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## **National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1\***

### **El Salvador**

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## **I. Introduction**

1. The Republic of El Salvador<sup>1</sup> hereby presents its report on the action taken in the field of human rights, the barriers and challenges encountered, implementation of international obligations, the policies adopted and its needs for cooperation in order to achieve better practices and develop national policies in the field of human rights.

2. The Government took office on 1 June 2009 and established an administration committed to the respect and advancement of the human person. Accordingly, it has included in this report its commitments and plans at national and institutional levels and the measures it has adopted to implement them and to try to overcome various forms of marginalization and social exclusion.

3. The change of government which has taken place in El Salvador is of historic significance for the country because, after 20 years of government by parties with an identical political and ideological profile, the results of the election of 15 March 2009 awarded victory to a president whose party represents a different position in the political arena. It should be noted that this report presents and brings together information from both the previous and the current Government, which have different political and ideological positions. Accordingly, this report is an attempt to combine information from the two periods of government.

## **II. General aspects**

### **A. Description of the methodology used in preparing the report**

4. The Ministry of Foreign Affairs, through a working group, was entrusted with the coordination and preparation of the report, with the aim of organizing meetings and direct consultations with representatives of 26 State agencies<sup>2</sup> and 21 non-governmental organizations.<sup>3</sup> The non-governmental organizations were given a presentation on the mechanism and objectives of the Universal Periodic Review, and each one was informed about the guidelines on the content and submission of relevant information.

### **B. Background**

5. Between 1980 and 1992, El Salvador was embroiled in an armed conflict which led to thousands of deaths, brought suffering to the people and caused serious damage to the country, leading to many serious violations of human rights and making it necessary for the United Nations Commission on Human Rights to appoint a Special Representative on the Situation of Human Rights in El Salvador.

6. The armed conflict was brought to an end by a Peace Agreement, signed on 16 January 1992, in which the Government and the Farabundo Martí National Liberation Front indicated their intention to “end the armed conflict by political means as soon as possible, promote the democratization of the country, guarantee full respect for human rights and reunify Salvadoran society”.<sup>4</sup>

7. From that day onwards, the Government sought to create the conditions necessary to promote legal and institutional changes, consistent with the agreed commitments, which would consolidate peace and strengthen democracy and the rule of law. Among the new institutions which were created, we should note the Office of the National Counsel for the

Defence of Human Rights, the Supreme Electoral Tribunal, the National Council of the Judiciary and the National Civil Police.

8. The United Nations set up an observer mission (ONUSAL) in El Salvador with the task of monitoring and verifying the peace process. The mission included a Division of Human Rights, which actively conducted verification activities relating to the human rights situation over a number of years.

9. One proof of the above was the significant fact that El Salvador was a member of the former Commission on Human Rights between 1998 and 2000.

10. Improving the enjoyment of all human rights has been a feature of the national agenda: however, the public policies conducted for the protection of human rights have not always favoured specific groups, particularly as regards the provision of better conditions for the exercise and enjoyment of their rights.

11. The main national institution for the promotion and protection of human rights and fundamental freedoms is the Office of the Procurator for the Defence of Human Rights, whose tasks and functions are derived from its mandate under the Constitution of the Republic.

12. There is a general awareness that the State and its institutions should tackle problems of public safety, economic and judicial security and human development.

### **C. International commitments related to human rights and international humanitarian law**

13. A wide range of international instruments on human rights and international humanitarian law which protect human rights form part of Salvadoran law:<sup>5</sup> however, the Government has thought it necessary to strengthen the national system for the protection of human rights by conducting a study of the main international human rights instruments to which El Salvador is not yet party, with a view to launching the domestic procedures required for their ratification and entry into force.

14. Accordingly, on 25 September 2009, El Salvador, through its Ministry of Foreign Affairs, signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; it thereby agrees to promote an academic, cross-sectoral dialogue intended to facilitate the eventual accession by El Salvador to the Rome Statute of the International Criminal Court.

15. In recent years, El Salvador has participated actively in the inter-American system for the protection and promotion of human rights,<sup>6</sup> the regional mechanism which oversees the implementation of the American Convention on Human Rights<sup>7</sup> and other regional human rights instruments. In recent years, the Salvadoran State has shown goodwill and openness towards these bodies of the inter-American system, of which one example is its offer to act as host State for the XXIX Extraordinary Session of the Inter-American Court of Human Rights, which indeed took place in El Salvador in June 2006.<sup>8</sup> Nevertheless, the State has not yet sufficiently implemented the recommendations and judgements of the inter-American human rights system: the present Government has, accordingly, adopted a policy of accepting the Court's recommendations and judgements as binding upon it and implementing its obligations under the inter-American system in good faith. Accordingly, the Government has entered into a process of dialogue with victims of human rights violations and their representatives who have brought cases before the Inter-American Court in order to expedite these cases, especially in respect of the right to remedies. Notable examples include the progress of the dialogue on the implementation of the judgement of the Inter-American Court of Human Rights relating to the young Serrano Cruz sisters, as

part of which the State is currently working towards the creation of a “National Commission to Search for Disappeared Children” to search for children who disappeared during the internal armed conflict.

16. With reference to the United Nations system, El Salvador has achieved significant progress in implementing the recommendations of the various committees set up under international human rights instruments: however, we acknowledge that action still remains to be taken by the State. In the period covered by this report, El Salvador invited the United Nations Working Group on Enforced or Involuntary Disappearances to visit the country, which it did in February 2007.

### **III. Human rights situation on the ground**

#### **A. Civil and political rights**

##### **1. Fundamental freedoms**

17. The period covered by this report has been one of radical legal and institutional change for El Salvador, resulting from the historic developments since the conclusion of the Peace Agreements. Fundamental freedoms are protected and guaranteed by various State institutions, including the Legislative Assembly, the Supreme Court of Justice, the Public Prosecutor’s Office,<sup>9</sup> the Ministry of the Interior (MIGOB), etc.

18. In El Salvador, fundamental freedoms are protected by domestic and international law;<sup>10</sup> in respect of freedom of expression, the State permits anyone to express and disseminate their opinions freely, provided that they do not undermine public order or infringe the morality, honour or privacy of others.<sup>11</sup> Freedom of association is a fundamental right<sup>12</sup> guaranteed by the State to individuals, who have the right to associate freely and assemble peacefully, with the sole restriction that they must be pursuing a legal purpose. On the other hand, there is no constraint whatsoever on forming or joining associations or obtaining legal personality for them, since the State liberally recognizes the legal capacity of various non-profit associations and foundations. One aspect of freedom of association is freedom to form a trade union, which will be described below under labour legislation.<sup>13</sup> In addition, the Salvadoran State guarantees freedom of religious belief, and the freedom to practise and celebrate any religion is protected,<sup>14</sup> limited only by the requirements of morality and public order.

19. El Salvador also guarantees freedom of movement to everyone, likewise provided that there are no legal restrictions or penalties depriving the person of his liberty. In addition, all persons, both Salvadoran nationals and foreigners, have the right to move within the territory of the Republic, as laid down by the provisions of our Constitution.<sup>15</sup> As for freedom of the press, the State guarantees the free operation of all print, television and radio media, regulated only by national and international legal standards.

20. As regards access to information, a draft law on access to information and transparency in public affairs is currently under examination; it is intended to protect and strengthen this right by establishing a set of standards to guarantee it and ensure genuine transparency in the actions of the State vis-à-vis civil society. It is also important to stress that the first efforts of the State to implement policies of transparency in public affairs included the establishment of the Government Ethics Tribunal<sup>16</sup> in 2006, which is a mechanism allowing any natural or legal person to complain about actions of public officials which are against the law.

## 2. Physical integrity and the efforts to combat torture

21. Physical and moral integrity is a human right which is recognized as being essential to the human person and is recognized at the highest level in our legal order through the Constitution of the Republic and international instruments.

22. In respect of the prevention and control of torture and cruel, inhuman and degrading treatment or punishment, since 2000, the National Public Security Academy, has investigated and run background checks on applicants wishing to enter the Academy in order to ensure that individuals who may have committed human rights violations, including torture, or violations of humanitarian law are not recruited as police officers. Subsequently, during training, if any student behaves in a way which indicates that he has taken part in unlawful acts, he will be monitored and assessed by the Psychological Support Unit. The National Public Security Academy will then study the case and decide whether he should be allowed to graduate. Also, since 2007, training programmes relating to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have been conducted, in which 110 officials have participated. In 2008, 593 members of the National Civil Police participated in training related to the Convention.

23. Another important aspect of the control of potential abuses by police officers against persons in detention is the set of measures taken by the new Government to strengthen the Office of the Inspector-General of the National Civil Police. This has consisted of the appointment of a new Inspector-General, who has been guaranteed complete independence in exercising his authority in the monitoring, investigation of disciplinary, procedural and human rights areas by the public security authorities. Although a legal reform adopted in 2001 made the Office of the Inspector-General subordinate to the Director-General of Police rather than the Ministry of Justice and Public Security, as provided for in the Peace Agreements, the Legislative Assembly is, in fact, discussing two reform proposals which aim to re-establish this additional guarantee of independence for the institution of the Office of the Inspector-General.

## 3. Judicial system and access to justice

24. The Salvadoran judiciary (OJES)<sup>17</sup> comprises the Supreme Court of Justice,<sup>18</sup> the courts of second instance and other courts established by subsidiary laws.<sup>19</sup> Throughout the territory of El Salvador, there are jurisdictions for criminal, civil, commercial, youth, labour and family cases, minor offences, road traffic and housing cases, military offences, enforcement of judgements, prison inspections, enforcement of sentences and mixed jurisdictions. In all, there are 556 municipal courts (*juzgados de paz*), 207 courts of first instance and 27 courts of second instance, called “chambers” (*cámaras*) in the country.

25. Over the period 2006–2009, the judiciary has implemented the Judicial Modernization Project which, in the area of infrastructure, consists mainly of the construction or renovation of 181 facilities and new buildings, including the integrated court centre for criminal, family, civil, commercial and minor cases in San Salvador and the integrated court centres of Soyapango, Ciudad Delgado and Tecoluca and the creation of an appropriate infrastructure for criminal, youth and family courts and special courts to combat organized crime.

26. In addition, a number of units have been set up within the Supreme Court, including a special environmental unit which concentrates, inter alia, on a programme of environmental training and education for justice officials; a gender unit, whose main aim is to institutionalize throughout the judiciary a vision of justice which respects the gender perspective; and a specialized unit on youth justice to monitor this area of activity and which, since 2008, has implemented a “plan for integration of juvenile justice services into

community spaces for young people”. This links social services and comprehensive care programmes with juvenile criminal justice services for the enforcement of non-custodial sentences.

27. One task of the judiciary is to adopt new legislation. In 2008, it adopted the new Code of Criminal Procedure<sup>20</sup> and the new Code of Civil and Commercial Procedure;<sup>21</sup> however, these two sets of legislation will not come into force until 1 January 2010, since the National Council of the Judiciary<sup>22</sup> has begun a large number of training programmes for court officials, independent lawyers and employees of the justice sector to ensure the effective application of this legislation, which is a major challenge. One limitation of the Modernization Project is that it will come to an end in 2010; however, the judiciary will incorporate activities from the Project in its strategic and operational plans under the relevant annual budget in order to guarantee the implementation and continuity of the activities concerned.

28. In addition, the Office of the Attorney-General of the Republic<sup>23</sup> is collaborating in efforts to provide full and free access to justice: one of the major achievements of the Public Defence Unit is the joint project it carried out in 2008 on “Prevention of commercial sexual exploitation of children and adolescents in San Miguel”, which set up a centre based at the local office of the Office of the Procurator-General in San Miguel: this project established a centre, staffed by psychologists, which provided care for child and adolescent victims of exploitation.<sup>24</sup> Also, the Real and Personal Rights Unit provides notarial services and legal assistance for persons of limited means in cases related to property and personal law.

#### **4. Public security**

29. This is a complex issue in El Salvador because of the diversity of the various actors involved in the prevention, investigation and prosecution of crime, the protection of victims and witnesses,<sup>25</sup> the promulgation and application of the law in this area, etc. Consequently, a clear need to improve coordination between State mechanisms and society at large and the application of regional and international instruments.<sup>26</sup>

30. In accordance with the relevant legislation, the Ministry of Justice and Public Security, the Public Prosecutor’s Office and the National Civil Police have a mandate to undertake action to protect individuals’ rights. In addition, the Salvadoran State has other institutions working in areas related to the rehabilitation and reintegration of offenders and persons in detention.<sup>27</sup>

31. The National Civil Police guarantees public security by means of preventive patrols, operations to catch suspects and counter drug trafficking, gang violence and trafficking in persons, registration of bars and nightclubs, assistance services in tourist areas, border controls (land and sea) and activities to counter organized and transnational crime. Some of these activities are carried out on an inter-institutional basis. Moreover, the Office of the Attorney-General of the Republic is authorized to investigate offences. To do so, it has various specialized crime-fighting units,<sup>28</sup> defends the interests of the State and society, directs investigations into crimes in collaboration with the National Civil Police as prescribed by law and brings criminal proceedings on its own responsibility or following applications by others, among many other special duties undertaken in the exercise of its functions. Although, in recent years, the State’s policy against crime has emphasized the use of centralized strategies of repressive action by the police and more widespread use of preventive detention, the new Government has now begun efforts to strengthen the policy against crime in the areas of prevention and forensic investigation of offences, multisectoral participation in the definition of criminal policy and the reintegration of offenders into society.

32. In addition, since Friday 6 November 2009, the armed forces have undertaken joint patrols with the National Civil Police in order to support the efforts of the latter to maintain public security in view of the alarming levels of violence and crime; however, this is an exceptional measure which is permissible under the Constitution of the Republic, and will be carried out under the direct supervision of the police and prosecution authorities and in full respect of human rights and constitutional guarantees of the due process of law.

## 5. Electoral system

33. Article 76 of the Constitution of the Republic states that the electorate consists of all citizens entitled to vote, namely Salvadoran citizens over 18 years of age who are entered on the electoral register and fully entitled to their civil and political rights. Election legislation<sup>29</sup> regulates the activities of the Supreme Electoral Tribunal<sup>30</sup> and the other authorities which oversee the exercise of the right to vote. In the last four years, El Salvador has gone through three elections<sup>31</sup> which were of great significance for the democratic life of the country. These took place on 12 March 2006<sup>32</sup> and on 18 January and 15 March 2009;<sup>33</sup> it was a success for the Supreme Electoral Tribunal that the election took place by means of a free, direct, equal and secret vote in strict respect of legality and constitutionality, which strengthened the institutions of the Salvadoran State.

34. The Supreme Electoral Tribunal's initiatives to guarantee political rights include the procedure followed in the 2006 election, namely the implementation of a pilot "residential" (decentralized) voting project (*voto residencial*) in seven municipalities of the Republic. Because of the success of the project, the system was used in the 2009 elections and extended to 23 municipalities. Also, the Cooperation Agreement for Action to Facilitate Voting by Disabled Persons<sup>34</sup> was concluded, with the aim of promoting participation by citizens with a disability so that they might exercise their right to vote effectively and responsibly. Likewise, under the Technical Assistance Agreement between the Supreme Electoral Tribunal and the Organization of American States (OAS), an integral audit of the Electoral Registry was conducted with the aim of strengthening the electoral register system; the audit was conducted in four stages,<sup>35</sup> and it is a challenge for the Supreme Electoral Tribunal to implement the OAS recommendations in full. In respect of elections, a number of commitments have been made relating to the effective provision of overseas voting; these are to expedite and guarantee better access to electoral justice, improve access to participation in political life and improve transparency in the conduct of elections.

## B. Economic, social and cultural rights

### 1. Measures to combat poverty

35. In 2005, the Solidarity Network programme launched a poverty control effort in 100 municipalities with high levels of extreme poverty, focusing on education, health care and nutrition. The new Government has carried on this effort through the Communities in Solidarity programme, which will operate in the poorest 100 municipalities in rural areas (Rural Communities in Solidarity) and 43 municipalities of the country where informal urban settlements have grown up (Urban Communities in Solidarity).

36. The Communities in Solidarity programme is inclusive and comprehensive, since it pursues a social policy which focuses on a continuous and systematic effort to combat poverty in its territorial dimension (poverty map) and comprehensive local development, and focusing on the family as the recipient of State action. By these means, the programme promotes co-responsibility, active participation and a belief that the health, hygiene, nutrition and education of the family can be improved. The Rural Communities in Solidarity programme is implemented with a strong gender component, since the women of

the household become the principal instigators and administrators of the benefits of the programme, which also acts to benefit young and elderly people.

37. The Rural Communities in Solidarity programme seeks to provide additional services for socially marginalized and poor people in 100 municipalities with high levels of extreme poverty, using an approach which emphasizes universal rights consistent with a universal social protection system. In September 2009, full coverage by the Rural Communities in Solidarity programme was achieved in the 100 municipalities with high levels of extreme poverty with the distribution of “rural health and education vouchers” to 947 families, bringing the total number who have received this benefit between 2004 and 2009 to 106,000 families in the 100 municipalities. However, we are aware that much work remains to be done. The Temporary Income Support Programme has been launched under the Urban Communities in Solidarity programme: a voucher for US\$ 100 per month, for six months, is distributed to young people aged between 16 and 24 years. The scheme primarily benefits women. The voucher can be exchanged for community services and training (vocational workshops). The idea is that, by the time the recipients have completed the project, they will have the skills required to enter formal employment.

38. The two branches of the Communities in Solidarity programme (urban and rural) cover three main areas: human capital, basic services and income generation and productive development. The distribution of vouchers comes within the area of human capital; in the area of basic services, the aim is to improve the basic social community infrastructure and build and upgrade housing; finally, in the area of income generation and productive development, the aim is to increase production capacity and implement productive projects focusing on food security, access to microcredit, etc.

39. The universal social protection system proposed by the Government goes beyond measures to combat poverty since, as well as Communities in Solidarity, it deals with food and nutritional security, employment and productive development and social security. It is important to note that El Salvador has made progress in its implementation of the Millennium Development Goals and has drawn up its second progress report showing the targets which have been achieved. The Government recognizes that implementation of the Millennium Development Goals is a commitment on the part of the State which will help it to progress to higher levels of human development.

## **2. Education and culture**

40. In the period 2004–2009, the Ministry of Education improved the education system by implementing a number of programmes, including the National Education Plan 2021,<sup>36</sup> and other measures such as free baccalaureate-level education in public-sector schools, increased provision of flexible learning models at baccalaureate level through the EDÚCAME programme,<sup>37</sup> the construction of MEGATEC technology institutes, etc. The national illiteracy rate is 14.1 per cent. According to figures for 2008, of the total number of illiterates, 16.4 per cent were females and 11.5 were males.

41. School attendance in 2008 stood at 33.0 per cent of the population aged 4 years and above, whereas in 2004, the rate was 31.9 per cent, so this indicator has improved. If the 2008 data are disaggregated, the school attendance rate among males was 35.5 per cent and the rate among females was 30.8 per cent. In urban areas, school attendance among males was 36.7 per cent and the rate among females was 30.9 per cent, while in rural areas it was 33.4 per cent among males and 30.7 per cent among females, all figures applying to 2008. By age group, school attendance was 83.1 per cent for the age group 4–12 years, 72.9 per cent for the age group 13–18 years and 13.3 per cent for the age group 19–33 years. The third group represents the proportion of the school population which goes on to the higher level of the school system.



42. The average duration of schooling in the country as a whole in 2008 was 5.9 years. In urban areas, it was 6.9 years and in rural areas it was 4.0 years, which is an improvement compared with 2004, when the national figure was 5.6 years. For the period 2009–2014, the Ministry of Education has set the following targets: to consolidate progress in access to education and prevention of school dropout at all levels of the education system by, inter alia, providing school uniforms<sup>38</sup> and stepping up food provision schemes<sup>39</sup> with the support of international cooperation programmes. A more appropriate approach to the educational curriculum is being developed in order to promote meaningful learning and better academic performance. Action will also be taken to guarantee access to basic and further training for young people and adults, which will benefit their quality of life and social participation. In the field of research, science and technology, the Government proposes to bridge the knowledge gap by strengthening research and access to technology.

43. On the subject of culture, we should state that the Government of El Salvador has set up the Secretariat for Culture<sup>40</sup> to replace the National Council for Culture and the Arts. The Secretariat has changed from an institution under the Ministry of Education to a presidential secretariat, ensuring higher status and greater institutional strength for the State's administration of culture. New areas of cultural development are being created for the Salvadoran people to exercise their cultural rights: the number of culture centres has increased to 173 throughout the country; consultations among citizens conducted in 2006 and 2007 produced diagnostic reports such as "Culture: a national investment" and "Adolescents with culture"; the programme to revive the Nahuat-Pipil language has been strengthened in collaboration with a private university and the Ministry of Education, which is responsible for 15 State schools in areas inhabited by the Pipil peoples; archaeological and paleontological research has opened up new approaches to the study of the distant past and revealed the natural and cultural richness of the country; this research has been published in the journal *El Salvador Investiga [El Salvador Research]*, launched in 2005.

44. The Government aims to broaden access to culture and the arts for the Salvadoran people, to promote reform of the academic curriculum with culture as a cross-cutting theme and to promote and encourage public reflection and discussion about cultural rights and improve links with other State institutions in order to enhance and expand information about integration of cultural themes. It also aims to develop and reform the legal framework for effective protection of indigenous populations and their cultures and the cultural heritage and intellectual property related to expression of and knowledge about the intangible cultural heritage.

### 3. Public health and social welfare

45. El Salvador has a large body of health legislation which aims to guarantee the right of everyone to enjoy the highest attainable standard of physical and mental health. In this spirit and in implementation of this legislation and in fulfilment of the State's responsibility, measures have been taken to extend health care coverage by sending mobile health care teams to rural areas, extending surgery hours in health facilities in urban areas with a high population density, providing clinical laboratory equipment and other substantive measures.

46. In respect of social security, the coverage of the Salvadoran Social Security Institute increased between 2005 and 2008 from approximately 1.3 million to 1.5 million persons insured, an increase of 12.7 per cent. This amounts to coverage of 29.7 per cent of the economically active population and 23.9 per cent of the total population of the country, an increase of 8.5 per cent and 5.0 per cent, respectively. As for health policy, the State reaffirms its recognition of health as a public good and a human right accorded primordial status by the Constitution of the Republic and which will be ensured for families and the population as a whole by means of a comprehensive strategy, a reform process and

institutional efforts and by the dynamic interaction of political, economic, social, cultural, demographic, biological and environmental factors. These measures will enable people to lead healthy, productive and longer lives, which is essential if they are to realize their full potential as human beings, as described in the document “Building hope: health strategies and recommendations, 2009–2014.”

47. We should mention that, as part of this new vision, the voluntary fees payable for access to State health services have been abolished and there is a new emphasis on primary health care in the 610 health centres, focusing specifically on nutrition programmes and care of women, children and elderly people. As compensation for the resources which would have been obtained from fees, the Government has provided the sum of US\$ 10 million which will be used by the Ministry of Health and Social Welfare to buy medicines and cover other urgent costs.

48. The Government is pursuing a public policy based on a human rights approach, intersectoral activities, integration and the development of an equitable, efficient, solidary and universal national health system in order to create a national health service based on comprehensive primary health care as a key strategy in the implementation of the Millennium Development Goals which will effectively address health determinants and health inequities, as well as building and increasing the capacity of the Ministry of Health and Social Welfare to draw up health policies and plans and guarantee adequate provision and coverage by health services. In respect of the management of and approach to emergencies due to the H1N1 influenza virus, the Ministry of Health and Social Welfare, which is directly responsible for dealing with the emergency, is preparing a contingency plan which puts into practice the recommendations of the Pan American Health Organization designed to curb the spread of the disease as far as possible. As at 11 October 2009, there had been 767 confirmed cases in El Salvador, and 20 deaths.

#### **4. Labour**

49. The right to work is a fundamental right enshrined in the Constitution of the Republic,<sup>41</sup> under ordinary law it is regulated in detail by the Labour Code, and the Civil Service Act; it is also protected by the Office of the Procurator-General of the Republic.<sup>42</sup>

50. Freedom to form and join trade unions is protected nationally and internationally.<sup>43</sup> El Salvador amended article 47<sup>44</sup> of its Constitution so as to allow civil servants the right to form trade unions, because this right was not recognized.

51. As far as the promotion of employment is concerned, the Ministry of Labour and Social Security, the Employment Assistance System, the National Network of Employment Opportunities and national strategies for the creation of employment, provide services to help people gain access to employment. Youth employment and the employment of specific groups, such as older persons and the disabled, have been promoted. The Government has created a new mission and vision for the Ministry of Labour and Social Security, focused on social cohesion, tripartite participation, productivity, equity, social justice, an improvement in real wages and in the living conditions of male and female workers and employers; it is based on people’s needs and committed to providing quality services that are efficient and transparent, including the protection of sources of employment.

52. It should be noted that so far in 2009 more than 39,000 people have lost their jobs in El Salvador as a result of the international financial crisis; according to estimates by the Ministry of Labour and Social Security, the figure could well reach 55,000 by the end of the year. To deal with the situation, the Government is planning to create 100,000 new jobs directly by implementing a temporary employment programme, by expanding and improving public services and the basic infrastructure, and by building and upgrading 25,000 homes in urban areas and carrying out repairs to the roofs and floors of 20,000

homes in rural communities as part of the Global Anti-Crisis Plan. Furthermore, a national dialogue will be convened to define a development strategy that includes an agreement on employment and fiscal policy.

53. Regarding child labour, the main objective of the National Committee for the Elimination of the Worst Forms of Child Labour,<sup>45</sup> is to establish guidelines for activities aimed at the gradual elimination of child labour in El Salvador. The Committee has a National Plan 2006–2009, based on the constitutional mandate regulating child labour nationwide, which categorically prohibits children under 14 from working, limits the number of hours in the working day for children under 16 and provides that persons under 18 should not engage in unhealthy or dangerous occupations. Work is also under way on a National Roadmap for eliminating the worst forms of child labour by 2015 and the elimination of child labour by 2020.

54. El Salvador has ratified the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182),<sup>46</sup> under which the State is obliged to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.<sup>47</sup>

## 5. A decent environment

55. Article 117 of the Constitution of El Salvador states that it is the duty of the State to protect natural resources and the diversity and integrity of the environment in order to ensure sustainable development and declares that the conservation, rational use and restoration of natural resources are beneficial to society.

56. The principles and objectives of sustainable development have been incorporated into the national curriculum, teaching and learning processes, teacher-training courses and school environmental projects. Several environmental management projects have been implemented.<sup>48</sup> In addition, a new approach to environmental management is being promoted based on risk reduction, which is reflected through the establishment of various processes.<sup>49</sup> The sustained implementation of these and other risk-mitigation measures is expected to reduce social vulnerability, economic and environmental disasters and lower their associated risks and costs. Work is under way on drafting a national plan on climate change (to be completed in 2010) together with legislation on tax incentives for renewable energy sources in El Salvador and its implementing regulations (November 2007) and a regional climate-change strategy. Various projects are being implemented.<sup>50</sup>

57. Notable challenges include the following: the need to incorporate the strategic vision of environmental management into public policies and the plans, programmes and projects of various Government departments; to include disaster risk analysis at all levels of national planning; to incorporate sustainable environmental management into the national-development vision; to improve inter-agency coordination in the area of environmental management, based on national, departmental and municipal spheres of competence; the lack of linkage and coordination between Government activities relating to the environment; the need to deploy greater efforts and strategies for building civic responsibility towards environmental management. In terms of environmental legislation, El Salvador needs to overcome various obstacles that hinder the implementation of existing legislation.<sup>51</sup> One of the priorities identified by the Government for the period 2009 to 2014 is to update the National Environment Policy, with a new approach to environmental management so that it ties in with the National Environment Strategy. It is also planned to disseminate the Policy so that the various State and autonomous bodies take account of it in their own policies, based on their respective spheres of competence, and to promote environmental education towards sustainability, by ensuring a greater understanding of environmental processes and how they relate to social, economic and cultural ones.

## 6. Access to housing

58. The primary objective of housing projects is to reduce the housing deficit and the vulnerability and risk faced by families living in extreme poverty in urban and rural areas, by promoting and protecting their constitutional right to property and to own decent, functional and safe housing within a healthy environment. Current constraints include a legal system which is not unified, is obsolete and hampers public and private action to meet housing needs in the country.

59. In terms of achievements, it is worth mentioning Phase 1 of the Housing Programme which, between 2005 and 2009, mobilized \$70 million from the Inter-American Development Bank, and more than \$24 million from the Government of El Salvador. The objective of the Programme was to support the development and implementation of tools to improve the housing sector's capacity to meet the demand for housing, by strengthening the mortgage market and regulatory institutions, and carrying out activities under the Neighbourhood Improvement Component, for the benefit of 8,305 families. The Programme also provided 8,153 homes for families in emergency situations following the 2001 earthquakes; in addition, 41,047 families who had been living in danger zones affected by Hurricane Stan and the eruption of the Ilimatepec volcano were given deeds to property.

60. It should be noted that based on the 1992 census and the results of the 2007 census, the quantitative housing deficit has been reduced by 12.86 per cent and the qualitative deficit by 41.95 per cent. However, despite this effort, there are still 315,918 homes where the floors, roofs and/or walls are in need of repair and 44,383 new homes need to be built in El Salvador. The Government's priority is to forge an inclusive social policy targeted at the most vulnerable sectors of the population, focused on dealing with the national situation associated with the property crisis. As part of contingency measures devised by the Government to cope with the global housing crisis and to generate new sources of employment that will benefit poor families and shape State policies, the "Homes for all" programme has been developed.<sup>52</sup> These activities are part of the Government Plan 2009–2014 and follow the strategic guidelines of access to decent housing, qualitative deficit reduction,<sup>53</sup> the democratization of finance, lowering housing costs and strengthening the institutional framework.

## 7. Protection of the family unit

61. Article 32 of the Constitution of El Salvador recognizes that the family is the bedrock of society and shall enjoy State protection. The State promulgates the necessary legislation and establishes the appropriate bodies and services for the integration, welfare, and social, cultural and economic development of the family.

62. During the period covered by the present report, the National Secretariat for the Family deployed efforts to strengthen the family, through activities to support vulnerable families, such as the distribution of basic grains and foodstuffs, housing construction materials and tools and resources needed to increase productivity. In response to the financial crisis, the former Government also implemented the "Alliance for the family" plan, which required an investment of \$54 million and encompassed 19 measures.<sup>54</sup>

63. The new Government established the Secretariat for Social Inclusion,<sup>55</sup> which has replaced the National Secretariat for the Family. This new entity is responsible for looking after specific population groups, including women, children, young people, older persons, the disabled and indigenous peoples. Currently, the family is being hard hit by all the social deprivation and calamities of the crisis, such as the high cost of living, unemployment, human insecurity, and so on. The Government will base its action and its best efforts on making it understood that the family is the vital core of society. Thus, gender

mainstreaming in public policies targeted at the family form the cornerstone of all its policies. The Anti-Crisis Plan has been put into practice and embraces various measures to support the current situation of Salvadoran families, including job creation; housing construction; the improvement of basic services; the implementation of the Community Solidarity Programme and comprehensive care for the poorest municipalities in the country; expanded coverage by the Salvadoran Social Security Institute for people unemployed because of the crisis; the distribution of school supplies; the elimination of voluntary contributions in hospitals; and targeting subsidies at families in greatest need.

64. The basic goal is to introduce an era of democratic reform in the State and public policies so that they are focused on the effective protection and empowerment of the family, strengthening the family unit nationwide and, at the same time, the migrant family. The State should focus on the promotion of and respect for the right to a decent quality of life, by encouraging vocations and skills, as well as opportunities and choices for the individual and collective fulfilment of family members.

## **C. Rights of specific groups**

### **1. Children and adolescents**

65. The Salvadoran Institute for the Comprehensive Development of Children and Adolescents<sup>56</sup> is the lead agency for all national policies relating to children and adolescents. In this connection, it promotes the National Policy for the Comprehensive Development of Children and Adolescents, to achieve at the local authority level civic participation and social co-responsibility and the signing of agreements with local governments for the promotion and protection of the rights of the child and the prevention of violence. It has also signed cooperation agreements with international organizations, such as the International Labour Organization (ILO), the German Agency for Technical Cooperation (GTZ), the United Nations Children's Fund, the United Nations Development Programme, the United States Agency for International Development, Plan International Inc. and the International Save the Children Alliance for the implementation of plans and programmes nationwide to promote and protect the rights of the child. Furthermore, in April 2009, the Act on the Comprehensive Protection of Children and Adolescents<sup>57</sup> was passed, which will enter into force in April 2010. It will establish a national system for the comprehensive protection of children and adolescents with the participation of the family, State and society.

66. In terms of programmes, the management of child welfare centres and of comprehensive development centres has been strengthened, and they are now present in 113 municipalities, i.e. in 43 per cent of the country.<sup>58</sup> With regard to gender equity, the Institute's preschool education programmes have resulted in fair and equitable enrolment: 49.8 per cent for boys and 50.2 per cent for girls.

67. As far as young persons in conflict with the law are concerned, there is a Juvenile Offenders Act,<sup>59</sup> amended in 2006, which sets forth measures relating to the placement of such persons in institutions when they commit criminal or minor offences. The Act allows a special legal regime for juvenile offenders, without neglecting their fundamental rights. Courts and specialized branches of the judiciary that deal with minors have been strengthened. A Social Reintegration Programme for juvenile offenders is also being implemented.<sup>60</sup>

68. It is also important to emphasize the contributions and support that have been provided by public institutions to intersectoral committees, inter-agency committees, networks and working groups, and other civil society organizations to protect and promote respect for certain rights of the child and adolescents.

## 2. Women

69. The Salvadoran Institute for the Advancement of Women is the institution responsible for devising, directing, implementing and enforcing the National Policy on Women and for promoting the comprehensive development of Salvadoran women. The Policy covers the following areas of activity: education, health, family, work and participation in the workforce, citizenship and political participation, legislation, violence against women, rural labour, the environment and sustainable development, the media and culture.

70. It is worth mentioning that equality and non-discrimination are matters of concern on the agendas of both governmental and women's organizations that are actively involved in and demand greater respect for the rights of women, including a life free of violence within the family, in the working environment, and in the social, political and economic spheres.

71. The attention focused on the theme of domestic and sexual violence has resulted in the development of the Programme to Improve Family Relations, which to date has 13 departmental offices, coordinated by the Salvadoran Institute for the Advancement of Women. From 2004 to March 2009, in the area of comprehensive care, 103,453 counselling sessions and 51,228 group therapy sessions were held; 64,563 people received the assistance of social workers; 879 people were provided with temporary shelter; and 215,273 phone calls were dealt with. In the area of prevention, over 300,000 people have benefited from activities on the prevention of violence against women.

72. Some 13 women's production and training centres have also been established to facilitate women's participation in the workforce, with equal opportunities, especially for women of childbearing age. The centres help them to find paid employment and to receive training and raise their awareness of issues such as family integration, civic participation, environmental conservation, and so on.

73. The Salvadoran Institute for the Advancement of Women also has a special commitment to fulfilling the international obligations undertaken by El Salvador and especially to following up the concluding observations issued by the Committee on the Elimination of Discrimination against Women (CEDAW) on the seventh periodic report of El Salvador in 2008. One of the activities that will benefit women in El Salvador is the Women's City Programme, which provides a comprehensive care centre with the following facilities: fully equipped nursery facilities for children with special needs; health-care units and Happy Mother programme units providing care from pregnancy through the first five years of childhood; legal aid and psychological support agencies for dealing with abuse or domestic violence; an office for microcredit and business tips; vocational workshops and courses to facilitate integration into the labour market and a room for religious activities. It is hoped to build a total of 14 Women's City units, one in each departmental capital, at a cost of approximately \$1.5 million for each centre.

## 3. Indigenous peoples

74. At present El Salvador recognizes the existence of three indigenous groups: the Nahuatl-Pipil, the Lenca and the Cacaopera, who live in their own communities and are identified by their customs and beliefs. In accordance with article 62, paragraph 2, of the Constitution of El Salvador: "The indigenous languages spoken in El Salvador form part of the cultural heritage and shall be preserved, disseminated and respected."

75. While there is no specific legal framework in the Constitution covering indigenous peoples, article 3 recognizes the principle of equality and the enjoyment of civil rights without any distinction as to nationality, race, sex or religion. For this reason, as part of its activities for the preservation of culture, the State has begun to promote the revival of the

Nahuatl-Pipil language in cooperation with a private university and the Ministry of Education, which runs 15 public schools in areas with Pipil settlements.

76. The Government recognizes the cultural, historical and ethnic heritage of indigenous peoples, and to that end will take steps to ensure that these people occupy their rightful place in Salvadoran society and to promote their economic, social and cultural development and the exercise of their individual and collective rights, in accordance with the relevant international instruments.

#### **4. Migrants, trafficking in persons and refugees**

77. Concerning the role of international instruments, the State signed the International Convention on the Protection of the Rights of All Migrant Workers and Their Families on 13 September 2002 and ratified it on 14 March 2003; the instrument entered into force on 1 July 2003.

78. El Salvador experiences different migration flows, since it is a country of origin, transit and destination. To cope with this situation, the Vice-Ministry for Foreign Affairs for Salvadorans Living Abroad was established in 2005. Its aims include strengthening the network of Salvadoran consulates, and promoting access to free health services and information about preventive and curative health-care programmes for the migrant population.

79. Since 2008, El Salvador has had a Centre for the Comprehensive Care of Migrants, under the supervision of the Directorate General for Migration and Alien Affairs.<sup>61</sup> Its function is to give shelter to foreigners in its facilities while their immigration status in the country is under consideration, to provide food counselling, and the social and health care that they require.

80. Regarding trafficking in persons, in 2005, the National Committee against Trafficking in Persons<sup>62</sup> was established, comprising 16 State institutions. In the same year, a shelter for victims of trafficking<sup>63</sup> was opened, under the supervision of the Institute for the Comprehensive Development of Children and Adolescents. Since May 2008, there has been a National Policy for the Elimination of Trafficking in Persons in El Salvador, and a Strategic Plan 2008–2012, which define the spheres of competence of and strategic activities to be implemented by the Committee as a whole. However, a number of issues are pending: the drafting of legislation relating to trafficking in persons; the establishment of permanent mechanisms to coordinate with institutions, local governments and actors involved at the municipal level; the preparation of shelters for child and adult victims of trafficking; and the establishment of a system for monitoring and following up cases of trafficking in persons.

81. On the subject of refugees, refugee status has been granted to a total of 67 persons from different parts of the world. However, there is no shelter for persons seeking refugee status; they have to use the shelter for migrants from other regions. It has been found that refugees have difficulty integrating in El Salvador on account of cultural and linguistic differences and the lack of employment opportunities and training. Further research needs to be done into the conditions attached to humanitarian visas and subsidiary protection that are granted by some States, as an alternative to international protection, with a view to proposing the introduction of a similar system in El Salvador.

82. The Government will support and encourage deeper and stronger family ties among Salvadorans living in the country and abroad, thereby facilitating relations between groups of relatives who have emigrated to different countries as well as those left behind. The Government is aware of the problem and will endeavour to create opportunities to enable Salvadorans to stay in their own country or emigrate by choice rather than of necessity. To this end it will focus on creating employment and providing adequate health services,

education and housing so as to reduce the number of Salvadorans emigrating and to strengthen mechanisms to ensure the unrestricted respect for the human rights of potential asylum-seekers and victims of trafficking.

#### **5. Persons deprived of their liberty**

83. Through the Directorate-General for Prisons and the prison supervision courts, the State is responsible for upholding the human rights of persons deprived of their liberty. In the exercise of its administrative functions (in the case of the Directorate-General for Prisons) and of its functions for verifying and the enforcing of penalties (the supervisory courts), it ensures the social rehabilitation of convicts and crime prevention. The Salvadoran prison system comprises 19 institutions, which are classified as preventive detention facilities, institutions for the enforcement of sentences, mixed and high-security facilities. Their total capacity is for 8,110 prisoners, while the prison population at the time of writing this report was 21,056 prisoners.<sup>64</sup>

84. In 2007, an inter-agency cooperation agreement was signed between the Directorate-General for Prisons and the Office of the Human Rights Procurator in order to enhance the human rights skills of prison staff through educational programmes. The agreement also allows for the independent and continuous monitoring of prison staff by the Office of the Human Rights Procurator. It keeps the competent authorities informed of the conditions in police detention facilities and prisons in El Salvador, collects complaints concerning inadequate infrastructure, overcrowding, food, health and cases of ill-treatment of detainees and breaches by the authorities, in an effort to overcome as far as possible the various problems affecting inmates.

85. During the reporting period the State organized apprenticeships in various trades for 2,446 persons deprived of their liberty. As far as reducing sentences through prison work is concerned, the number of prisoners involved in the prison work programme rose to 5,514. In addition, 569 inmates joined trust and parole schemes.

86. Regrettably, in previous years, crime policy prioritized strategies involving the widespread use of prisons for the implementation of executive, legislative and judicial decisions. The policy did not make provision for the impact of such action on prison infrastructures. This created an overcrowding problem that prevents inmates from living in proper decent conditions. The problem has structural roots, particularly legislative ones, for which effective solutions can be found only in the medium and long term.

87. Notwithstanding the foregoing, the new Government is working on the development and implementation of a new model for prison management, based on a system of quality management and on strengthening the social support base for persons deprived of their liberty, in order to make prison conditions as humane as possible. Starting in July 2009, eight hope committees were established in eight prisons in order to involve civil society in seeking solutions and alternatives to the particular set of problems in each of these prisons. A process of institutional reform and institution-building is also under way, starting with the strengthening of the regional criminological councils and forensic teams. Additional efforts are being deployed to implement a progressive prison regime and the “Road of opportunity” programme has been established, to devise special policies for vulnerable groups, such as women prisoners and their children. Work has begun on the reform of the prison school, under which human rights training will be provided for all prison staff, as the core subject of their professional training.

#### **6. Persons with disabilities and older persons**

88. In El Salvador the institution that coordinates activities for persons with disabilities is the National Council for the Comprehensive Care of Persons with Disabilities,<sup>65</sup> which



directs the National Policy on Equal Opportunities for Persons with Disabilities.<sup>66</sup> El Salvador is a party to several international treaties on the protection of persons with disabilities.<sup>67</sup>

89. Among the obstacles and social barriers that hinder the participation of persons with disabilities in Salvadoran society are their exclusion and marginalization, the lack of access to transport, the lack of access in urban areas to buildings and communications, ignorance of their disability and lack of social awareness, the scant opportunities for education, work and vocational training, poor health and rehabilitation coverage, the lack of support for the provision of assistive devices, a legal system lacking in resources and instruments of enforceability together with other features that have prevented persons with disabilities from developing their potential and contributing towards society.<sup>68</sup>

90. The Government is aware of its commitment towards and responsibility for caring for persons with disabilities, as well as the role played by the Secretariat for Social Inclusion in this area and the work and monitoring done by the National Council for the Comprehensive Care of Persons with Disabilities. The Government will step up action to promote, disseminate and provide training on the rights of persons with disabilities and will coordinate activities carried out in the different sectors so as to unite and pool efforts.

91. It should be noted that older persons are protected, *inter alia*, in respect of employment, health, food security and nutrition, medical care and medicines. Improving the quality of life of older persons in rural areas is a goal which the Government is striving to attain, by awarding a universal basic pension to older persons in the 100 municipalities that face severe and high extreme poverty. Furthermore, efforts are being made to devise a programme for the comprehensive care of adults and older persons and to reinstate the National Council for the Comprehensive Care of Older Persons. Field research concerning older persons who will receive the universal basic pension in the 32 municipalities in severe extreme poverty is being carried out and the pension is due to be launched in November 2009, with the distribution of the first token for 50 dollars. It is hoped that by December 2009, 9,639 elderly people in the 32 municipalities earmarked will be receiving the pension.

## **7. Persons with HIV/AIDS**

92. Through the National Programme for the Prevention, Care and Control of Sexually Transmitted Infections and HIV/AIDS of the Ministry of Public Health and Social Welfare, and in cooperation with organizations and institutions from different sectors of society, the Government is seeking solutions involving the implementation of strategies and actions to respond to the challenges posed by HIV/AIDS in El Salvador, in terms of prevention, care and treatment. These strategies have been devised on the basis of the Joint United Nations Programme on HIV/AIDS recommendations for compliance with the “Three Ones” principle.<sup>69</sup>

93. At the national level, various educational campaigns have been launched in order to raise public awareness of HIV/AIDS, with emphasis on the prevention of infection. With regard to care, 16 decentralized hospitals currently offer anti-retroviral therapy. Its coverage has increased from 30.9 per cent in 2004, to 95.8 per cent in 2008. Between 1984 and April 2009, there were 22,722 aggregate cases in El Salvador (14,116 cases of HIV and 8,606 cases of AIDS). The sector of the population most affected are persons aged between 20 and 34, with the worst hit being 25 to 29 year-olds.

94. One of the priorities for the coming years is the establishment of a human rights sector under the National Programme on STI/HIV/AIDS of the Ministry of Public Health and Social Welfare, strengthening the technical capacity of the National Network on

Human Rights and HIV/AIDS, the implementation of the network at the regional level and the review, updating and amendment of the HIV Act and its implementing regulations.

*Notes*

- <sup>1</sup> La República de El Salvador, está localizada en Centroamérica, limita al norte y este con Honduras, al sur con el océano Pacífico, y al oeste y noroeste con Guatemala. El golfo de Fonseca, en el extremo sureste, lo separa de Nicaragua. Es el país más pequeño de la zona continental de América Central. Su superficie es de 20.608 km<sup>2</sup>. San Salvador es la capital y la ciudad más grande del país. Es el único país de la región centroamericana sin costas bañadas por el Océano Atlántico y el Mar Caribe. El Salvador presenta un relieve dominado por una meseta central recortada por valles fluviales, entre los que destaca el valle del río Lempa, su cauce fluvial de mayor longitud. El Salvador tienen una densidad demográfica de 341 hab/km<sup>2</sup>, la más alta de Centroamérica; El Salvador se divide en 14 departamentos. Geográficamente están agrupados en tres zonas, las cuales son Occidental, Oriental y Central. Cada departamento está fraccionado en 262 municipios, los cuales tienen autonomía en lo económico, técnico y en lo administrativo. Son regidos por su respectivo Concejo Municipal elegido cada tres años por votación pública. En el territorio de cada municipio existe una cabecera que es nominada como pueblo, villa o ciudad. Asimismo, dentro de la circunscripción hay cantones, los cuales están conformados por caseríos; Forma de gobierno: Republicano, democrático y representativo; Sistema Político: Pluralista que se expresa por medio de los Partidos Políticos; Órganos fundamentales del Gobierno: Legislativo, Ejecutivo y Judicial; Órgano Legislativo: denominado Asamblea Legislativa de El Salvador (unicameral) de 84 diputados; Órgano Judicial, expresado en la Corte Suprema de Justicia, integrada por 15 Magistrados; Órgano Ejecutivo: integrado por el Presidente y el Vicepresidente de la República, los Ministros y Viceministros de Estado y sus funcionarios dependientes; Moneda en circulación es el US Dólar; Idioma Oficial: español, y en algunos pueblos el pipil nahuat; Religión: En su mayoría Católica; pero existe libertad de culto.
- <sup>2</sup> Asamblea Legislativa, Consejo Nacional de Atención Integral a la Persona con Discapacidad, Corte Suprema de Justicia, Dirección General de Centros Penales, Dirección General de Estadística y Censo, Dirección General de Migración y Extranjería, Fiscalía General de la República, Fondo de Inversión Social para el Desarrollo Local, Instituto Salvadoreño del Seguro Social, Instituto Salvadoreño para el Desarrollo de la Mujer, Instituto Salvadoreño para la Atención Integral de la Niñez y Adolescencia, Ministerio de Educación, Ministerio de Hacienda, Ministerio de Justicia y Seguridad Pública, Ministerio de la Defensa Nacional, Ministerio de Medio Ambiente y Recursos Naturales, Ministerio de Relaciones Exteriores, Ministerio de Salud Pública y Asistencia Social, Ministerio de Trabajo y Previsión Social, Policía Nacional Civil, Procuraduría General de la República, Secretaría de Inclusión Social y Ciudadanía, Secretaría de la Cultura de la Presidencia, Secretaría Técnica de la Presidencia de la República, Tribunal Supremo Electoral, Viceministerio de Vivienda y Desarrollo Urbano.
- <sup>3</sup> Asociación Atlacatl “Vivo positivo”, Asociación ENTRE AMIGOS, Instituto de Estudio de la Mujer “Norma Virginia Guirola de Herrera” CEMUJER, Centro de Defensa del Consumidor, CDC, Centro de Investigación sobre Inversión y Comercio, CEICOM, Comisión de Derechos Humanos de El Salvador, Comité de Madres de Reos y Desaparecidos Políticos de El Salvador Monseñor Romero. COMADRES, Concertación Prudencia Ayala, Consejo Coordinador Nacional Indígena de El Salvador CCNIS, Departamento de Derechos Humanos del Sínodo Luterano, Fundación de Estudios para la Aplicación del Derecho FESPAD, Fundación Salvadoreña para el Desarrollo Local y la Democracia, FUDASPAD, Fundación Salvadoreña para la Tercera Edad FUSATE, Fundación Nacional para la Atención, Prevención y Acompañamiento de la Persona con VIH, FUNDASIDA, Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas IDHUCA, Instituto de Investigación, Capacitación y Desarrollo de la Mujer, IMU, Organización de Mujeres Salvadoreñas por la Paz, ORMUSA, Programa de Atención de las Personas Refugiadas en El Salvador PARES, SALVANATURA, Tutela Legal del Arzobispado y Unidad Ecológica de El Salvador UNES.
- <sup>4</sup> Acta de los Acuerdos de Paz en Chapultepec, México, 16 de enero de 1992.
- <sup>5</sup> Instrumentos Internacionales en materia de Derechos Humanos de los cuales El Estado de El Salvador es Parte en la Organización de las Naciones Unidas: Convención para la Prevención y Sanción del

Delito de Genocidio, Nueva York, 9.12.1948; Convención Internacional de la Eliminación de todas las Formas de Discriminación Racial, Nueva York, 7.03.1966; Pacto Internacional de Derechos Económicos, Sociales y Culturales, Nueva York, 16.12.1966; Pacto Internacional de Derechos Civiles y Políticos, Nueva York, 16.12.1966; Protocolo Facultativo al Pacto Internacional de Derechos Civiles y Políticos, Nueva York, 16.12.1966; Convención Internacional Sobre la Represión y el Castigo del Crimen de Apartheid, Nueva York, 30.11.1973; Convención sobre la Eliminación de Todas las Formas de Discriminación contra la Mujer, Nueva York, 18.12.1979; Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes, 10.12.1984; Convención sobre los Derechos del Niño, Nueva York, 20.11.1989; Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la participación de niños en los conflictos armados, Nueva York, 25.05.2000; Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en la pornografía, 25.05.2000; Convención Internacional Sobre La Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares, Nueva York, 18.12.1990; Convención sobre los Derechos de las Personas con Discapacidad, Nueva York, 13.12.2006, Convención sobre los Derechos Políticos de la Mujer, New York, 31.03.1953; Convención sobre el Estatuto de los Refugiados, Ginebra, 28.07.1951; Protocolo sobre el Estatuto de los Refugiados, Nueva York, 31.01.1967; Convención de Viena sobre Relaciones Consulares 1963; Instrumentos Internacionales en materia de Derechos Humanos de los cuales el Estado de El Salvador es Parte en el marco del Comité Internacional de la Cruz Roja (CICR); Convenio de Ginebra para Aliviar la Suerte que Corren los Heridos y los Enfermos de las Fuerzas Armadas en Campaña (Convenio I) (1949); Convenio de Ginebra para Aliviar la Suerte que corren los Heridos, los Enfermos y los Náufragos de las Fuerzas Armadas en Campaña Convenio de Ginebra relativo al Trato Debido a los Prisioneros de Guerra (Convenio III) (1949) (Convenio II) (1949); Convenio Relativo a la Protección de Personas Civiles en Tiempo de Guerra (Convenio IV) (1949); Protocolo Adicional a los Convenios de Ginebra del 12 de Agosto de 1949, relativo a la Protección de las Víctimas de los Conflictos Armados Internacionales (Protocolo I); Protocolo Adicional a los Convenios de Ginebra del 12 de Agosto de 1949, relativo a la Protección de las víctimas de los Conflictos Armados Internacionales (Protocolo II); Protocolo Adicional de los Convenios de Ginebra del 12 de agosto de 1949 relativo a la Aprobación de un Signo Distintivo Adicional (Protocolo III). Instrumentos Internacionales en materia de Derechos Humanos de los cuales el Estado de El Salvador es Parte en la Organización de Estados Americanos: Convención Interamericana sobre Concesión de los Derechos Políticos de la Mujer; Convención Interamericana sobre Concesión de los Derechos Civiles de la Mujer; Convención Americana Sobre Derechos Humanos, "Pacto De San José"; Convención Interamericana Para Prevenir Y Sancionar La Tortura; Protocolo Adicional a la Convención Americana Sobre Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador"; Convención Interamericana para Prevenir, Sancionar y Erradicar la Violencia contra la Mujer (Convención Belem Do Pará); Convención Interamericana para la Eliminación de Todas las Formas de Discriminación Contra las Personas con Discapacidad.

<sup>6</sup> La Convención Americana Sobre Derechos Humanos, de conformidad al Artículo 33, establece que "son competentes para conocer de los asuntos relacionados con el cumplimiento de los compromisos contraídos por los Estados Partes en esta Convención: a) la Comisión Interamericana de Derechos Humanos, llamada en adelante la Comisión, y b) la Corte Interamericana de Derechos Humanos, llamada en adelante la Corte." estos dos Órganos integran el referido Sistema Interamericano de Protección a los Derechos Humanos (SIDH).

<sup>7</sup> Convención Americana Sobre Derechos Humanos, llamado "Pacto de San José, Costa Rica", suscrita en la ciudad de San José, República de Costa Rica, el 22 de noviembre de 1969, incorporada al Ordenamiento Jurídico salvadoreño mediante la aprobación de su texto por la Asamblea Legislativa de la República de El Salvador a través de Decreto Legislativo N° 319, del 30 de marzo de 1995 publicado en el Diario Oficial N° 82, Tomo 327, del 5 de mayo de 1995.

<sup>8</sup> El XXIX Período Extraordinario de Sesiones de la Corte Interamericana de Derechos Humanos, se celebró en San Salvador, los días 26,27 y 28 de junio de 2006, en los cuales se examinaron dos casos, "Juárez Cruzatt y otros Vs. Perú" y "Trabajadores Cesados del Congreso (Aguado Alfaro y otros) Vs. Perú"; adicionalmente y en vista de contar con la presencia de los Honorables Jueces de la Corte Interamericana, como autoridades máximas en tutela a los Derechos Humanos, se dispusieron acciones adicionales de promoción del Sistema Interamericano de Protección a Derechos Humanos, a través de un Seminario impartido por los Jueces en diferentes Universidades salvadoreñas,

- (Universidad de El Salvador, Universidad Centroamericana “José Simeón Cañas”, y Universidad “Doctor José Matías Delgado”); asimismo, los Señores Jueces durante su visita al país se reunieron con los Señores Magistrados de la Corte Suprema de Justicia, con el Presidente de la Asamblea Legislativa y diferentes Comisiones de ésta y otros funcionarios públicos del Estado.
- <sup>9</sup> Conformado por la Fiscalía General de la República, Procuraduría General de la República y Procuraduría para la Defensa de los Derechos Humanos.
- <sup>10</sup> Constitución de la República, 16 de diciembre de 1983, Declaración Universal de los Derechos Humanos, Pacto Internacional de los Derechos Civiles y Políticos, Pacto Internacional de los Derechos Económicos, Culturales y Sociales, Convención Americana Sobre Derechos Humanos, por citar a los principales Instrumentos Internacionales.
- <sup>11</sup> Constitución de la República, 15 de diciembre de 1983, Art.6.
- <sup>12</sup> Constitución de la República, 15 de diciembre de 1983, Art.7.
- <sup>13</sup> Vale adelantar que El Salvador ha superado los desafíos legales en cuanto a la constitucionalidad de los Convenios de la OIT relativos a Libertad Sindical en el Sector público.
- <sup>14</sup> Constitución de la República, 15 de diciembre de 1983, Arts. 25 y 26.
- <sup>15</sup> Constitución de la República, 15 de diciembre de 1983, Art.5.
- <sup>16</sup> Ley de Ética Gubernamental, Decreto Legislativo N°: 1038, aprobado el 27 de abril de 2006, publicado en el Diario Oficial Número 90, Tomo 371, el 18 de mayo de 2006; ésta Ley tiene por objeto normar y promover el desempeño ético en la función pública; salvaguardar el patrimonio del Estado, prevenir, detectar y sancionar la corrupción de los servidores públicos, que utilicen los cargos o empleos para enriquecerse ilícitamente o cometer otros actos de corrupción, para ello creó el Tribunal de Ética Gubernamental, como una entidad de derecho público, con personalidad jurídica, con autonomía en lo técnico, económico y administrativo, siendo la entidad de mayor jerarquía, estando integrado además, por las comisiones de ética gubernamental de cada institución, conforme se señala en dicha Ley.
- <sup>17</sup> Constitución de la República, 15 de diciembre de 1983, Art.172.
- <sup>18</sup> La CSJ está organizada en 4 Salas: Constitucional, Civil, Penal y Contencioso Administrativo; la Ley Orgánica Judicial determina que son 15 el número de Magistradas y Magistrados que debe de conformarla; asimismo, cuenta con una moderna y accesible página electrónica, la que no solamente contiene información relativa a sus dependencia judiciales y administrativas, sino con una recopilación de legislación vigente en El Salvador y jurisprudencia de las distintas Salas que la componen: [www.csj.gob.sv](http://www.csj.gob.sv).
- <sup>19</sup> Constitución de la República, 16 de diciembre de 1983, Art.172.
- <sup>20</sup> Decreto Legislativo Número 733, del 20 de octubre del 2008, Publicado en el Diario Oficial número 20, Tomo 382, del 30 de enero de 2009. El nuevo Código permite una administración de justicia más rápida y efectiva, por medio de la cual se tutelen eficazmente los derechos de las víctimas en un justo equilibrio con los del imputado, principalmente en tutela del Principio de legalidad del proceso y garantía del juez natural, de la dignidad humana, igualdad, el juicio previo, imperando la presunción de inocencia, el principio acusatorio y la imparcialidad e independencia judicial en el proceso, y potencializando las instituciones del sistema penal.
- <sup>21</sup> Decreto Legislativo Número 712, del 18 de septiembre de 2008, Publicado en el Diario Oficial número 224, Tomo 381, del jueves 27 de noviembre de 2008. El nuevo Código implementa una mejor calidad de justicia civil- mercantil, incorporando una serie de preceptos modernos y propios de los procesos orales, además de la presencia de los principios de inmediación, publicidad, concentración, una función activa del juez, y consecuentemente se obtendrá magníficos resultados en cuanto a la economía procesal.
- <sup>22</sup> La ley del Consejo Nacional de la Judicatura, aprobada por Decreto Legislativo No. 536 del 27 de enero de 1999, publicado en el Diario Oficial Número 30 Tomo No. 342, del 12 de febrero de 1999, regula al Consejo Nacional de la Judicatura que tiene su origen en la Constitución de la República, como un órgano colaborador de la Corte Suprema de Justicia en la Administración de la Carrera Judicial integrado por diferentes representantes del Órgano Judicial, el Ministerio Público y de la Sociedad Civil.
- <sup>23</sup> Tiene por mandato constitucional, velar por la defensa de la familia y de las personas e intereses de los menores y demás incapaces, dar asistencia legal a las personas de escasos recursos económicos, y representarlas judicialmente en la defensa de su libertad individual y de sus derechos laborales. Art. 194 II Constitución de la República de El Salvador. Además, la PGR proporciona atención

- psicológica y social y un mecanismo alterno no contencioso de solución de conflictos, a través de un Centro de Mediación.
- <sup>24</sup> Convenio con la Asociación para la Autodeterminación y Desarrollo de Mujeres Salvadoreñas AMS (ONG no gubernamental).
- <sup>25</sup> La Comisión Coordinadora del Sector de Justicia, está integrada por el Presidente del Órgano Judicial; el Ministro de Justicia; el Fiscal General de la República; el Procurador General de la República y el Presidente del Consejo Nacional de la Judicatura; ésta esencialmente define, formula y orienta los objetivos, las políticas y estrategias del sector de justicia; la Comisión trabaja conjuntamente con la Unidad Técnica Ejecutiva del Sector de Justicia (UTE), una de principales funciones de ésta Unidad es administrar del Programa de Protección de Víctimas y Testigos, el cual proporciona a las víctimas, testigos y cualquier otra persona que se encuentre en situación de riesgo o peligro, como consecuencia de su intervención en la investigación de un delito o en un proceso judicial.
- <sup>26</sup> La Fiscalía General de la República, FGR cual aplica los tratados internacionales en la materia, destacando la Ley Especial contra Actos de Terrorismo, aprobada por Decreto Legislativo 108, de 21 de septiembre de 2006, en vigencia a partir de finales de ese mes, la cual tienen por objeto prevenir, investigar, sancionar y erradicar los delitos que se describen en ésta, así como todas sus manifestaciones, incluido su financiamiento y actividades conexas, y la Ley Especial contra el Crimen Organizado y Delitos de Realización Compleja, vigente desde el 22 de enero de 2007 y la creación de juzgados y tribunales especializados, conforme lo establece el Art. 3 de la citada ley.
- <sup>27</sup> Dirección General de Centros Penales, Consejo Superior de Seguridad Pública, Instituto Salvadoreño para la Atención Integral de la Niñez y Adolescencia, Tribunales de Vigilancia Penitenciaria, y la Unidad Técnica Ejecutiva de la Corte Suprema de Justicia.
- <sup>28</sup> Entre las cuales se citan: Unidad Fiscal Especializada Delitos de Crimen Organizado, Unidad Fiscal Especializada de Investigación Financiera, Unidad Fiscal Especializada Delitos de Corrupción, Unidad Fiscal Especializada Delitos de Narcotráfico, Unidad Fiscal Especializada Delitos de Extorsión, Unidad Fiscal Especializada Delitos de Tráfico Ilegal de Personas y Unidad Fiscal Especializada Delitos de Hurto y Robo de Automotores.
- <sup>29</sup> Constitución de la República, 16 de diciembre de 1983, Arts.131 N° 19, 208-210. A. Instrumentos Internacionales: Convención Interamericana Sobre Concesión de los Derechos Políticos a la Mujer (OEA, 1948), Convención Sobre los Derechos Políticos de la Mujer, Convención Americana Sobre Derechos Humanos (Pacto De San José, OEA 1969), Convención Sobre los Derechos de las Personas con Discapacidad, Declaración de las Naciones Unidas Sobre la Eliminación de Todas las Formas de Discriminación Racial, Declaración Americana de los Derechos y Deberes del Hombre, Declaración Universal de los Derechos Humanos, Convención Internacional Sobre la Eliminación de Todas las Formas de Discriminación Racial. (ONU, 1965), Pacto Internacional de Derechos Civiles y Políticos. (ONU, 1966). Protocolo de Tegucigalpa a la Carta de la Organización de los Estados Centroamericanos (ODECA), Tratado Constitutivo del Parlamento Centroamericano y Otras Instancias Políticas. Entre Otros. B. Legislación de origen Nacional: Código Electoral; Disposiciones Especiales Para la Emisión del Voto Residencial; Ley Transitoria Especial Reguladora de los Procedimientos Para El Ejercicio del Voto de los Salvadoreños Residentes en El Exterior; Inscritos en el Registro Electoral, para las Elecciones de Presidente y Vicepresidente del Año 2009, Reglamento de Observadores Internacionales del Tribunal Supremo Electoral; Convenio de Cooperación y Coordinación entre la Procuraduría General de la República y el Tribunal Supremo Electoral; Acuerdo entre el Tribunal Supremo Electoral de la República de El Salvador y la Secretaría General de la Organización de los Estados Americanos sobre el Procedimiento de Observación Electoral de la Elección de Diputados al Parlamento Centroamericano; Diputados a la Asamblea Legislativa y Concejos Municipales del 18 de Enero de 2009 y la Elección de Presidente y Vicepresidente de la República de El Salvador; Convenio de Cooperación Celebrado entre el Instituto Nacional de los Deportes y el Tribunal Supremo Electoral, para Habilitar Centros de Votación en las Elecciones Generales de 2009; Carta Convenio entre el Centro de Asesoría y Promoción Electoral del Instituto Interamericano de Derechos Humanos (Iidh/Capel) y el Tribunal Supremo Electoral, Memorando de Acuerdo entre la Comisión Europea en Nombre de la Comunidad Europea Y el Tribunal Supremo Electoral, en Relación a la Observación de las Elecciones de Diputados al Parlamento Centroamericano, Diputados a la Asamblea Legislativa, Concejos Municipales y Presidente y Vicepresidente de la República, Memorando de Cooperación entre el Tribunal Supremo Electoral de

- El Salvador y el Instituto Universitario de Opinión Pública de la Universidad Centroamericana “José Simeón Cañas”, Instituto Nacional Demócrata para Asuntos Internacionales, Convenio de Cooperación entre el Tribunal Supremo Electoral y la Corporación de Municipalidades de la República (COMURES) para Brindar el Servicio de Exhibición del Padrón Electoral a Utilizar en las Elecciones De 2009, Convenio de Cooperación entre el Tribunal Supremo Electoral y el Consejo Nacional de Atención Integral a la Persona con Discapacidad (CONAIPD) para el Seguimiento de Medidas que Faciliten el Ejercicio del Voto a Personas con Discapacidad, Convenio de Cooperación entre la Secretaría de la Juventud y el Tribunal Supremo Electoral, a fin de Promover Entre los Jóvenes a Nivel Nacional el Llamado a Solicitar el Documento Único de Identidad para Ejercer el Derecho al Sufragio en las Elecciones del Año 2009, Entre Otros.
- <sup>30</sup> El Tribunal Supremo Electoral (TSE) surgió de las reformas constitucionales efectuadas en el año de 1992, a raíz de la firma de los Acuerdos de Paz, y en sustitución del Consejo Central de Elecciones de 1950; el TSE es la autoridad máxima en materia electoral, sin contravenir el principio de supremacía de la Constitución, y tiene su sede en la Capital de la República con jurisdicción en todo el territorio nacional; es un organismo colegiado con plena autonomía jurisdiccional, administrativa y financiera en materia electoral y de consiguiente, no supeditado a organismo alguno de Estado, y está integrado por las Juntas Electorales Departamentales, las Juntas Electorales Municipales y las Juntas Receptoras de Votos.
- <sup>31</sup> A través de un Convenio de Cooperación entre el Tribunal Supremo Electoral y el Ministerio de Relaciones Exteriores, se facilitó el acceso e instancia de Observadores Electorales Internacionales, quienes constataron el legal desarrollo de los últimos tres procesos electorales desarrollados en El Salvador.
- <sup>32</sup> En este proceso electoral se celebró un Convenio de Cooperación para el Movimiento Migratorio de Observadores Internacionales Oficiales invitados por el TSE para las Elecciones de Diputados al Parlamento Centroamericano, Asamblea Legislativa y Concejos Municipales, celebrado con la Dirección General de Migración.
- <sup>33</sup> En éste reciente proceso electoral, de elección de Presidente y Vicepresidente de la República, se aplicó eficazmente la Ley Transitoria Especial Reguladora de los Procedimientos para el Ejercicio del Voto de los Salvadoreños Residentes en el Exterior, Inscritos en el Registro Electoral, habilitando cierto número de urnas para que pudieran ejercer el sufragio.
- <sup>34</sup> Celebrado con la Asociación Cooperativa del Grupo Independiente Pro Rehabilitación Integral ACOGIPRI DE R.L.
- <sup>35</sup> La primera fase fue la instalación de la Asistencia Técnica, ello implicó conocer y familiarizarse con el funcionamiento y operación del TSE y los entes externos; la segunda fase fue la Auditoría Integral como tal; la tercera, el análisis del sistema informático del Registro Electoral; y finalmente la cuarta fase fue la elaboración del documento final.
- <sup>36</sup> El Plan Nacional de Educación 2021 (2005) busca renovar la visión a futuro de la educación, por medio de compromisos programáticos de corto, mediano y largo alcance, con el objetivo de cosechar grandes resultados en el año 2,021 cuando El Salvador esté cumpliendo doscientos años de independencia y libertad. Los Programas que incorpora el Plan 2021 son: Comprendo, Redes Escolares, Compite, Poder, Edúcame, Conéctate, MEGATEC, Edifica, Todos Somos Iguales y Juega Leyendo.
- <sup>37</sup> El Programa Educación Media Para Todos (EDÚCAME) fue creado con el propósito de mejorar la calidad y ampliar la cobertura en tercer ciclo y educación media. Este está diseñado para brindar tres modalidades flexibles de educación: EDÚCAME se ofrece en las zonas rurales, urbanas y urbano-marginales del país, principalmente para beneficiar a aquellos jóvenes que están estudiando con sobre-edad y quienes no han completado su educación básica o su bachillerato porque desertaron debido a causas económicas, sociales o personales.
- <sup>38</sup> Esta medida beneficiará a cerca de 1.4 millones de estudiantes entre parvularia y educación básica para lo cual se invertirán aproximadamente 59 millones de dólares.
- <sup>39</sup> El Programa de Alimentación Escolar hasta inicios de 2009 beneficiaba a 857,430 estudiantes de 4,167 centros educativos, ahora la cobertura se aumenta en 452.856 estudiantes de 764 centros educativos, haciendo un total de 1 millón 310 mil 286 estudiantes de 4.931 centros educativos de la zona rural y urbana a nivel nacional que se verán beneficiados.
- <sup>40</sup> Mediante el Decreto Ejecutivo No. 8, publicado en el Diario Oficial 117, Tomo 383, de fecha 25 de julio de 2009.

- <sup>41</sup> En la Constitución de la República está reconocido el derecho al trabajo con carácter general y en sus diferentes manifestaciones (individuales y colectivas) en los Artículos 2, 9, 37 y 52.
- <sup>42</sup> Actualmente, la Unidad de Defensa de los Derechos del Trabajador de la PGR colabora en el Proyecto de Cooperación Técnica sobre “Verificación del Cumplimiento sobre el Libro Blanco Oficina Sub Regional de la OIT para Centroamérica, Haití, Panamá y República Dominicana”.
- <sup>43</sup> En el Artículo 47 de la Constitución; 204 del Código de Trabajo y 73 de la Ley del Servicio Civil; además de ser reconocida por los Convenios 87, 98, 135 y 151 de la OIT los cuales han sido ratificados por el Estado.
- <sup>44</sup> Artículo 47 de la Constitución de la República de El Salvador. Los patronos y trabajadores privados, sin distinción de nacionalidad, sexo, raza, credo o ideas políticas y cualquiera que sea su actividad o la naturaleza del trabajo que realicen, tienen el derecho de asociarse libremente para la defensa de sus respectivos intereses, formando asociaciones profesionales o sindicatos. El mismo derecho tendrán los trabajadores de las instituciones oficiales autónomas, los funcionarios y empleados públicos y los empleados municipales.
- <sup>45</sup> Decreto Ejecutivo No. 66, del 16 de junio de 2005. El Comité está coordinado por el Ministerio de Trabajo y Previsión Social, y está conformado por los Ministerios de Educación, Salud Pública y Asistencia Social, Gobernación, Agricultura y Ganadería, Relaciones Exteriores, Turismo, Economía, Secretaría Nacional de la Familia, Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia; y están representados en él los Sectores Trabajador y Empleador ante el Consejo Superior del Trabajo, sociedad civil y la Comisión Nacional de la Micro y Pequeña Empresa.
- <sup>46</sup> Decreto Legislativo No 28 de fecha 15 de Junio de 2000, Publicado en el Diario Oficial No 134, Tomo No 348 de fecha 18 de Julio de 2000.
- <sup>47</sup> Asimismo, El Salvador es Parte del Convenio 138 de la OIT y la Convención sobre los Derechos de la Niñez.
- <sup>48</sup> Tales como: Agua, saneamiento, manejo de desechos sólidos, reforestación, manejo de vida silvestre, prevención y combate de incendios forestales, viveros educativos, manejo de envases de agroquímicos, agricultura sostenible, gestión ambiental empresarial, producción más limpia, gestión de riesgos, gestión ambiental municipal, desarrollo local sustentable, programas ambientales para el desarrollo local sustentable.
- <sup>49</sup> Fianzas de fiel cumplimiento, auditorías ambientales, multas por incumplimientos, cierre de botaderos a cielo abierto, exigencia de diagnósticos ambientales, incorporación del análisis de riesgos en los Estudios de Impacto Ambiental, análisis de riesgos en las Evaluaciones Ambientales Estratégicas, creación de Unidades Ambientales en las municipalidades e instituciones de gobierno.
- <sup>50</sup> “Fortalecimiento de las capacidades nacionales para la adaptación al cambio climático en Centroamérica, México y Cuba”, “Terminación de los escenarios de cambio climático en 2020 para la planicie costera central de El Salvador”, “Gestión de un portafolio de proyectos bajo el Mecanismo para un Desarrollo Limpio, incluyendo geotermia, biomasa y captura de metano”, y “Uso de fuentes renovables de energía para usos productivos bajo el programa regional Alianza en Energía y Ambiente”.
- <sup>51</sup> Existencia de una política de medio ambiente desactualizada, una deficiente coordinación entre las diferentes instituciones del estado y los Gobiernos Locales, poco interés de las instituciones de gobierno y autónomas en la problemática ambiental, la falta de operativización del SINAMA y en general la débil aplicación de la legislación ambiental vigente.
- <sup>52</sup> El Programa Casa Para Todos incluye los siguientes componentes: Vivienda Nueva o Mejoramiento de Vivienda, Programa Piso y Techo y Mejoramiento Integral de Asentamientos Urbanos Precarios. Dichos componentes buscan llevar beneficio a más de cincuenta mil familias que necesitan vivienda, piso de concreto e introducción de servicios básicos y brindar empleo a más de cien mil trabajadores.
- <sup>53</sup> El déficit habitacional cualitativo de las viviendas se refiere a la multiplicidad de carencias asociadas a aspectos necesarios para una adecuada calidad residencial, como por ejemplo los materiales de construcción y el acceso a los servicios básicos y de saneamiento.
- <sup>54</sup> Las cuales son: 1) Aumento al 100 por ciento de cobertura salarial que otorga el ISSS a madres trabajadoras durante las doce semanas de licencia por maternidad; 2) Incremento de las deducciones que ciudadanos pueden aplicar sobre el impuesto de la renta en los rubros de educación y salud, aumentando hasta 1,600 dólares, es decir, 800 dólares por cada rubro; 3) Eliminación a partir de enero de 2008 de los gastos de matrícula, colegiatura y derechos de graduación para más de 150 mil alumnos de bachillerato, atendidos por el sistema público; 4) Con base a lo anterior, reintegro de

gastos de matrícula y colegiatura a todas aquellas familias que ya pagaron; 5) Ampliación del programa gratuito Edúcame, para incrementar su capacidad de 30 mil a 50 mil cupos, devolviendo al sistema educativo a jóvenes que abandonaron sus estudios de bachillerato; 6) Contratación con fondos propios de un total de 2.950 nuevos maestros, para incorporarlos al sistema educativo; 7) Implementación del sistema de portabilidad numérica en la telefonía, dándole al usuario propiedad sobre su número de teléfono, sin importar la compañía que le provea el servicio; 8) Reforma a la ley de telecomunicaciones para incrementar la vigencia de las tarjetas prepago, al menos a 90 días, ampliando el vencimiento de los saldos; 9) Reforma a la ley de telecomunicaciones, para la reducción del cobro por cargo fijo mensual de telefonía fija; 10) Obligatoriedad del bloqueo y la no circulación de los aparatos telefónicos reportados como robados, así como el combate al robo de cable. Medidas aprobadas por la Asamblea Legislativa; 11) Publicación mensual por parte de la Defensoría del Consumidor de las tasas, comisiones y recargos que cobran los emisores de tarjetas de crédito; 12) Implementación de una nueva revisión para la eliminación de cargos indebidos por parte de los bancos, referentes a cobros que erosionan los presupuestos familiares, por ejemplo, cobros por cuentas bancarias inactivas; 13) Establecimiento de cobro de tasas de interés sobre saldos diarios y no sobre saldos totales; 14) Creación de una norma de transparencia para clarificar las definiciones de comisiones y recargos en los servicios financieros para evitar cobros injustificados; 15) Implementación de medidas que sin distorsionar el mercado, beneficien a los usuarios que estén siendo objeto de aplicación de porcentajes excesivos por parte de los emisores de las tarjetas de crédito; 16) Reformas a la ley de protección al consumidor para que por incumplimiento de ley por parte del proveedor, la defensoría esté facultada para imponer las respectivas sanciones y además reparar el daño causado al consumidor; 17) Aumento de 10 millones de dólares al presupuesto ordinario para el agro, lo cual duplicará los productores beneficiados con el programa Semilla Mejorada, proveyendo de mejores insumos y fertilizantes a medio millón de agricultores y llevando a 455 mil manzanas la extensión de cultivos; 18) Paro a los cobros indebidos y excesivos relacionados con la instalación de medidores, cortes y reinstalación de servicios de energía eléctrica. Se exigirán mejoras en el servicio y la compensación por las fallas en el suministro de energía y 19) Se mantendrán las tarifas de energía eléctrica, hasta junio del 2009. No habrá aumentos de tarifas de electricidad, gracias a un plan de mecanismos regulatorios y un programa de aportes subsidiarios de la Comisión Hidroeléctrica del Río Lempa CEL y el Ministerio de Hacienda.

- <sup>55</sup> Mediante el Decreto Ejecutivo No. 8, publicado en el Diario Oficial 117, Tomo 383, de fecha 25 de julio de 2009.
- <sup>56</sup> La Ley del Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia/ISNA, Decreto Legislativo N° 482. Con fecha del 11 de marzo de 1993. Reformas por el Decreto Legislativo N° 21, del 15 de junio del 2006. El ISNA cuenta con 12 Centros de Protección, entre ellos uno para atender a niños, niñas y adolescentes con VIH/SIDA y otro para atender a personas con discapacidad.
- <sup>57</sup> Decreto Legislativo No. 839, de fecha 26 de marzo de 2009.
- <sup>58</sup> Este programa de atención inicial va dirigido sobre todo a las familias rurales pobres.
- <sup>59</sup> Ley Penal Juvenil, Decreto Legislativo N° 863 del 27 de abril de 1994. Reformas: D.L. N° 20, del 15 de junio del 2006, publicado en el D.O. N° 126, Tomo 372, del 07 de julio del 2006.
- <sup>60</sup> Que cuenta con 4 Centros de internamiento- por medio del cual se les brinda a los y las jóvenes infractores reeducación y capacitación vocacional para que puedan reinsertarse a la sociedad una vez cumplan con la medida que les ha sido aplicada. En El Salvador se cuenta con un sistema de internamiento de menores completamente separado del sistema carcelario de adultos, descentralizado de la Dirección General de Centros Penales de El Salvador, actualmente, existen cuatro Centros de Internamiento para Personas Menores de Edad del sexo masculino, y un Centro de Reinserción Social para Niñas en Conflicto con la ley penal, diseminados en zonas que estratégicamente puede decirse que cubre las necesidades de los juzgados de menores de todo el territorio nacional. El ISNA, es la Institución que en el Estado de El Salvador tiene la responsabilidad de administrar tanto los denominados Centros de Resguardo para personas menores de edad que tienen que guardar detención administrativa, como también le compete la administración de los Centros de internamiento para personas menores de edad que se encuentran internas de forma provisional o definitiva, éstos últimos, ostentan separaciones en razón de la edad, sexo, estado físico o mental, y dependiendo el tipo de medida.
- <sup>61</sup> La referida Dirección General, está adscrita al Ministerio de Justicia y Seguridad Pública.



- <sup>62</sup> Creado por medio del Decreto Ejecutivo, No. 114, publicado en el Diario Oficial No. 224, tomo No.369, el 1 de diciembre de 2005.
- <sup>63</sup> Desde su constitución, se han atendido 153 niñas, jóvenes y mujeres víctimas (7 reingresos) de distintas nacionalidades entre nicaragüenses, hondureñas, guatemaltecas, mexicanas, colombianas y salvadoreñas. Las edades en su mayoría, oscilan entre los 12 y 18 años.
- <sup>64</sup> Se reconoce que existe sobrepoblación en 18 Centros Penales; además factores como insuficiencia presupuestaria, deficiencias en los procedimientos de atención y tratamiento penitenciario, falta de personal técnico, deficiencias de infraestructura penitenciaria y carencias en la seguridad penitenciaria, obstaculizan el correcto funcionamiento de los Centros Penitenciarios impidiendo la adecuada readaptación y reinserción social de los internos.
- <sup>65</sup> Fue creado por Decreto Ejecutivo No. 111, publicado en El Diario Oficial Tomo No. 321, de fecha lunes 6 de diciembre de 1993 y reformado mediante Decreto No. 136, publicado en El Diario Oficial Tomo No. 374 de fecha lunes 15 de enero de 2007. El CONAIPD está conformado por representantes de 16 instancias, 8 del sector público y 8 del sector privado: Presidencia de la República, Secretaría Nacional de la Familia, Ministerios de Salud Pública y Asistencia Social, de Trabajo y Previsión Social, Instituto Salvadoreño del Seguro Social, Ministerio de Educación, Centro de Rehabilitación Profesional de la Fuerza Armada, Instituto Salvadoreño de Rehabilitación de Inválidos, Asociaciones de Personas con discapacidad (dos de cada sector - personas ciegas, personas sordas, con discapacidad física civiles y del conflicto armado); padres de personas con discapacidad, instituciones privadas de asesoría, instituciones privadas prestadoras de servicio y universidades. Según la referida ley el CONAIPD es el rector de la Política Nacional de Equiparación de Oportunidades para las Personas con Discapacidad.
- <sup>66</sup> Política Nacional de Equiparación de Oportunidades para las Personas con discapacidad y su Plan de Acción. Última versión diciembre 2008.
- <sup>67</sup> Convención Interamericana para la Eliminación de todas las formas de discriminación contra las Personas con Discapacidad; Convención sobre la prohibición del empleo, almacenamiento, producción y transferencia de minas antipersonal y sobre su destrucción. Particularmente el tema relativo a la asistencia a las víctimas (ONU); Convención sobre los Derechos de las Personas con discapacidad y su Protocolo Facultativo (ONU); y el Plan de Acción de la Convención sobre los Derechos de las Personas con discapacidad y su Protocolo Facultativo.
- <sup>68</sup> Se cuenta con información del Censo Nacional de Población y Vivienda, año 2007, refleja un 4.1 por ciento de población con discapacidad, haciendo un total de 235. 302 personas con diferentes tipos de discapacidad, predominando la discapacidad física. (53 por ciento género masculino y 47 por ciento género femenino) Base de datos del Registro Nacional de Personas Naturales, a abril 2009. Refleja datos de personas mayores de 18 años que obtienen su documento único de identidad, DUI: 248.211 personas con diferentes tipos de discapacidad.
- <sup>69</sup> Los Tres Uno supone la implementación de: Un solo marco de acción que provea las bases para una labor coordinada de todos los sectores; Una autoridad Coordinadora nacional para la lucha contra el VIH/SIDA con un amplio mandato multisectorial; y Un Sistema único nacional de monitoreo y evolución.