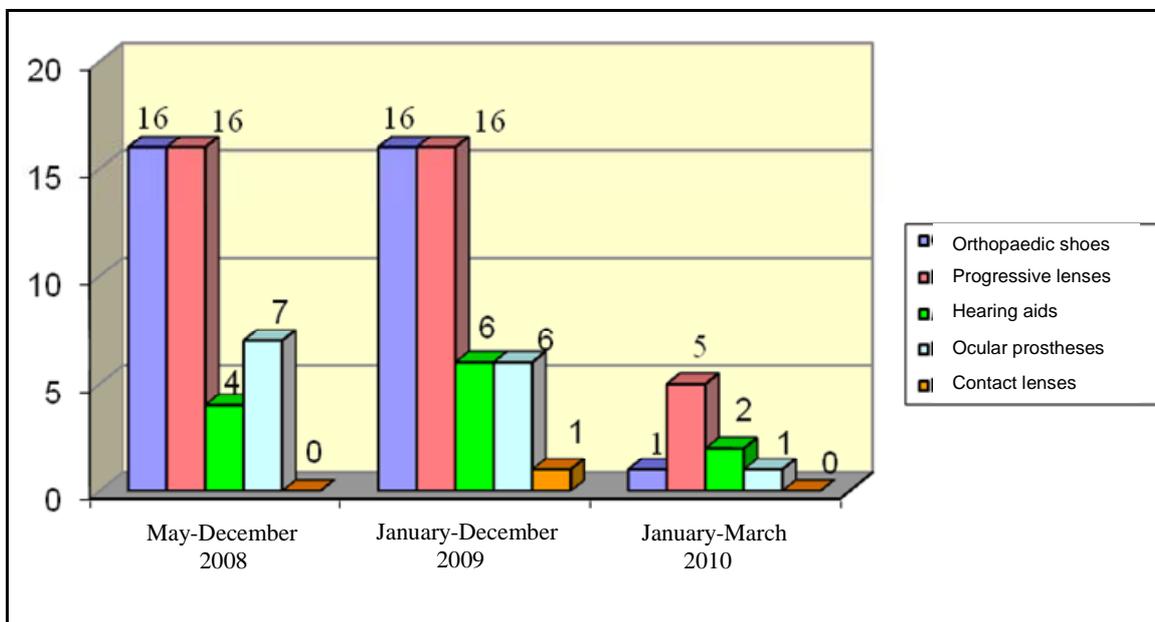
Source: General Secretariat of the Supreme Court.

Figure 3  
**Prostheses supplied for persons with disabilities (upper and lower limbs)**



Source: Armed Forces Occupational Rehabilitation Centre.

Figure 4  
**Technical and mobility aids supplied for persons with disabilities**



Source: Armed Forces Occupational Rehabilitation Centre.

Table 1  
**Repatriated persons with disabilities cared for under the Welcome Home programme,  
 January–May 2010**

<i>Disability</i>	<i>Diagnosis</i>	<i>Number of cases</i>	<i>Action by repatriation unit</i>
Physical disability Repatriated from Mexico	Amputation of a lower limb	3	Coordination with Ministry of Foreign Affairs, Salvadoran Institute for Child and Adolescent Development, Ministry of Health and the Independent Port Authority (CEPA) over admission of patient. If necessary, provide accommodation in Migrant Centre. Provide all-round care. Prioritize assistance at time of admission.
Mental disability Repatriated from Mexico and the United States	Mental disability, psychotic disorder, obsessive-compulsive	6	Coordination with Ministry of Foreign Affairs, Ministry of Health (psychiatric hospital) and CEPA. Hand over to family. If no family member can be contacted on arrival, arrange accommodation in Migrant Centre, for all-round care for indefinite period of time until family can be located. Prioritize assistance at time of admission.
Visual impairment (total blindness) Repatriated from the United States	Glaucoma, deformative arthritis, chronic bronchitis, blind from birth	2	Coordination with Ministry of Foreign Affairs, Ministry of Health and CEPA. Hand over to family. If no family member can be contacted on arrival, arrange accommodation in Migrant Centre. Provide all-round care for indefinite period of time until person can take care of self.
Drug-related disorders Repatriated from the United States	Abuse of marijuana and alcoholism	3	Coordination with Ministry of Foreign Affairs, Ministry of Health and CEPA. As no advance notification from any authority, arrange accommodation and all-round care for indefinite period of time until family can be located.
Physical disability Repatriated from the United States	Hypertension, type 2 diabetes, fracture of lower limb or osteomyelitis	2	Coordination with Ministry of Health over transfer by ambulance and medical assistance; coordination with Ministry of Foreign Affairs to locate family. Handover in person in one case.
Physical disability Repatriated from Nicaragua	Bullet wound to left hand, thorax and head	3	Arrange with CEPA for staff from the Ministry of Foreign Affairs and the Red Cross to provide assistance on arrival, and arrange for Ministry of Health to provide assistance at the same time.
<b>Total</b>		<b>20</b>	

*Source:* Directorate-General for Migration and Alien Affairs.

Table 2  
**Persons receiving physiotherapy for the first time in Ministry of Health facilities, by age group, May 2008–March 2010**

<i>Age group (years)</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>Total</i>	<i>Percentage</i>
0–9	8 906	14 165	3 762	<b>26 833</b>	30.40
10–19	2 456	4 053	1 287	<b>7 796</b>	8.83
20–59	10 169	17 931	6 400	<b>34 500</b>	39.09
60 and over	5 601	10 026	3 509	<b>19 136</b>	21.68
<b>Total</b>	<b>27 132</b>	<b>46 175</b>	<b>14 958</b>	<b>88 265</b>	<b>100.00</b>

*Source:* Service-provider system, Ministry of Health.

Table 3  
**Possible causes of disability (May 2008–March 2010)**

<i>2008</i>			<i>2009</i>			<i>2010</i>		
M54.5	Low back pain	35 078	M54.5	Low back pain	75 817	M54.5	Low back pain	19 863
G40.9	Epilepsy, unspecified	7 255	M25.5	Pain in joint	16 933	M25.5	Pain in joint	4 660
M25.5	Pain in joint	7 248	G40.9	Epilepsy, unspecified	10 698	G40.9	Epilepsy, unspecified	2 595
T15.9	Foreign body on external eye, part unspecified	3 805	T16	Foreign body in ear	7 474	T15.9	Foreign body on external eye, part unspecified	2 066
T16	Foreign body in ear	3 644	T15.9	Foreign body on external eye, part unspecified	6 915	M43.6	Torticollis	1 852
M54.9	Dorsalgia, unspecified	3 101	M43.6	Torticollis	6 590	M54.9	Dorsalgia, unspecified	1 713
N18.9	Chronic kidney disease, unspecified	3 018	M54.9	Dorsalgia, unspecified	6 213	T16	Foreign body in ear	1 466
M43.6	Tortícolis	2 885	M54.4	Lumbago with sciatica	5 817	N18.9	Chronic kidney disease, unspecified	1 250
M54.4	Lumbago with sciatica	2 440	N18.9	Chronic kidney disease, unspecified	4 641	M54.4	Lumbago with sciatica	1 162
M54.3	Sciatica	1 262	M54.3	Sciatica	3 066	M54.3	Sciatica	981

*Source:* Morbidity/mortality system, Ministry of Health.

Table 4  
**Physiotherapy treatment in Ministry of Health facilities, May 2008–March 2010**

<i>Period</i>	<i>Number of physiotherapy treatments</i>
May–December 2008	455 114
January–December 2009	574 208

<i>Period</i>	<i>Number of physiotherapy treatments</i>
January–March 2010	170 155
<b>Total</b>	<b>1 199 477</b>

*Source:* Service-provider system, Ministry of Health.

Table 5  
Persons with disabilities given accessories\*

	2008	2009	January–March 2010
Cotton stockings	936	1 630	407
Forearm crutches	25	20	0
Wheelchairs	52	85	22
Wheelchairs for quadriplegics	0	2	0
Pads	70	0	54
Folding sticks for the blind	6	15	4
Sticks with aluminium tip	2	0	0
Sticks with wooden tip	0	4	0
Crutches	84	129	0
Tips	278	319	45
Compression stockings	35	30	17
Rubber suspension straps	22	20	6
Metal walker	2	2	2
Writing frames for the blind	5	7	0
Braille stylus	6	5	0
Elastic bandages	72	67	0
Water mattresses	0	3	0
Tripod sticks		1	2
<b>Total</b>	<b>1 595</b>	<b>2 339</b>	<b>559</b>

*Source:* Armed Forces Occupational Rehabilitation Centre.

\* 4,493 users equipped with accessories to date.

Table 6  
Persons with disabilities employed at the Salvadoran Institute for the Rehabilitation of Invalids (ISRI)

<i>Centre</i>	<i>Posts</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Percentage</i>
Executive administration	93	0	3	<b>3</b>	3.23
Comprehensive Rehabilitation Centre for Children and Adolescents	118	7	2	<b>9</b>	7.63
Musculoskeletal System Centre	103	1	4	<b>5</b>	4.85
Geriatric Outpatient Clinic	38	1	1	<b>2</b>	5.26
Sara Zaldívar Centre for the Elderly	121	1	4	<b>5</b>	4.13
Eugenia Dueñas Rehabilitation Centre for the Blind	55	1	7	<b>8</b>	14.55

<i>Centre</i>	<i>Posts</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>	<i>Percentage</i>
Occupational Rehabilitation Centre	34	1	1	2	5.88
Hearing and Speech Centre	61	2	1	3	4.92
Eastern Comprehensive Rehabilitation Centre	58	2	1	3	5.17
Western Comprehensive Rehabilitation Centre	55	1	1	2	3.64
<b>Total</b>	<b>736</b>	<b>17</b>	<b>25</b>	<b>42</b>	<b>5.71</b>

*Source:* Human Resources Department, ISRI.

Table 7

**Budget for benefits paid from the Fund for Disabled Combatants (in US\$)**

<i>Category</i>	<i>Amount (US\$)</i>
01 Pensions and allowances	17 972 820.00
02 Farming inputs, production equipment and courses for beneficiaries	936 965.00
03 Products and medicines	758 407.42
04 Reintegration and mental health, legal and housing services	549 434.58
05 Prosthesis workshop (equipment, building and machinery)	452 400.00
6 Salaries (permanent staff)	323 410.00
07 Health services	268 470.00
08 Fixed assets (IT equipment, software and vehicles)	156 450.00
09 Operational and administrative support services	137 520.00
10 Fuel	115 005.00
11 Other (vehicle maintenance and advertising)	65 693.00
12 Payment at CNR for seizure of merchandize (Bond Exchange)	12 700.00
<b>Total</b>	<b>21 749 275.00</b>

Table 8  
Resources for disability programmes (budget for 2008–2010)

<i>Institution/unit</i>	2008			2009			<i>Total 2008–2009</i>			2010	
	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>
Office of the President of the Republic	194 285	201 571	194 285	194 285	201 571	194 285	<b>388 570</b>	<b>403 142</b>	<b>388 570</b>	194 285	201 571
Salvadoran Rehabilitation Association <sup>1</sup>		2 286			2 286		-	<b>4 572</b>	-		2 286
National Council for Persons with Disabilities	194 285	194 285	194 285	194 285	194 285	194 285	<b>388 570</b>	<b>388 570</b>	<b>388 570</b>	194 285	194 285
National Committee on the Special Olympics <sup>1</sup>		5 000			5 000		-	<b>10 000</b>	-		5 000
Finance	14 718 240	15 763 530	15 763 530	21 749 275	21 749 275	21 749 275	<b>36 467 515</b>	<b>37 512 805</b>	<b>37 512 805</b>	22 990 030	42 575 347
Disabled Persons' Rehabilitation Programme <sup>2</sup>	14 718 240	15 763 530	15 763 530	21 749 275	21 749 275	21 749 275	<b>36 467 515</b>	<b>37 512 805</b>	<b>37 512 805</b>	22 990 030	42 575 347
Defence	2 000 000	-	-	2 000 000	2 000 000	2 000 000	<b>4 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	2 000 000	2 000 000
Armed Forces Social Security Institute	2 000 000			2 000 000	2 000 000	2 000 000	<b>4 000 000</b>	<b>2 000 000</b>	<b>2 000 000</b>	2 000 000	2 000 000
Education <sup>3</sup>	861 115	1 861 115	1 861 115	892 115	1 061 705	1 061 705	<b>1 753 230</b>	<b>2 922 820</b>	<b>2 922 820</b>	-	-
Special Education Foundation (FUNPRES)	752 825	1 752 825	1 752 825	752 825	922 415	922 415	<b>1 505 650</b>	<b>2 675 240</b>	<b>2 675 240</b>		
National Committee on the Special Olympics	19 430	19 430	19 430	19 430	19 430	19 430	<b>38 860</b>	<b>38 860</b>	<b>38 860</b>		
Roberto Callejas Montalvo Cerebral Palsy Home	88 860	88 860	88 860	119 860	119 860	119 860	<b>208 720</b>	<b>208 720</b>	<b>208 720</b>		
Health and Social Welfare	7 614 010	7 640 865	7 635 605	8 144 340	8 561 582	8 297 786	<b>15 758 350</b>	<b>16 202 447</b>	<b>15 933 391</b>	8 199 260	8 698 575
Salvadoran Institute for the Rehabilitation of Invalids (General Fund subsidy)	7 062 855	6 985 040	6 982 944	7 530 865	7 921 735	7 863 604	<b>14 593 720</b>	<b>14 906 775</b>	<b>14 846 548</b>	7 952 805	8 452 120
Salvadoran Institute for the Rehabilitation of Invalids (own resources)	501 155	605 825	602 661	563 475	589 847	384 182	<b>1 064 630</b>	<b>1 195 672</b>	<b>986 843</b>	196 455	196 455
Teletón Foundation for Rehabilitation (FUNTER)	50 000	50 000	50 000	50 000	50 000	50 000	<b>100 000</b>	<b>100 000</b>	<b>100 000</b>	50 000	50 000
Labour and Social Security	1 024 845	1 082 030	1 082 030	1 024 845	1 024 845	1 024 845	<b>2 049 690</b>	<b>2 106 875</b>	<b>2 106 875</b>	1 024 845	1 024 845

<i>Institution/unit</i>	<i>2008</i>			<i>2009</i>			<i>Total 2008–2009</i>			<i>2010</i>	
	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>	<i>Allocated</i>	<i>Voted</i>	<i>Adjusted</i>
Fund for Persons Wounded and Disabled in the Armed Conflict	1 024 845	1 082 030	1 082 030	1 024 845	1 024 845	1 024 845	<b>2 049 690</b>	<b>2 106 875</b>	<b>2 106 875</b>	1 024 845	1 024 845
Public Works, Transport and Housing, and Urban Development	-	-	-	-	-	-	-	-	-	-	200 000
Infrastructure and universal services											200 000
Salvadoran Social Insurance Institute <sup>4</sup>	1 982 740	-	-	1 969 130	-	-	<b>3 951 870</b>	-	-	1 853 240	-
Outpatient treatment, physical medicine and rehabilitation	1 982 740			1 969 130			<b>3 951 870</b>	-	-	1 853 240	
<b>Total</b>	<b>28 395 235</b>	<b>26 549 111</b>	<b>26 536 565</b>	<b>35 973 990</b>	<b>34 598 978</b>	<b>34 327 896</b>	<b>64 369 225</b>	<b>61 148 089</b>	<b>60 864 461</b>	<b>36 261 660</b>	<b>54 700 338</b>

*Note:* Adjusted budget: consists of the allocations set out in the Budget Act as originally voted, plus any increases or reductions introduced in such allocations for various reasons, on the basis of the law in force. Allocated: signifies the completion of a financial transaction giving rise to the actual use of the resources for the purposes identified in the Budget Act.

<sup>1</sup> No information available on allocated budget.

<sup>2</sup> For 2010, the adjusted budget includes an extra \$19,585,317 for the Disabled Veterans Programme.

<sup>3</sup> No information is available on the institutions that received grants under the heading “Education” in 2010.

<sup>4</sup> No information available on the adjusted or allocated budget.