



## El Salvador

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El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. In 1999 voters elected President Francisco Flores of the Nationalist Republican Alliance (ARENA) to a 5-year term. In generally free and fair elections in March 2000, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won a plurality of the seats in the Legislative Assembly. ARENA maintains a working majority in coalition with the conservative National Conciliation Party. Four other parties and three independents hold seats in the Assembly. The judiciary is constitutionally independent; however, it suffers from inefficiency and corruption. The Supreme Court and the Attorney General's office took initial steps during the year to address inefficiency and corruption in the judiciary.

The National Civilian Police (PNC) maintains internal security. The military is responsible for external security. The military provides support for some PNC patrols in rural areas, a measure begun in 1995 by presidential executive order in an effort to contain violence by well-armed, organized criminal bands, and also provides support to the law enforcement agencies for specific activities, including antinarcotics efforts and reform school training for juvenile convicts. Civilian authorities generally maintain effective control of the military and security forces. Members of the police committed human rights abuses.

The free-market, mixed economy largely is based on services, agriculture, and manufacturing. The country's population is over 6.5 million. Although agriculture accounts for only 9 percent of the gross domestic product (GDP), it is the largest source of employment, engaging 20 percent of the work force, estimated at over 2.6 million persons. Coffee and sugar are the principal export crops and used to be the main sources of foreign exchange. The sustained decline in coffee prices has depressed activity in this sector, and the largest sources of foreign exchange are now family remittances and maquila exports. According to the Salvadoran Coffee Council, the decline in coffee prices reduced employment in the end of year harvest by approximately 40,000 jobs as of the end of December. The manufacturing sector, which contributes 23 percent of GDP, employs 16.5 percent of the work force. The textile sector, especially the maquila (in-bond assembly or processing) plants in free trade zones, represents about 50 percent of manufacturing sector employment and is the main source of new jobs. The economy is open, and private property is respected. The rate of real economic growth was estimated to reach 2 percent during the year. Inflation was expected to reach 2.5 percent. The official unemployment rate averaged 6.5 percent in the first 10 months of the year; however, the rate of underemployment (less than full-time work or total income below the minimum wage) during the year was estimated at about 29 percent as of late November. In January and February of 2001, two earthquakes killed over 1,100 persons, made over 1.2 million homeless, and caused over \$1.9 billion in damage. According to the Ministry of Economy's statistics and census office, during the first 10 months of the year approximately 37 percent of the population lived below the poverty level, compared to 38.8 percent in 2001.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were no politically motivated killings or disappearances; however, some police officers committed killings. Some police officers used excessive force and mistreated detainees. Prison conditions remained poor, and overcrowding was a continuing problem. At times police arbitrarily arrested and detained persons. The PNC dismissed 372 employees and sanctioned 520 others. Lengthy pretrial detention remained a problem. The judiciary remained inefficient and hampered by widespread corruption. The Supreme Court and the Attorney General's office took initial steps during the year to address inefficiency and corruption in the judiciary. The Court dismissed 38 judges based upon formal notification by the Ministry of Education that they had not fulfilled the requirements for their degrees. The Attorney General asked the Court to lift the immunity of four judges whom he intended to prosecute. Impunity for the rich and powerful remained a problem. Violence and discrimination against women remained a serious problem. Discrimination against disabled persons also remained a problem. Abuse of children, child labor, and forced child prostitution were also problems. The Government did not protect adequately workers' rights to organize and bargain collectively. Trafficking in women and children was a problem. El Salvador was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

#### RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by agents of the Government; however, members of the police committed some killings. The Office of the Inspector General of the PNC received allegations of police involvement in 10 homicide cases in the first 9 months of the year. At year's end, authorities were adjudicating whether police officers had acted criminally or in the line of duty.

In September a prosecutor charged PNC officers Douglas Ernesto Ventura Ramirez, Nehemias Castro Martinez and four civilians with the March shooting death of Darwin Alexis Lopez Hernandez in Canton Entre Rios, Colon. The prosecutor alleged that PNC officer Ventura paid to have the victim killed, because the victim had filed a complaint after Ventura had confiscated his bicycle 2 months before his death. In the initial hearing, the court provisionally dismissed charges against the police officers and a third defendant but ordered the trial to continue against the three other defendants. The PNC Inspector General's office conducted a review and provisionally closed the case based on the court ruling and evidence that the PNC officers had been in different locations at the time of the murder.

In May Victor Hugo Pena Hidalgo died 15 minutes after entering a cell in the detention center of a court in San Salvador, the Isidro Menendez Judicial Center. According to the prosecutor, Pena's physical examination upon arrival at the center showed he was in good health. His autopsy showed trauma to the abdomen with broken ribs and hemorrhaging. The prosecutor reported that neither jail officials nor his cellmates, who were members of a gang to which Pena had once belonged, heard any disturbances; therefore, the prosecutor theorized that Pena must have been beaten before his capture. The PNC Inspector General's office conducted an investigation. According to its report, the victim's mother said someone who was not a police officer had beaten Pena prior to his capture, causing him serious abdominal pain. Similarly, Pena's son said the police had not mistreated him. Based on this information, the Inspector General's office provisionally closed the investigation.

In July an unidentified assailant shot and killed Nelson Alfonso Argueta Amaya, president of the national federation of demobilized former civil war militia members. The prosecutor initially identified several possible motives for the crime, including a personal dispute over the victim's leadership of the organization. However, the PNC later ruled out a political motive. The investigation continued at year's end.

The PDDH received 30 complaints of attempted and/or completed unlawful killings by police during the year. The PDDH was investigating the cases at year's end.

In January a judge dismissed homicide charges against three police officers (Jose Antonio Moran, William Alexander Castillo Gonzalez, and Maria Rosibel Garcia) and one former police officer (Juan Carlos Ramos Benitez) for the March 2001 killing of Fernando Naves Mendoza in El Rosario, La Paz. The PNC fired Moran, Castillo, and Garcia in January following an internal disciplinary hearing regarding their involvement in the crime. A disciplinary tribunal had dismissed Ramos from the PNC in June 2001 for another offense.

In March a civilian jury found Air Force flight school cadet Carlos Mauricio Melara guilty of negligent homicide and acquitted Cesar Humberto Dorat for the May 2001 beating and killing of Erick Mauricio Pena Carmona. The judge sentenced Melara to 10 years and 8 months in prison. In his ruling, the judge attributed partial responsibility to the armed forces, saying the institution had not done what was necessary to prevent this type of incident. Both the prosecution and the defense appealed the verdict, and the appeals were pending at year's end.

A total of 19 inmates died in prison due to violence and illness during the year. During the year, the Attorney General's office prosecuted two prisoners for carrying out the 2001 murder of Eduardo Henriquez (aka Gigio); it charged one other prisoner with complicity and 15 with covering up a crime. The trial was underway at year's end.

In 2000 a public prosecutor charged police captain Mariano Rodriguez Zepeda with aggravated homicide for the 1998 shooting of Jose Antonio Navidad Villalta. Following a preliminary hearing in November 2000, the trial was postponed on several occasions because either witnesses or the defendant failed to appear. At year's end, the trial had been rescheduled for March 2003.

On October 2, the Supreme Court agreed to consider a November 2001 complaint that the Attorney General, the Criminal Chamber of the Supreme Court, a criminal appeals court, and a justice of the peace had violated the constitutional rights of family members of the six Jesuit priests, their housekeeper, and her daughter murdered in 1989. Specifically, the complainants alleged that their rights to due process, access to justice, and a speedy trial had been violated by the defendants when they responded to the complainants' petition to prosecute the persons who instigated the killings. In the same ruling, the Supreme Court found inadmissible the complaint against the President. In January and March 2001, an appeals court had upheld a lower court's decision that the statute of limitations had expired in the Jesuits' case.

### b. Disappearance

There were no reports of politically motivated disappearances or of police involvement in kidnappings during the year.

Most disappearances were kidnappings for ransom. According to police statistics, 19 persons were kidnaped through mid December, a significant reduction from 49 kidnappings in 2001 and 114 in 2000. The PNC reported that 134 people were convicted of kidnaping during the year and sent to prison.

In November 2001, a court sentenced eight persons, including three former police officers, to 15 years in prison for the January 2001 kidnaping of prominent businesswoman Elizabeth Bahaia in Ahuachapan. In August a court convicted and gave the same sentence to two more individuals for the same crime; one was former police officer Mauricio Enrique Murgas Barrientos, who had been dismissed from the force by a PNC disciplinary tribunal in 2000. At year's end, Murgas Barrientos and four other individuals were standing trial for a second kidnaping of Bahaia in September 2001. Murgas Barrientos and another individual also faced charges of homicide for the murder of Bahaia's bodyguard, Jesus Antonio Garcia Sintigo. At the time of his arrest in 2001, Murgas Barrientos alleged that other police officers had been involved in the crime, but he did not give their names. In October 2001, the PNC moved its entire contingent based in Ahuachapan (approximately 100 persons) to San Salvador and replaced them with soldiers and police from San Salvador.

In March a court convicted nine persons, including two police officers (Jorge Alberto Rodriguez and Rigoberto Antonio Reyes) and a former police officer (Juan Antonio Lainez Quijano), for the 2000 kidnaping of businessman Rodrigo Zablah. They received sentences ranging from 10 to 26 years and 8 months in prison. The court acquitted a tenth defendant. In 2001 charges had been dropped against another police officer (Carlos Alfredo Lopez Rosales), a cooperating witness, and another individual. The PNC fired Lopez Rosales, Rodriguez, and Reyes in 2000 following a disciplinary hearing.

By year's end, the Supreme Court had not issued a ruling regarding the acquittal of PNC sergeant Tomasa Reyes Alvarado, former PNC sergeant Jose Azcunaga Segura, and a civilian charged in the 2000 kidnaping of a couple in Sonsonate. In August 2002, a PNC disciplinary tribunal cleared Reyes Alvarado.

In May a court exonerated former guerilla commander Raul Granillo, also known as Commander Marcelo, of charges in the kidnappings of Nelson Oswaldo Machuca Perez, Guillermo Alfredo Sol Bang, Kerim Eduardo Salume Babum, Alberto Antonio Hill Dutriz, and Andres Abraham Suster Castillejos between 1991 and 1995. The court convicted Diego Flores, a lower ranking former guerilla, of kidnaping, extortion, and possession of military weapons (charges stemming from all five cases) and sentenced him to 102 years in prison. It found Angela del Carmen Carrillo Palacios and Angela Carrillo Flores guilty of complicity. In November, an appeals court revoked the ruling of the lower court. The appeals court convicted Granillo in absentia of kidnaping and extortion and sentenced him to 63 years in prison. It convicted Carrillo Palacios and Carrillo Flores of kidnaping and extortion and sentenced them to 42 years in prison. The appeals court confirmed the lower court's exoneration of Oscar Armando Bernal Martinez and Mauricio Ernesto Martinez Bernal.

The Association for the Search for Children who Disappeared as a Result of the Armed Conflict (Pro-Busqueda) acknowledged that neither the Government nor the Legislative Assembly would create a national commission to clarify what happened to children who disappeared during the war and whose whereabouts remain unknown. In December 2000, they accepted the Government's commitment to work with them to resolve these questions by forming a working group consisting of the Public Defender's Office, the Ministry of Foreign Affairs, the Salvadoran Institute for the Protection of Children, the National Secretariat of the Family, and the PDDH. In October 2001 the working group dissolved after Pro-Busqueda claimed that it was unable to receive cooperation from any of the organizations apart from the Public Defender's office, which was unable to procure any cooperation from the armed forces. Pro-Busqueda planned to push the Legislative Assembly again for the creation of a national commission.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices. During the year, the PDDH and the PNC Inspector General's office each received one complaint alleging torture by a police officer. Some members of the PNC continued to use excessive force or otherwise mistreated detainees.

On October 16, the police detained Deputy Inspector Abel Hernandez Cortez based on an order from the Attorney General's regional office in La Libertad charging him with committing torture and serious injury to Jose Antonio Dominguez. At year's end, the Inspector General's office had begun disciplinary proceedings against him.

In response to a report from the PDDH, the PNC Inspector General's office initiated an investigation into allegations that on November 28, riot police beat and then detained seven members of the Salvadoran Association of Municipal Workers who were blocking a lane of traffic in support of a health care strike. The riot police told the PDDH that they used the force necessary to control the incident. The investigation was ongoing at year's end.

In March police officers shot at a group who were drinking alcohol in a home in Concepcion de Oriente and wounded Domingo Yanez Villatoro, injuring him seriously. In their report, the police claimed the civilians had threatened them with firearms. The PNC Inspector General's office initiated an investigation and remanded four police officers to a disciplinary tribunal. A prosecutor charged four officers with negligent injury. The defendants failed to appear for their trial in December, and the court ordered the trial to continue in their absence.

During the year, the PDDH received a total of 1,095 complaints against the PNC for all categories of human rights violations, compared with 1,142 in 2001. Of the 3,303 total complaints received, 766 were for violation of the right of personal integrity committed by government authorities during the year and in prior years, compared with 736 in 2001. This category covers torture, inhuman or degrading treatment, mistreatment, disproportionate use of force, and inhuman treatment of detainees. The vast majority of these complaints involved the PNC and were categorized as mistreatment.

At year's end, 140 police officers were in prison. Of those, 90 were serving their sentences, and 50 awaited the conclusion of their trials.

During the year, the PNC dismissed 372 employees through ordinary disciplinary procedures and sanctioned 520 others for lesser infractions. PNC disciplinary authorities exonerated 503 PNC employees investigated for a variety of offenses. The Internal Affairs Unit of the PNC, which reports to the Inspector General, investigates administrative complaints against police; transfers information on criminal activity by police to the Attorney General's office; and monitors criminal investigations of police. The Unit reports findings of administrative violations to the Inspector General and the PNC Director for disciplinary action. Individuals may appeal through disciplinary hearings in special police courts that are an internal, administrative mechanism of the PNC. These courts can punish guilty parties with disciplinary measures or remove them from the police force.

During the year, a special appeals board continued to review appeals by former PNC employees who were dismissed under expedited procedures authorized by the Legislative Assembly in 2000 (Decree 101). The police chief dismissed 1,000 officers during the 5 1/2 months that the special disciplinary authority was in force. A total of 295 officers appealed, and the special appeals board exonerated 42, who were reinstated. In addition, some of the fired officers filed legal complaints with the Supreme Court alleging that their dismissal under Decree 101 had violated their constitutional rights, a charge supported by the Human Rights Ombudsman's office (PDDH) and some NGOs. Independent observers of the expedited procedures alleged that some supervisors used the opportunity to remove innocent persons, such as pregnant women and personnel with whom the supervisors had personal differences.

In August 2001, a prominent women's rights organization asserted that sexual harassment was widespread within the PNC and that female officers were subject to violence within the police (see Section 5).

Human rights awareness is a standard component of the police officers' basic training program.

Prison conditions remained poor. The prison system has the capacity to hold 7,137 prisoners in 20 penal facilities. Overcrowding in individual facilities continued as the prison population increased for the third consecutive year. At year's end, 10,345 men were held in 17 prison facilities with a combined capacity of 6,812, and there were 31 men and 6 women in 3 secure hospital wards with a combined capacity of 75 persons. Because of a lack of holding cells, pretrial detainees often are sent to regular prisons, where they may be placed together with violent criminals.

Gangs continued to exercise influence within the prison system. In December, a police official told the media that prisoners continued to run criminal activities from their cells. In December, prisoners rioted and killed two police officers during a routine search for contraband in a major metropolitan prison. One prisoner died after being shot, allegedly by a warden, during the riot. Prison authorities reported that there were 19 deaths in the prison system during the year: one prisoner was shot, allegedly by a warden, during a riot; one died of burns; four died from wounds caused by violence between prisoners; seven died from illness, including four HIV/AIDS related cases; one died of injuries to his spine and internal organs. In five cases, the prisons transferred the cadavers to the office of forensic medicine to determine the cause of death.

There are separate facilities for female detainees and prisoners. At the end of the year, there were 562 women in 3 women's prisons, which have a capacity of 262, and 87 women in prisons where most inmates are males. Conditions in the women's facilities are adequate but overcrowded.

The law requires that all juveniles be housed separately from adults both prior to trial and while serving a prison sentence, and the Government generally observes this requirement in practice. However, from June 2001 through April 2002 the PDDH found 9 juveniles in pretrial detention facilities that also housed adults. Also, 21 minors were housed in an adult prison under the supervision of the Salvadoran Institute for the Full Development of Children and Adolescents (ISNA). Gang violence in juvenile holding facilities is a problem. In April 2001, the authorities separated the different gangs in the country's juvenile correction centers into different facilities to mitigate violence between rival groups. ISNA (formerly the Salvadoran Institute for the Protection of Children - ISPM) reported a sharp reduction of gang-related violence in youth correction centers and an increased ability to implement education and reintegration programs following this change. Members of the Armed Forces provided reform school training for juvenile convicts. Most criminal cases involving juveniles are brought to trial or conciliation proceedings within 3 months.

The Government permits prison visits by independent human rights observers, NGOs, and the media.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest; however, there were complaints that at times the PNC arbitrarily arrested and detained persons.

On April 15, the PNC arrested Esteban Ortiz Vasquez using an arrest warrant for Esteban Benito Ortiz. The detainee showed his identification documents to the police; however, they discounted the documents as false. The police brought him before a judge, who determined there was sufficient evidence to warrant detention during the investigation. Ortiz Vasquez spent 30 days in jail before a public defender convinced the judge of his identity and obtained his release. The judge found that the police had used flawed procedures and asked the PNC to conduct a disciplinary investigation.

During the year, the PDDH received 205 complaints alleging violations of personal liberty, compared with 178 complaints in 2001. The courts generally enforced a ruling that interrogation without the presence of counsel is coerced, and that any evidence obtained in such a manner is inadmissible. As a result, police authorities generally delayed questioning until a public defender arrived.

The law permits the police to hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. Because of a lack of holding cells, such detainees often are sent to regular prisons, where they may be placed together with violent criminals (see Section 1.c.). The law allows 6 months to investigate serious crimes before a judge is required to bring the accused to trial or dismiss the case. In exceptionally complicated cases, the judge or either party may ask the appeals court to extend the deadline for 3 months. However, many cases were not completed within the legally prescribed time frame. The Supreme Court reported that 5,568 inmates (more than half the prison population) were in pretrial detention at the end of the year (see Section 1.c.). According to the Supreme Court, the judicial system received an average of 111 criminal cases per day during the year, compared to an average of 134 per day in 2001.

The Penitentiary Code permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners have been incarcerated longer than the maximum legal sentence for their crimes. In such circumstances, a detainee may request a review by the Supreme Court of his or her continued detention.

The Constitution prohibits forced exile, and the Government observes this prohibition.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, the judiciary suffers from inefficiency and corruption. During the year, the Supreme Court took initial steps to address these problems.

The court structure has four levels: justices of the peace, trial courts, appellate courts, and the Supreme Court. The Supreme Court oversees the budget and administration of the entire court system. The Supreme Court selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judicial Council (CNJ). The CNJ is an independent body provided for in the Constitution to nominate, train, and evaluate justices. The Legislative Assembly elects, by a two-thirds majority, Supreme Court magistrates from lists provided by the CNJ and the National Association of Lawyers. Magistrates serve for periods of 9 years and may be reelected. There are separate court systems for family matters and juvenile offenders; they stress conciliation as an alternative to adjudication. The system also has criminal sentencing courts and penitentiary oversight courts. The former consider the evidence and testimony that have been gathered throughout the trial proceedings, judge innocence or guilt, and determine sentences. The latter monitor the implementation of sentences. (For cases that entered the judicial system before the penal code reforms of 1998, the trial court remains responsible for establishing sentences.) Through its Department of Judicial Investigation, the Supreme Court regularly receives and investigates public complaints about judicial performance. This department also reviews the findings and recommendations of the CNJ, which evaluates justices on an ongoing basis. The Supreme Court imposes penalties when warranted.

Judges, not juries, decide most cases. Juries are used in a particular phase of the prosecution. Most cases start with a preliminary hearing by a justice of the peace court, then proceed to the trial court, which determines if there is enough evidence to continue the prosecution and decides whether a jury or a sentencing court should hear the case. Justice of the peace courts provide an opportunity for conciliation as an alternative to trial proceedings for some types of cases. Almost all cases such as homicide, kidnaping, fraud, environment, drugs, or issues involving private property go to sentencing courts. Juries hear only those cases that the law does not assign to sentencing courts. After the jury's determination of innocence or guilt, a judge decides the sentence. A jury verdict cannot be appealed. However, the defendant may appeal the sentence to the Supreme Court for reduction. A jury verdict may be overturned by a mistrial determination that there were serious problems with jury panel selection or errors in the trial procedure. A judge's verdict may be appealed.

The Juvenile Legal Code requires that minors from 12 to 17 years of age be tried only in juvenile courts, limits sentences for minors to a maximum of 7 years, and includes alternatives to incarceration for minors.

The Constitution provides for the presumption of innocence, protection from self-incrimination, legal counsel, freedom from coercion, and compensation for damages due to judicial error. Defendants also have the right to be present in court. These rights were not always respected fully in practice. The Constitution and law require the Government to provide legal counsel for the indigent; however, this requirement was not always implemented in practice.

Impunity from the country's civil and criminal laws continued, especially for persons who were politically, economically, or institutionally well connected. According to the U.N. Secretary General's December 20 addendum to his report on Central America, "the justice system is often slow and many judges are still susceptible to political influence... many crimes go unpunished and effective access to due process is seriously limited, in fact, if not legally, for a large number of Salvadorans." Corruption in the judicial system contributed to impunity; however, the Supreme Court took some steps to address these problems. There were few, if any, reports of corruption in the Attorney General's office during the year. The improvement resulted apparently from the removal of unqualified staff in 2000 and 2001 through expedited disciplinary procedures.

In October the Attorney General asked the Supreme Court to lift the immunity of four judges whom he intended to prosecute. The Attorney General charged that judge Raul Edgardo Garcia Zuniga had used for his own benefit a vehicle that had been seized and was being held as evidence in his court. The Attorney General alleged that judge Alicia Gonzalez de Ortiz of Lourdes Colon allowed a defendant in a rape case to go free after he admitted guilt and paid a fine; the law does not allow the use of this "abbreviated procedure" in rape cases. He accused judge Jorge Anibal Arias Martinez of San Ignacio, Chalatenango of accepting payments to mediate cases rather than continue with a criminal trial. In December, the Supreme Court notified the Attorney General that it had dismissed Garcia and, therefore, he no longer enjoyed immunity. At year's end, the High Court had not ruled on the requests to lift the immunity of Judges Martinez and Ortiz.

The Attorney General accused Judge Ricardo Canales Herrera of misappropriation, through negligence, of approximately \$20,000 (185,000 colones). Canales had reported the loss of the money from his court's evidence storage room to the Attorney General and the Supreme Court and had requested the Court's help in strengthening security. The Court asserted that the judge had adequate infrastructure for storing the money securely. Canales renounced his immunity in October to expedite the investigation, and the Supreme Court dismissed him in November. Canales filed a complaint against the Supreme Court asserting that, in dismissing him, it had violated guarantees of due process and of equal protection under the laws. Presenting newspaper reports as evidence, he noted that there had been a multitude of losses from storerooms of other courts—including the Supreme Court itself—during the year, but no other judge had been investigated or disciplined. He maintained that the Court was using this incident as an excuse to remove a judge who had criticized problems in the judicial system. A number of NGOs and other judges publicly defended Canales' record and supported his hypothesis.

In February a justice of the peace released from custody Narciso Ramirez, who was accused of running one of the largest alien smuggling operations in the region. Journalists reported that the judge and the defendant dined together in a local restaurant that night. Both individuals denied that they had been together. In searching Ramirez's property, prosecutors found a letter from the judge testifying to the good moral character of the defendant; however, the letter disappeared subsequently. The Supreme Court investigated the allegations and exonerated the judge, finding that he had applied the law correctly in releasing Ramirez on bail. The Court also found there was no evidence showing a personal relationship with the defendant. A judge hearing a case against Ramirez on separate charges in San Miguel ordered him detained without bail. He remained in prison at the end of the year.

In August the Legislative Assembly urged the Attorney General's office and police to continue the investigation of the 1999 rape and murder of 9-year-old Katya Miranda. Human rights groups charged that the investigation was flawed criminally, and that the prosecution was inadequate to ensure due process.

In November an appeals court definitively dismissed charges of fraudulent administration and use of false documents lodged against the former director of the Salvadoran Soccer Federation, Juan Sigfrido Torres Polanco, and it upheld the provisional dismissal of charges against him for embezzling public funds from that institution. A trial court previously had dismissed all charges against members of the Federation's board of directors, who were also defendants in the case stemming from the disappearance of \$3.5 million (30,520,000 colones) from the organization's coffers.

During the year, the Attorney General's office reported that, as a result of the expedited dismissal process for unqualified staff authorized by a 2000 law, it had dismissed 44 prosecutors, of whom an appeals board exonerated and reinstated 24. In addition to these dismissals, in December 2000 the Attorney General chose not to renew the contracts of 18 prosecutors and 24 administrative personnel suspected of involvement in anomalies within the institution. By the end of the year, the Attorney General had implemented more than half of the recommendations a review board had made in conducting an institutional review of his office in 2001, such as using new personnel selection and contracting procedures.

In September and October, the Supreme Court dismissed 38 judges based upon formal notification by the Ministry of Education that they had not fulfilled the requirements for their degrees. The action responded in part to a 2001 report from the Attorney General's office on its investigation of possible "irregularities" in the law degrees of 916 lawyers, including prosecutors, judges, and politicians. That report exonerated 12 of those investigated, charged 91 with criminal wrongdoing (forging signatures, falsifying records, etc.) and cited administrative irregularities in the remainder of the cases, mostly due to problems with course equivalencies after transferring from one university to another. During the year, the Attorney General's office brought charges against 13 persons for criminal wrongdoing in obtaining their law degrees. Two justices of the peace were convicted; one was given a 3-year suspended sentence. In six cases, the court dismissed the charges. At year's end, trial dates had been scheduled for five others.

The 38 judges dismissed by the Court fell into the category of administrative irregularities. All but one appealed the dismissals, insisting that they had fulfilled all of the requirements in place at the time and that it was wrong for the Ministry of Education to impose new standards retroactively. The Court upheld the dismissals in all of the cases. At year's end, it continued investigating 125 lawyers and 51 additional judges for irregularities in their titles. The dismissed judges appealed to the Inter-American

Human Rights Commission.

NGOs and observers knowledgeable of the judicial system claimed that the Court was doing the minimum necessary to respond to public criticism, but it was not making a comprehensive effort to remove unqualified and corrupt judges. The Supreme Court emphasized that its Department of Judicial Investigation and the CNJ performed that function by scrutinizing judicial performance on an ongoing basis. Regarding the questionable degrees, the Court maintained it could only act on information provided by the Ministry of Education, which was the institution authorized to determine the validity of academic credentials.

In practice, the Court imposed few sanctions upon judges based upon the recommendations from the CNJ and the Department of Judicial Investigation. Of the 227 complaints filed with the latter during the year, the court found 29 inadmissible, suspended proceedings in 1 case, reprimanded 4 judges, and dismissed 40 judges—Ricardo Canales, Raul Garcia, and the 38 determined to have invalid legal titles.

Police, prosecutors, public defenders, and the courts continued to have problems adjusting to the 1998 legal reforms. Inadequate police coverage (due to limited resources) and intimidation of victims and witnesses (especially by gangs) made it difficult to identify, arrest, and prosecute criminals, thus diminishing public confidence in the justice system. In July witnesses in the trial of accused alien smugglers Edgar Campos and Blanca Rivas reported that defense lawyers had harassed them in an effort to deter their testimony. Prosecutors informed the judge hearing the case, and the information served as an important justification for keeping the defendants incarcerated during the trial. At year's end, the prosecutors planned to present criminal charges against the defense attorneys.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for a right to privacy, and government authorities generally respected this right in practice. The law requires the police to have a resident's consent, a warrant, or a reasonable belief that a crime is under way or is about to be committed, before entering a private dwelling.

Since 2001 the police can use undercover agents with the permission of the Attorney General and enter legally private property without a warrant when criminal activity is suspected. In addition, samples of blood and other bodily fluids can now be taken without the consent of the accused if a judge mandates it.

Neither the Attorney General nor a special legislative commission has identified who was responsible for illegal wiretapping activities conducted by the telecommunications company, TELECOM, in 2000.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Print and broadcast journalists from all major media outlets regularly and freely criticized the Government and reported opposition views. Opposition figures were interviewed routinely in the press and on television and radio. According to major media associations, the Government did not use direct or indirect means to control the media. However, some television stations continued to complain that advertising agencies responsible for placement of government-funded public service announcements were biased in favor of media companies that generally supported government policy.

Some newspaper editors and radio news directors practiced self-censorship, according to practitioners and observers, by discouraging journalists from reporting on topics or presenting views that the owners or publishers might not view favorably. Journalists alleged that in July the new owners of RCS radio station closed the news department because the reporters' presentation of the news did not adequately reflect the owners' more conservative views. The owners maintained that they took the action for budgetary reasons. In October worker organizations and NGOs expressed concern to the Salvadoran Journalists Association that a major newspaper, La Prensa Grafica, had required them to change language in a paid advertisement about a controversial strike before it would publish the ad. Similarly, another major newspaper, El Diario de Hoy, had told the groups they would have to pay for the government's anticipated response to their paid advertisement about the same subject. The newspaper explained that, as a result of a lawsuit, it had instituted a requirement that anyone placing an advertisement on a controversial topic had to leave a deposit to pay for a reply by an opponent, should a court order it. If no one claimed the right to reply within 30 days, the newspapers returned the deposit to the individual or group who placed the original ad.

During a demonstration on May 1, protesters assaulted several journalists after an opposition party leader made antagonistic public comments to and about journalists. The victims and other media maintained the opposition party leader had instigated the violence. The Inter-American Press Association (IAPA), the International Radio Broadcasters Association and leaders of the media condemned the verbal and physical attacks as a threat to freedom of the press. The Attorney General's office initiated an investigation.

In August the Legislative Assembly passed a National Defense Law that included an article requiring citizens to provide to government officials information considered necessary for national defense. The Salvadoran Journalists' Association and other critics objected strongly to that provision, asserting that it violated journalists' right to keep sources confidential. When the law went to President Flores for signature, he sent it back to the legislature with a recommendation to address that concern. The legislature removed the controversial article from the law. The modified law retains a requirement that public officials provide information necessary for national defense.

In September the legislature approved reforms to the Organic Law of the Court of Accounts, the national auditing agency. Leaders of the media industry, the Human Rights Ombudsman, and other critics charged that the provision on public access to the agency's audits infringed on freedom of expression and citizens' right to access public information. The provision required that the institution make the audits public after all appeals had been exhausted. Critics maintained that, because appeals often dragged on for years, the measure would deny the public access to information for far too long. Even before the Assembly passed the reforms, the Court of Accounts refused to allow members of political parties and journalists to see audit reports that, by law, were public information. In November the President sent the law back to the legislature with suggested changes that removed the controversial language. However, NGOs expressed concern that the proposed replacement language reduced the universe of audits required to be made public and had the same effect of delaying public access until all appeals were exhausted. The legislature approved the president's proposed changes.

The IAPA identified problems in several areas, including the absence of a law providing for journalists' right to maintain the confidentiality of sources.

There are 5 daily newspapers with a combined daily circulation of more than 250,000 copies, and 16 television stations. Five independent and one government-owned and operated VHF television stations reach most areas of the country. Eight independent UHF stations serve San Salvador, and several can be received as far as 30 miles from the capital. Two cable television systems cover much of the capital and the major cities of San Miguel, Santa Ana, and Sonsonate. All carry major national stations and a wide range of international programming. Approximately 150 licensed radio stations broadcast on the FM and AM bands.

A provision in the Criminal Code allows judges to close court proceedings if public exposure could prejudice the case. The media and the IAPA have claimed that the provision abridges press freedom.

There were no instances of censorship of books, other publications, films, or plays.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for peaceful assembly for any lawful purpose, and the Government generally respected this right in practice. Public demonstrations were common and generally peaceful.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

In March 2001, the Supreme Court found constitutional all but four articles of a 1996 law governing the registration, regulation, and financial oversight of NGOs and non-Catholic religious groups that a group of affected organizations had challenged in court in 1998. The law remains in effect. However, the decision prohibits any official or judge from denying legal status to an NGO for behavior that violates social norms, morality, or public order as long as there are no violations of the criminal code. Some NGOs asserted that the Ministry of Governance delayed approval of legal status for controversial NGOs with human rights or political agendas. In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador, an NGO that monitors respect for labor rights in assembly factories (maquilas) (See Section 4.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution specifically recognizes the Roman Catholic Church and grants it legal status. In addition, the Constitution provides that other churches may register for such status in accordance with the law.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.



In July the Legislative Assembly passed a Special Law on Refugee Status, which implements the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law established a Refugee Status Determination Committee composed of representatives of the Social Unit of the Ministry of Foreign Affairs and the Migration Unit of the Ministry of Governance to adjudicate refugee status.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The President and Vice President are elected every 5 years. The Constitution bars the President from election to consecutive terms. Voting is by secret ballot.

In May the Supreme Court ruled unconstitutional an article of the electoral code that assigned a specific number of legislators to each department of the country, saying it violated the constitutional requirement for representation proportional to the population. One day before the Court announced its decision, the Legislative Assembly modified the law by allocating the number of legislators based on ranges of population (e.g. a department with 300,000 to 400,000 citizens is entitled to 4 legislators). A political party and an NGO protested that the change did not satisfy the constitutional requirement, and they noted that the timing of the vote showed that someone in the Court had leaked the information before the decision was made public.

Ten political parties, representing the full political spectrum, fielded seven candidates in the March 1999 presidential elections. The Government did not restrict opposition participation, and there were no violent incidents during the campaign. Observers found that the vote was without major flaws and proceeded peacefully with fair access to the polls for all. Francisco Flores, the candidate of the ARENA party, won a clear majority in the first round of voting.

In March 2000, the country held legislative elections that observers generally reported to be free and fair. The FMLN won a plurality of legislative seats.

There are no laws or overt practices that prevent women from voting or participating in the political and governmental systems. Women account for 51 percent of the population; however, they represented 49 percent of the registered voters in the March 2000 election. Of the 11 executive branch ministries and 3 constitutionally independent agencies, women headed 2, the Ministry of Foreign Affairs and the Human Rights Ombudsman's office. Women held a substantial number of vice- and sub-ministerial jobs. An estimated 40 percent of the country's judges were female. In March 2000, voters elected 8 women to the 84-seat legislature, a decrease from the previous Assembly's 14 women. One woman sat on the Assembly's 11-member governing board; there were 2 women on the board in the previous legislature.

Minorities, including indigenous people, are not barred from voting or participating in government and politics. In practice, only a few hundred Salvadorans identify as ethnic minorities, and no one who identifies as a minority holds a leadership position in the Government or the Legislative Assembly.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally demonstrated a willingness to discuss human rights issues and problems with international and domestic NGOs. However, it was sometimes reluctant to discuss worker rights issues with NGOs, and it refused to discuss the topic with the PDDH. Numerous domestic and various international NGOs operated freely. Domestic and international NGOs are required to register with the Government under the terms of the 1996 NGO registration law, and some reported difficulties (see Section 2.b.).

In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador (GMIES), an NGO that monitors respect for labor rights in maquilas. The Ministry of Governance based its refusal on the objections of the Labor Ministry, which asserted that government authorization of the GMIES' activities would constitute a tacit delegation of the Labor Ministry's responsibilities, something prohibited by law. The GMIES appealed the decision with both ministries, without success.

The principal human rights investigative and monitoring body is the Office of the Human Rights Ombudsman, who is elected by the Assembly for a 3-year term. The Peace Accords specifically created the PDDH, which was established formally by an amendment to the Constitution that defined its role.

In July 2001, the Legislative Assembly elected attorney Beatrice de Carrillo to serve as Human Rights Ombudsman. The position had been vacant officially for 17 months and in practice for 5 months. The institution's reputation and the quality and quantity of its work had declined since 1998, due to staffing gaps in the top position and the election in 1998 of an Ombudsman

accused of corruption. A vehement, public dispute that began in 2000 between the acting Ombudsman and some employees exacerbated these negative trends. Indicating their lack of confidence in the institution, citizens filed fewer complaints with the PDDH in 1999 and 2000 than in previous years and relied more heavily on human rights NGOs. Public confidence in the PDDH initially appeared to recover following de Carrillo's election—there was an immediate 10-fold increase in complaints submitted. Many of these complaints (such as the right to water, or compensation claims of former combatants) did not fall into traditional human rights categories. During the year, the Ombudsman expressed frustration with the Government's unwillingness to respond to her agency's requests for information, as required by law, and to implement its recommendations. Government officials responded that the institution undermined its credibility by pronouncing on a wide range of issues that exceeded its mandate and by issuing resolutions on politically charged cases that had occurred many years ago. The Ombudsman insisted that all of the work performed by her institution fit within the 14 duties assigned to it by the Constitution. She explained that, because the PDDH had not issued resolutions on the old cases at the time they were submitted, the institution had to issue them now to close out the cases.

In January the PDDH submitted to the Attorney General's office a formal complaint stating that the Ombudsman had received death threats. According to the PDDH, the Attorney General's office took no action on the complaint during the year. The threats diminished during the year but increased again in December following the Ombudsman's controversial efforts to negotiate the release of four police officers held hostage in a prison following a riot.

During the year, the PDDH accepted 3,303 complaints of human rights violations, compared with 2,898 in 2001 (see Sections 1.a. and 1.c.). The rights most frequently alleged to have been violated included personal integrity and due process of law—766 and 520 complaints, respectively. During the year the PDDH issued 164 resolutions involving 235 complaints filed during the year and in previous years. Some of the resolutions addressed multiple complaints with similar characteristics (e.g. mistreatment by police). It upheld the charges in 107 resolutions; found the accused not to have been responsible in 45 resolutions; and resolved 12 cases using its good offices. In the remaining cases received during the year the PDDH had not determined whether the facts substantiated the allegations.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law and prohibits discrimination based on nationality, race, or sex. In practice, discrimination against women, disabled persons, and indigenous people occurred in salaries and hiring. There were some instances of violence against homosexuals.

The NGO Entre Amigos reported that members of the municipal and National Civilian police regularly detained and harassed homosexuals and transvestites when they were out at night, although they were not engaged in criminal activity. The police countered that they monitored transvestites out at night because they had repeatedly been involved in crimes including prostitution, public nudity, and robbery. A homosexual employee of Entre Amigos reported that in August four PNC officers detained him in a vacant lot, told him homosexuals should not exist, beat him, and threatened they would do him more severe harm if he reported the crime. He reported the crime. However, in November, the Attorney General's office told him the case did not fall in its jurisdiction for investigation because it was a petty offense. The law requires the Attorney General's office to prosecute petty offenses as well.

In October the Legislative Assembly removed from the 2001 Law on Prevention and Control of Infection caused by the Human Immunodeficiency Virus a provision requiring job applicants to take HIV tests. During the year, NGOs, UNAIDS, and the Ministry of Health had expressed concern that this provision facilitated discrimination against infected persons and, in so doing, made it difficult for them to obtain employment. Removal of this provision makes pre-employment HIV tests optional, rather than mandatory. According to media reports, through late November the Atlacatl Foundation, an NGO, had registered six cases of people being fired after being diagnosed with HIV. In addition, the Foundation maintained that three institutions of higher education required HIV tests for students who wished to study health-related careers.

#### Women

Violence against women, including domestic violence, was a widespread and serious problem. The law prohibits domestic violence and provides for sentences ranging from 6 months to 1 year in prison upon conviction. Convicted offenders are prohibited from using alcohol or drugs and from carrying guns. The law also allows the imposition of restraining orders against offenders. Once a taboo social subject, domestic violence increasingly is being recognized publicly and has become a topic for national debate. Government institutions such as the PDDH, the Attorney General's office, the Supreme Court, the Public Defender's office, and the PNC coordinated efforts with NGOs and other organizations to combat violence against women through education, government efforts to increase enforcement of the law, and NGO support programs for victims. The National Secretariat for the Family, through the Salvadoran Institute for the Development of Women (ISDEMU), maintains a hot line as well as a shelter for victims of domestic abuse. The ISDEMU received 3,725 cases of domestic violence during the year, compared to 3,423 cases in 2001. Incidents of domestic violence and rape continued to be underreported for several reasons: societal and cultural pressures against the victim; a fear of reprisal; poor response to victims by the authorities; fear of publicity; and the belief that cases are unlikely to be resolved. However, the Criminal Code permits the Attorney General to prosecute in the case of a rape with or without a complaint from the victim. The 2001 Criminal Code reforms eliminated a provision allowing a victim's pardon to nullify the criminal charge. The penalties for rape are 6 to 10 years in prison. The law does not address specifically spousal rape; however, it can be considered a crime if the actions meet the Criminal Code's definition of rape. The ISDEMU received 451 cases of sexual aggression compared to 386 in 2001.

The law does not prohibit a person from working as a prostitute. However, it prohibits any person from inducing, facilitating, promoting, or giving incentives to anyone else to work as a prostitute. Prostitution is common, and there were credible reports that some women and girls were forced into prostitution (see Section 6.c.).

Trafficking in women and girls for purposes of sexual exploitation was a problem (see Section 6.f.).

The law prohibits sexual harassment; however, workers in export processing zones (EPZs) have reported sexual harassment (see Section 6.b.).

In August 2001, a prominent women's rights organization, CEMUJER, asserted that sexual harassment was widespread within the PNC. Citing a 2000 survey that it had conducted, the same NGO maintained that almost 60 percent of female sergeants had been victims of violence within the police. During the year, the NGO assisted three female employees of the PNC in bringing sexual harassment charges against superiors; the courts dismissed the charges against the defendants in all three cases. During the year the PNC Inspector General's office received two complaints of sexual harassment by police officers. In one case, it found the police officer and the PNC employee who had brought the charges shared responsibility for the infraction; as a penalty, both were suspended without pay for 12 days. In the other case, a PNC disciplinary court suspended officer Rafael Antonio Nunez without pay for 60 days as punishment for sexual harassment of a minor. There were reports that PNC supervisors used legislation intended to facilitate the removal of officers charged with crimes or incompetence to remove pregnant women from the force (see Section 1.c.). Some factories in the EPZs required female job applicants to present pregnancy test results, and they did not hire pregnant women (see Section 6.b.).

The Constitution grants women and men the same legal rights, and the Penal Code establishes sentences of 1 to 3 years in jail for public officials who deny a person's civil rights based on gender. The law prohibits pregnant women from performing strenuous activities in the workplace after the fourth month of pregnancy (see Section 6.e.). All women are entitled to 3 months of maternity leave—usually taken after the baby is born.

Women suffer from cultural and societal discrimination and have significantly reduced economic opportunities. Priority generally is given to men for available jobs and promotions and to sons for inheritances. Women are not accorded equal respect or stature in traditional male-dominated areas such as agriculture and business. A 2000 UN Development Program (UNDP) study reported a rural illiteracy rate of 38 percent for women and 34 percent for men. One of the factors that contributes to girls' leaving school is teenage pregnancy. In 2001, a former personnel officer of an autonomous government institution asserted that her supervisor had instructed her to give preference to men over women in hiring. The Penal Code establishes a sentence of 6 months to 2 years for employers who discriminate in labor relations. In practice it is difficult for employees to report such violations by their employers because they fear reprisals. In June 2000, the legislature ratified International Labor Organization (ILO) Convention 100, on equal remuneration; however, a UNDP study showed that men on average earned 14 percent more than women—\$250 versus \$219 (2,189 colones versus 1,913). The one sector in which there was an exception to this practice was in the EPZs and in-bond assembly plants, the largest source of new jobs, where women made up 85 to 90 percent of the work force (see Section 6.b.). However, even in this sector, men held the majority of positions in management and in departments where employees receive higher wages (cutting, ironing, etc.). Training for women generally was confined to low-wage occupational areas where women already held most positions, such as teaching, nursing, home industries, and small businesses.

Several NGOs were engaged in promoting women's rights and conducted several rights awareness campaigns.

#### Children

In July the Ministry of Education, the PNC, and ISNA instituted a program to address the problem of student violence in San Salvador. The police picked up students who were out of school unsupervised (often in bars, pool halls, or video game shops) during school hours and delivered them to ISNA. ISNA gave them psychological counseling about violence and supervised them until their parents or guardians took custody. Government officials reported that the measures reduced street violence and fights among students. Through the end of the school year in November, the police brought 195 youths to ISNA under this program.

The Government concentrated more on reducing poverty and promoting family stability through economic growth than in direct expenditure on children's programs. With the encouragement of UNICEF, in September the National Secretariat of the Family submitted to the Legislative Assembly a new national policy of comprehensive attention for children and adolescents.

Education is compulsory through the ninth grade. Public education is nominally free through high school. The law prohibits persons from impeding children's access to school for failure to pay fees or wear uniforms. In practice, some schools continued to charge students fees to cover budget shortfalls, and the inability to pay these fees or pay for required books, uniforms, and activities prevented some poor children from attending school. The Ministry of Education continued to operate a hotline for the public to report school administrators who violated these laws. During the year, the Ministry required at least one school administrator to repay fees charged in violation of these regulations. Rural areas fell short of providing a ninth grade education to all potential students, in part because of a lack of resources and in part because many rural parents withdraw their children from school by the 6th grade to work. According to the Ministry of Education, during the year 14 percent of primary school aged children (ages 7-11) and approximately 32 percent of sixth to eighth grade aged children (ages 12-14) in urban areas did not attend classes. Meanwhile, primary school attendance in rural areas was oversubscribed by almost 14 percent, because older

children attended classes below grade level. Only 7 percent of children in rural areas attended school in grades 6 to 8.

Infant malnutrition continued to be a problem. A 2000 census showed that 19 percent of children suffered from chronic malnutrition. The Ministry of Health listed malnutrition as 1 of the 10 principal causes of infant mortality in the country. The Government has a national plan for infants designed to increase access to potable water, iodized salt, and micronutrients, and to encourage breast feeding, but all of these remained problem areas, especially among the rural poor.

The Government worked through state institutions and with UNICEF to promote protection and general awareness of children's rights. However, children continued to be victimized by physical and sexual abuse, abandonment, exploitation, and neglect. The ISNA, an autonomous entity, has responsibility for protecting and promoting children's rights. The ISNA reported that 1,493 children, some abandoned and others victims of mistreatment, were staying in its shelters at the end of the year. It reported 842 cases of physical mistreatment, 454 cases of negligence, and 446 cases of abandonment, compared to 913 cases of physical mistreatment, 366 cases of negligence, and 573 cases of abandonment reported in 2001. Using different criteria, the ISDEMU recorded 1,694 cases of abuse during the year, compared to 1,196 in 2001.

The ISNA reported 173 cases of sexual abuse during the year, compared to 115 in 2001. A majority of the victims were female.

Substance abuse (glue, paint thinner, and crack cocaine) was a problem among urban street children. FUNDASALVA, an NGO, provided drug counseling and treatment to minors. Another NGO, the Olaf Palme Foundation, reported that it registered 40 cases of police abuse and mistreatment of street children through the beginning of December. Of those cases, 23 were reported to the PDDH and 5 to the Attorney General's office. In the other cases, the NGO reported that the children feared reprisals if they reported the abuse. As an example of the mistreatment, the NGO reported that on October 30, a group of police accused three youths between the ages of 13 and 16 of being thieves when they came out of a church in downtown San Salvador. The police handcuffed one youngster, hit another, and put glue in the hair of a third. Later they made one of the youths clean their patrol car.

The PNC incorporated PDDH human rights training into programs for police units that deal with juveniles.

Child prostitution is a problem. Between 10 and 25 percent of visible prostitutes are minors, and an estimated 40 percent of the hidden prostitutes who cater to upper-class clients are believed to be minors, according to a UNICEF study released in 2000. ISNA assisted 15 children who were involved in prostitution, compared with 24 in 2001.

Children, especially those living on the streets, were trafficked to other countries and then forced into prostitution (see Section 6.f.).

Child labor is a problem (see Section 6.d.).

#### Persons with Disabilities

The National Secretariat of the Family estimated in 2000 that at least 8 percent of the population had some form of disability. A 2000/2001 study by the World Health Organization in conjunction with local and international partners found that the majority of persons with disabilities were young, lived in rural areas, and had little access to rehabilitation services. It found that many of the causes of disability were preventable.

A significant number of the country's population of persons with disabilities consists of former combatants and civilians wounded during the conflict. Government and international funding provide rehabilitation programs for these persons. During the year, the Government accepted new registrations of persons wounded and disabled as a result of the armed conflict (1980-92). Legislation passed in December 2001 mandated this response to long-standing complaints that thousands of war wounded had been unable to register during the initial registration period. The re-registration opened the way for thousands of additional persons with disabilities to receive government benefits.

Efforts to combat discrimination and increase opportunities for those whose disabilities are unrelated to the war are growing but remain inadequate. During the year, the Ministry of Labor promoted voluntary compliance with a 2000 law that requires businesses to employ 1 person with a disability for every 25 employees, an increase from the pre-existing requirement of 1 to 50. The Ministry's resources are limited, and its records are kept on paper files in its regional branches. There are no reliable data on the number of persons with disabilities who are employed; however, the unemployment rate is significantly higher than that in the general population.

Access by persons with disabilities to basic education was limited due to lack of facilities and appropriate transportation. Only a few of the Government's community-based health promoters have been trained to treat persons with disabilities, and they rarely provided such service.

There were several organizations dedicated to protecting and promoting the rights of persons with disabilities, but funding was insufficient. Foreign funds for badly needed rehabilitation services channeled through the Telethon Foundation Pro-Rehabilitation, a local private voluntary organization, helped address numerous rehabilitation issues and provided alternatives

for the education and rehabilitation of persons with disabilities. A semiautonomous institute, the Salvadoran Rehabilitation Institute for the Disabled, has 10 centers throughout the country and offers medical treatment, counseling, special education programs, and professional training courses. The Government and national and international private and nongovernmental organizations provide its funding.

#### Indigenous People

The country is ethnically homogeneous, and only a few hundred citizens identify as indigenous people.

The Constitution states that native languages are part of the national heritage and should be preserved and respected. In reality, very few persons speak the indigenous language of Nahuatl. There are no national laws regarding indigenous rights.

Early in the 20th century, facing active repression, most indigenous people adopted local customs and successfully assimilated into the general population, from which they now are generally indistinguishable. There are a few very small communities whose members still wear traditional dress and maintain traditional customs to a recognizable degree; they do so without repression or interference. There are no special rights for indigenous people; however, they are allowed to make decisions regarding their communal lands just as any other landowners under Article 105 of the Constitution. These small indigenous groups exist in the poorest parts of the rural countryside where employment opportunities are few and domestic violence is a problem.

Indigenous people reportedly earn less than other agricultural laborers. Indigenous women in particular have little access to educational and work opportunities due to cultural practices, lack of resources, and rural underdevelopment. As with the poor rural sector in general, access to land is a problem confronting indigenous people. Few possessed titles to land, and bank loans and other forms of credit were extremely limited.

There are some small, active indigenous associations. The largest and best known is the National Association of Indigenous Salvadorans.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the rights of workers and employers to form unions or associations, and workers and employers exercised these rights in practice; however, there were some problems. There were repeated complaints by workers, in some cases supported by the ILO Committee on Freedom of Association (CFA), that the Government impeded workers from exercising their right of association. In June 2001, the CFA reiterated its 1999 finding that the existing labor code restricts freedom of association.

There is a small organized labor sector with approximately 133 unions, 16 federations, and three confederations representing 142,500 workers in the private sector. In addition, there are 24 public employee associations and 26 peasant organizations that, together, have an estimated membership of 150,000 persons. Unions generally are independent of the Government, political parties, and other political forces. The Labor Code prohibits foreigners from holding leadership positions in unions.

In August the Ministry of Governance refused to grant legal status to the Independent Monitoring Group of El Salvador, an NGO that monitors respect for labor rights in assembly factories (see Section 2.b.).

Union leaders asserted that the Government and judges continued to use excessive formalities as a justification to deny applications for legal standing to unions and federations. Among the requirements to obtain legal standing, unions must have a minimum of 35 members in the workplace, hold a convention, and elect officers.

In July the Ministry of Labor (MOL) granted legal status to the Federation of Unions of Salvadoran Workers of the Food, Beverage, Restaurant, Hotel, and Agro-industrial Sectors. This federation included five food industry unions whose application to form a federation had been denied in 2000 because they allegedly had made procedural errors in their application. The ILO had called on the Government to reverse the 2000 decision.

By law only private sector workers have the right to form unions and strike; some employees of autonomous public agencies may form unions if the agencies do not provide essential services. Military personnel, police, and government workers may not form unions but are allowed to form professional and employee organizations. Some of the most powerful labor groups are public employee associations. They have the same responsibilities as unions, including collective bargaining. The Government negotiated with public employee associations, although the Labor Code provides for mandatory arbitration of public sector disputes. The Government did not amend national legislation to recognize the right of association of workers employed in the service of the State, as recommended by the CFA in 2000.

The law prohibits antiunion actions before a union is registered legally and prohibits the dismissal of workers whose names

appear on a union application.

Unions only may strike after the expiration of a collective bargaining agreement. Unions first must seek to resolve differences through direct negotiation, mediation, and arbitration before striking. To be considered legal, the strike must aim to obtain or modify a collective bargaining agreement and to defend the professional interests of workers. Union members must approve a decision to strike through secret ballot. The union must name a strike committee to serve as a negotiator and send the list of names to the MOL, which notifies the employer. The union must wait 4 days from the time the Ministry notifies the employer before beginning the strike.

Public workers may not strike legally; however, the Government generally treated strikes called by public employee associations as legitimate.

On September 5, workers of the Salvadoran Social Security Institute (ISSS) conducted a slow-down at several hospitals and clinics. They then initiated a strike on September 18, which continued through the end of the year, to pressure the Government to stop purchasing health care-related services from private companies. An autonomous government institution funded by payroll taxes and mandatory employer contributions, ISSS provides health care to people employed in the formal sector. In October a judge declared the strike illegal. In November the Legislative Assembly passed and then, in December, repealed a law that prohibited any contracting of social security-related services. At year's end, negotiations continued over the reinstatement of workers dismissed during and prior to the strike and the payment of wages withheld from workers while they were on strike. ISSS management maintained it had fired the workers for threatening other employees or committing theft and fraud, while union leaders insisted ISSS had dismissed them for "opposing privatization." The Government said it could not pay people for time they had not worked, and it offered to give them overtime hours to make up their lost wages and catch up on the institution's backlog of work.

From September through the end of the year, dozens of strike leaders and their family members received phone calls threatening that harm would come to them if they did not cease their activities. When an NGO reported the threats to the Director of the PNC, he passed the information to the Attorney General's office, which began interviewing victims and attempting to trace the calls. Separately, doctors who wanted to work during the strike reported that they received phone calls threatening their own and their families' security if they worked.

The Secretary General of the social security workers' union (STISSS) Ricardo Monge reported that five people broke into his home on November 15 at 1 a.m. and threatened him and his wife during the half-hour they stayed. Allegedly they said they would kill him if he continued with the strike. Monge said they took union and personal papers but nothing else of value. He said he reported this to the police, the Attorney General's office, and the Human Rights Ombudsman.

In 2001 ISSS workers engaged in several work stoppages ranging from 2 to 24 hours. In October 2001, the ISSS dismissed 6 employees and suspended 22 others over an illegal work stoppage in May 2001. The Labor Ministry had authorized the suspension of the 22 workers for up to 30 days because, according to the Ministry, they had committed serious acts that interfered with the functioning of their workplaces. The union charged that the punitive measures were illegal because the law prohibits the dismissal or suspension of union leaders and filed a complaint with a labor court. The court had not issued a decision by year's end.

The Labor Code prohibits partisan political activity by unions. The unions routinely ignored this prohibition, but the Government took no punitive action against them.

Unions and other labor organizations freely affiliated with international labor organizations.

#### b. The Right to Organize and Bargain Collectively

The Constitution and the Labor Code provide for collective bargaining rights for employees in the private sector and for certain categories of workers in autonomous government agencies, such as utilities and the port authority. However, both private sector unions (by law) and public sector employee associations (in practice) used collective bargaining.

The MOL oversees implementation of collective bargaining agreements and acts as a conciliator in labor disputes in the private sector and in autonomous government institutions. In practice, ministers and the heads of autonomous government institutions often negotiate with labor organizations directly, relying on the MOL only for such functions as officially certifying unions. The Ministry often seeks to conciliate labor disputes through informal channels rather than attempt to enforce regulations strictly, which has led to charges that the Ministry is biased against labor. Labor leaders assert that the Government had an unfair advantage in arbitration of public sector labor disputes, because the Government holds two of three seats on arbitration panels. (The employer, the workers, and the Labor Ministry each name one representative to a panel.)

Corruption among labor inspectors and in the labor courts continued to be a problem. In June 2001, the Labor Ministry removed from their positions five inspectors, including a senior inspector, who had been accepting bribes from companies.

The Constitution prohibits discrimination against unions. It provides that union officials at the time of their election, throughout their term, and for 1 year following their term may not be fired, suspended for disciplinary reasons, removed, or demoted except for legal cause. However, the Labor Code does not require the employers to reinstate them, but requires the employers to provide a severance payment. In practice, some employers dismissed workers who sought to form unions. The Government generally ensured that employers paid severance to these workers. However, in most cases the Government did not prevent their dismissal or require their reinstatement. Workers and the ILO reported instances of employers using illegal pressure to discourage organizing, including the dismissal of labor activists and the maintenance of lists of workers who would not be hired because they had belonged to unions.

On May 6, SELSA, the labor union at the bakery products company, LIDO, conducted an on-the-job work stoppage to protest the lack of progress during 3 months of salary negotiations. In the following week, management prohibited the entry to the workplace of 41 union members, including 11 union leaders, but continued to pay their salaries. Both sides appealed to the labor courts. Management charged the 41 union members were conducting an illegal strike by failing to perform their duties. The employees accused management of applying a lockout. The courts rejected both assertions. The employees requested an inspection by the MOL to define the status of the affected workers. SELSA charged that the company continued to pressure other union members by reprimanding them regularly for disturbing order in the company. The Labor Ministry reported that it conducted the requested inspections, but the inspectors took no further action because another office of the Ministry was mediating between the parties. According to the Labor Ministry, in July the parties agreed that the company would pay the workers the salaries owed to them since May 7 as well as other wages and benefits due to them. The Ministry said that, on July 5, the union leaders received their first payments, and the 30 other workers submitted resignations and received payment in full. A labor NGO reported that a Labor Ministry official refused to release the settlement payments to the workers unless they signed letters of resignation and told them their alternative was to engage in a lengthy effort in the courts to obtain compensation. Six of the workers who signed the resignation and received payment filed a suit maintaining that the company had fired them illegally and their resignations had been coerced. The legal proceedings were underway at year's end.

Tainan, a major foreign-owned textile assembly factory, closed permanently in April, after initially announcing that it would suspend operations temporarily. The closure took place just as the union was reaching the affiliation level required for collective bargaining. While the company attributed the closure first to a lack of orders and then to business losses, labor advocates charged the multinational took this action to avoid having to deal with a union in its workplace. Following the initial suspension of operations, the union submitted a formal complaint to the MOL alleging the company had orders but chose to direct them to plants in other countries. The MOL responded that the Labor Code authorized enterprises to suspend labor contracts for lack of raw materials, and the law gave the MOL no discretionary authority in these cases. The union and its supporters in other countries conducted an international publicity campaign to bring pressure on Tainan and its buyers. In November Tainan and the union signed an agreement in which the company committed to open a unionized plant and to establish a compensation fund for workers affected by the closure.

Between September 2001 and November, the electricity generation company CEL dismissed 31 members of the Union of Electrical Sector Workers (STSEL), 6 of whom were union leaders legally protected from firing. The unionists charged the action aimed to destroy their organization. They alleged CEL reinstated two dismissed workers after they joined a rival union supported by CEL. To protest the firings, three members held a hunger strike for 23 days in October and November, and union members went on strike in a transmission plant for 2 weeks in November. STSEL filed complaints with the MOL, the PDDH, and the labor courts. CEL maintained it had fired some unionists—along with non-union members—for cause, and other union members had resigned. It offered severance pay to all of the employees in question, and 16 had accepted at year's end. The rival union denied it received preferential treatment from CEL. The Ministry of Labor held a mediation session in November, which achieved no further results. In December CEL dismissed 18 more union members. According to the union, 10 of those fired were union leaders, and one had a disability that entitled him to protection from dismissal. At year's end, none had received severance pay.

On December 21, 2001, the National Institute for Public Employees' Pensions (INPEP) dismissed 92 workers, of whom 56 were members of the Union of Workers of the National Institute for Public Employees' Pensions (SITINPEP), which complained to the ILO. The Government informed the ILO that the reduction in staff was necessary after 80 percent of pension contributors transferred their savings to a new pension system. The CFA expressed regret that the Government did not try to reach an agreement with the union before dismissing the employees, as required by the collective bargaining agreement. It asked the Government to ensure that there was an investigation to determine the reasons for the high proportion of unionists in the group of persons dismissed, and that, if the investigation found any of the dismissals were due to union membership or union activities, the Government take the necessary measures to ensure the affected workers' reinstatement. In preparing its response, the Ministry of Labor asserted that INPEP had repeatedly informed the union and all INPEP employees that its financial situation would require a reduction in staff. The Ministry of Labor underscored that INPEP had eliminated positions based on their function, regardless of who filled them, and that it had paid severance to the affected employees. During the year, the union charged that management pressured union members to renounce their affiliation. These resignations, the dismissals, and voluntary retirements from the institution reduced SITINPEP's membership below the threshold required to negotiate a collective bargaining agreement.

In February the semiautonomous port authority (CEPA) and the airport union, SITEAIES, signed an agreement resolving their dispute over the September 2001 suspension without pay of approximately 150 security and cargo personnel at the San Salvador international airport. The Government replaced these workers with police and soldiers as part of its efforts to strengthen border security following terrorist attacks in the United States. The airport union charged that CEPA targeted union members for suspension to break the union and privatize some of CEPA's functions. Prior to the February agreement, all but 64 of the airport workers had accepted a voluntary retirement package offered by CEPA. In accordance with the settlement, the

company paid severance to the 64 remaining suspended workers; the affected workers formed a cooperative; and, in April, the cooperative began providing cargo services at the airport. In June the ILO called for the Government to carry out an investigation and determine the reasons for the "militarization" of the airport and the extent to which it interfered with union activities. During the year, the airport union repeatedly expressed concern to the MOL that CEPA management was pressuring other airport employees to renounce their union affiliation and was firing workers without notifying the union in advance, as required by the collective bargaining agreement. In addition, it criticized the Government for not having completed the formal registration of the June 2001 collective bargaining agreement between CEPA and SITEAIES.

There are approximately 220 maquila (in-bond assembly or processing) plants, the majority of which are located in the country's 15 EPZs. The Labor Code applies in the EPZs; there are no special EPZ labor regulations.

Most businesses in the EPZs are subject to a growing number of private codes of conduct, which also include some worker rights protections. In addition, two EPZs have their own codes of conduct for all tenants. Some companies in the EPZs provided salaries and on-site benefits (for example, clinics, cafeterias) competitive with the best private sector enterprises (see Section 6.e.). However, there were credible reports that some factories dismissed union organizers, and there are no collective bargaining agreements with the 18 unions active in the maquila sector. The International Confederation of Trade Unions (ICFTU) contended in its 2000 report that some EPZ workers also received low pay, endured health and safety risks, 12- to 14-hour workdays, and had minimal toilet and rest breaks. The Government contends that the workers often prefer not to use safety equipment, and they have time for toilet and rest breaks.

The Ministry of Labor reported that it received nine complaints of minimum-wage violations during the year, of which seven had been resolved in favor of the workers. In the two remaining cases, the Ministry had initiated the process of imposing a fine (see Section 6.e.).

In May 2001, a foreign NGO, the National Labor Committee (NLC), made public the text of an August 2000 report on the maquila sector by the Labor Ministry that described what it called the systematic violation of workers' efforts to form unions as well as safety problems and mandatory overtime policies (see Section 6.e.). The report also identified weaknesses in the Ministry of Labor that undermined employers' and workers' confidence in the institution. After the initial publication of the report, the maquila association criticized it as unsubstantiated and inaccurate. Labor NGOs, unions, and workers affirmed that it described accurately conditions in the sector. In August 2000, the Minister of Labor retracted the report, saying that it had been published without his approval and did not adequately document its assertions. President Flores stated publicly that the report showed the Ministry of Labor was working to monitor conditions in the maquilas.

During the year, there was no progress in the 2001 labor court case of a pregnant woman fired by the apparel factory Amitex, allegedly for participating in the formation of a union.

Since 2000 the MOL has had branch offices in EPZs to make its services more accessible to its users. The Ministry provides the staff, and the EPZs covered other costs.

Workers in a number of plants reported verbal abuse, sexual harassment and, in several cases, being hit by a supervisor. The MOL has insufficient resources to cover all the EPZs, much less the much larger national private sector. In addition, corruption among labor inspectors continued to be a problem (see Section 6.a.).

Although a 1996 law gives the Ministry of Economy the power to withdraw free zone privileges from companies that violate labor regulations, there have been no instances in which this has been used or even threatened publicly. The ICFTU has reported persistent problems facing female employees in EPZs, including mandatory pregnancy tests and firing of workers who are pregnant (see Section 5).

#### c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or compulsory labor, except in the case of natural catastrophe and other instances specified by law, and the Government generally enforces this provision; however, trafficking in persons, primarily women and children, is a problem (see Section 5).

Although not specifically prohibited by law, forced and bonded labor by children is covered by the general prohibition. There were no reports that such practices occurred in the formal sector; however, there were reports that minors were forced into prostitution, and trafficking in children is a problem (see Sections 5 and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution prohibits the employment of children under the age of 14; however, child labor is a problem. According to the annual household census conducted by the Directorate General of Statistics and Censuses in 2001, more than 75,000 children between the ages of 5 and 13 worked, as did almost 147,000 minors between the ages of 14 and 17. Minors, age 14 or older, may receive special Labor Ministry permission to work, but only where such employment is indispensable to the sustenance of the minor and his or her family. This is most often the case with children of peasant families who traditionally work during



planting and harvesting seasons. The law prohibits those under the age of 18 from working in occupations considered hazardous (see Section 6.e.). The law limits the workday to 6 hours (plus a maximum of 2 hours of overtime) for youths between 14 and 16 years of age and sets a maximum normal workweek for youths at 34 hours. The constitutional provisions apply to all sectors of the economy. However, there is a large informal sector where it is difficult to monitor practices or enforce labor laws. Orphans and children from poor families frequently work for their own or family survival as street vendors and general laborers in small businesses, mostly in the informal sector. Children in these circumstances often do not complete schooling. There were no reports of child labor in the industrial sector. It does not exist in the EPZs.

The MOL is responsible for enforcing child labor laws; in practice, labor inspectors focused almost exclusively on the formal sector, where child labor is rare, and few labor inspectors have dealt with child labor cases. The MOL has a mandate to monitor employers' observance of labor laws; however, there are no employers as such in most of the sectors identified as worst forms of child labor by a national committee. In 2001 the committee, composed of seven government agencies and representatives of labor, employers, and NGOs, identified commercial sexual exploitation, work in garbage dumps, fishing/shellfish harvesting, sugarcane farming, and fireworks as the worst forms of child labor. The MOL receives few complaints of violations of child labor laws, because many citizens perceive child labor as an essential component of family income rather than a human rights violation.

The Labor Code does not prohibit specifically forced and bonded labor by children, but they are covered by its general prohibition; however, there were reports that minors were forced into prostitution (see Section 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

The minimum wage is set by executive decree based on recommendations from a tripartite (government, labor, and business) committee. The minimum daily wage is \$4.80 (42 colones) for commercial, industrial, construction, and service employees; \$2.47 (22 colones) for agricultural workers; and \$3.57 (31 colones) for seasonal agriculture industry workers. The minimum wage with benefits does not provide a decent standard of living for a worker and family.

The MOL is responsible for enforcing minimum wage laws and generally does so effectively in the formal sector. However, some maquila plants underpaid workers and failed to compensate them in accordance with the law for mandatory overtime, and did not pay legally mandated contributions to health and pension programs. On January 1, Laitex, a foreign-owned maquila, ceased operations without paying its workers their salaries for the last 2 weeks of December, mandatory annual bonus payments, or severance. In addition, although it had consistently deducted mandatory employee contributions for health and pension programs, it had not transferred either the employees' funds or the mandatory employer contributions to the respective institutions. Two hundred and seventy of Laitex's 459 employees filed a complaint with the MOL. The Government prohibited the transfer or sale of Laitex's physical assets until the debts were resolved. To recuperate its fabric, Dorby Frocks, a foreign partner of Laitex, paid the overdue salaries; however, at year's end, neither company had paid the other debts.

The law sets a maximum normal workweek of 44 hours. It limits the workweek to no more than 6 days for all workers. It requires bonus pay for overtime. By law a full-time minimum wage employee is paid for an 8-hour day of rest in addition to the 44-hour normal workweek and receives an average of 1 month's wage a year in required bonuses plus 2 weeks of paid vacation. Many workers worked more hours than the legal maximum; some were paid overtime but others were not.

The Constitution and the Labor Code require employers, including the Government, to take steps to ensure that employees are not placed at risk in their workplaces. These laws prohibit the employment of persons under 18 years of age in occupations considered hazardous or morally dangerous, such as bars and billiard halls; the prohibition also applies to hazardous occupations such as agricultural work with poisonous chemicals or factory work with dangerous equipment. The Labor Code prohibits pregnant women from engaging in strenuous physical exertion at the workplace after the 4th month of pregnancy. Health and safety regulations are outdated, and enforcement is inadequate. The MOL attempts to enforce the applicable regulations but has restricted powers and limited resources to enforce compliance. Workers in some maquilas expressed concerns about unhealthy drinking water, unsanitary bathrooms, and eating facilities, and inadequate ventilation (problems with dust and heat). Some of the largest plants have dust control, air conditioning, on-site medical facilities, and enforced safety regimes.

In July hundreds of workers showing classic signs of airborne contamination by a toxic substance were evacuated from several maquilas in a free trade zone. The workers were transported to hospitals, and almost all of those admitted were discharged within 24 hours. The company where the contamination appeared to originate closed its plant and did not allow anyone – including Ministry of Labor and Environment inspectors - to enter for more than 48 hours. Initial medical examinations and tests within the plants revealed no evidence of contamination. The Institute of Forensic Medicine identified a chemical used in the production of tear gas. Following further investigation, an interagency government report stated that none of the products authorized for use in the maquilas' activities produced the contaminant. It determined that a chemical agent unrelated to the industrial process must have caused the contamination and, therefore, the companies' monitoring systems could not have prevented the incident. At year's end, the Attorney General's office had not determined how the chemical had entered the facilities.

#### f. Trafficking in Persons

In October 2001, the Legislative Assembly approved criminal code reforms that prohibited trafficking in persons. Prior to the

reforms the Criminal Code stipulated that any crime involving commerce in women or children automatically carried a 30 percent increase in the prison sentence or fine that otherwise would be imposed for that crime; however, trafficking in persons is a problem.

Women and children are trafficked for prostitution to Mexico, Guatemala, and other Central American countries. In the past, there were credible reports that women and children were lured to Mexico by procurers only to be sold to owners of establishments there who then force the trafficked persons to work off the debt as prostitutes. On at least two occasions during the year, the Prensa Grafica newspaper reported the rescue of about a dozen Salvadoran women and girls from brothels in Mexico, where traffickers had obligated them to work. In 2001 Guatemalan authorities reported that street children from El Salvador were lured to border areas with Guatemala where they are then forced into prostitution by organized rings. In July police in Guatemala City raided a brothel and rescued nine children who had been lured from El Salvador by offers of legitimate employment, but then were forced into prostitution by the brothel's owner. Trafficking of female teenagers, from 14 to 19 years-of-age, for sexual exploitation also occurs within the country to the ports of Acajutla and La Libertad. The majority of trafficked victims transiting El Salvador are from Nicaragua, Honduras, and South America. According to police reports, Nicaraguan minors are trafficked to bars in the cities of San Miguel and El Sauce where they work as prostitutes. The most common methods used to approach the victims are kidnaping, lucrative job offers, and inducement into prostitution by friends.

The Unit for the Protection of Women and Children in the Attorney General's office investigates cases of abuse against women and children, including trafficking. The PNC, ISNA, and the Directorate of Immigration also are involved in combating trafficking in persons. However, the investigative units are new and poorly funded, and the Government has not prosecuted traffickers.

The Government deports non-Salvadoran victims of trafficking; however, victims can obtain temporary residency or refugee status if they are likely to face political persecution in the country of origin. Access to legal, medical, and psychological services is provided to the victims. Victims of trafficking are not treated as criminals. The Government does not provide assistance to its repatriated citizens who are victims of trafficking, nor does it support the NGOs that assist them.