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U.S. Department of State

El Salvador Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

EL SALVADOR

El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. Armando Calderon Sol of the Nationalist Republican Alliance (ARENA) was inaugurated President for a 5-year term in June 1994. In free and fair legislative elections in March 1997, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won a third of the Legislative Assembly seats, leaving the ARENA party with a one-vote plurality. Seven other parties, representing a broad political spectrum, hold seats, including the conservative National Conciliation Party and the centrist Christian Democratic Party. The judiciary is constitutionally independent but suffers from inefficiency and corruption.

Under the terms of the Peace Accords that ended the 12-year civil war in 1992, the Government has reduced the armed forces (including civilian employees) by over 70 percent; removed the internal security function from the military and placed it under civilian control; replaced the discredited National Police with a new Civilian National Police (PNC); and integrated the former guerrillas into political life. For the first time in the country's history, the President appointed a civilian as Minister of Defense. Although its internal policing mission has been eliminated, the military continues to provide support, on an emergency basis, for some PNC patrols in rural areas, a measure begun in 1995 to contain violence by well-armed, organized criminal bands. The level of professionalism of the PNC continued to improve, but the 5-year-old force remains understaffed, undertrained, and short on practical experience. Civilian authorities maintained effective control of the military and security forces. Some members of the police committed human rights abuses.

The country has a market-based, mixed economy largely based on agriculture and manufacturing. Some 40 percent of the work force is in the agricultural sector; coffee and sugar are the principal export crops and major sources of foreign exchange. Employing 6.4 percent of the work force, the manufacturing sector is dominated by apparel manufacturing (mostly in export processing zones) and represents the main source of new jobs. The Government is committed to privatization and free market reforms. The economy is open, and private property is respected. The rate of real economic growth was about 4 percent, and per capita gross domestic product was estimated to be \$2,024. About 48 percent of the population lives below the poverty level.

The Government's human rights record improved somewhat; however, there were problems in some areas. There were two cases of extrajudicial killings by police. Police sometimes used excessive force, mistreated detainees, and arbitrarily arrested and detained persons. The PNC and the Attorney General's office sought to identify and to punish police who committed criminal acts or violated established procedures, although with mixed results. There was a reduction in the number of human rights complaints against the police in some categories compared with the previous year. Prison conditions remained poor; although overcrowding was reduced, it remained a problem. The judiciary's inefficiency continued to lead to a backlog of cases, which resulted in lengthy pretrial detention and delays in trials; however, the court system showed some improvement. Implementation of the new criminal and sentencing codes in April had a significant impact on the problems of violation of due process, prison overcrowding, overburdened court dockets, and trial delays. However, some criminals convicted of serious crimes were released on parole. By August, the courts cleared out 20,000 backlogged cases. The Supreme Court made further progress in increasing the professionalism of the judiciary, but disciplining or dismissing corrupt or incompetent judges remained a slow process. Impunity for the rich and powerful remained a problem. The office of the Ombudsman for the Defense of Human Rights (PDDH), established by the Constitution and the Peace Accords, was an independent and effective advocate for citizens' rights. However, its investigative capacity remained limited due to resource constraints. Discrimination against women, the disabled, and the indigenous remained problems. Violence against women and homosexuals and abuse of children were also problems. Union leaders charged that the dismissal of two groups of employees of the privatized state telephone company abridged freedom of association and the right to organize. Child labor is a problem, and some minors were forced into prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, there were two cases of suspected extrajudicial killings.

On March 8, the handcuffed body of Carlos Ernesto Lobo, age 26, was discovered in a river near San Salvador. The apparent cause of death was drowning. On March 6, two PNC agents had arrested Lobo on suspicion of carrying stolen goods. The PNC agents claimed that Lobo escaped from custody, still handcuffed, and ran towards the area where his body later was found. The PNC told Lobo's father on March 7 that his son escaped. Both PNC agents involved were placed in custody for "negligence" in allowing Lobo to escape. At year's end, the PNC and Attorney General's office were investigating the death to determine whether to bring further charges against the two policemen.

On September 6, Jose Antonio Villalta was shot and killed in Santa Tecla. Villalta's family charged that

a PNC agent shot him in the back when Villalta attempted to intervene to stop a group of police who were reportedly beating two of his friends. The PNC opened an investigation, which was continuing at year's end.

There was mixed progress in cases of extrajudicial killings from previous years.

In 1997 a Santa Ana court, citing insufficient evidence, dropped charges against two PNC officers accused of the March 1996 extrajudicial killings of four gang members in Sa