



## El Salvador

### Country Reports on Human Rights Practices - [2003](#)

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El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president, a unicameral legislature, and an independent judiciary. In 1999, voters elected President Francisco Flores of the Nationalist Republican Alliance (ARENA) to a 5-year term. In free and fair elections in March, the Farabundo Marti National Liberation Front (FMLN) won a plurality of the seats in the Legislative Assembly. ARENA negotiated with the conservative National Conciliation Party (PCN) to maintain a working majority. Two other political parties also hold seats in the Assembly. The judiciary is constitutionally independent; however, many judges were still susceptible to political influence.

The National Civilian Police (PNC) maintains public security; the Ministry of Defense is responsible for national security. The military provides support for some PNC patrols in rural areas and also provides support to the law enforcement agencies for specific activities, including anti-narcotics efforts and reform-school training for juvenile convicts. Civilian authorities maintained effective control of the security forces. Some members of the police committed human rights abuses.

The free-market, mixed economy is based largely on services, agriculture, and manufacturing. The country's population was over 6.5 million. Although agriculture accounts for only 8.7 percent of the gross domestic product (GDP), it is the largest source of employment, engaging 20 percent of the country's total work force (which is estimated at over 2.5 million persons). Coffee and sugar are the principal export crops, and were formerly 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, as of the 2003-04 coffee season, the decline in coffee prices since the 1999-2000 harvest has reduced employment by approximately 135,790 jobs. The manufacturing sector, which contributes 24 percent of GDP, employs 18 percent of the work force. The textile sector, particularly the maquila (in-bond assembly or processing) plants in free trade zones (EPZs), represents about 20 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 reached 2 percent during the year, with inflation at 2.5 percent. The official unemployment rate averaged 6.3 percent for the year; however, the rate of underemployment (less than full-time work, or total income below the minimum wage) was estimated at about 36.6 percent. In January and February of 2001, 2 earthquakes killed over 1,100 persons, left more than 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 year approximately 36.1 percent of the population lived below the poverty level, compared to 38.8 percent in 2002. In 2001, the dollar became an official currency.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. Some alleged politically motivated killings were under investigation at year's end. There were no reports of politically motivated disappearances. Some police officers used excessive force and mistreated detainees; at times police arbitrarily arrested and detained persons without adequate cause. Prison conditions remained poor, and overcrowding was a continuing problem. Lengthy pretrial detention remained a problem. The judiciary remained generally inefficient and hampered by corruption, although the Supreme Court and the Attorney General's office took some steps during the year to address inefficiency and corruption in the judiciary. The Court dismissed 39 judges who had not fulfilled the requirements for their degrees. Some of the dismissed judges alleged that some of their colleagues had retained their positions in the judicial branch due to their political, economic, and other ties. 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 adequately protect workers rights to organize and bargain collectively. Trafficking in women and children was a problem.

## 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 some reports of political killings by agents of political parties. The PNC Inspector General's office (IG) received allegations of police involvement in 57 killings, compared to 12 allegations of involvement in homicides during 2002. At year's end, authorities were adjudicating whether police officers had acted criminally or in the line of duty. During the year, the Ombudsman for Human Rights (PDDH) found that PNC agents were responsible for 1 unlawful killing, 1 attempted murder and 17 cases of physical abuse.

In January, Alvaro Centeno Calvio, a member of the FMLN, died in Ahuachapan during the legislative and municipal election campaign. According to an FMLN Deputy, Centeno Calvio died after having been hit in the head with a rock during a confrontation between the FMLN and ARENA, the governing party. According to the Forensic Institute, Centeno died of multiple injuries. In February, police arrested Francisco Zarcen Rodriguez, Jose Ernesto Martinez Rios, and Jose Guillermo Solito Escobar, all of whom were members of gangs. The police and the AG contended that 15 or 20 gang members unaffiliated with ARENA killed Centeno. The Court acquitted Francisco Zarceno because the facial injury he inflicted on Centeno was not the cause of death. The Court sentenced nine persons, including Jose Ernesto Rios and Jose Guillermo Solito Escobar.

There was no information available from government sources regarding the trial of persons for the September 2002 shooting death of Darwin Lopez.

In July 2002, an unidentified assailant shot and killed Nelson Alfonso Argueta Amaya, president of the National Federation of Demobilized Members of the Civil War Era Militia. The prosecutor initially identified several possible motives for the crime, including a personal dispute over the victim's leadership of the organization. Despite press speculation, there was no evidence of a political motive. The investigation continued at year's end.

The PDDH received 16 complaints of attempted and/or completed unlawful killings by police during the year.

In August, the Criminal Chamber of the Supreme Court announced it was reviewing the March 2002 conviction for second-degree murder and sentencing of Air Force flight school cadet Carlos Mauricio Melara to 10 years and 8 months in prison for the 2001 beating and killing of fellow cadet Erick Mauricio Pena Carmona to establish if the crime was first- or second-degree murder. In November, the Criminal Chamber directed that a criminal court should try Carlos Mauricio Melara and Cesar Humberto Dorat, previously exonerated by the courts, for first-degree murder.

A total of 28 inmates died in prison due to violence or illness during the year, compared to 19 inmates in 2002.

The trial of police captain Mariano Rodriguez Zepeda for the 1998 shooting of Jose Antonio Navidad Villalta was rescheduled for July 2004.

In January, the Supreme Court refused to grant a writ (amparo) to attorneys who presented a complaint for illegal delay of justice on behalf of six Jesuit priests, a housekeeper, and her daughter, who were murdered in 1989. The attorneys alleged that the Court's decision was contrary to the jurisprudence of the Constitutional Court, and in November, they presented the case to the Inter-American Human Rights Commission.

## 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, 8 persons were kidnapped during the year, compared with 19 kidnappings in 2002 and 49 in 2001.

At year's end, the Supreme Court had not agreed to review the ruling regarding the August 2002 acquittal by a PNC disciplinary tribunal of PNC sergeant Tomasa Reyes Alvarado. According to the Court, the petitioners had not presented the request for review as legally required; the appeals court verdict of acquittal was upheld. In addition to

Reyes Alvarado, former PNC sergeant Jose Azcunaga Segura and a civilian had been charged for the 2000 kidnapping of a couple in Sonsonate.

The Association for the Search for Children who Disappeared as a Result of the Armed Conflict (Pro-Busqueda) investigated 150 cases (out of 450) of disappeared children and located 13 children living in El Salvador, the United States, France, and Italy, whom they helped reunite with their biological parents. In July, Pro-Busqueda met with the Family Committee of the Legislative Assembly and re-introduced a bill for the creation of a national commission to look into the cases of children who disappeared during the civil war 1980-92. At that meeting, the Public Defender committed to study the constitutionality of the bill, and in August, presented a favorable opinion. Additionally, the Family Committee of the Legislative Assembly ordered its legal department to present an opinion. At the end of the year, the legal department had not done so.

In July, Pro-Busqueda presented the case of sisters Ernestina and Erlinda Serrano Cruz, who disappeared in 1982 during an armed forces operation known as "La Guinda de Mayo," to the Inter-American Court of Human Rights.

In October, Amnesty International accused the Government of not assuming its responsibilities under the Peace Accords to investigate the cases of children who disappeared during the war and whose whereabouts remained unknown.

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

The Constitution prohibits such practices. During the year, the PDDH received one complaint alleging torture by a police officer. There were allegations that some members of the PNC used excessive force or otherwise mistreated detainees.

In October, the PDDH reported that a minor was tortured in a PNC station in Apopa. According to the PDDH, the PNC agents tortured the minor in retaliation for his having previously accused the police of beating him during arrest. According to the IG, there was insufficient evidence to consider the case as torture; it was instead classified as an irregular law enforcement procedure.

In October 2002, the police detained a local PNC deputy inspector, Abel Hernandez Cortez, on charges of committing torture and serious injury to Jose Antonio Dominguez. In March, the PNC IG reported that it had closed the case after a criminal court exonerated Abel Hernandez Cortez in February. The Court based its decision on lack of evidence.

At year's end, the PNC IG had closed a case against PNC officers accused of detaining and beating seven members of the Salvadoran Association of Municipal Workers, who were illegally blocking traffic in support of a strike in November 2002. The IG ruled that riot police had used only necessary force against the protesters.

In December, the IG exonerated two PNC officers in the non-lethal shooting of Domingo Yanez Villatoro. The IG determined that the PNC officers had acted according to regular police procedures in response to being threatened with firearms.

During the year, the PDDH received a total of 863 complaints against the PNC for all categories of human rights violations, compared with 1,095 in 2002. Of the 2,479 total complaints received, 778 were for violation of the right of personal integrity committed by government authorities during the year and in prior years, compared with 766 in 2002. 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.

A special board continued to review appeals by former PNC employees who were dismissed under expedited procedures authorized by the Legislative Assembly in 2000 (Decree 101).

By year's end, a prominent women's rights organization that had asserted in 2001 that sexual harassment was a widespread problem within the PNC and that female officers were subject to violence, had trained 150 police agents regarding women's rights.

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

Prison conditions remained poor. The prison system has the capacity to hold 7,312 prisoners in 21 penal facilities. Overcrowding in individual facilities continued as the prison population increased for the fourth consecutive year. At year's end, 10,822 prisoners were held in 18 prison facilities with a combined capacity of 7,050, and there were 27 men and 6 women in 2 secure hospital wards with a combined capacity of 75 persons. Because of a lack of holding cells, pretrial detainees often were sent to regular prisons, where they may be placed together with violent criminals. At year's end, 6,606 out of 11,451 detainees had been sentenced. During the year, the prison authorities instituted a new system for rewarding with weekend ambulatory privileges, for example, prisoners who exhibited good behavior and fulfilled all legal requirements. On the other hand, those prisoners who displayed dangerous or violent behavior were restricted to maximum security. In August, the authorities inaugurated a maximum-security prison with a capacity of 400. At year's end, the prison held 210 inmates.

Gangs continued to exercise influence within the prisons and judicial system, and prisoners reportedly continued to run criminal activities from their cells. Prison authorities reported that there were 28 deaths in the prison system during the year. Legislative Assembly Advisors reported that the FMLN used gangs for political purposes, such as painting walls for the presidential elections, during the year.

In March, the Attorney General (AG) dismissed charges against the Director of the PNC and the Director of Prisons for the deaths of two PNC officers and one prisoner during a December 2002 riot at a major metropolitan prison.

There are 3 separate women's penal facilities with a capacity for 262 persons. At the end of year, there were 578 women in the female prisons, with 51 additional women incarcerated in primarily male facilities, compared to 562 and 87 in 2002, respectively. Conditions in the women's facilities were 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 observed this requirement in practice; however, from June 2001 through April 2002, the PDDH found nine juveniles in pretrial detention facilities that also housed adults. At year's end, 125 minors were housed in a juvenile prison under the supervision of the Salvadoran Institute for the Full Development of Children and Adolescents (ISNA). Gang violence in juvenile holding facilities was a problem. 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 permitted prison visits by independent human rights observers, nongovernmental organizations (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.

The PNC maintains public security; the Ministry of Defense is responsible for national security. The military provides support for some PNC patrols in rural areas and also provides support to the law enforcement agencies for specific activities, including anti-narcotics efforts and reform-school training for juvenile convicts.

In June, authorities arrested 27 PNC Officers on alien smuggling charges; the officers had connections with airport personnel who facilitated the smuggling. In July, an initial hearing judge released the officers. Only 6 of the 27 officers could be apprehended when an appeals court revoked the decision; the remainder had fled. At an initial hearing in December, a judge initiated criminal proceedings against the six officers in custody.

At the request of a judge, police conducted a disciplinary investigation into the April 2002 arrest and detention for 30 days of Esteban Ortiz Vasquez under an arrest warrant for similarly named Esteban Benito Ortiz. The judge found that the police had used flawed procedures.

From 2001 to November, the Supreme Court of Justice had received a total of 142 complaints from former PNC employees who alleged they were illegally dismissed. As of November, the Supreme Court had issued 17 favorable sentences, dropped charges in 23 cases, and considered 5 cases unacceptable. The remaining sentences were not admitted due to lack of formal petitions.

During the year, the PDDH received 778 complaints alleging violations of personal liberty, compared with 205 complaints in 2002. The courts generally enforced a ruling that interrogation without the presence of counsel is

coercion, and that any evidence obtained in such a manner is inadmissible. As a result, police authorities generally delayed questioning until a public defender or an attorney 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 were sent to regular prisons, where they could be placed together with violent criminals (see Section 1.c.). The law permits a judge to take up to 6 months to investigate serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor or either party may ask the appeals court to extend the deadline for 3 to 6 months, depending on the seriousness of the crime. However, many cases were not completed within the legally prescribed time frame. The Penitentiary Directorate reported that 4,514 inmates were in pretrial detention at the end of 2003 (see Section 1.c.). According to the Supreme Court, during the year the judicial system received an average of 19 criminal cases per day, compared to an average of 111 per day in 2002.

The Penal 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 observed 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 suffered from inefficiency and corruption. During the year, the Supreme Court (SCJ) took some 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.

In February, the CNJ President reported that the selection of more than 300 judges by the SCJ was illegal because they were not on the list of nominees proposed by the CNJ. The SCJ countered that the selections were legal because they involved transfers and exchanges of (mostly alternate) judges. The CNJ presented a petition before the Legislative Assembly to establish that every judge must be selected from a CNJ list of nominees; however, the legislature did not pass the petition, and the Supreme Court of Justice ruled it unconstitutional. The CNJ and SCJ then announced that the CNJ would take primary responsibility for the administration of judicial careers, although the SCJ will name judges and determine their courts of appointment. The National Judicial Council evaluates all judges twice a year; during the year, the evaluations took place in June and September. According to the CNJ President, the evaluation tools had been improved.

The President of the CNJ lobbied the Supreme Court to accept the recent graduates of a special judicial program in which attorneys receive 2 years of practical and academic training (including ethics) to eventually become judges. Sixteen out of 34 graduates of this program were working as judges at year's end.

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. 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 particular phases 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 involving homicide, kidnapping, fraud, environment, drugs, or private property issues 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 tribunal decides the sentence. A jury verdict cannot be appealed. However, the defendant may appeal a sentence to the Supreme Court for reduction if certain requirements are fulfilled. 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.

During the year, the Supreme Court of Justice, acting as the maximum tribunal, held 69 sessions, compared with 64 sessions in 2002. It issued 133 decisions, resolved 345 conflicts of competency, 5 cassations, and 158 petitions coming from foreign courts.

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. In October, the Legislative Assembly approved a temporary anti-gang law, against which several parties presented constitutional petitions before the Supreme Court, including the PDDH. This law establishes that a child aged 12 to 18 can be tried as an adult and receive adult sentences of up to 30 years of prison. At year's end, few judges had applied the new law, and none had enforced the sentencing provision.

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. In practice, compensation for damages due to judicial error was seldom applied. 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, particularly for persons who were politically, economically, or institutionally well connected. According to the U.N. Secretary General's December 2002 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. In 2003, the attorney investigation unit of the Supreme Court received 329 claims against private lawyers. The SCJ disbarred attorneys in three cases for periods not exceeding 5 years. There were few, if any, reports of corruption in the Attorney General's office during the year.

In June, authorities arrested National Judicial Branch Security Chief Carlos Adolfo Flores Hernandez, Regional Security Chief Ramael Armando Chorro Enrique, Security Supervisor Gerbert Heriberto Munoz Chicas, and Judicial Protection Agent Fredy Alvarado on charges of facilitating the escape of 14 members of an organized crime group named Banda Tacoma, which operated in Guatemala, Belize, and El Salvador, perpetrating homicides, kidnappings, bank robberies, and other crimes. At year's end, a criminal judge had opened a trial process against Fredy Alvarado, Gerbert Heriberto Munoz Chicas, and Ramael Armando Chorro Henriquez, all of whom were under house arrest. The criminal judge had dropped charges against Carlos Adolfo Flores Hernandez.

The CSJ has not acted on an October 2002 request by the AG to lift the immunity of two of the three judges whom he intended to prosecute.

In November, the AG formally charged Judge Ricardo Canales Herrera with misappropriation, through negligence, of approximately \$20,000 and 500 grams of heroin. Before the AG presented formal charges, Canales Herrera stated that he would present an interpellation petition against the AG because of the delay in presentation of charges. In 2002, 13 out of 15 Supreme Court Justices voted to dismiss Canales Herrera because of the loss of the drug in the court warehouse for which Canales had responsibility. Canales then presented a petition before the Administrative Dispute Chamber of the Supreme Court of Justice, charging that his dismissal was illegal. At year's end, the Administrative Dispute Chamber had not issued a decision.

In late September, an initial hearing was held in Ahuachapan for Narciso Ramirez, charged with alien smuggling. The initial hearing magistrate ruled that the case involved organized crime elements and therefore, according to Salvadoran Law, should be heard by a tribunal composed of three judges (one of whom would be the initial hearing judge). However, the two other magistrates on the tribunal ruled that the case did not involve organized crime and should instead be tried as a common case by jury trial. The initial hearing magistrate later recused himself from the case. In October, the tribunal transmitted the case to the Criminal Chamber of the Supreme Court of Justice due to the conflict between the three judges. As of the end of year, the Criminal Chamber had not issued a decision.

In April, the University of Central America Institute for Human Rights (IDHUCA) presented a petition to the AG to investigate all relatives--including a PNC officer--who were present during the rape and murder of Kattia Miranda on April 4, 1999. The AG designated two of its most elite prosecutors for the investigation, but by the end of the year there were no new developments in the case.

During 2002, 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. By the end of 2002, 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. The decree that authorized this procedure expired in February 2002. The Attorney General did not dismiss any prosecutors for corruption during the year.

At the end of the year, the Supreme Court of Justice was studying 140 cases of irregular diplomas. The Supreme Court drafted a decision in 50 cases out of 140. However, a final decision needs evaluation by the entire body of 15 Justices. The Attorney General must present formal requests in 90 cases to continue the legal process.

In August, the CSJ disbarred 39 attorneys upon formal notification by the Ministry of Education that they had not completed requirements for their degrees. In September and October 2002, the Supreme Court dismissed 38 judges on similar grounds after which a group of the dismissed judges released a list of judges whom they alleged did not meet requirements but retained positions because of political or economical influence or because of their relationships with the Justices of the Supreme Court. The dismissed judges appealed to the Inter-American Commission on Human Rights and the PDDH. In May, the PDDH asserted that the Supreme Court had violated due process and the principle of equality before the law in dismissing the judges and found that the Court should have used a regular process rather than a brief process in dismissing the judges. All but one of the judges dismissed by the Court 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.

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.

In December, a San Salvadoran judge granted a sentence reduction and released a well-known organized crime figure, Bruno Ventura. The judge released Ventura, based on a joint decision of the Ministry of Governance and the Supreme Court of Justice. The Ministry of Governance previously had ruled against Ventura's release. The judge who issued the release order was accused of granting unusual privileges to Ventura in the past, but she asserted that she had acted within the law. According to the Salvadoran Press Association (APES), Ventura's mother injured a journalist covering the Ministry of Governance's initial ruling against Ventura's release.

Police, prosecutors, public defenders, and the courts continued to have problems in crime investigation. 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 2002, 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.

In August, a criminal court exonerated Colombians Rynel Ardila Vasquez, Julio Lele Farfulla Caise, and Miller Suarez Salas, accused of trafficking 1,920 kilograms of cocaine. In September, an appeals court revoked the decision, and on October 2, the judge opened criminal proceedings before a sentencing tribunal, in accordance with the law. The suspects remained in custody at year's end.

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.

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. With a judge's order, samples of blood and other bodily fluids can be taken without the consent of the accused.

## 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. However, according to APES, the Government asked the Mexican Government to intervene with a local subsidiary station of a Mexican company to stop political reporting that posed an embarrassment to the Government. 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. In January, two political parties (the CDU and PCN) presented a petition before the Legislative Assembly to remove the exemption that newspapers have from paying taxes. This initiative was not supported by the two largest political parties (ARENA and the FMLN) and failed. In February, CINTEC Environment Inc., a waste-treatment enterprise, announced it would file a suit against two major newspapers that had reported that CINTEC might be laundering money in cooperation with organized crime. An NGO expressed its concern to the PDDH regarding the potential chilling effect on free press of the lawsuits, in view of the judicial system's past unresponsiveness to freedom of press issues and less-than-desirable respect for social communicators, media, and informers.

On April 8, Derechos Humanos para las Americas, a domestic NGO, and APES presented a bill before the Legislative Assembly to strengthen freedom of speech in accordance with international law. Although all political parties supported the proposal, time limitations prior to the seating of the newly elected Legislative Assembly precluded modification of the Constitution. The new Legislative Assembly, seated in May, did not revisit the issue prior to year's end.

In January, supporters of protesters, who seized the National Cathedral to protest the Government's healthcare system policies, injured TV journalists whom they accused of reporting the Government's point of view. The AG reported that neither the victims nor the witnesses have cooperated in the investigation, and at year's end the AG had not identified or charged the perpetrators.

In August, the Central American University (UCA) reported that two UCA newscasters received phone death threats after they criticized the Central America Free Trade Agreement and President Flores's anti-gang law on August 12. According to UCA authorities, on August 13 the Ministry of Governance asked for a copy of the editorial. The AG indicated that no investigation could be initiated until UCA filed a formal complaint; an attorney for UCA advised that the University had declined to do so.

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. El Diario de Hoy, a major newspaper, requires that anyone placing an advertisement on a controversial topic must leave a deposit to pay for a reply by an opponent, should a court order it. If no one claims the right to reply within 30 days, the newspaper returns the deposit to the individual or group who placed the original ad.

In September 2002, the legislature approved reforms to the Organic Law of the Court of Accounts, the national auditing agency, including a provision on public access to the agency's audits that required that the institution make the audits public only after appeals are exhausted. Critics maintained that, because appeals often drag on for years, the measure will unnecessarily delay public access to information.

In 2002, the Inter-American Press Association (IAPA) identified problems in several areas, including the absence of a law providing for journalists' right to maintain the confidentiality of sources. In October, the IAPA reported that both political and government organizations blocked journalists from having access to information of public interest.



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.

A 1996 law governing the registration, regulation, and financial oversight of NGOs and non-Catholic religious groups remained in effect. However, a 2001 Supreme Court 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 2002, 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 maquilas, although in late 2003 the case appeared to be nearing resolution (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 [2003 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.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

### 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 exercised 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 2002, 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; for example, 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 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, the country held legislative elections that observers generally reported to be free and fair although the BBC reported some minor irregularities. The FMLN won a plurality of 31 legislative seats. On two occasions in November, FMLN activists attacked caravans of ARENA party workers visiting FMLN-majority municipalities; television news videos showed a San Salvador metropolitan area FMLN mayor pummeling ARENA campaign workers with rocks.

There are no laws or overt practices that prevent women from voting or participating in the political and governmental systems. Women accounted for 51 percent of the population; however, they represented 54 percent of registered voters in the March elections. Eight of the 84 legislators elected in March were women, with 16 women elected as alternate legislators. The Board of Directors of the Legislative Assembly is composed of six persons; two were women. In the Judicial Branch, 2 out of 15 Supreme Court justices were women. 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; however, the majority held positions in the lower-level courts.

Minorities, including indigenous people, are not barred from voting or participating in government and politics. In practice, only a few hundred Salvadorans identified themselves as ethnic minorities, and no one who identifies himself or herself 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

Numerous domestic and various international NGOs operated freely, and 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. 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.).

By year's end, the Ministry of Governance had not decided whether to grant legal status to the Independent Monitoring Group of El Salvador, an NGO that monitors respect for labor rights in maquilas.

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. Attorney Beatrice Carillo has held this post since 2001.

During the year, the Ombudsman expressed frustration with the Government's unwillingness--particularly the Attorney General's Office--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, a proposal in the Legislative Assembly to impeach the Ombudsman was defeated quickly in an ad hoc committee. Legislators noted that there were no grounds for the proposal after the Attorney General's office announced that its investigations showed the Ombudsman's actions did not contribute to police officers' deaths in a December 2002 prison riot (see Section 1.c.).

During the year, the PDDH accepted 2,479 complaints of human rights violations, compared with 3,303 in 2002

(see Sections 1.a. and 1.c.). The rights most frequently alleged to have been violated included personal integrity, due process of law, and labor laws—778, 286, and 270 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 such as 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.

The Centro de Intercambio y Solidaridad (CIS), an NGO involved in election monitoring, worker rights, and other human rights issues, reported that volunteers arriving July 17 and August 19 at Comalapa Airport had been denied entry on the grounds of "administrative restriction" by order of the Ministry of Governance. The entry refusals appear to hinge on the interpretation of Article 97 of the Constitution, which prohibits foreigners from participation in the internal politics of the country. The CIS Director also reported that police entered her office September 9 and took copies of lists of 23 students planning to come to the country as CIS volunteers.

#### 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, persons with disabilities, and indigenous people occurred in salaries and hiring. There were some instances of violence against homosexuals.

In June, before a Sexual Diversity Celebration, which commemorated people who had died from attacks associated with their sexual orientation or from HIV/AIDS, members of the municipal and National Civilian Police 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. No formal charges were filed either against the homosexuals and transvestites or the police.

Since June, the NGO, Entre Amigos, had trained 402 police officers to respect the rights of homosexuals in a program sponsored by the Netherlands. The program ends in February 2004.

Entre Amigos reported that in July, unknown persons killed three transvestites, Jose Cornado Galdamez, Reyes Armando Aguilar, and Jose Roberto de Paz, as they walked on the principal street in Santa Tecla, La Libertad department. Entre Amigos presented a petition before the AG's office; investigations were ongoing at year's end.

In October, an unknown assailant killed Douglas Ademir Vasquez, a Soyapango transvestite known as "Giselle." Vasquez died from two gunshots to the head at close range. The PNC suspected that Vasquez was the victim of gang violence. The investigation continued at year's end.

At year's end, Entre Amigos was preparing to present a formal complaint before the Ministry of Education on behalf of a 17-year-old student at a private academy who alleged she suffered discrimination from school authorities because of her sexual orientation.

In October 2002, 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 have their blood tested. During the year, NGOs, UNAIDS, and the Ministry of Health 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 made pre-employment HIV tests optional, rather than mandatory. According to media reports, through late November 2002 the Atlacatl Foundation, an NGO, had received six complaints from persons who alleged that their employment had been terminated after it was learned that they were HIV positive. In addition, in 2002, the Foundation maintained that three institutions of higher education required students who wished to pursue health-related careers to have their blood tested.

#### 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 was recognized publicly and has become a topic for national debate. Government institutions such as the PDDH, the AG's office, the CSJ, 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), defines policies, programs, and projects on domestic violence and maintains a hotline as well as a shelter for victims of domestic abuse. The ISDEMU received 4,706 complaints of domestic violence as of June, compared to 3,786 complaints in 2002. 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 AG to prosecute in the case of a rape, with or without a complaint from the victim, and as of 2001, a victim's pardon may not 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 may be considered a crime if the actions meet the Criminal Code's definition of rape. The ISDEMU received 652 complaints of sexual aggression as of June, compared to 464 in 2002.

In May, the decapitated bodies and severed heads of two young women were found at separate locations; the murders fit the pattern of Central American gang ritual slayings. No suspects had been charged at year's end. According to PNC reports, as of June, gangs killed, tortured, and mutilated 16 women.

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 a person to work as a prostitute. Prostitution was 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 EPZs reported sexual harassment (see Section 6.b.).

In January, a prominent women's rights organization, CEMUJER, reported that spouses and partners motivated by jealousy killed 238 women, aged 16 to 54 years, in 2002. At year's end, CEMUJER reported that spouses and partners motivated by jealousy had killed 311 women. CEMUJER also reported that 9 women had presented sexual harassment complaints against PNC officers and 47 complaints against employers of industrial services, including maquilas. CEMUJER received a total of 3,144 complaints during the year.

As of June, CEMUJER had trained 150 women police officers; in September, CEMUJER began providing legal counsel to 4 female employees who alleged harassment by PNC chiefs. During 2002, 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. (A 2001 report by CEMUJER asserted that sexual harassment was widespread within the PNC.)

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 84 days of maternity leave, usually taken after the baby is born.

Women suffered from cultural and societal discrimination and had reduced economic opportunities; men often received priority in available jobs and promotions. In particular, women were not accorded equal respect or stature in traditional male-dominated sectors such as agriculture and business. A 2002 UN Development Program (UNDP) study reported an illiteracy rate of 79 percent for women and 85 percent for men. A combined school attendance rate showed that 64.3 percent of women have registered for school versus 65.4 percent of men. One of the factors that contributed to girls' leaving school was teenage pregnancy. The Penal Code establishes a sentence of 6 months to 2 years for employers who discriminate in labor relations; however, it was difficult for employees to report such violations by their employers because they feared reprisals. A UNDP study showed that women earn on average \$3,350 per year, compared to \$7,381 for men. The one sector in which there was an exception to this practice was in the EPZs and maquilas, the largest source of new jobs, where women made up 85 to 90 percent of the workforce (see Section 6.b.). However, even in this sector, men held the majority of positions in management and in departments where employees received higher wages such as cutting and ironing. Training for women generally was confined to low-wage occupational areas where women already held most positions in fields such as teaching, nursing, home industries, and small businesses.

According to the same UNDP study, women held 25.7 percent of higher-level positions and 19.7 percent of

municipal seats.

Women's organizations such as CEMUJER, Las Dignas, and the Melida Anaya Montes Movement were engaged in promoting women's rights and conducted several rights-awareness campaigns during the year.

#### Children

A May report coordinated by International Program for the Elimination of Child Labor (IPEC) experts and sponsored by the International Labor Organization (ILO), World Bank, and others determined that overall, 1 out of 10 children worked, with approximately 13 percent of children aged 10 to 14 years in the workforce. The portion of the country's population aged 5 to 17 years represented 30 percent of the nation's total population. Child labor was more common in rural areas (15.7 percent) than in urban areas (7.7 percent). Approximately 60 percent of children worked in the informal sector in micro-agricultural and non-agricultural family enterprises, for which they did not receive monetary compensation.

Working children completed an average of 5.6 years of school, while nonworking children finished 8 years of school. Among families surveyed, 23.3 percent of respondents indicated that children cannot attend school due to economic problems.

At year's end, ISDEMU had 1,639 cases of child abuse and mistreatment on file. The ISNA reported 143 cases of child sexual abuse during 2002, compared to 173 in 2001. A majority of the victims were female.

In July 2002, the Ministry of Education, the PNC, and ISNA instituted a program to address the problem of student violence in San Salvador. The police delivered students, who were out of school unsupervised (often in bars, pool halls, or video game stores) during school hours, 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. At year's end, the police brought 169 youths to ISNA under this program.

The Government concentrated more on reducing poverty and promoting family stability through economic growth than in making direct expenditures on children's programs. With the encouragement of UNICEF, in September 2002, the National Secretariat of the Family submitted to the Legislative Assembly a new national policy of comprehensive attention for children and adolescents; the policy had not been approved at year's end.

Education is compulsory through the ninth grade. Public education is nominally free through high school. The Constitution 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. In September, the Legislative Assembly modified the law so that schools are prohibited from charging students any fees. The Ministry of Education continued to operate a hotline for the public to report school administrators who violated these laws. As of August, the Ministry had received 895 complaints of illegal school fees. 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 often withdrew their children from school by the sixth grade to work. According to the Ministry of Education, during 2002, 14 percent of primary school-aged children (ages 7 to 11) and approximately 32 percent of sixth- to eighth- grade aged children (ages 12 to 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 seven percent of children in rural areas attended school in grades six through eight.

Infant malnutrition continued to be a problem, particularly in the coffee-producing zones of Ahuachapan and Sonsonate. Where the incidence of malnutrition is high, the World Food Program, foreign donors, and UNICEF are helping to address this issue with targeted feeding programs. A 2000 study on child growth 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 had a national plan for infants designed to increase access to potable water, iodized salt, and micronutrients and encourage breast-feeding, but progress was slow, particularly in rural regions.

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. As of September, the ISNA reported that over 1,173 children, some abandoned and others victims of mistreatment, were staying in its shelters.

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 68 cases of police abuse and mistreatment of street children during the year. Olaf Palme reported 9 cases of corrections-system abuse, 5 cases of school abuse, 1 case of mistreatment by ISNA, 11 cases of sexual abuse (including rape), 4 cases of domestic violence against children, and 4 cases of unpaid child support orders. All cases were reported to the PDDH and to the Attorney General's office. (The NGO reported that in previous years children feared reprisals if they reported the abuse.)

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

Child prostitution was a problem. Between 10 and 25 percent of visible prostitutes were minors, and an estimated 40 percent of the hidden prostitutes who cater to upper-class clients were believed to be minors, according to a UNICEF study released in 2000.

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

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

#### Persons with Disabilities

In February, the Legislative Assembly debated and let stand a previously enacted special statutory law authorizing persons with disabilities to be members of a municipal board of directors.

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 consisted of former combatants and civilians wounded during the conflict. Government and international funding provided rehabilitation programs for these persons. During the year, the Government accepted few new registrations of persons wounded and disabled as a result of the 1980-1992 armed conflict, as mandated by legislation passed in 2001. From 2002 to the end of the year, a total of 5,413 former combatants asked for re-registration. The re-registration opened the way for more than 11,000 additional persons with disabilities to receive government benefits. As of July, the Government had accepted 1,053 new beneficiaries and disqualified 1,204 disabled former combatants from receiving benefits. According to Jesus Avalos of the Association of Wounded Combatants of El Salvador, some former beneficiaries were experiencing psychological and drug problems.

Efforts to combat discrimination and increase opportunities for those whose disabilities are unrelated to the war were growing but remained inadequate. 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 for 50. The Ministry's limited resources and decentralization of its records meant that there were no reliable data on the number of persons with disabilities who were employed; however, the unemployment rate was 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. The Government and national and international nongovernmental organizations provided funding for the Salvadoran Rehabilitation Institute for the Disabled, which has 10 centers throughout the country and offers medical treatment, counseling, special education programs, and professional training courses.

#### 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. According to research done during the year by the Native Land NGO, Jose Matias Delgado University, the Environmental Ministry, and National Geographic, the country has three different classes of indigenous people: Nahua-Pipiles (western and central areas of the country), Lencas (eastern region), and Cacaoperas (eastern region). This research concluded that indigenous people had lost their traditional relationship with the land, that people of the capital believed that the country did not have an indigenous population, and that in general indigenous people were considered peasants.

During 1930-40, 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 continue to 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 existed in the poorest parts of the rural countryside where employment opportunities were few and domestic violence was a problem.

Indigenous people reportedly earned less than other agricultural laborers. Indigenous women in particular had 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 was a problem for 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 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 May, the CFA asked the Government to obtain a prompt judicial resolution in an anti-union case; however, at year's end the company had not responded to the Ministry of Labor's order that they respect workers' right of association. The case was still pending at year's end.

The organized labor sector has approximately 133 unions, 16 federations, and 3 confederations representing 142,500 workers in the private sector. In addition, there are 24 public employee associations and 26 campesino organizations that, together, had an estimated membership of 150,000 persons. Unions generally were independent of the Government, political parties, and other political forces. The Labor Code prohibits foreigners from holding leadership positions in unions.

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.

Public agencies that provide essential services have the right to form unions but not to strike. Military personnel, police, and government workers may not form unions but are allowed to form professional and employee organizations. None of these professional and employee associations have a collective bargaining agreement. Some of the most powerful labor groups are public employee associations, with which the Government negotiates. The Labor Code provides for mandatory arbitration of public services such as those provided by autonomous organizations or private companies. The Labor Code does not establish a procedure to solve conflicts in public administration. The Government has not amended legislation to recognize government workers' right to strike, as recommended by the CFA in 2000.

The law prohibits anti-union actions before a union is registered legally and prohibits the dismissal of workers whose names appear on a union application.

Unions may strike only 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, a 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 who provide vital community services are not allowed to strike legally; however, the Government generally treated strikes called by public employee associations as legitimate.

On May 7, workers at the Anthony Fashions factory presented a petition to the Legislative Assembly asking for the impeachment of the Minister of Labor, the Minister of Economy, and the Attorney General for their failure to use due process to protect labor rights. In December 2002, Anthony Fashion announced that it was suspending production due to lack of orders from abroad; the company did not pay legal benefits, health security, pension contributions, and mandatory annual bonus for almost 15 months, and owed over \$1,000,000 to workers, pension agencies, private companies and the Salvadoran Social Security Institute (ISSS). The Public Defender Office (PGR) and NGOs tried to obtain redress for the workers, but the PGR concluded that under the law, to pursue such legal redress, it was necessary to determine the defendants' (owners') foreign address of record, for service of relevant documents and instruments. Although the company owners are believed to be residing in the United States, the country's Embassy and consulates were unsuccessful in determining the owners' address of record.

The ISSS, an autonomous government institution funded by payroll taxes and mandatory employer contributions, provides health care to people employed in the formal sector. ISSS workers continued a strike, begun in September 2002, to pressure the Government to stop purchasing health-care-related services from private companies. From September through the end of 2002, dozens of strike leaders and their family members reported receiving phone calls threatening that harm would come to them if they did not cease their activities. The AG's office interviewed victims and attempted to trace the calls. In January, the AG's Office closed all cases based on lack of evidence. In April, the Legislative Assembly approved a reinstatement decree for ISSS and Ministry of Labor employees; however, in May President Flores announced that he would veto the decree. A new mediation committee composed of three center party leaders, working with the Government and the strikers, structured a short-term agreement, and in July, ISSS workers returned to their jobs.

The Labor Code establishes that unions must be independent from political parties, but it does not prohibit partisan political activity per se. Although some unions are very closely and publicly associated with partisan political platforms, 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 service 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 negotiated with labor organizations directly, relying on the MOL only for such functions as officially certifying unions. The Ministry often sought to conciliate labor disputes through informal channels rather than attempt to enforce regulations strictly, which has led to charges that the Ministry was biased against labor. Labor leaders asserted 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, although the MOL has received an increased budget to hire more inspectors, offer increased training to existing inspectors, and perform more labor inspections.

The Constitution prohibits discrimination against unions. It provides that union officials at the time of their election, throughout their term, and for one 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 circulation of lists of workers who would not be hired because they had belonged to unions.

In May, Human Rights Watch (HRW) reported on the obstacles that prevent workers from exercising their labor rights. Among these were inadequate labor laws that provided weak protection against anti-union suspensions and dismissals, that forced workers to go through excessively burdensome requirements to register a union, and that permitted employers to legally suspend workers as a way to circumvent labor law protections. In addition, the report accused the MOL of failing to enforce labor laws and described complicated labor court procedures that prevent judicial enforcement of labor laws.

On December 4, HRW published a further report that found that workers rights were systematically violated by employers while the Government disregarded or even facilitated the abuses. The report called on the Government to strengthen its labor laws by requiring reinstatement for workers illegally fired or suspended for legitimate trade union activity, banning anti-union hiring discrimination, and streamlining union registration requirements according to ILO recommendations.

In March, the communications union, SITCOM, presented a legal status petition before the MOL. In May, the MOL denied the petition based on the fact that SITCOM did not meet the minimum number of affiliated employees (35). MOL argued that radio station workers affiliated with SITCOM were not part of the communications industry. MOL also argued that one of the companies considered two union-affiliated workers to be management employees, and therefore ineligible for union membership. In April, according to a SITCOM representative, a major telephone company forced SITCOM President Angel Moreno to present his resignation by retaining his salary. The company attempted the same with the union secretary, Jose Ayala, and prevented Ayala from entering the workplace. At the end of May, SITCOM presented a review petition before the MOL. In July, union-affiliated leaders met with the Minister, but at year's end, the union still had no legal status. In December, five SITCOM-affiliated workers lost their positions and were reassigned to lower-level jobs. This action violated Article 47 of the Constitution.

In May, the CFA announced that the Labor Ministry had no authority to declare illegal the May 2002 work stoppage by SELSA, the labor union at the LIDO bakery products company. In view of a court ruling that no strike had occurred in May 2002, the CFA found plausible the charge that the company had retaliated against the locked-out workers to block the union and asked the Government to obtain prompt judicial determination whether the lock-out was illegal, and to investigate the union's claim that its members had been pressured into dropping their legal claims. Finally, the Committee requested that the Government allow the union leaders access to the workplace. In September, SELSA asserted that the bakery company was negotiating with them. In November, SELSA elected a new union leader—an individual who had suffered discrimination at the bakery. The Ministry of Labor designated one of its highest-level advisors to follow this case. However, there were no concrete developments toward resolution of the case at year's end, and all 11 union leaders remained locked out.

During the year, members of the Salvadoran Electrical Industry Union alleged that management at the electrical distribution company Delsur had been uncooperative during negotiations to renew the union's collective bargaining agreement, and that management was trying to break the union's representation of workers. At year's end, negotiations were at a stalemate, and the case was headed for arbitration.

In November 2002, Tainan, a major foreign-owned textile assembly factory that had closed permanently the previous April, signed an agreement with the Textile Industry Union in which the company committed to open a unionized plant and to establish a compensation fund for workers affected by the closure. The new company, named Just Garments, planned to initiate operations with 150 workers. In August, the Ministry of Economy provided the factory special authorization to operate. In October, Just Garments signed the first collective bargaining agreement in the country's maquila industry.

At year's end, none of the members of the Union of Electrical Sector Workers (STSEL) dismissed in 2001 and 2002 by the electricity companies CEL and ETESAL had received severance pay from the company.

In February 2002, the semiautonomous port authority (CEPA) and the airport union, SITEAIES, signed an agreement resolving their dispute over the 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. 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 2002, 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 2001 collective bargaining agreement between CEPA and SITEAIES.

There are approximately 240 maquila 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 and 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, worked 12- to 14-hour days, and had minimal toilet and rest breaks. The Government contended that the workers often preferred not to use safety equipment, and they had time for toilet and rest breaks.

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.

The MOL has 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, physical abuse by supervisors. The MOL had insufficient resources to cover all the EPZs, much less the much larger national private sector. Allegations of corruption among labor inspectors continued to surface (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 were no instances in which this has been used or even threatened publicly. The ICFTU 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 enforced this provision; however, trafficking in persons, primarily women and children, was 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 was 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 was a problem. According to IPEC research, more than 220,000 children between the ages of 5 and 13 worked, with 30,000 children employed in hazardous activities. IPEC and MOL programs have helped over 5,000 children depart the workplace and re-enroll in school. In September, the Minister of Labor asserted that 67 out of 100 children were engaged in some form of work, including family household work. According to the annual household census conducted by the Directorate General of Statistics and Census 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 was difficult to monitor practices or enforce labor laws. Orphans and children from poor families frequently worked for their own or family survival as street vendors and general laborers in small businesses,

mainly in the informal sector. Children in these circumstances often did not complete schooling. There were no reports of child labor in the industrial sector.

In May, the ILO's IPEC published a research paper entitled *Understanding Child Labor in El Salvador*. According to the IPEC data, 1 out of 10 children worked. Children's participation in work activity increased with age; while less than 2 percent of children aged 5 to 9 work, approximately 13 percent of children aged 10 to 14 worked. Child labor was more common in rural areas (15.7 percent) than in urban areas (7.7 percent). Approximately 60 percent of children worked in the informal sector in micro-agricultural and non-agricultural family enterprises, and they did not receive a salary.

In September, a Ministry of Labor report on the eradication of child labor indicated that 5,000 child laborers had been removed from work situations and re-enrolled in school since 1999. The MOL is responsible for enforcing child labor laws; in practice, labor inspectors focused almost exclusively on the formal sector, where child labor was 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 were 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. IPEC research revealed that in the fishing industry, for example, most child workers worked 7 to 8 hours per day. About 20 percent also attended school, but only 4 percent completed the ninth grade. They were hired on daily contracts, usually verbal, and the majority were paid cash and/or a share of the catch at the end of the day. As of September, IPEC and MOL had taught 200 persons to read and write, including children in sugarcane farms. The MOL received few complaints of violations of child labor laws, because many citizens perceived child labor as an essential component of family income rather than a human rights violation.

According to IPEC, 17,000 children are at risk to start working. IPEC expects to rescue 9,300 children who already work from 2002 to 2005.

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 Sections 6.c. and 6.f.).

#### c. Acceptable Conditions of Work

The minimum wage is set by executive decree based on recommendations from a tripartite committee (which includes government, labor, and business). In May, the tripartite committee agreed to raise the minimum daily wage to \$5.28 for service employees, \$5.16 for industrial laborers, and \$5.04 for maquila workers. The agricultural minimum wage remains \$2.47, with \$3.57 for seasonal agriculture industry workers. The minimum wage with benefits did not provide a decent standard of living for a worker and family.

The MOL is responsible for enforcing minimum wage laws and generally did 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.

There were no developments in the case of Laitex, a foreign-owned maquila, which ceased operations in January 2002 without paying its workers two weeks' salary, mandatory annual bonus payments, or severance.

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 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 pool 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 fourth month of pregnancy. Health and safety regulations were outdated, and enforcement was inadequate. The MOL attempted to enforce the applicable regulations but had 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 had dust control, air conditioning, on-site medical facilities, and enforced safety regimes.

There were no new developments in the July 2002 case when hundreds of workers showing classic signs of airborne contamination by a toxic substance were evacuated from several maquilas in a free trade zone.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country for sexual exploitation. Although trafficking was a problem, there was no evidence government officials participated in, facilitated, or condoned trafficking in persons.

The two laws that dealt most specifically with trafficking assessed criminal penalties ranging from 4 to 8 years' imprisonment and, for international trafficking, 5 to 15 years' imprisonment. There were no civil penalties for trafficking. During the year, the Government arrested no one for trafficking, prosecuted no accused traffickers, and sentenced no one for trafficking. The government agencies directly responsible for combating trafficking are: The Women and Children Protection Unit of the Attorney General's Office (FGR), the PNC, the child welfare agency (ISNA), and the Directorate General of Immigration (DGM). However, these units were new and poorly funded. Other governments did not request the Government's assistance on any international trafficking investigation or extradition of traffickers during the year.

El Salvador was a country of origin and destination for international trafficking in women and children, mostly the harboring of child prostitutes. Anecdotal information suggested it was also a transit country for international trafficking for the same purpose. Sex trafficking of minors occurred within the country's borders, as did sex trafficking in which the commercial sex act was induced by force, fraud, or coercion. Neither the Government nor NGOs had reliable estimates on the extent of trafficking. Most international trafficking victims came from Nicaragua, Honduras, and South America. Most of these were trafficked to Guatemala and Mexico, and it was often assumed that the ultimate destination of the majority of these victims was the United States. Salvadoran victims came mainly from the east and were trafficked to Guatemala, Mexico, and the United States, as well as the ports of Acajutla and La Libertad. Particular groups at special risk for trafficking were: Girls and young women from 12 to 19 years of age; persons from rural and poor areas; single mothers in poor areas, adolescents without formal schooling, adolescent mothers, and unemployed young men; and foreign girls. According to newspaper reports of uncertain reliability, girls and young women worked as prostitutes. The commercial sexual exploitation of children was a problem.

The most common methods of recruitment were kidnapping, lucrative job offers, and inducement into prostitution by family, friends, and smugglers, according to police. There was no information about how victims were transported.

There was no evidence the Government or individual members of any government agency facilitated, condoned, or were otherwise complicit in trafficking. There was no evidence government authorities received bribes from traffickers or otherwise assisted in their operations. The Government did not condone trafficking-related practices such as sham marriages, clandestine employment and immigration, or false adoptions.

The Government provided legal, medical, and psychological assistance to detained illegal migrants, including those who might have been trafficking victims. The Government funded foreign and domestic NGOs that provided services to illegal migrants who might also have been trafficking victims. ISNA provided protection, counseling, and legal assistance to abused, homeless, and neglected children, including those who might also have been trafficking victims. Repatriated Salvadorans, including those who might have been trafficking victims, received government assistance through the Welcome Home program, which helped newly arrived deportees (including possible trafficking victims) reintegrate into society. Administered by the Catholic Relief Services, this program was highly successful.

Three NGOs worked with trafficking victims: ECPAT International, the Stone Flower Association, and Doctors Without Borders. ECPAT International worked on the prevention and reduction of child prostitution, pornography, and trafficking of children for sexual purposes. The Stone Flower Association provided health and education services to prostitutes, some of whom might have been minors or trafficking victims. Doctors Without Borders provided assistance to children that have been victims of involuntary servitude or debt bondage. Furthermore, in San Salvador, the municipal police, the mayor's office, and Doctors Without Borders sponsored a program for

victims of forced prostitution.

The Government detained illegal migrants, including those who might have been trafficking victims. There was no information of whether foreign victims of trafficking were jailed, deported, or fined. The police encouraged Salvadoran trafficking victims to press charges against traffickers. A foreign trafficking victim may file a criminal case. However, in practical terms, illegal migrants, including foreign victims of trafficking, were deported so quickly they did not have the opportunity to do so. The Government deported non-Salvadoran victims of trafficking; however, victims could obtain temporary residency or refugee status if they were likely to face persecution in the country of origin. Access to legal, medical, and psychological services was provided to the victims. Victims of trafficking were not treated as criminals. The Government did not provide assistance to its repatriated citizens who were victims of trafficking, nor did it support the NGOs that assist them.

The Government sponsored televised-public service announcements showing the actual living conditions of women who were promised jobs in the United States and warned that these women ended up spending a portion, sometimes the rest of their lives as prostitutes in brothels, bars, and nightclubs in Guatemala or Mexico.