



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Third periodic report submitted by El Salvador  
under article 19 of the Convention, due in 2013\***

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\* The present document is being issued without formal editing.

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## Background

1. El Salvador submitted its second periodic report to the Committee against Torture (hereinafter the Committee) in 2009, in compliance with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter the Convention). The Committee considered the report (CAT/C/SLV/2) on 5 and 6 November 2009. It adopted and circulated its conclusions and recommendations on the periodic report at its 920th and 921st meetings (CAT/C/SR.920 and 921), held on 18 November 2009.
2. On the basis of the recommendations received and the voluntary commitments made by the country to its people, the present combined third and fourth periodic reports lay out the steps that El Salvador has taken and the progress that it has made in promoting human rights and, specifically, in meeting its obligations under the Convention, as well as the challenges and obstacles that it still has to overcome.
3. The present report is the result of an inter-institutional effort coordinated by the Ministry of Foreign Affairs and involving the Ministry of Justice and Public Security and its agencies (the Directorate General for Migration and Alien Affairs, the Directorate General of Prisons and the National Civil Police), the National Public Security Academy, the Ministry of Health, the Ministry of National Defence, the Salvadoran Institute for the Advancement of Women, the National Council for Children and Adolescents, the Secretariat for Social Inclusion of the Office of the President, the Supreme Court of Justice, the Office of the Attorney General of the Republic, the Office of the Counsel General of the Republic, the Office of the Human Rights Advocate, the National Council of the Judiciary, the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict and the Public Information Institute.
4. El Salvador acceded to the Convention by Executive Agreement No. 688 of 19 October 1993, which was approved by Legislative Decree No. 833 of 23 March 1994. With the publication of the Legislative Decree in Official Gazette No. 92 of 19 May 1994, the Convention entered into full force for the country.

## Implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

### Articles 1 and 4

5. The relevant domestic legislation was amended to bring it into line with the Convention by introducing a new article 366-A, on the offence of torture, into Chapter XIX, on crimes against humanity,<sup>1</sup> by means of Legislative Decree No. 575 of 2011.<sup>2</sup> The amendment reflects the terms of articles 1 and 4 of the Convention in that it provides that all acts of torture constitute an offence; includes within the scope of the offence serious acts such as ordering, instigating or inducing the commission of torture, the use of methods that diminish the physical or mental capacity of the victims, and discrimination as a motive or reason for inflicting torture; and establishes corresponding penalties.
6. Attempts to commit an offence are punishable under article 62 of the Criminal Code. Article 68 of the Code sets the penalty for attempted offences at between half the minimum penalty and half the maximum provided for the completed offence. The presence of aggravating circumstances leads to heightened criminal liability for completed offences.

<sup>1</sup> Criminal Code: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/C0AB56F8-AF37-4F25-AD90-08AE401C0BA7.pdf>.

<sup>2</sup> Amendment to the Criminal Code introducing article 366-A: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_073225431\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073225431_archivo_documento_legislativo.pdf).

7. Article 99 of the Criminal Code, together with the final paragraph of article 32 of the Code of Criminal Procedure,<sup>3</sup> provide that prosecutions relating to the offence of torture are not subject to a statute of limitations, except, in application of the principle of non-retroactivity established in article 15 of the Constitution,<sup>4</sup> in cases where the acts in question commenced prior to the entry into force of the Code. In essence, the offence is characterized by an abuse of the power that public servants enjoy in their positions or roles and a disregard for the criminal and procedural guarantees that it is their duty to safeguard. The penalty provided is a prison term of 6 to 12 years and disqualification from holding the same position or office for the same period.

8. Article 37 of the Child and Adolescent Protection Act enshrines the right of children and adolescents to be protected from physical, psychological, cultural, mental, emotional, sexual and any other form of harm, reflecting a broad understanding of both the manifestations of violence and the effects it produces. Furthermore, article 39 of the Act enshrines the right to be protected against torture and cruel, inhuman or degrading treatment.<sup>5</sup>

## Article 2

9. The Constitution provides that judges and magistrates are independent and subject solely to the Constitution itself and the laws of the country. Consequently, regardless of their rank, judges are empowered to act with full independence when trying the cases brought before them. The structure and functioning of the courts, which are governed by the Constitution and the Organic Act on the Judicial System, also serve as guarantees of their independence, as does the creation of a professional path for judges, governed by the Judicial Service Act, which provides for security of judicial tenure and the promotion and advancement of judges. The independence of the judicial branch from the other branches of Government is also protected by the Constitution, through provisions addressing its budget which provide that, in order to ensure its financial stability, each year the judiciary must be allocated no less than 6 per cent of current government revenue.

10. The independence of the judiciary in El Salvador is also safeguarded by the existence of various judges' associations and the engagement of civil society organizations, which have been active in seeking specific guarantees in the appointment of Supreme Court justices. These appointments, which are made by the Legislative Assembly on the basis of a list of names put forward by the National Council of the Judiciary and an election conducted by the different associations of Salvadoran lawyers, are guided by Constitutional case law, which has repeatedly emphasized that the work of the courts and the work of political parties must be kept separate so as to guarantee independence in the administration of justice.

11. The Organic Act on the Office of the Inspector General for Public Security entered into effect in 2014, giving the Office a new legal status and, by bringing it under the umbrella of the Ministry of Justice and Public Security, granting it autonomy from the police. However, the Office retains operational oversight and is thus still able to issue orders to the police units responsible for monitoring and investigating alleged misconduct on which it relies to carry out its work. The Act also brings the National Public Security Academy under the oversight of the Office of the Inspector General, thereby enhancing human rights safeguards and respect for disciplinary standards within this institution as well. In addition, the Police Discipline Act was amended in 2015 to modify the composition of disciplinary tribunals and make them more akin to the civilian courts; following the restructuring, both the national tribunal and the regional tribunals are composed of two external members and just one representative of the police force.

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<sup>3</sup> Criminal Procedure Code: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072931433\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072931433_archivo_documento_legislativo.pdf).

<sup>4</sup> Constitution of the Republic: [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_072857074\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_072857074_archivo_documento_legislativo.pdf).

<sup>5</sup> Child and Adolescent Protection Act: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/3F9B9266-DEF0-401E-92A0-5FD23785E100.pdf>.

12. On 27 July 2011, the Legislative Assembly adopted Decree No. 798, expressly repealing Decree No. 743, which required decisions of the Constitutional Chamber to be unanimous. Decree No. 798 entered into force with its publication in Official Gazette No. 152, volume No. 392, of 18 August 2011.

13. The statute of limitations for filing a complaint with the court under article 45 of the Prisons Act<sup>6</sup> has not yet been changed, but prisoners in pretrial detention or serving a custodial sentence may seek relief under habeas corpus as a “corrective” remedy. Applications for such relief are not subject to a specific deadline and are required only to set out how the acts or omissions of the authorities infringe physically, psychologically or mentally on the dignity or integrity of the person detained. Because the public defender service maintains a constant presence in the country’s prisons and public defenders are assigned to the courts responsible for prison oversight and sentence enforcement, public defenders are able to have direct contact with the family members of inmates and identify any situations that are potentially unlawful or in violation of basic rights, with a view to filing a complaint.

14. Under the Constitution, the National Civil Police is responsible for ensuring domestic order and public security. In accordance with article 168 (17) of the Constitution, the President has the power “to organize, lead, and maintain the National Civil Police in order to protect peace, tranquillity, order and public security”. However, article 168 (12) stipulates that the President also has the power to deploy the armed forces for public order purposes, subject to the criteria of exceptionality, subsidiarity, temporality and strict necessity. It is for this reason that provision has been made for the armed forces to be used for security duties to combat crime and public disorder within a legal framework established by executive order.

15. To ensure respect for human rights within the armed forces, mechanisms have been put in place to provide ongoing human rights training for military personnel, which is focused on the use of force and deployment of firearms and aimed particularly at officers directly involved in public security duties. In 2013, the Ministry of Defence signed an agreement with the Office of the Human Rights Advocate to train instructors, who in turn become multiplier agents. An armed forces education system has also been instituted, which includes education subsystems for all ranks and a training subsystem imparting all forms of human rights-related knowledge. In addition, participants’ knowledge is brought up to date through courses, lectures and seminars, both inside and outside the country, organized in coordination with other institutions such as the Graduate School of Human Rights and International Humanitarian Law, the Office of the Human Rights Advocate, the Attorney General’s Office and non-governmental organizations.

16. The National Council for Citizen Security and Civic Harmony, created in September 2014, is a broad, pluralistic, standing body responsible for promoting and facilitating dialogue and agreement on government policies relating to justice, citizen security and civic harmony. The Council, whose members are drawn from State institutions, churches, the media, the private sector, political parties, civil society, the academic world and the international community, formulated the “Safe El Salvador” (El Salvador Seguro) Plan, which encompasses the following areas of action: violence prevention; crime control and the prosecution of crimes; rehabilitation and social reintegration; victim support and protection; and institution-building. The Council has also prepared preliminary drafts of the following legal texts: the law on the National System for Violence Prevention; the Special Act to prevent individuals from joining gangs, including the organized criminal gangs known as *maras*, and to rehabilitate, remove and retrain gang members and associates; amendments to the Act on the Special Tax Contribution for Citizen Security and Civic Harmony and the Act on the Special Tax Contribution payable by Major Taxpayers; the Special Act on the Provision of Support, Protection and Comprehensive Reparation to Victims of Crime and Violence; and amendments to the Prisons Act.

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<sup>6</sup> Prisons Act: <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/BA7E081F-43DC-4439-82A9-045E5CB656FE.pdf>.

17. The Office of the Human Rights Advocate has a broad constitutional mandate to safeguard human rights and is active at the national level. It is shielded from any external threat or interference by virtue of its constitutional status and the fact that the Human Rights Advocate is elected by the Legislative Assembly. Furthermore, it has its own budget, which has steadily increased from \$6.8 million in 2010 to \$7.5 million in 2012, \$8.9 million in 2013, \$9.1 million in 2014 and \$10.1 million in 2019. During the period 2014–2019, the executive branch of government has given serious attention to the Office’s requests and recommendations, which has helped to make it stronger.

18. The General Amnesty (Consolidation of the Peace) Act of 1993 was declared unconstitutional in July 2016, making it possible to investigate the crimes committed during the armed conflict in El Salvador, especially those mentioned in the report of the Truth Commission. Two key elements of this decision are that no amnesty preventing the prosecution and trial of those responsible for these crimes may be granted and that the crimes in question may not be time-barred. The Constitutional Chamber monitors obligations in the area of restorative and transitional justice that have arisen for government institutions as a result of this decision on an ongoing basis.

19. With respect to access to information in cases of enforced disappearance, the Attorney General’s Office is legally empowered to request information from individuals and legal entities, whether public or private, and these persons or entities are obligated to immediately provide the information requested. The Office of the Human Rights Advocate is also authorized under the Constitution to require the submission or presentation of documents and evidence of any form and to take the steps needed to resolve any questions related thereto. The National Commission on the Search for Children who Disappeared during the Internal Armed Conflict (2010) and the National Commission on the Search for Adults who Disappeared during the Armed Conflict in El Salvador (2017) have the authority to inspect the documentary records and files of State institutions belonging to the executive branch, including military and police institutions and the juvenile protection centres and detention facilities that were in operation until 16 January 1992.

20. Under the Access to Public Information Act adopted in 2011, any person may request and receive information generated, managed or held by public institutions. The Act is intended to increase the transparency and accountability of government institutions and agencies and sets out specific mechanisms and procedures for making requests so as to facilitate its implementation.

21. With respect to enforced disappearances, changes have been gradually introduced and case law guidance on safeguards against the offence has been gradually reformulated through habeas corpus proceedings. In addition, the *amparo* decisions of the Constitutional Chamber have recognized the State’s obligation to conduct serious, exhaustive, diligent and conclusive investigations in order to determine the truth of allegations of grave human rights violations, such as the massacres that occurred during the internal armed conflict. Relevant decisions handed down by the Constitutional Chamber include the final judgment in habeas corpus ruling No. 203/204/205-2007,<sup>7</sup> which sets out the criteria for establishing whether an offence of enforced disappearance of persons has been committed; the final judgment in *amparo* ruling No. 665-2010,<sup>8</sup> which implemented the right to the truth; and the final judgment in unconstitutionality ruling No. 91-2007,<sup>9</sup> which enforced the right of access to public information.

22. Under article 144 of the Constitution, the international treaties ratified by El Salvador are laws of the Republic and, in case of conflict with a national law, the treaty must prevail. Treaty obligations are actively invoked in El Salvador, with the Constitutional

<sup>7</sup> Habeas corpus ruling No. 203/204/205-2007: <http://www.jurisprudencia.gob.sv/DocumentosBoveda/D/1/2010-2019/2011/07/91C56.PDF>.

<sup>8</sup> *Amparo* ruling No. 665-2010: <http://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2010-19%2F2014%2F02%2FA4419.PDF&number=672793&fecha=05/02/2014&numero=665-2010&cesta=0&singlePage=false>.

<sup>9</sup> Unconstitutionality ruling No. 91-2007: [http://www.csj.gob.sv/Comunicaciones/Boletin\\_informativo/2010/Septiembre\\_2010/Sentencia%2091-2007%20Art%20191%20con%20voto%20razonado.pdf](http://www.csj.gob.sv/Comunicaciones/Boletin_informativo/2010/Septiembre_2010/Sentencia%2091-2007%20Art%20191%20con%20voto%20razonado.pdf).

Chamber having made use of international treaties to fill gaps in or supplement secondary law, in accordance with article 144 of the Constitution, and recognizing that treaty provisions must be directly applied and enforced when they relate to fundamental procedural safeguards – that is, the key rights of the accused. This represents a step forward in the application of international law. The direct application of treaty provisions can be increasingly seen in judicial decisions, with examples of such decisions including habeas corpus ruling No. 125-2005 of 29 February 2008,<sup>10</sup> unconstitutionality ruling No. 5-2001AC of 23 December 2010,<sup>11</sup> and unconstitutionality ruling No. 44-2013AC of 13 July 2016.<sup>12</sup>

23. The law prohibiting the organized criminal gangs known as *maras* and other forms of gangs and criminal groups, associations and entities<sup>13</sup> entered into force in September 2010. Article 2 of this law states that “any juridical act carried out by their members or through intermediaries shall be unlawful and give rise, inter alia, to criminal liability”. The law contains provisions that supplement the judicial and administrative sanctions that may be applied to these groups, including, for example, special disqualifications in the event of conviction, measures relating to assets and potentially leading to the loss of property, and controls on banking activities. Although the law is in force, some courts report that it is seldom applied, and that the Attorney General’s Office initiates prosecutions on the basis of ordinary criminal procedure. However, the law in question is occasionally used to classify *maras* and other types of gangs as illegal groups.

24. Gangs and criminal organizations that seek to arrogate to themselves the exercise of the sovereign powers of the State, and that thereby terrorize, place in grave danger, or systematically and indiscriminately compromise the fundamental rights of the population or a portion of the population, are considered to be terrorist groups under the unconstitutionality ruling handed down by the Constitutional Chamber with respect to the Special Anti-Terrorism Act. These groups were also identified by the Special Rapporteur on extrajudicial, summary or arbitrary executions, during her visit to El Salvador in 2018, as the main perpetrators of human rights violations in the country.

25. The following information is provided in relation to issues raised in paragraphs 21 and 22 of the Committee’s concluding observations:

Table 1

**Number of cases opened, tried and resulting in conviction**

<i>Year</i>	<i>Cases opened</i>	<i>Cases tried</i>	<i>Cases resulting in conviction</i>
2012	215	-	-
2013	545	73	21
2014	1 132	102	34
2015	1 516	77	48
2016	2 078	136	48
2017	3 038	212	61
2018	4 452	315	85

<sup>10</sup> See <http://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2000-2009%2F2008%2F02%2F3074.PDF&number=12404&fecha=29/02/2008&numero=125-2005&cesta=0&singlePage=false>.

<sup>11</sup> See <http://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2010-2019%2F2010%2F12%2F8A908.PDF&number=567560&fecha=23/12/2010&numero=5-2001AC&cesta=0&singlePage=false>.

<sup>12</sup> See <http://www.jurisprudencia.gob.sv/busqueda/showFile.php?bd=1&data=DocumentosBoveda%2FD%2F1%2F2010-2019%2F2016%2F07%2FBA3A5.PDF&number=762789&fecha=13/07/2016&numero=44-2013AC&cesta=0&singlePage=false>.

<sup>13</sup> Act prohibiting *maras*, gangs and criminal groups, associations and entities: <http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-de-proscripcion-de-maras-pandillas-agrupaciones-asociaciones-y-organizaciones-de-naturaleza-criminal>.

<i>Year</i>	<i>Cases opened</i>	<i>Cases tried</i>	<i>Cases resulting in conviction</i>
As of March 2019	971	86	11
<b>Total</b>	<b>13 947</b>	<b>1 001</b>	<b>308</b>

Table 2  
Number of cases by length of sentence

<i>Length of Sentence</i>	<i>Year</i>							<i>Total</i>
	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	
Up to 5 years	0	0	4	9	13	18	1	45
5–7 1/2 years	0	0	2	0	1	3	0	6
7 1/2–10 years	0	0	1	2	2	4	0	9
10–15 years	0	0	3	4	4	3	0	14
15–20 years	0	0	0	0	1	0	1	2
20–40 years	0	0	7	9	1	17	3	37
More than 40 years	0	0	3	3	5	3	0	14
Not recorded	21	34	28	21	34	37	6	181
<b>Total</b>	<b>21</b>	<b>34</b>	<b>48</b>	<b>48</b>	<b>61</b>	<b>85</b>	<b>11</b>	<b>308</b>

26. The data presented in Tables 1 and 2 were provided by the Department of Statistics of the Attorney General's Office and represent cases opened for offences under the Special Comprehensive Act on a Life Free from Violence for Women. Those offences include femicide; aggravated femicide; obstruction of access to justice; femicidal suicide, induced or aided; inducement to perform, promotion or encouragement of sexual or erotic acts by electronic or digital means; and all other offences defined in articles 50 to 54 of the Act. A case may involve one or more victims or defendants, and the cases tried and resulting in convictions are shown independently of the date the case was opened. In addition, the earliest data processed is from 2013, as that is the first year for which systematized and updated information is available. Table 3 shows data on trials for domestic violence against women and girls for certain specific courts.

Table 3  
Trials for domestic violence against women and girls

<i>Court</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
Third Magistrates' Court of San Salvador	22	20	42	44	48	34	34	34	18	14
Sixth Magistrates' Court of San Salvador	35	45	82	64	54	39	48	45	36	4
Seventh Magistrates' Court of San Salvador	46	35	53	32	33	39	30	38	53	12
Eighth Magistrates' Court of San Salvador	31	34	49	46	48	37	37	31	30	2
Ninth Magistrates' Court of San Salvador	28	47	36	52	40	42	21	33	36	4
Tenth Magistrates' Court of San Salvador	11	16	31	34	39	34	25	41	32	8
Thirteenth Magistrates' Court of San Salvador	25	27	37	47	39	30	28	24	20	10
First Trial Court of San Salvador	1	1	4	5	7	5	4	8	7	0
Third Trial Court of San Salvador	–	–	–	–	–	–	–	1	–	–
Fourth Trial Court of San Salvador	–	–	–	–	2*	–	1*	–	–	–
Second Court for Prison Oversight and Sentence Enforcement of San Salvador	169	225	225	186	181	1	51	57	119	16
Fourth Court for Prison Oversight and Sentence Enforcement of San Salvador	–	–	–	–	1	12	2	4	6	0

\* Convictions for femicide.



27. In February 2016, the Legislative Assembly approved the creation of a specialized court system with a remit to guarantee a life free from violence and discrimination for women. There are now three specialized courts of investigation, three specialized trial courts and a specialized chamber. These courts are competent to: try offences set out in the Special Comprehensive Act on a Life Free from Violence for Women; hear complaints under the Domestic Violence Act; monitor interim and protective measures under the aforementioned Special Comprehensive Act and the Act on Equality, Equity and the Elimination of Discrimination against Women; and hear cases concerning labour discrimination and violations of the right to equality. In April 2015, the Code of Criminal Procedure was amended with the addition of article 16-A, which stipulates that the Code should be interpreted in line with the latter two laws.

28. The Government's programme framework for the period 2014–2019 includes specific actions and targets aimed at reducing the rate of homicide and femicide, a goal that is also reflected in the "Safe El Salvador" Plan. There is also a plan of action to implement the National Policy for Women's Access to a Life Free from Violence, which includes a five-year strategy for the period 2016–2021 to reduce the rate of femicide and/or of violent deaths of women, and a Strategy for the Prevention of Femicide and Sexual Violence, which was launched in 2018.

29. The Salvadoran Institute for the Advancement of Women has formulated the National Policy on a Violence-Free Life for Women and also the following instruments: municipal guidelines for equality and a violence-free life for Salvadoran women; a handbook of guidelines for identifying types and patterns of violence against women; a guide to understanding the Special Comprehensive Act on a Life Free from Violence for Women from a psychosocial perspective; guidelines for accrediting, monitoring and evaluating specialized institutional support units for women; guidelines for accrediting and operating shelters; a protocol for the provision of specialized support to women affected by violence; guidelines for preventing violence against women and mainstreaming the principle of equality and non-discrimination in schools in El Salvador; and a Ministry of Education, Science and Technology protocol for addressing sexual violence in schools in El Salvador.

30. In 2016, the Salvadoran Institute for the Advancement of Women set up a national support system consisting of 88 specialized institutional support units for women affected by violence nationwide, 15 of which are located in branches of the Counsel General's Office around the country, and of the shelters run by the Institute, the National Civil Police, the Salvadoran Institute for Comprehensive Child and Adolescent Development, the Executive Technical Unit of the Justice Sector and the Ministry of Justice and Public Security. In addition, the Ministry of Justice and Public Security has set up 19 Local Victim Support Offices throughout the country.

31. The Ministry of Health is implementing a plan to prevent violence and ensure comprehensive care in response to all its various forms in primary health-care facilities, in accordance with the technical guidelines for comprehensive care in response to all forms of violence and the "Safe El Salvador" Plan. National hospitals have set up specialized units to care for victims of violence, and the Counsel General's Office provides women victims of violence with legal and psychosocial support. The Ministry of Education, Science and Technology has spearheaded the development of a nationwide study on gender-based violence and violence based on sexual orientation, and of a mechanism for handling cases of such violence within the education system.

32. Women who have been victims of violence have access to specialized integrated services and tools to help them to achieve financial independence through the Women's City Programme and the Directorate for Victim Support of the Ministry of Justice and Public Security. The National Victim Support Committee, which was created by the Directorate and has members from various institutions, prepared the preliminary draft of the Special Act on the Provision of Support, Protection and Comprehensive Reparation to Victims of Crime and Violence that was submitted to the Legislative Assembly in November 2018 and the general protocol for providing support to victims of crime. It has also launched the "Help is for Everyone" ("La ayuda es para todos") campaign, which is addressed to all victims, including children and adolescents, of domestic violence, violence,

sexual assault, threats, sexual abuse, trafficking in persons, and extortion. The strategy includes a “123” emergency call centre, which provides a link with institutions that assist victims.

33. The National Civil Police has a protocol for assisting women victims of violence, has established 35 women’s units in different police stations nationwide and works to prevent violence against women by providing training on the Special Comprehensive Act on a Life Free from Violence for Women and the Act on Equality, Equity and the Elimination of Discrimination against Women.

34. The Coordinating Commission of the Justice Sector, working through the Executive Technical Unit of the Justice Sector, promotes training and awareness-raising initiatives for State employees and public servants in the justice sector. In addition, video tutorials have been produced in sign language to inform persons who are hard of hearing about the different types of violence against women and the channels for reporting them. In 2018, the Institute for the Advancement of Women and the Coordinating Commission and Executive Technical Unit of the Justice Sector signed a letter of intent for the implementation of a project to establish an inter-institutional information system for the qualitative and quantitative analysis of the phenomenon of femicidal violence in El Salvador.

35. The National Council for Children and Adolescents is implementing a strategy for sharing information on and raising awareness of the rights of children and adolescents among officials working in the national protection system, national and local stakeholders, families and communities. The awareness-raising and training activities cover guidelines and protection mechanisms. The Council has also issued guidelines for the coordinated operation of the national system for the protection of children and adolescents and established support pathways for the effective referral of cases in which children’s rights are being threatened or violated. Child abuse is a criminal offence in El Salvador and there have been various preventive initiatives, including the “Mark My Life” (Marcá mi vida) campaign, which focuses on eliminating practices that cause physical and psychological harm, and the “Protection Begins at Home” (La protección comienza en el hogar) campaign. The radio programme “Talk to Me” (Hablá Conmigo) has been on the air since 2016, promoting parenting methods based on positive discipline, and the Child and Adolescent Protection Act was amended in 2017 to prohibit any form of violence against children and adolescents in public and private schools.

36. The Attorney General’s Office has 6 specialized support units for women and 19 units that handle domestic offences involving children, adolescents and women. These units work exclusively on the investigation and prosecution of offences committed against this vulnerable group. To provide comprehensive support to children, adolescents and women, the Attorney General’s Office has in place a protocol for providing legal and psychosocial support to persons affected by violence, with a focus on children, adolescents, women and other groups in vulnerable situations; a guide to the use of Gesell chambers; a protocol for investigating the offence of femicide; comprehensive support models under which psychological, medical, recreational and social welfare services are provided; and the “Missing Angel” (Ángel Desaparecido) alert system for searches for children and adolescents.

37. One of the principal offences penalized under the Special Comprehensive Act on a Life Free from Violence for Women<sup>14</sup> is femicide. Femicide and aggravated femicide are classified as publicly actionable offences. Acts of violence are classified as economic, physical, psychological or emotional, property-related, sexual or symbolic, and take one of the following forms: community, institutional or workplace. Table 4 presents data on cases of femicide provided by the Department of Statistics of the Attorney General’s Office. A case may involve one or more victims or defendants, and the cases tried and resulting in convictions are shown independently of the date the case was opened. The earliest data

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<sup>14</sup> Special Comprehensive Act on a Life Free from Violence for Women:  
<http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentoslegislativos/ley-especial-integral-para-una-vida-libre-de-violencia-para-las-mujeres>.

shown is for 2013, as this is the first year for which systematized and updated information is available.

Table 4

**Cases of femicide recorded from 2012 to March 2019**

<i>Year</i>	<i>Cases opened</i>	<i>Cases tried</i>	<i>Cases resulting in conviction</i>
2012	31	-	-
2013	91	37	12
2014	165	49	23
2015	304	38	24
2016	297	58	21
2017	313	71	22
2018	282	101	31
As of March 2019	45	29	4
<b>Total</b>	<b>1 528</b>	<b>383</b>	<b>137</b>

38. With respect to measures to protect human rights defenders and journalists, the amendment to article 30 of the Criminal Code represents a positive step, as it makes “the humanitarian work of the victim”, which includes the promotion and protection of human rights, an aggravating circumstance that increases the culpability of the perpetrator. In addition, custodial sentences have been eliminated for offences against honour (slander, defamation and insult), a development that can lead to greater freedom in the dissemination of ideas. This is without prejudice to the legal provisions concerning the exercise of the right to correction or response, which is intended to protect individuals against inaccurate or offensive claims made in the media. On the issue of mechanisms to guarantee the safety of human rights defenders, the Victim and Witness Protection Programme, governed by the Special Act for Victim and Witness Protection and its regulations, is the mechanism used to put in place protective measures for human rights defenders in situations that pose a risk to their safety and have led to the initiation of criminal investigations. The Legislative Assembly is considering a bill on human rights defenders that was submitted by human rights organizations.

39. Regarding the situation of persons deprived of their liberty, El Salvador has re-engineered its prison system to prioritize the effective rehabilitation and reintegration of inmates. To this end, it has implemented the “I’m Changing” (Yo Cambio), prison management model, which fosters the active participation of inmates in the areas of work, culture, sports, health care, security and knowledge transfer, with family and community involvement. The model promotes social and community projects, with 1,274 inmates in the trust-building or partial liberty stages having been trained to participate in community development activities and at least 9,500 inmates currently engaged in upper secondary studies, and includes an educational programme for prisoners supported by the University of El Salvador.

40. Prison farms have been set up and equipped to reduce overcrowding in prisons, and “kitchen schools” have been established in a number of prisons to create job opportunities for persons deprived of their liberty who are involved in the preparation of meals for other inmates. A Special Activities Fund for marketing goods produced and services provided in prison workshops and farms has also been created.

41. Data about the prison population, including the prisoners’ legal status, sentence and participation in programmes, are recorded in the Prison Information System. Persons deprived of their liberty are also classified according to their risk level so that they can be placed in appropriate prison facilities and receive appropriate, customized treatment in prison.

42. The Ministry of Justice and Public Security coordinates an expert committee on prisons, comprised of representatives of civil society organizations, churches and government institutions, whose remit is to examine the situation of inmates and gradually

improve conditions of detention. In 2018, the Centre for Comprehensive Health Care for Persons with Chronic Degenerative Diseases was opened.

43. In the Social Integration Centres for juvenile offenders, a framework programme of comprehensive services is being implemented. The Ministry of Justice and Public Security is carrying out the “New Pathways” (Nuevos Caminos) programme for adolescents in the juvenile criminal justice system and has made provision for sentences to be served in open settings.

44. In 2017, the Legislative Assembly amended the Juvenile Offenders Act to provide for the establishment of halfway houses and probation centres for young offenders who are at least 18 years of age and require specialized treatment for purposes of rehabilitation and reintegration into their family and society.

45. With regard to the safety of the prison population itself, the Directorate General of Prisons is updating the technology used to keep prisons safe and ensures that intelligence is gathered inside prisons in order to prevent homicides in detention. Information on violent deaths in detention facilities is provided in Table 5. Specific measures may also be taken to protect inmates, such as placing them in separate cells or transferring them to another prison. In addition, general and selective searches are carried out with the aim of confiscating weapons or objects that represent a risk to the safety of inmates and prison staff. The Attorney General’s Office is responsible for investigating any homicides and has the cooperation of the prison authorities.

Table 5

**Violent deaths in 2018**

<i>No.</i>	<i>Prison</i>	<i>Homicides</i>	<i>Age</i>	<i>Sex</i>
1	San Francisco Gotera Centre for Pretrial Detainees and Convicted Prisoners	1	21	M
2	San Francisco Gotera Centre for Pretrial Detainees and Convicted Prisoners	1	35	M
3	Psychiatric hospital secure unit	1	44	M
4	Quezaltepeque High-Security Prison	1	29	M
5	Quezaltepeque High-Security Prison	1	23	M
6	Quezaltepeque High-Security Prison	1	22	M
7	Quezaltepeque High-Security Prison	1	31	M
8	Quezaltepeque High-Security Prison	1	30	M
9	Quezaltepeque High-Security Prison	1	34	M
<b>Total</b>		<b>9</b>		

46. With respect to the incident that occurred at the Ciudad Barrios Centre for Pretrial Detainees and Convicted Prisoners on 28 October 2011, which took the lives of Geovany Francisco Mina Olivares, Efraín Antonio Álvarez Zaracay and Ernesto Antonio Cortez, an investigation was carried out by the Attorney General’s Office and resulted in prison sentences of 20 and 30 years for the principal offenders.

47. In order to bring about a reduction in prison violence, learning and employment opportunities have been created through vocational workshops and programmes organized under the “I’m Changing” Programme and specific measures taken by the prisons’ criminology boards.

48. To improve conditions of pretrial detention in prisons, efforts made to reduce prison overcrowding have resulted in the creation of 17,956 new places in 10 prisons and prison farms. In addition, an electronic monitoring system has been introduced, with 2,840 electronic bracelets purchased, and support is being provided through the programmes offered under the “I’m Changing” prison management model.

49. The Special Act on Trafficking in Persons has been in effect in El Salvador since 2014. The Act created the National Council on Trafficking in Persons, the body responsible for providing comprehensive support to victims of this offence. To this end, a general protocol for providing support to victims of trafficking in persons has been put into place, campaigns and projects have been carried out to prevent the offence and offer support to victims, and the National Policy on Trafficking in Persons and the related plan of action have been updated. In addition, staff of public and private institutions have been trained and outreach activities to raise awareness of the Special Act have been carried out in communities, including through the Blue Heart Campaign to prevent and fight trafficking. Tables 6, 7, 8 and 9 present data on the number of victims of trafficking, prosecutions, and convictions.

Table 6

**Number of victims of the offence of trafficking in persons**

Sex	Age range	Year										Total
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	
Male (M)	0–12	1	0	0	1	1	0	5	6	7	0	21
	13–17	2	1	0	4	4	1	4	3	2	4	25
	18–30	0	0	1	0	0	0	1	7	2	0	11
	31–40	0	0	0	2	0	1	0	0	1	0	4
	41–50	0	1	0	0	0	0	0	0	0	0	1
	51–60	0	0	0	0	0	0	0	1	0	0	1
	Age not recorded	2	6	2	2	4	0	2	0	5	1	24
<b>Total</b>	<b>5</b>	<b>8</b>	<b>3</b>	<b>9</b>	<b>9</b>	<b>2</b>	<b>12</b>	<b>17</b>	<b>17</b>	<b>5</b>	<b>87</b>	
Female (F)	0–12	3	4	3	8	18	5	9	7	8	0	65
	13–17	17	23	11	27	39	18	21	11	13	3	183
	18–30	4	7	7	12	8	15	7	10	14	0	84
	31–40	0	2	1	0	2	1	5	1	1	0	13
	41–50	0	0	0	0	1	0	1	0	0	0	2
	51–60	0	0	0	0	1	0	0	0	0	0	1
	71–80	0	0	0	0	1	0	0	0	0	0	1
Age not recorded	20	20	22	21	16	5	7	8	8	1	128	
<b>Total</b>	<b>44</b>	<b>56</b>	<b>44</b>	<b>68</b>	<b>86</b>	<b>44</b>	<b>50</b>	<b>37</b>	<b>44</b>	<b>4</b>	<b>447</b>	
Not determined	13–17	0	0	0	0	1	0	0	0	0	0	1
	Age not recorded	15	7	3	7	12	6	11	10	11	1	83
<b>Total</b>	<b>15</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>13</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>11</b>	<b>1</b>	<b>84</b>	
<b>Cumulative total</b>	<b>64</b>	<b>71</b>	<b>50</b>	<b>84</b>	<b>108</b>	<b>52</b>	<b>73</b>	<b>64</b>	<b>72</b>	<b>10</b>	<b>648</b>	

Source: Department of Statistics of the Attorney General's Office, using data from the Information and Automated Management System of the Prosecution Service, as at March 2019.

Table 7  
**Number of prosecutions for the offence of trafficking in persons**

Sex	Age range	Year							Total
		2013	2014	2015	2016	2017	2018	2019	
Male (M)	0–12	0	0	0	1	1	0	0	2
	13–17	0	0	0	1	0	1	0	2
	18–30	0	0	0	0	1	0	0	1
	31–40	0	0	0	0	0	1	0	1
	51–60	0	0	0	0	0	1	0	1
	Age not recorded	1	0	0	0	0	0	0	1
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>8</b>
Female (F)	0–12	2	0	1	0	2	3	0	8
	13–17	8	7	5	6	5	5	1	37
	18–30	2	1	1	3	3	1	1	12
	Age not recorded	3	4	1	0	2	2	0	12
	<b>Total</b>	<b>15</b>	<b>12</b>	<b>8</b>	<b>9</b>	<b>12</b>	<b>11</b>	<b>2</b>	<b>69</b>
Not determined	13–17	0	1	0	0	0	0	0	1
	Age not recorded	1	11	1	2	1	9	1	26
	<b>Total</b>	<b>1</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>27</b>
<b>Cumulative total</b>		<b>17</b>	<b>24</b>	<b>9</b>	<b>13</b>	<b>15</b>	<b>23</b>	<b>3</b>	<b>104</b>

Source: Department of Statistics of the Attorney General's Office, using data from the Information and Automated Management System of the Prosecution Service, as at March 2019.

Table 8  
**Number of convictions for the offence of trafficking in persons**

Sex	Age range	Year							Total
		2013	2014	2015	2016	2017	2018	2019	
Male (M)	0–12	0	0	0	0	1	0	1	2
	13–17	0	0	0	0	1	0	1	2
	Age not recorded	0	1	0	0	0	0	0	1
	<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>5</b>
Female (F)	0–12	1	0	0	0	0	2	0	3
	13–17	2	2	5	4	1	1	2	17
	18–30	0	1	1	0	2	0	0	4
	Age not recorded	0	0	0	1	0	0	0	1
	<b>Total</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>25</b>
Not determined	13–17	0	0	1	0	0	0	0	1
	Age not recorded	0	8	2	0	0	0	0	10

Sex	Age range	Year							Total
		2013	2014	2015	2016	2017	2018	2019	
	<b>Total</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>
	<b>Cumulative total</b>	<b>3</b>	<b>12</b>	<b>9</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>41</b>

Source: Department of Statistics of the Attorney General's Office, using data from the Information and Automated Management System of the Prosecution Service, as at March 2019.

Table 9

### Lengths of sentences for convictions for the offence of trafficking in persons

Length of sentence handed down	Year							Total
	2013	2014	2015	2016	2017	2018	2019	
Up to 5 years	0	0	0	0	0	1	0	1
5–7 1/2 years	0	0	2	0	0	0	1	3
7 1/7–10 years	0	0	2	2	1	0	0	5
10–15 years	0	0	2	2	0	0	0	4
15–20 years	0	0	0	0	0	0	1	1
20–40 years	0	0	1	0	0	0	2	3
Not recorded	3	12	2	1	4	2	0	24
<b>Cumulative total</b>	<b>3</b>	<b>12</b>	<b>9</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>41</b>

Source: Department of Statistics of the Attorney General's Office, using data from the Information and Automated Management System of the Prosecution Service, as at March 2019.

### Article 3

50. The Commission for the Determination of the Status of Refugees was established in accordance with the Act on Refugee Status Determination adopted by El Salvador,<sup>15</sup> which regulates the procedure for granting refugee status and establishes a protection system for asylum seekers based on their rights and duties. The Act also enshrines the principle of non-refoulement and states that the Commission may order the expulsion of a refugee only for reasons of national security or public order or for the purpose of serving a sentence for a serious offence. The expulsion procedure observes the safeguards of due process and grants the person concerned the right to remain in national territory for a period of 30 days in order to arrange for their lawful admission to another State.

51. Tables 10 and 11 shows data on applications for refugee status and the number of applicants whose application was accepted between 2010 and the first quarter of 2019.

Table 10

### Number of applications for refugee status

Year	Number of applications
2010	56 applicants: 44 men and 12 women; 4 minors and 52 adults
2011	14 applicants: 10 men and 4 women; 1 minor and 13 adults
2012	6 adult male applicants

<sup>15</sup> Act on Refugee Status Determination: <http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-para-la-determinacion-de-la-condicion-de-personas-refugiadas>.

<i>Year</i>	<i>Number of applications</i>
2013	8 applicants: 6 men and 2 women; 1 minor and 7 adults
2014	14 applicants: 10 men and 10 women; 4 minors and 10 adults
2015	20 applicants: 15 men and 5 women; 3 minors and 17 adults
2016	10 applicants: 8 men and 9 women; 4 minors and 6 adults
2017	6 applicants: 5 men and 1 woman; 1 minor and 5 adults
2018	32 applicants: 22 men and 10 women; 9 minors and 23 adults
2019	13 applicants: 7 men and 6 women; 3 minors and 10 adults

Table 11  
**Applicants whose applications were accepted**

<i>Year</i>	<i>Applications accepted</i>
2010	6
2011	1
2012	2
2013	1
2014	7
2015	10
2016	1
2017	5
2018	2
2019	0
<b>Total</b>	<b>35 (25 males and 10 females; 9 minors and 26 adults)</b>

52. The Commission for the Determination of the Status of Refugees has not registered any applications made on grounds of torture or the possibility of torture in the event of the applicants' return to their country of origin, or any cases of non-return owing to a risk of torture, nor has it registered any cases where diplomatic assurances or any equivalent thereof relating to the returning of foreign persons were offered or accepted between 2010 and March 2019. However, under Salvadoran law, a person may be extradited on the basis of national law and bilateral or multilateral treaties, but not on the basis of diplomatic assurances.

53. The authority competent to decide on extradition requests in El Salvador is the Supreme Court. In practice, given the absence of secondary legislation regulating the extradition procedure, the Supreme Court has established case law in direct application of the Constitution that states: "The procedure must apply to the request all guarantees of due process under the Constitution, national law and the applicable international instruments" (criminal request cases No. 17-S-2008, No. 53-S-2010 and No. 99-S-2012). The right to defence of persons subject to an extradition request is guaranteed. If the Supreme Court believes that the circumstances outlined in article 3 of the Convention exist, it must take them into account when rendering its decision.

54. As regards training for public officials, El Salvador is one of the beneficiary States of the Regional Human Rights and Democracy Project being carried out by the Inter-American Commission on Human Rights over a four-year period. Within this framework, the country has received technical support to train officials in the justice system and in bodies such as the Directorate General for Migration and Alien Affairs, the Ministry of Foreign Affairs and the Office of the Human Rights Advocate on human rights norms and standards in the contexts of human mobility, migration and internal displacement.



55. The Legislative Assembly approved the Special Act on Migration and Alien Affairs<sup>16</sup> in April 2019. The positive contribution of migration and the need to protect migrants' rights and ensure their integration and development are recognized in the Act. The Migration Agenda for the education and training of immigration officials will be implemented under the Act.

#### Articles 5, 6, 7, 8 and 9

56. El Salvador is a party to the following bilateral extradition treaties: the Convention on the Extradition of Criminals with Belgium; the Treaty on Extradition between the Republic of El Salvador and the Kingdom of Spain; the Treaty on Extradition between the Republic of El Salvador and the United States of America; the Treaty on Extradition between the Government of El Salvador and the Government of the United Mexican States; the Treaty on the Extradition of Criminals with Great Britain; the Convention on Extradition with Italy; and the Convention on Mutual Extradition of Criminals with Switzerland.

57. El Salvador is a party to the following multilateral extradition treaties: the Central American Convention on Extradition of 1923; the Convention on Extradition signed at Montevideo, Eastern Republic of Uruguay; the Central American Convention on Extradition signed at Washington, United States of America; the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed at Vienna, Austria; the United Nations Convention against Corruption signed at Mérida, Mexico; the United Nations Convention against Transnational Organized Crime signed at Palermo, Italy; the Inter-American Convention against Corruption signed at Caracas, Venezuela; the Inter-American Convention to Prevent and Punish Torture signed at Cartagena, Colombia; and the Code of Private International Law (Bustamante Code) signed at Havana, Cuba, in the part related to extradition.

58. El Salvador is a party to the following bilateral extradition treaties: the Treaty on Extradition between the Republic of El Salvador and the United States of America; the Treaty on Extradition between the Government of El Salvador and the United Mexican States; the Treaty on the Extradition of Criminals with Great Britain; the Treaty on Extradition between the Republic of El Salvador and the Kingdom of Spain; the Convention on Mutual Extradition of Criminals between Switzerland and El Salvador; the Convention on the Extradition of Criminals between Belgium and El Salvador; and the Convention on Extradition between Italy and El Salvador.

59. Active and passive extradition cases processed in El Salvador include:

(a) The case of Mr. Carlos Augusto Perla Parada, a Salvadoran national requested by El Salvador from France based on the principle of reciprocity, accused of unjust enrichment and illicit operations and associations. On the basis of French extradition law and the principle of reciprocity, the French Ministry of Justice decided to grant the extradition of the Salvadoran citizen by extradition decree dated 6 September 2005. He was extradited on 28 November 2006.

(b) The case of Mr. José Marvin Martínez, a Salvadoran national requested by the United States authorities based on the Treaty on Extradition between El Salvador and the United States of America, accused of sexual assault and obscenity involving a minor. The Supreme Court authorized his extradition to the requesting State by decision dated of 22 December 2009;

(c) The case of Ms. Clemence Kamdem Djimi, a person of Cameroonian origin, requested by the Costa Rican authorities on the basis of the Central American Convention on Extradition, accused of fraud. Ms. Kadem Djimi had served a sentence in El Salvador for money laundering, after which the Supreme Court authorized her extradition to Costa Rica by decision dated 18 March 2011. She was extradited on 10 May 2011.

<sup>16</sup> Published in the *Diario Oficial*, the country's official gazette, No. 75, vol. 423, of 25 April 2019.

(d) The case of Ms. Evelyn del Rosario Hernández Umaña de Torres, a Salvadoran national requested by El Salvador from the Kingdom of Spain based on the Treaty on Extradition between El Salvador and the Kingdom of Spain, accused of being an accessory to aggravated homicide. The Third Section of the Criminal Division of the National High Court of Spain granted the extradition request by order dated 18 May 2011. The request was carried out on 19 January 2012.

(e) The case of Mr. Antonio Ramiro Ávalos Vargas, a Salvadoran national requested by Spain based on the Treaty on Extradition between El Salvador and the Kingdom of Spain, wanted for murder, terrorist activities and crimes against humanity. A Red Notice was issued against the defendant by the International Criminal Police Organization (INTERPOL) at the request of the Spanish authorities. The Supreme Court, sitting in banc, saw fit to order the compulsory refusal of the extradition request since Mr. Ávalos Vargas had been tried previously.

#### **Article 10**

60. El Salvador runs courses on human rights for police officers, prosecutors, judges and public defenders as part of the in-service education and training organized for public officials and civil servants, which includes the study of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), Inter-American Convention to Prevent and Punish Torture, the Convention against Torture and other international human rights standards, particularly those relating to guarantees of due process and the right to a defence, such as the case law of the Inter-American Court of Human Rights.

61. The National Public Security Academy, which provides initial and in-service training to officers of the National Civil Police with a focus on respect for human rights, has upgraded its training programmes, particularly those relating to the Istanbul Protocol, the Inter-American Convention to Prevent and Punish Torture and the Convention against Torture. Police officers are also offered specialized courses to develop and refresh their policing skills, including basic human rights and policing courses and a refresher course on the country's special laws. This training covers topics relating to human rights and human rights violations, the Convention against Torture and the reasonable use of force.

62. The National Civil Police provides in-service training to its officers on norms and principles for the protection of human rights, including the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment. Topics relating to human rights, police operations and torture, including the prevention and investigation of torture in accordance with the Istanbul Protocol, are also taught as part of professional development courses. In addition, the National Civil Police has developed a police sciences training programme, which provides comprehensive training for police officers and new recruits. Its curriculum encompasses topics relating to policing, use of force, inspection procedures, human rights, national and international protection for human rights and the principal instruments for the protection of human rights.

63. The Attorney General's Office runs a Training Academy for Prosecutors that provides in-service training for officers of the prosecution service. Its human rights training programme includes the study and analysis of the Istanbul Protocol.

64. The Judicial Training Academy of the National Council of the Judiciary also provides education and training to judicial officers and other officials. The Academy teaches courses that encourage the study of principles and norms for the protection of human rights and international norms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including a course entitled "International Instruments for the Protection of Human Rights". The curriculum of this course includes the study of international protection instruments that may be invoked in cases involving crimes against humanity, which include the Convention against Torture and the Optional Protocol thereto.

65. Regarding the training of officials who work with detained persons, the Directorate General of Prisons has a legal mandate to operate a training academy for prison staff, which

is responsible for running the training course for aspiring prison officers. The course includes a law module that deals with human rights, prison law and prison ethics, with a special emphasis on the Convention against Torture. Special courses to raise awareness of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) have also been designed and imparted, and professional development courses are available. Both new recruits and staff taking part in professional development courses undergo in-service training at two or three prisons. Training is also provided for staff working at the Directorate General, which includes an advanced course on prison management and criminology.

66. Women with obstetric problems are treated in accordance with the Technical and Operational Guidelines for implementing the Childbirth Plan Strategy developed by the Ministry of Health in 2011, which provide the information necessary to implement the strategy with the involvement of pregnant women and their families and communities, and the Clinical Guide for Gynaecology and Obstetrics of 2012, which sets out the procedure to follow in the event of obstetric problems including those classified as spontaneous, failed, imminent, inevitable, incomplete or septic miscarriages. Both of these tools are consistent with the National Sexual and Reproductive Health Policy and the related plan of action, the aim of which is to guarantee sexual and reproductive health at the various stages of the life cycle for the entire population of El Salvador, by means of an inclusive gender- and rights-based approach, in a safe, secure, egalitarian, high-quality and sympathetic environment with a sense of shared responsibility. The Ministry of Health has also developed training courses for the safe handling of miscarriages in hospitals and has organized rights-based training and awareness-raising for post-miscarriage care personnel.

67. In July 2016, a proposed amendment to the Criminal Code concerning elective abortion was submitted to the Legislative Assembly. Under this amendment, abortion would not be a punishable offence in cases where the woman or girl is a victim of sexual abuse; where the procedure is necessary to save the life and protect the health of the pregnant woman; or where there is a fetal abnormality that is incompatible with life outside the womb. In 2018, the Supreme Court granted pardons to two women who had been convicted of acts related to obstetric emergencies, and since 2016 the Ministry of Justice and Public Security has commuted 21 sentences of aggravated homicide in relation to obstetric emergencies. The Ministry also has a Reintegration and Restitution Plan for women who have been prosecuted for the offence of aggravated homicide for obstetric reasons.

## Article 11

68. Tables 12, 13, 14 and 15 give statistical information on the number of pretrial and convicted prisoners by prison, and the number of persons deprived of their liberty disaggregated by gender, age range and most common offences.

Table 12

### Pretrial and convicted detainees by prison, as of 25 February 2019

<i>Item</i>	<i>Prison</i>	<i>Convicted detainees</i>	<i>Pretrial detainees</i>	<i>Prison total</i>
1	La Esperanza Central Prison for Pretrial Detainees and Convicted Prisoners	3 513	1 913	5 426
2	Apanteos Prison for Pretrial Detainees and Convicted Prisoners	2 682	2 021	4 703
3	Ciudad Barrios Prison for Pretrial Detainees and Convicted Prisoners	1 901	1 347	3 248
4	Izalco Prison, phase III	2 251	391	2 642
5	Izalco Prison for Pretrial Detainees and Convicted Prisoners	1 213	1 327	2 540
6	Ilopango Prison for Pretrial Detainees and Convicted Prisoners	1 112	1 117	2 229

<i>Item</i>	<i>Prison</i>	<i>Convicted detainees</i>	<i>Pretrial detainees</i>	<i>Prison total</i>
7	Quezaltepeque Prison for Pretrial Detainees and Convicted Prisoners	1 451	534	1 985
8	La Esperanza Minimum-Security Prison	1 957	0	1 957
9	Chalatenango Prison for Pretrial Detainees and Convicted Prisoners	1 320	382	1 702
10	San Francisco Gotera High-Security Prison	1 297	329	1 626
11	Izalco Prison for Pretrial Detainees and Convicted Prisoners, phase II	1 270	332	1 602
12	San Vicente Prison for Pretrial Detainees and Convicted Prisoners	881	505	1 386
13	Santa Ana Minimum-Security Prison	1 291	0	1 291
14	Sonsonate Pretrial Detention Facility	943	93	1 036
15	Usulután Prison for Convicted Prisoners	689	271	960
16	Zacatecoluca Prison Farm	927	0	927
17	San Miguel Prison for Pretrial Detainees and Convicted Prisoners	674	210	884
18	Zacatecoluca Maximum-Security Prison	578	95	673
19	Sensuntepeque Prison for Convicted Prisoners	380	246	626
20	Izalco Women's Prison Farm	519	67	586
21	Santa Ana Men's Prison Farm	419	0	419
22	Ilobasco Pretrial Detention Facility	13	384	397
23	Jucuapa Pretrial Detention Facility	8	327	335
24	Metapan Prison for Pretrial Detainees and Convicted Prisoners	120	203	323
25	La Unión Pretrial Detention Facility	6	284	290
26	Centre for the Comprehensive Care of Detainees with Chronic Degenerative Diseases	175	5	180
27	Psychiatric Protection Unit	52	52	104
28	Santa Tecla Open Prison	13	0	13
<b>Cumulative total</b>		<b>27 655</b>	<b>12 435</b>	<b>40 090</b>

Table 13

**Persons deprived of their liberty by gender, as at 25 February 2019**

<i>Item</i>	<i>Gender</i>	<i>Number</i>	<i>Percentage</i>
1	Female	3 338	8.33%
2	Male	36 752	91.67%
<b>Total</b>		<b>40 090</b>	<b>100%</b>

Table 14

**Persons deprived of their liberty by age range as at 25 February 2019**

<i>Item</i>	<i>Age range</i>	<i>Number</i>	<i>Percentage</i>
1	18 to 25	10 551	26.32%
2	26 to 35	16 246	40.52%
3	36 to 45	8 749	21.82%
4	46 to 55	3 049	7.61%

<i>Item</i>	<i>Age range</i>	<i>Number</i>	<i>Percentage</i>
5	56 to 65	1 068	2.66%
6	66 to 75	336	0.84%
7	76 to 90	91	0.23%
<b>Total</b>		<b>40 090</b>	<b>100%</b>

Table 15  
**Most common offences as at 25 February 2019**

<i>Convicted inmates only</i>			
<i>Item</i>	<i>Crime</i>	<i>Number</i>	<i>Percentage</i>
1	Murder	13 589	30.64%
2	Extortion	7 335	16.54%
3	Robbery	3 875	8.74%
4	Drug-related crimes	3 675	8.29%
5	Criminal organization	3 408	7.69%
6	Rape	2 798	6.31%
7	Less common offences	9 665	21.80%
<b>Total</b>		<b>44 345</b>	<b>100%</b>

69. Information relating to recommended capacity, including location and type of detention centre, is provided in tables 16 and 17.

Table 16

**Persons deprived of their liberty in the prison system, in relation to installed capacity, as at 3 March 2019**

<i>Prison type</i>	<i>No.</i>	<i>Prison</i>	<i>Installed capacity</i>	<i>Prison total</i>	<i>Overpopulation</i>	<i>Overcrowding rate</i>
Maximum security	1	Zacatecoluca Maximum-Security Prison	528	672	144	127%
	2	Izalco Maximum-Security Prison, phase III	2 016	2 637	621	131%
High security	3	Izalco High-Security Prison, phase I	768	2 635	1 867	343%
	4	Izalco High-Security Prison, phase II	1 296	1 494	198	115%
	5	Ciudad Barrios High-Security Prison	1 026	3 239	2 213	316%
	6	Quezaltepeque High-Security Prison	756	1 979	1 223	262%
	7	Chalatenango High-Security Prison	350	1 694	1 344	484%
Prisons for pretrial detainees and convicted prisoners	8	Ilopango Prison for Pretrial Detainees and Convicted Prisoners	1 250	2 202	952	176%
	9	Metapan Prison for Pretrial Detainees and Convicted Prisoners	181	326	145	180%
	10	Apanteos Prison for Pretrial Detainees and Convicted Prisoners	2 000	4 701	2 701	235%
	11	Sonsonate Prison for Pretrial Detainees and Convicted Prisoners	350	1 030	680	294%
	12	La Esperanza Prison for Pretrial Detainees and Convicted Prisoners	2 974	5 464	2 490	184%
	13	San Vicente Prison for Pretrial Detainees and Convicted Prisoners	450	1 380	930	307%
	14	San Miguel Prison for Pretrial Detainees and Convicted Prisoners	375	882	507	235%
	15	San Francisco Gotera Prison for Pretrial Detainees and Convicted Prisoners	387	1 620	1 233	419%
Prisons for convicted prisoners	16	Sensuntepeque Prison for Convicted Prisoners	150	615	465	410%
	17	Usulután Prison for Convicted Prisoners	300	954	654	318%
Pretrial detention facilities	18	Ilobasco Pretrial Detention Facility	500	382	-118	76%
	19	Jucuapa Pretrial Detention Facility	120	326	206	272%
	20	La Unión Pretrial Detention Facility	140	290	150	207%
Minimum-security prisons	21	La Esperanza Minimum-Security Prison	2 958	1 921	-1 037	65%
	22	Santa Ana Minimum-Security Prison	2 346	1 288	-1 058	55%
Special centres	23	Santa Ana Centre for the Comprehensive Care of Detainees with Chronic Degenerative Diseases	546	180	-366	33%
	24	Psychiatric Protection Unit	40	103	63	258%
Open centres	25	Izalco Women's Prison Farm	1 366	569	-797	42%
	26	Santa Ana Men's Prison Farm	2 160	429	-1 731	20%

<i>Prison type</i>	<i>No.</i>	<i>Prison</i>	<i>Installed capacity</i>	<i>Prison total</i>	<i>Overpopulation</i>	<i>Overcrowding rate</i>
	27	Zacatecoluca Ana Men's Prison Farm	1 152	930	-222	81%
	28	Santa Tecla Open Prison for Women	20	15	-5	75%
<b>Total</b>			<b>26 505</b>	<b>39 957</b>	<b>13 452</b>	<b>151%</b>

Table 17

**Type of prisoner held at the prisons and their location**

<i>No.</i>	<i>Prison</i>	<i>Type of prisoner</i>	<i>Location</i>
1	La Esperanza Central Prison for Pretrial Detainees and Convicted Prisoners	Ordinary prisoners and members of Mara Desorden (MD)	Ayutuxtepeque
2	Santa Ana Centre for the Comprehensive Care of Detainees with Chronic Degenerative Diseases	Convicted prisoners with chronic degenerative diseases	Santa Ana
3	San Vicente Prison for Pretrial Detainees and Convicted Prisoners	Ordinary male prisoners	San Vicente
4	Apanteos Prison for Pretrial Detainees and Convicted Prisoners	Ordinary prisoners and former gang members	Santa Ana
5	Metapan Prison for Pretrial Detainees and Convicted Prisoners	Former government officials	Metapán, Santa Ana
6	Sonsonate Prison for Pretrial Detainees and Convicted Prisoners	Former MS-13 gang members, ordinary prisoners identifying themselves as La Raza members and active members of the Mirada Locos gang	Sonsonate
7	Quezaltepeque High-Security Prison	Active male and female members of the 18 Revolucionarios gang	Quezaltepeque, La Libertad
8	Chalatenango High-Security Prison	Active male members of the MS-13 gang	Chalatenango
9	Sensuntepeque Prison for Convicted Prisoners	Ordinary male prisoners, female members of the 18 Sureñas gang and homosexuals	Km. 83, road to San Salvador, Cabañas
10	Usulután Prison for Convicted Prisoners	Ordinary convicted male prisoners	Usulután
11	Jucuapa Pretrial Detention Facility	Ordinary pretrial male detainees	Usulután
12	Ciudad Barrios High-Security Prison	Active male members of the MS-13 gang	Ciudad Barrios, San Miguel
13	San Miguel Prison for Pretrial Detainees and Convicted Prisoners	Ordinary male and female prisoners	San Miguel
14	San Francisco Gotera Prison for Pretrial Detainees and Convicted Prisoners	Former members of the 18 Revolucionarios gang	San Francisco Gotera, Morazán
15	La Unión Pretrial Detention Facility	Ordinary pretrial male prisoners	Conchagua, La Unión
16	Izalco High-Security Prison, phase I	Active members of the 18 Sureños gang and MS-13 gang	Izalco, Sonsonate
17	Izalco High-Security Prison, phase II	Active members of the MS-13, 18 (Sureños and Revolucionarios) and La Raza gangs	Izalco, Sonsonate
18	Izalco Maximum-Security Prison, phase III	Active members of the MS-13 and 18 (Sureños and Revolucionarios) gangs and gang leaders	Izalco, Sonsonate



<i>No.</i>	<i>Prison</i>	<i>Type of prisoner</i>	<i>Location</i>
19	Zacatecoluca Maximum-Security Prison	Ordinary prisoners, former gang members and MS-13 and 18 (Sureños and Revolucionarios) gang members	Zacatecoluca, La Paz
20	Zacatecoluca Prison Farm	Men in trust-building and partial liberty phases	Zacatecoluca, La Paz
21	Ilopango Women's Prison for Pretrial Detainees and Convicted Prisoners	Ordinary female prisoners and female MS-13 gang members	Ilopango, San Salvador
22	Ilobasco Pretrial Detention Facility	Ordinary pretrial male detainees	Ilobasco
23	Izalco Prison Farm	Women in the ordinary prison phase (with children under 5 years of age and pregnant women) from different criminal organizations and women in the partial liberty stage	Izalco, Sonsonate
24	Santa Ana Prison Farm	Men in trust-building and partial liberty stages	Road from Santa Ana towards Metapán
25	Santa Ana Minimum-Security Prison	Men classified as level 3 or low-risk	Santa Ana
26	La Esperanza Minimum-Security Prison	Men classified as level 3 or low-risk	Ayutuxtepeque

70. In El Salvador, the use of pretrial detention is regulated by the Code of Criminal Procedure, which establishes, in general and broad terms, the admissibility, requirements, timetable, time limits, appeal procedures and other related aspects of pretrial detention. The courts have sole jurisdiction to order pretrial detention and, when making such decisions, must take into account the reasonableness of the accusation and the risk of flight and possible attempts to frustrate the investigation. Being an interim measure, pretrial detention is reviewed every three months, and, since it is considered a measure of last resort, accused persons have the right to request non-custodial alternative measures. In 2015, the Legislative Assembly approved the Act regulating the Use of Electronic Monitoring Devices in the Criminal Justice System,<sup>17</sup> which governs the use of electronic devices as a mechanism for monitoring, tracking and enforcing non-custodial alternatives in cases where pretrial detention has exceeded the permitted 24-month period.

71. The Prisons Act sets out the criteria governing the use of solitary confinement, which may not exceed 30 days. The implementing regulations of the Act establish the conditions that must be met when inmates are placed in isolation cells in order to ensure respect for their dignity and personal integrity. Isolation measures may be contested before the competent prison oversight and sentence enforcement judge. In specific cases, such as when leaving a gang or criminal organization, inmates may themselves request confinement to ensure their personal safety.

72. In the light of the concluding observations of the Committee (CAT/C/SLV/CO/2, paras. 17 to 19), the Constitutional Chamber of the Supreme Court declared prison overcrowding to be unconstitutional in judgment No. 119-2014 AC of 2016. Specific action has therefore been taken with the aim of reducing prison overcrowding to 154 per cent of installed capacity, including:

- An infrastructure investment of \$54.9 million to build and refurbish prison facilities, which has created 17,956 new places. The investment covers the Izalco prisons (phases II and III), Zacatecoluca Prison Farm, Mariona Short-Term Detention

<sup>17</sup> Legislative Decree No. 924 of 8 January 2015, published in *Diario Oficial* No. 23, vol. 406, on 4 February 2015.

Centre, high-security cells at Izalco and Quezaltepeque, the refurbishment of the warehouse at Santa Ana Prison Farm, Izalco Short-Term Detention Centre and Santa Ana Short-Term Detention Centre

- Approval for the use of electronic bracelets
- Construction of minimum-security prisons, which will have combined capacity to house 7,500 low-risk detainees
- Strengthening the National Criminology Council, the regional criminology councils and the professional criminology teams, which are responsible for evaluating persons deprived of their liberty and making recommendations to judges regarding their placement in different prison system regimes, including release on bail and early release

73. The negative impact of overcrowding on sanitary conditions in detention facilities has resulted in considerable demand for health-care services among persons deprived of their liberty. The measures taken to address this need include:

- Regularly holding cleaning days and carrying out sanitation work, including fumigation and monitoring of water supplies, at all prisons, in coordination with local community family health-care units
- Strengthening health-care, nursing and clinical laboratory services by hiring more staff
- Opening an integrated health-care centre for detainees with chronic diseases
- Establishing clinical laboratories in the clinics of La Esperanza prison and in Ilopango prison, which will also be refurbished and refitted to serve as an integrated care centre for women deprived of their liberty
- Implementing an integrated health-care plan with a focus on the sexual and reproductive health of female detainees
- Launching a self-help programme for women deprived of their liberty who have been victims of any form of violence
- Implementing a health-care protocol for detainees with malnutrition
- Providing nutritional supplements to those with special health-care needs

74. The following actions have been taken to address tuberculosis in prisons:

- An action plan for the recovery of detainees with tuberculosis, malnutrition and other diseases of epidemiological significance has been implemented at the Izalco prison complex and Barrios Prison.
- The Ministry of Justice and Public Security and the Ministry of Health have signed an agreement covering the processing of samples, supply of tuberculosis medicine, taking of lung X-rays, training of volunteers on the treatment of tuberculosis in the prison system, provision of nutritional supplements, training of health-care staff on the regulations and technical guidelines for the prevention and control of tuberculosis, and provision of equipment and supplies to prison clinics.
- Solitary confinement areas have been built or refurbished at 12 prisons.
- Facilities for processing and analysing sputum samples for the diagnosis of tuberculosis among detainees have been created.
- Special diets for patients with chronic degenerative and other diseases, such as tuberculosis, have been introduced.

75. The following measures have been taken to ensure the health of detainees living with HIV:

- Annual programmes organized jointly by prisons and community family health-care units

- Two days of voluntary testing for HIV in prisons, with counselling before and after the test
- Formation of support groups in prisons with more than three detainees living with HIV
- Continuous training for Ministry of Health and prison system teams and detainees themselves who are working or interested in working as counsellors, peer facilitators and prison health promoters
- Launch of a therapeutic self-help group programme with a psychosocial approach for persons deprived of their liberty living with HIV/AIDS

76. The separation of adults and minors is guaranteed because the Salvadoran prison system is responsible only for adults. Specific detention facilities for men and women ensure that they are kept separate. Furthermore, since prison law provides for the separation of convicted prisoners and pretrial detainees, the different categories of prisoner are either detained in different prisons or else housed in separate wings, subject to prior authorization from the criminology councils and professional criminology teams. Inmates are also classified according to the level of risk they present.

77. Regarding programmes for prisoner resocialization and reintegration, 26,850 prisoners are involved in activities as part of the “I’m Changing” prison management model. Table 18 shows the activities carried out and the groups to which detainees belong.

**Table 18**

	<i>Participants</i>	
	<i>Women</i>	<i>Men</i>
Prisoners who work	869	5 231
Prisoners who study	1 190	10 471
Prisoners who take part in religious activities	1 550	8 061
Prisoners in Alcoholics Anonymous groups	16	890
Prisoners on a drug rehabilitation programme	82	359
Prisoners who are Narcotics Anonymous members	0	0
Prisoners in Doctor Ayala programme self-help groups	0	516
<b>Total</b>	<b>3 707</b>	<b>25 528</b>

78. In order to identify and release those who have served their sentences, there is constant coordination with the prisons oversight and sentence enforcement courts to ensure that the detainee register and criminal records kept by the Prison Records and Oversight Unit are up-to-date. The Prisons Act establishes the obligation of these courts to take special care to ensure that no one is unlawfully imprisoned. Furthermore, use of the Prison Information System ensures that the legal status of every prisoner is kept up-to-date, allowing for release orders to be processed in a timely manner and thus avoiding unlawful imprisonment.

79. Progress has also been made in improving the conditions under which prisoners and persons entering prisons are searched. Officials conducting these searches must follow security protocols and 282 prison security officers have received additional training on search procedures in accordance with the Prisons Act. Scanners, scanner chairs, X-ray machines and surveillance cameras have been acquired, and a full-body scanner will soon be purchased to avoid having to conduct manual searches of everyone who enters one of the country’s prisons.

80. At the Prison Staff Training Academy, administrative, security and other prison staff receive training on human rights and workshops are held on the implementation and application of the Nelson Mandela Rules in all detention facilities, especially high- and

maximum-security prisons. The Prison Unit for Human Rights, the body responsible for monitoring and overseeing prison conditions, has been strengthened.

81. The Directorate General of Prisons has drawn up a plan to address the recommendations made by the International Committee of the Red Cross for the improvement of conditions for persons deprived of their liberty, especially at high- and maximum-security prisons. The implementation of these and other measures will allow the Directorate to apply for international accreditation of compliance with American Correctional Association standards and will make the prison system more modern, more secure, more conducive to rehabilitation and more focused on ensuring respect for human rights.

82. In order to ensure that children in conflict with the law are not subjected to torture and ill-treatment and that imprisonment is used only as an exceptional measure and for the shortest possible period of time, the Child and Adolescent Protection Act approved in 2009 states that “all children and adolescents have the right not to be arbitrarily or unlawfully deprived of their liberty, without any limitation other than as provided for by law. Any measure involving deprivation of liberty, imprisonment or institutionalization of children or adolescents that is adopted by the competent authorities shall be of an exceptional nature, shall be duly substantiated and shall respect the time limits prescribed by law. Adolescents may not under any circumstances be held in police detention facilities or prisons for adults.”

83. Under the Juvenile Offenders Act, imprisonment may be ordered only as a last resort and for the shortest period of time possible. The maximum period of imprisonment was set at 15 years by an amendment to the Act introduced in 2010. Over the last two years, there has been a gradual reduction in the use of imprisonment by juvenile judges. In this context, it is worth noting that over the last six years the Juvenile Justice Unit of the Supreme Court has made efforts to ensure that imprisonment is only used for the shortest possible period of time; for example, through its specialized training programme, it has trained 80 juvenile criminal justice officials, including magistrates, judges, lawyers, prosecutors and public defenders, in subjects such as criminology, juvenile criminal justice and international standards in order to encourage specialization among officials and other stakeholders. Forums for discussion and analysis of the use of imprisonment in the light of national legislation and international standards in juvenile criminal justice have also been established.

84. With a view to providing alternatives to imprisonment, the juvenile criminal court system is working with the Salvadoran Institute for Comprehensive Child and Adolescent Development and the authorities that run halfway houses to examine the possibility of placing juveniles in open facilities and has sought the support of local governments and other social actors in creating residential places for young persons involved in court proceedings. Studies of the situation in detention centres for young people in conflict with the law have also been carried out, including, in 2009, a study on the situation in juvenile protection centres.

85. A metropolitan protection centre was opened in 2018, in accordance with the Juvenile Offenders Act, which establishes that all adolescents deprived of their liberty must be placed in a protection centre and bestows responsibility for running these centres and ensuring that the rights of the adolescents are respected upon the Salvadoran Institute for Comprehensive Child and Adolescent Development.

### **Articles 12 and 13**

86. Statistics on torture cases, as requested by the Committee, are presented in tables 19, 20, 21 and 22 below.

Table 19  
Number of victims of offences of torture

Sex	Age range	Year							Total
		2010	2013	2014	2015	2016	2017	2018	
Male	0	1		0	0	0	0	0	1
	13–17	7	0	0	1	3	2	4	17
	18–30	2	0	0	2	4	0	6	14
	31–40	0	0	0	0	1	0	1	2
	51–60	0	1	0	0	0	1	0	2
	61–70	1	1	0	0	0	0	2	4
	Age not recorded	3	0	1	3	2	0	1	10
<b>Annual total</b>		<b>14</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>10</b>	<b>3</b>	<b>14</b>	<b>50</b>
Female	18–30	0	0	0	0	0	0	2	2
	41–50	0	1	0	0	0	0	0	1
	51–60	1	3	0	0	0	0	0	4
	71–80	0	0	0	1	0	0	0	1
	Age not recorded	0	1	0	0	1	0	1	3
<b>Total</b>		<b>1</b>	<b>4</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>11</b>
Not determined	Age not recorded	0	0	0	0	2	2	8	12
<b>Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>8</b>	<b>12</b>
<b>Cumulative total</b>		<b>15</b>	<b>7</b>	<b>1</b>	<b>7</b>	<b>13</b>	<b>5</b>	<b>25</b>	<b>73</b>

Source: Department of Statistics of the Attorney General's Office, using data from the Information and Automated Management System of the Prosecution Service as at March 2019.

Table 20  
Number of court cases for offences of torture

Sex	Age range	Year				Total
		2016	2017	2018	2019	
Male	13–17	0	2	0	0	2
	18–30	0	2	4	0	6
	31–40	0	1	0	0	1
	51–60	0	0	1	0	1
	61–70	0	0	1	0	1
<b>Total</b>		<b>0</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>11</b>
Not determined	Age not recorded	1	1	4	1	7
<b>Cumulative total</b>		<b>1</b>	<b>6</b>	<b>10</b>	<b>1</b>	<b>18</b>

Source: Department of Statistics of the Attorney General's Office using data from the Information and Automated Management System of the Prosecution Service as at March 2019.

Table 21  
**Number of convictions for offences of torture**

Sex	Age range	Year		Total
		2017	2018	
Male	13–17	1	0	1
	18–30	1	1	2
	51–60	0	1	1
<b>Cumulative total</b>		<b>2</b>	<b>2</b>	<b>4</b>

*Source:* Department of Statistics of the Attorney General’s Office using data from the Information and Automated Management System of the Prosecution Service as at March 2019.

Table 22  
**Number of convictions by sentence range in years**

Sentence range in years	Year		Total
	2017	2018	
Up to 5 years	0	1	1
5–7 1/2	0	1	1
10–15 years	2	0	2
<b>Cumulative total</b>	<b>2</b>	<b>2</b>	<b>4</b>

87. Law enforcement and prison officers are guided in their work by the Conceptual Framework for the Use of Force and Lethal Weapons,<sup>18</sup> which is built around national and international law on the use of force and lethal weapons. Instructions regulating procedures for the use of handcuffs and fetters and their respective keys have also been drafted.

88. Since torture and other cruel, inhuman or degrading treatment or punishment constitute offences under criminal law, responsibility for conducting the investigation whenever police or prison officers are accused of any of these acts falls to the Attorney General’s Office. However, at the administrative level, the Directorate General of Prisons has set up disciplinary units for administrative staff and security and prison officers with a view to preventing ill-treatment, misuse of force and other abuses. These units are empowered to investigate and instigate administrative proceedings to ensure that codes of conduct are observed within the institution, with respect for due legal process, using disciplinary mechanisms such as complaints procedures, disciplinary reports and the reports of oversight units.

89. During the investigation of complaints against prison staff, appropriate measures are taken to ensure the safety of the prisoner. If an offence is found to have been committed, the matter is referred to the National Civil Police or the Attorney General’s Office so that the appropriate legal action may be taken. To ensure that the complaints mechanisms are effective, the disciplinary units of the Directorate General help users access their services, provide legal advice and ensure that complaints are confidential. The Directorate also has a team of legal advisers who assess the disciplinary reports that may be submitted by any of the institution’s administrative bodies.

90. In 2017, the Ministry of Justice and Public Security created the Police Action and Human Rights Committee, principally to serve as an inter-agency body for following up on police misconduct. The Committee proceeded to launch a campaign to empower community leaders, community youth groups and municipal councils for the prevention of

<sup>18</sup> Conceptual Framework for the Use of Force and Lethal Weapons in the National Civil Police of El Salvador: <http://www.seguridad.gob.sv/DescargaManual/>.

violence in municipalities prioritized under the “Safe El Salvador” Plan and in those where NGOs that are represented on the Committee carry out community work. The campaign was also broadcast on television, radio and social networks. The Committee is currently formulating a series of indicators with which to monitor the extent to which human rights are respected in the work of the National Civil Police.

91. In order to implement the recommendations of the Truth Commission and those made by the Working Group on Enforced Disappearances in respect of human rights violations committed during the war (CAT/C/SLV/CO/2, para. 15), the Attorney General’s Office has set up a special unit for the investigation of offences committed during the internal armed conflict, which has recorded 160 cases. With regard to enforced or involuntary disappearances, 40 cases have been opened nationwide and these are being investigated in accordance with national and international law and in coordination with human rights organizations. In addition, the courts are dealing with two cases of enforced disappearance. These are being processed as crimes of deprivation of liberty in accordance with the criminal law of 1973, which was in force at the time of the acts and did not provide for the offence of enforced disappearance. In 2017, the National Commission on the Search for Adults who Disappeared during the Armed Conflict in El Salvador was established by executive decree. There are nine investigations under way into cases of torture, which have yet to be brought to court.

92. Three separate offences of enforced disappearance are defined in the Criminal Code: enforced disappearance under article 364; enforced disappearance committed by a private individual under article 365; and wrongfully authorized disappearance of persons under article 366. The enforced disappearance of persons is provided for in article 7 (1) (i) of the Rome Statute of the International Criminal Court, which El Salvador has ratified.<sup>19</sup>

93. With the support of the United Nations Office on Drugs and Crime, an inter-agency team of experts was set up to develop strategies for searching for persons who have disappeared as a result of contemporary criminal activity. An urgent action protocol and strategy for searching for disappeared persons in El Salvador has since been adopted. This protocol provides general guidance for urgent and immediate action to prevent offences related to the disappearance of persons besides detailing the planning and the various lines of action necessary to ascertaining the location of the disappeared person.

94. In December 2018, the Attorney General’s Office launched a policy for the criminal prosecution of war crimes and crimes against humanity committed during the armed conflict in El Salvador, which takes account of the systematic patterns that allowed for the commission of serious human rights violations and the complexity of the violations in question. The policy is focused on supporting victims, combating impunity and ensuring the unrestricted enjoyment of human rights and has a cross-cutting gender perspective, since gender-based violence was one of the various forms of repression used during the internal armed conflict. The policy is guided by the principles of due diligence, victim participation and that of their relatives and representatives in the criminal investigation, non-revictimization and the application of international humanitarian and human rights law.

95. The Legislative Assembly is still in the process of drafting the supplementary legislation ordered by the Constitutional Chamber after it ruled the General Amnesty (Consolidation of the Peace) Act to be unconstitutional. The new provisions must comply with the criteria set out in the Constitutional Chamber’s judgment.

#### **Article 14**

96. The Programme of Reparation for Victims of Serious Human Rights Violations Committed during the Internal Armed Conflict was officially launched by Executive Decree No. 204 of October 2013. Its aim is to provide victims of serious violations, which include torture and sexual violence against women, with various mechanisms for obtaining reparation, which may take the form of rehabilitation, compensation, measures to restore dignity and guarantees of non-repetition. A total of 4,462 officially recognized victims are

<sup>19</sup> Legislative Decree No. 197, published in the *Diario Oficial*, No. 236, vol. 409, on 22 November 2015.

receiving assistance through the reparation mechanisms established under the Programme, which include the payment of compensation in the form of regular cash transfers.

97. The number of beneficiaries is increasing and will continue to do so until all victims are identified. The records are held in an open register that was created between 2012 and 2013 and is maintained by a management committee comprising representatives of the Secretariat for Social Inclusion, which is responsible for its coordination, the Ministry of Foreign Affairs, the Directorate General of Statistics and Censuses and victims' organizations. Members are appointed by elections in which a broad spectrum of stakeholders are eligible to vote. The Office of the Human Rights Advocate has a seat on the committee as an observer.

#### **Article 15**

98. With regard to forced confessions or other statements, the Code of Criminal Procedure in force in El Salvador since 2009 establishes, inter alia, the rights of suspects, the manner in which interrogations should be conducted and statements of fact taken down, the means of obtaining statements that are prohibited by law and the criteria for determining the lawfulness of evidence. Obtaining a confession through coercion violates the rights and fundamental safeguards of the accused, and renders the entire proceedings null and void. Claims of coercion may be presented to the judge hearing the case or, alternatively, defendants may avail themselves of habeas corpus or *amparo* mechanisms in order to obtain a ruling, from a constitutional perspective, as to whether such actions constitute a violation of their rights and, where appropriate, for steps to be taken to restore those rights

#### **Article 16**

99. The National Commission on the Search for Children who Disappeared during the Internal Armed Conflict was established by executive decree in 2010 with a remit to investigate disappearances of children who are now adults, to locate them and reunite them with their biological families, and to provide psychosocial support to families who have been victims of enforced disappearance. There are three commissioners, one of whom is nominated by organizations representing victims of the armed conflict in El Salvador, and the Commission is chaired by the Human Rights Advocate. The Commission's functions include supporting victims' right to the truth; ensuring the preservation and defence of their right to identity; endeavouring to ensure that family ties between the victims of enforced disappearance and their biological families are restored; conducting national awareness-raising campaigns; and promoting education on the rights of child victims of enforced disappearance. As at May 2019, the Commission had recorded 319 cases of disappeared children, 92 of which had been resolved.

100. The National Commission on the Search for Adults who Disappeared during the Armed Conflict in El Salvador was established by executive decree in 2017 and was the product of work undertaken in conjunction with civil society organizations representing victims of the internal armed conflict. The Commission has three members who are chosen by means of a selection process in which victims' organizations play a significant part. The members must meet requirements in terms of their experience of working with victims and knowledge of enforced disappearance in El Salvador, among other areas. Although both commissions are attached to the Ministry of Foreign Affairs, they have total operational and technical independence and are allocated their own budgets.

101. With regard to steps taken to establish a programme of redress and compensation for victims and their families, the Programme of Reparations for Victims of Serious Human Rights Violations Committed during the Internal Armed Conflict, which offers mechanisms for obtaining rehabilitation and compensation, measures to restore dignity and guarantees of non-repetition, was established pursuant to Executive Decree No. 204 of October 2013. This Decree establishes specific obligations for institutions of the executive branch, in accordance with their responsibilities, in the fields of health, education, historical memory and participation in economic life, among others. An indemnity programme forming part of



the reparations package, whereby victims receive compensation in the form of an allowance, has been launched.

102. Other actions carried out within the framework of Executive Decree No. 204 include the publication of an updated edition of the report entitled *De la Locura a la Esperanza. La guerra de 12 años en El Salvador* (From Madness to Hope: The 12-Year War in El Salvador), which was prepared by the Commission on the Truth for El Salvador.<sup>20</sup> The subject of historical memory has been addressed in the *Memoria Viva* national radio and television programmes. Furthermore, the Culture Secretariat of the Office of the President has identified a number of sites that are of particular significance to the historical memory of events constituting serious human rights violations during the armed conflict in El Salvador and has entered them in the Register of Cultural Property. Some of these historical sites were selected in cooperation with organizations representing victims.

103. With regard to measures being taken to ban corporal punishment in the home, the National Council for Children and Adolescents is implementing an information-sharing strategy to sensitize officers working in the national protection system, national and local stakeholders, families and communities to the rights of children and adolescents. The strategy provides for awareness-raising and training activities covering child protection guidelines and mechanisms. The Council has also issued guidelines for ensuring the coordinated operation of the national system for the protection of children and adolescents against violence and has established referral networks for effectively addressing cases in which the rights of children or adolescents are being threatened or violated.

104. Child abuse is defined as an offence in the Criminal Code and the National Council for Children and Adolescents has spearheaded a communication strategy for preventing such abuse using two specific campaigns, one under the slogan “Mark My Life”, which is focused on eliminating practices that cause physical and emotional harm, and the other under the slogan “Protection Begins at Home”. The radio programme “Talk to Me”, which has been broadcast since 2016, encourages changes in cultural patterns and parenting methods based on positive discipline. In 2017, the Child and Adolescent Protection Act was amended to prohibit all forms of violence against children and adolescents in public and private educational establishments. Furthermore, the Salvadoran Institute for Comprehensive Child and Adolescent Development runs an early childhood programme that promotes violence-free childcare and education and, using the *También Soy Persona*, (“I’m a person too”) methodology, provides training for parents, caregivers and representatives of relevant institutions in the areas of emotional dialogue, understanding child and adolescent behaviour and tools for appropriate interaction with children and adolescents.

105. In 2016, El Salvador became one of the pioneer countries of the Global Alliance to End Violence against Children and Adolescents. In October 2018, as part of the public launch of this Alliance, a memorandum of understanding for the construction of a road map to end all types of violence against children and adolescents was signed.

106. Through the intermediary of the Child and Adolescent Protection Boards established in the country’s 14 departments, the National Council for Children and Adolescents maintains a register of administrative measures and sanctions. The measures in question are generally of an educational nature, and involve either children’s inclusion in programmes, orders for the medical, psychological or psychiatric treatment of children, mothers, fathers or legal representatives, or the issuance of warnings to parents for violations committed. In the school environment, the measures taken may include training days on the human rights of children and adolescents, public acts to acknowledge offences committed and reparation in the form of public apologies, and the inclusion of children or adolescents in activities from which they have been excluded.

<sup>20</sup> See [http://www.rree.gob.sv/index.php?option=com\\_k2&view=item&id=5461:programa-de-reparacion-a-victimas-del-conflicto-armado-presenta-nueva-ediccion-del-informe-de-la-comision-de-la-verdad&Itemid=1770](http://www.rree.gob.sv/index.php?option=com_k2&view=item&id=5461:programa-de-reparacion-a-victimas-del-conflicto-armado-presenta-nueva-ediccion-del-informe-de-la-comision-de-la-verdad&Itemid=1770).

107. With regard to measures to prohibit corporal punishment in alternative care institutions, the Salvadoran Institute for Comprehensive Child and Adolescent Development is the body responsible for coordinating and supervising the care agencies belonging to the Shared Care Network, whose functions include protecting and caring for children and adolescents and safeguarding, promoting and raising awareness of their rights. At least every three months, the Institute checks on the implementation of alternative care programmes for children and adolescents with a view to verifying, inter alia, that their rights are being upheld. If any irregularities come to light, the Institute must immediately inform the National Council for Children and Adolescents and other competent authorities so that the corresponding responsibilities can be determined. The Council is also responsible for monitoring compliance with institutional care measures in care agencies, for which purpose it conducts regular checks to ensure that the guidelines on alternative care for children and the guide to standards for staff of public and private entities are being applied.

108. With regard to the legislation banning abortion, in July 2016 a proposed amendment to the Criminal Code concerning elective abortion was submitted to the Legislative Assembly. Under this amendment, abortion would cease to be a punishable offence in cases where the pregnancy is the result of an act of rape or trafficking in persons, where the procedure is necessary to save the life and protect the health of the pregnant woman, or where there is a fetal abnormality incompatible with life outside the womb. This proposal is still being considered by the Legislative Assembly.

109. In 2018, the Supreme Court granted pardons to two women who had been convicted of acts related to obstetric emergencies and, since 2016, the Ministry of Justice and Public Security has commuted the sentences of 21 women convicted of aggravated homicide in relation to emergencies of this kind. The Ministry also has a Reintegration and Restitution Plan for women who have been prosecuted for the offence of aggravated homicide for obstetric reasons.

#### **Other issues**

110. El Salvador ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2014 and, availing itself of the possibility granted to States under article 2 of the Protocol, entered a reservation to the effect that the death penalty may be applied in accordance with article 27 of the Constitution, which states that persons may be sentenced to death only in the cases provided for in military law during an international state of war. El Salvador ratified the Rome Statute of the International Criminal Court in 2015 and withdrew its reservation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2016. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is under consideration by the Legislative Assembly, which was newly constituted for the period 2018–2021 following the elections held in 2018.

111. Other international instruments ratified by El Salvador include the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which was ratified in 2011.

#### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

112. In order to ensure that the national legal framework is compliant with international human rights standards, the following laws have been adopted: the Access to Public Information Act (2011); the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families (2011); the Act on Promotion, Protection and Support for Breastfeeding (2013); the Special Act against Trafficking in Persons (2014); the

Reparations for Moral Damage Act (2015); the Culture Act (2016); the Special Act on Adoption (2016); the Administrative Disputes Act (2017); the Mental Health Act (2017); the Administrative Procedures Act (2018); the Special Act for the Regulation and Establishment of Employer-Sponsored Childcare Facilities (2018); the Regulatory Improvement Act (2018); the Elimination of Bureaucratic Barriers Act (2019); the Special Act on Migration and Extradition (2019); and the National Comprehensive Health System Act (2019). In addition, amendments have been made to the Criminal Code, the Code of Criminal Procedure, the Family Code, the Labour Code, the Domestic Violence Act, the General Education Act, the Act on the Teaching Profession, the Special Comprehensive Act on a Life Free from Violence for Women, and the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families.

113. These and other laws are complemented by the following public policies, action plans, programmes and strategies: the National Policy for the Comprehensive Protection of Children and Adolescents 2013–2023; the National Policy on Access to a Life Free from Violence for Women; the Public Policy for the Indigenous Peoples of El Salvador; the National Health Policy for the Indigenous Peoples of El Salvador; the Public Policy on Culture 2014–2019; the National Policy on Decent Work; the National Health Policy 2015–2019; the Gender Equity and Equality Policy and related implementation plan of the Ministry of Education, Science and Technology for the period 2016–2020; the Policy for Gender Equality and Equity in Health; the National Housing Policy; the National Integrated Water Management Policy; the National Policy for the Protection and Advancement of Migrants and Their Families; the action plan for the National Policy for the Comprehensive Protection of Children and Adolescents 2014–2019; the national action plan for the period 2017–2022 on the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security; the National Equality Plan 2016–2020; the action plan for the National Policy on Access to a Life Free from Violence for Women; the National Strategic Plan on Breastfeeding 2016–2019; the National Plan for Development, Protection and Social Inclusion (Social Plan); the National Integrated Water Management Policy; the National Action Plan for the Indigenous Peoples of El Salvador; the “Safe El Salvador” Plan; the National Drinking Water and Sanitation Plan; the National Literacy Programme; the Programme on Flexible Education Method; the “Young People with Everything” (Jóvenes con todo) employment and employability programme; the National Cross-sectoral Strategy for the Prevention of Child and Adolescent Pregnancy; the Strategy for the Prevention of Femicide and Sexual Violence against Women; and the National Strategy for Comprehensive Early Childhood Development 2018–2028.

114. With regard to specific measures taken to guarantee the rights of migrants, the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families was adopted in 2011, giving rise to the National Council for the Protection and Advancement of Migrants and Their Families. The Council is an independent body organized on an inter-agency and cross-sectoral basis that is responsible for ensuring compliance with the National Policy for the Protection and Advancement of Migrants and Their Families, which was launched in 2017.

115. In order to meet the needs of migrant children and adolescents, El Salvador has established a coordination committee comprising the National Council for Children and Adolescents, the Salvadoran Institute for Child and Adolescent Development, the Directorate General for Migration and Alien Affairs, the Ministry of Foreign Affairs, the Counsel General’s Office, the National Civil Police and the Ministry of Health. The Council has issued technical guidelines for the reception, care and protection of children and adolescents who return to the country by land or air as a result of irregular migration (2014) and a protocol for the protection and care of Salvadoran child and adolescent migrants (2017) with a view to coordinating inter-agency action in the reception, care and protection of child migrants. In addition, a road map for supporting returnee children and adolescents and identifying vulnerability profiles has been drawn up.

116. A new Special Act on Migration and Alien Affairs, adopted in 2019, sets out additional migration categories for foreign nationals and establishes a broad spectrum of rights to protect them, including the right to request refugee status, asylum or temporary residence for humanitarian reasons.