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1999 Country Reports on Human Rights Practices

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EL SALVADOR

El Salvador is a constitutional, multiparty democracy with an executive branch headed by a president and a unicameral legislature. In a free and fair process, Francisco Flores of the Nationalist Republican Alliance (ARENA) was elected President in March and began his 5-year term in June. In free and fair legislative elections in March 1997, the former guerrilla organization Farabundo Marti National Liberation Front (FMLN) won one-third of the seats in the Legislative Assembly, 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; removed the internal security function from the armed forces and placed it under civilian control; and replaced the discredited National Police with a new Civilian National Police (PNC). The former guerrillas have been integrated fully into the political system. The armed forces are less than one-fourth the size they were in 1991, and instruction in human rights is a routine part of the training for all military personnel. 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 PNC's level of professionalism continued to improve, but the force remains understaffed, undertrained, underfunded, 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 are in the agricultural sector; coffee and sugar are the principal export crops and major sources of foreign exchange. The manufacturing sector employs 6.4 percent of the work force, 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 2 percent, and per capita gross domestic product was estimated to be \$2,024. The official unemployment rate averaged 7.5 to 8 percent during the year; however, the rate of underemployment (less than full-time work or total income below the minimum wage) was estimated at about 30 percent. About 45 percent of the population live below the poverty level.

There continued to be some problems in the Government's human rights record; however, the Government's performance continued to improve somewhat. There were several cases of reported extrajudicial killings by police. The police sometimes used excessive force, mistreated detainees, and arbitrarily arrested and detained persons; however, the PNC improved its procedures. The PNC, the Attorney General's office and the independent PNC Inspector General's office (IG) 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 compared with the previous year. Prison conditions remained poor, but the Government continued to improve conditions and significantly reduced overcrowding. The judiciary remains inefficient; however, it made considerable progress in clearing up its backlog of cases, and the court system began to reduce lengthy pretrial detention and delays in trials. Implementation of new criminal and sentencing codes in 1998 continued to have a positive impact on the problems of violation of due process, prison overcrowding, overburdened court dockets, and trial delays. 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 advocate for citizens' rights. However, its investigative capacity remained limited due to resource constraints. In addition, there were continuing complaints from nongovernmental organizations (NGO's) and some legislators about the performance of Ombudsman Eduardo Penate Polanco. Violence and discrimination against women are problems. Discrimination against the disabled and the indigenous remained problems. Abuse of children and forced child prostitution were also problems. The Freedom of Association Committee of the International Labor Organization (ILO) charged that the 1998 dismissal of two groups of employees of the privatized state telephone company violated freedom of association and the right to organize. The Government began several internationally sponsored programs to combat the continuing problem of child labor.

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 several cases of reported extrajudicial killings by police.

In July Wiliam Ernesto Rosales Bonilla, who worked for the major newspaper El Diario de Hoy in a nonjournalistic capacity, was shot five times in the head. Neighbors claimed

that just prior to his death, men in civilian dress picked up Rosales at his home and took him away in what was described as a police vehicle. One of the men also took Rosales's personal vehicle. Two PNC agents being investigated in connection with Rosales's murder were part of a group of six PNC agents under investigation in August for burglary of a private residence. However, at year's end, there was no concrete evidence to link Rosales's murder to any police, and the case remained under investigation.

In August three men dressed in what neighbors said appeared to be police uniforms took Fernando Hernandez and Manuel Aguilar away from their home in Hernandez's truck near the western city of San Juan de Opico. The three men rode in the bed of the truck and later appeared to have opened fire on Hernandez (who was driving) and Aguilar (in the passenger seat), killing both and wrecking the truck. Hernandez's family reported that he had been shot at the previous week and blamed a local transportation cooperative that had been trying to stop Hernandez from forming a competing transportation business. In December the authorities arrested three police officers and charged them with the murders. At year's end, one of the accused officers was under detention and the other two were suspended from the police force but free on bail, pending trial.

In August police shot and killed two protesters near Sonsonate during a confrontation between police and several hundred members of the Association of Salvadoran Agricultural Producers (APROAS), the most vocal and militant of several organizations of former militia members. (These loosely organized militias assisted the armed forces in rural areas, but their members were not part of the armed forces and were not included in the settlement offered to most former combatants under the 1992 Peace Accords.) The Sonsonate demonstration was one of a dozen held throughout the country to demand government compensation for some 40,000 to 45,000 persons claiming to be former militia members for their services before and during the civil war. On the day of the killings, several of these organizations blocked major highways with burning tires. While most of the demonstrations were nonviolent, in Sonsonate police were unable to persuade demonstrators to disband peacefully. A clash ensued, and police shot and killed two former militia members. In addition, 7 other former militia members and 7 PNC agents were wounded; 47 demonstrators were jailed but subsequently were released. APROAS has been involved in several violent clashes with authorities over the years and had made thinly veiled threats of violence prior to the demonstrations. There was evidence that some members of APROAS were armed with machetes, slingshots, and other weapons during the demonstration and were belligerent prior to the killings. There also were charges that the PNC used excessive force. In September the local prosecutor ordered one police officer detained in the deaths of the two former militia members. The police officer, who had been injured by machete in the incident, claimed self-defense. At year's end, the killings still were under investigation.

In November Manuel de Jesus Parada died as a result of a beating after a police patrol flagged down a car to take him to a hospital. The five policemen in the patrol claimed that others beat Parada and that they simply were helping the victim of an assault. However, the Attorney General's office opened an investigation and charged that the five police agents picked up Parada for being drunk, that Parada resisted being taken into custody, and that they then severely beat Parada, causing his death. One of the accused police officers fled and was still at large at year's end; the remaining four officers were in custody awaiting trial. Also in November, police shot and killed Carlos Lopez Regalo on the outskirts of San Salvador. Prior to the shooting, a police patrol stopped to question

Lopez, who was standing on the side of a highway attempting to sell wild game. Lopez fled, and in the ensuing foot chase, the police reportedly fired four shots, one of which hit and killed Lopez. Family members claimed that Lopez fled because the police had beaten him on a previous occasion for selling game by the road. At year's end, two police officers were in custody and faced a charge of aggravated homicide in the case.

A number of inmates died in prison due to violence and illness. (See Section 1.c.).

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

In 1998 the handcuffed body of Carlos Lobo was discovered in a river near San Salvador. The apparent cause of death was drowning. 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 toward the area where his body later was found. The PNC told Lobo's father that his son escaped. Both PNC agents involved were placed in custody for "negligence" in allowing Lobo to escape. In February the PNC internal Control Unit found both police officers not culpable for the escape or subsequent death of Lobo, but faulted the senior officer for failure to follow correct procedure to locate Lobo after he fled. The second police officer was a driver, and, according to police regulations, was not allowed to pursue Lobo. In March the PNC Disciplinary Tribunal suspended the senior agent for 362 days. The officer appealed, and his appeal was still under consideration at year's end.

In 1998 PNC agent Mariano Rodriguez shot and killed Jose Antonio Villalta in Santa Tecla. Villalta's family charged that the PNC agent shot him in the back when Villalta attempted to intervene to stop a group of police who reportedly were beating two of his friends. At the end of 1998, the PNC's independent IG office submitted the case to the PNC Control Unit with the recommendation that Rodriguez be investigated for improper use of a firearm. While not citing specific officers, the IG also recommended that other PNC agents be investigated to determine any shared culpability. At year's end, the Control Unit was investigating the case.

In 1996 a PNC agent shot and killed Francisco Manzanares during what the police said was surveillance of ongoing criminal activity during an investigation in an extortion case. Although not active in politics at the time of his death, Manzanares's past as an FMLN combatant and party member raised the issue of political killing. In January a court found four police officers guilty of killing Manzanares (three as accomplices). The court determined that Jose Antonio Guzman Ramirez had fired the gun that killed Manzanares, and sentenced him to 15 years in prison; the other three defendants received 10-year sentences. All four were serving their sentences at year's end.

There were no further developments in the cases of two FMLN activists murdered in Nejapa during the 1997 election campaign. No concrete evidence has been discovered indicating that the killings were politically motivated.

There were no new developments in the 1995 beating death of medical student Adriano Vilanova. In 1998 a jury unanimously found five PNC agents guilty of Vilanova's murder. Another two PNC agents charged with participation in the killing remained at large at year's end. The victim's parents had expressed satisfaction with the guilty verdicts, but they continued to allege that the police were covering up involvement of higher level

government officials and called on the police and the Attorney General's office to identify and prosecute the "intellectual authors" of the crime. The case remained open at year's end.

There were no new developments related to the 1994 murder of Ramon Garcia Prieto. In 1996 a court found Jose Argueta Rivas, a former member of the National Police, guilty of the murder, and sentenced him to 30 years in prison. In 1997 the Garcia Prieto family charged before the Inter-American Commission on Human Rights (IACHR) that the Government had failed to investigate the crime properly to determine who ordered the killings. In 1998 the authorities arrested Jose Ismael Ortiz Diaz, a member of a criminal gang, for participating in the murder. At year's end, the case remained open and Ortiz Diaz remained in custody, but no trial date had been set.

In 1998 the authorities charged Ortiz Diaz, who was already under detention for participation in the Garcia Prieto murder, as an accomplice in the 1993 murder of FMLN leader Darol Francisco Velis Castellanos. Carlos Romero Alfaro, a former member of the National Police, also remained in custody. In 1998 the Supreme Court admonished a lower court for the delay in the case; at year's end, the case remained open but there still was no indication when it would go to trial.

In December the IACHR published a report on the 1989 murders of six Jesuit priests, their housekeeper, and her daughter. The report concluded that the State was responsible for violating the right to life of the eight murdered persons and had failed to investigate those violations effectively. The report also criticized the 1993 general amnesty law, which resulted in the release from custody of two military officers found guilty of the murders in 1992, and called on the Government to reopen the case. The Government had not responded to the report as of year's end.

Disappearance

There were no confirmed politically motivated disappearances.

Most cases of disappearances have been kidnaping for profit, a common occurrence affecting all levels of society throughout the country. During the year, the PDDH accepted three cases for investigation charging forced or involuntary disappearance.

In March unknown persons abducted Margarita Posada, the director of the Center for the Defense of the Consumer (a domestic NGO), held her for nearly a day and then released her. Police linked her case to a criminal band captured in May while attempting to negotiate a ransom in another kidnaping. However, Posada said that her abductors released her without making any ransom demands and she asserted that her abduction was an effort to intimidate her for work the Center had done in opposition to powerful business interests. At year's end, the authorities had not charged anyone in the case.

In April unknown assailants kidnaped Miguel Montenegro, president of the Human Rights Commission of El Salvador (CDHES), in San Salvador, drove him around the city for 2 hours and then released him unharmed. During the 2-hour ride, the captors threatened Montenegro and his family, making direct reference to his work in human rights. Montenegro reported this incident to the Government, the police, the PDDH, NGO's, and the diplomatic community. At year's end, the police continued their investigation into the

abduction but had made little progress in identifying the perpetrators.

There were no further developments in the 1995 kidnaping of Andres Suster, the 15-year-old son of the former president of the state telephone company. Rumors of political motivation had surrounded the kidnaping. In 1997 police arrested a number of persons in connection with the kidnaping. A principal suspect in the Suster and other kidnapings, who was associated with the disbanded Communist Party, fled the country in 1997. In 1998 a judge ordered five suspects released from detention due to lack of evidence, dropped charges against four additional suspects, and lifted arrest orders against six others. As of year's end, two suspects remained in custody, one suspect had died of natural causes, and one suspect remained at large.

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

The Constitution prohibits such practices; however, some members of the PNC continued to use excessive force or otherwise mistreated detainees.

During the year, the PDDH accepted 929 complaints (an average of 77 per month) of violation of the right of personal integrity (a category covering torture; inhuman or degrading treatment; mistreatment; disproportionate use of force; and improper treatment of detainees). The PDDH reported that the vast majority of these complaints involved the PNC and were the direct result of minor to serious violations of arrest procedures. Since 1996 complaints have fallen. From June 1998 to May, the PDDH accepted a monthly average of 82 complaints in this category compared with 87 per month for the period from June 1997 to May 1998 and 108 per month for June 1996 to May 1997. From June 1998 to May, the PDDH investigated 28.4 percent of the total complaints it received, and, of those accepted for investigation, found human rights violations in an average of 4.2 percent (covering all categories of human rights).

The PNC Inspector General's office, an entity separate from the PNC, answers directly to the Minister of Public Security and is charged with overseeing police activities and investigating allegations of human rights abuse. The IG investigated 181 cases of violation of the right of personal integrity during the year (a monthly average of 15), compared with an average of 15 per month in 1998 and 14 per month in 1997.

The PDDH continued to receive a large number of human rights complaints directed against the PNC (1,437 cases during the year, a monthly average of 120), indicating continuing problems. However, the PDDH's statistics showed a reduction in complaints over the course of the last few years; during that time, the police force more than doubled. The PNC grew from about 7,100 active members in June 1995 to 18,800 in the summer of 1999. From June 1998 to May, the PDDH accepted a monthly average of 126 cases against the PNC, compared with an average of 190 cases per month from June 1997 to May 1998, and 208 cases per month from June 1996 to May 1997.

Through July the IG's investigations of complaints that it received (71 percent initiated by private citizens and 29 percent by individuals or offices within the PNC) found sufficient merit in an average of 9 cases a month to remit them to the PNC internal affairs offices for further investigation. The large number of complaints involving the PNC reflected several factors: the PNC's authority to use force in carrying out arrests; its inexperience; the difficulty of its work in the face of critical levels of often violent crime; and a continuing

need for training in human rights, the use of force, and correct arrest procedures.

The PNC internal affairs offices--the Disciplinary Investigative Unit (UID) and the Control Unit--continued their efforts to identify and punish improper or illegal police actions. During the year, the UID investigated 992 charges against the police. Based on the complaints investigated, during the year the Disciplinary Tribunal of the PNC dismissed 363 PNC agents (a monthly average of about 30) and sanctioned an additional 1,124 agents (a monthly average of about 94). At year's end, a total of 131 police agents were held in jail on criminal charges or were serving prison sentences.

Working together to improve PNC human rights awareness, the PDDH and the National Public Security Academy continued to expand and refine the human rights content of the standard curriculum for the academy's police officer basic training program.

There were allegations from children's rights groups that street children suffer from police brutality; the PNC denied these charges (see Section 5).

In August seven demonstrators and seven PNC agents were wounded in a violent clash between police and former militia members demanding government compensation for service rendered during the civil war (see Section 1.a.).

There were no further developments in 1998 shooting of FMLN communications adviser Leonardo Mena Marroquin. However, no evidence has been discovered indicating a political motive for the crime.

Prison conditions remained poor, but are improving measurably. The Government improved medical care and provided better food. As a result of the implementation in 1997 and 1998 of the new sentencing and penal codes, which limit preventive detention to more serious crimes, the prison population fell about 23 percent from December 1997 to December 1999. During the year, the Government increased the prison system's capacity by about 10 percent, and it now has the capacity for holding 6,480 prisoners in 18 penal facilities. While there was still some overcrowding in individual facilities, it was less severe than in past years, except in the women's facility. At year's end, there were 6,618 men held in 17 prison facilities with a combined capacity of 6,360; 296 women in the single women's prison with a capacity of 120; and 44 men in 3 secure hospital wards with a combined capacity of 75.

Gang violence, especially in the country's three largest and oldest penitentiaries and its juvenile holding facilities, continued to plague the prison system, despite government efforts to separate different gangs. According to press reports, 1 inmate was killed and over 40 were injured when fighting broke out in July between rival gangs at a youth rehabilitation center in San Francisco Gotera. In September a pitched battle between two rival gangs at a juvenile detention center left 1 detainee dead (killed by rival gang members) and 15 detainees wounded. PNC officials investigated allegations that guards had used excessive force in the riot. Prison authorities reported that during the year, there were nine deaths in the prison system due to violence. The authorities also reported that a total of 27 prisoners died during the year: 18 died as a result of illness, of whom 7 died from AIDS or other HIV-related illnesses; 6 died from wounds; 1 died in a prison riot; 1 died in an escape attempt; and 1 committed suicide. In September the Ministry of Interior assumed from the Ministry of Security and Justice responsibility for administering the

prison system.

The 1995 Juvenile Offenders Law requires that all juveniles be housed separately from adults both prior to trial and while serving a prison sentence. Most criminal cases involving juveniles are brought to trial or conciliation within 3 months.

There are separate facilities for female detainees and prisoners.

The Government permits prison visits by independent human rights monitors, NGO's, and the media.

d. Arbitrary Arrest, Detention, or Exile

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

During the year, the PDDH accepted a total of 225 complaints (an average of 19 per month) for violations of personal liberty. The PDDH accepted a monthly average of 21 cases in this category from June 1998 to May, 47 cases per month from June 1997 to May 1998, and 62 per month from June 1996 to May 1997. PDDH statistics continued to show moderate improvement in PNC respect for personal liberty. The courts generally enforced a ruling that interrogation without the presence of counsel amounts to coercion, and that any evidence obtained in such a manner is inadmissible. As a result, police authorities generally delayed questioning until a public defender arrived. Substantially increased salaries and improved supervision contributed to a growing pool of public defenders, greatly increased their ability to represent indigent detainees properly, and improved the protection of human rights.

By law the police may hold a person for 72 hours before delivering the suspect to court, after which the judge may order detention for an additional 72 hours to determine if an investigation is warranted. Because of a lack of holding cells, such detainees often are sent to the regular prisons, where they may be placed together with violent criminals. The law allows 120 days to investigate serious crimes and 45 days for lesser offenses, before a judge must bring the accused to trial or dismiss the case. However, many cases were not completed within the legally prescribed time frame.

The 1997 Penitentiary Code permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. Because it may take several years for a case to come to trial, some prisoners have been incarcerated longer than the maximum legal sentence for their crimes. In such circumstances, a detainee may request a review by the Supreme Court of his or her continued detention. At the beginning of September, 4,867 inmates in the prison system were awaiting trial, a steady improvement over the situation as of September 1998, when 5,506 inmates were awaiting trial, and at the end of 1997, when 6,167 inmates were awaiting trial. Also, beginning in 1998, new court cases were handled under new criminal and sentencing codes, which are designed to reduce the court caseload by sending cases to the prosecutor's office first and only allowing cases with merit to enter the court system. During the year, the justice of the peace courts, where most court cases originate, accepted a daily average of 157 cases. Of these, a daily average of 16 cases were resolved through conciliation and an additional 86 cases were resolved through other abbreviated procedures.

The new system also is designed to improve court efficiency by removing the time-consuming investigative responsibilities from the judge and placing them with the police and the prosecutor's office. The number of backlogged cases was reduced steadily. The Supreme Court reported that 28,539 backlogged cases were resolved during the year.

The Constitution prohibits forced exile, and it is not practiced.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. However, the judiciary suffers from inefficiency and corruption.

The court structure has four levels: Justices of the peace, trial courts, appellate courts, and the Supreme Court. The Supreme Court selects justices of the peace, trial judges, and appellate judges from a list of nominees proposed by the National Judicial Council. The Council is an independent body provided for in the Constitution to nominate, train, and evaluate judges. All lower court judges serve until they voluntarily resign or are dismissed for cause. The Legislative Assembly elects, by a two-thirds majority, 5 of the 15 Supreme Court justices and 5 of the 15 alternate justices every 3 years from a list provided by the National Judicial Council and the National Association of Lawyers. A justice serves for 9 years and may be reelected. Separate court systems for family matters and juvenile offenders were established in 1996; they stress conciliation as an alternative to adjudication. The Criminal Sentencing Court has responsibility for executing and monitoring the sentences imposed by the trial courts.

Judges, not juries, decide most cases. A jury verdict cannot be appealed. However, the defendant may appeal the sentence to the Supreme Court for reduction. A jury verdict may be overturned by a mistrial determination resulting from serious problems with jury panel selection or errors in trial procedures.

The Government continued to implement the wide-ranging reforms of the criminal justice system that went into effect in 1998, specifically the Criminal Procedures Code (enacted in 1996) and the Penal and Penitentiary (Sentencing) Codes (enacted in 1997 and designed to speed up the trial process and reduce the number of detainees). The 1995 Juvenile Legal Code required minors under the age of 18 to be tried only in juvenile courts, included greater provisions for due process, raised the age of majority from 16 to 18 years, limited sentences for minors to a maximum of 7 years, and introduced alternatives to incarceration.

In June and September, the Legislative Assembly approved a number of additional changes to the Criminal Procedures and Penal and Penitentiary (Sentencing) Codes. These changes included the establishment of more severe penalties for some crimes (including increasing the maximum possible prison sentence from 30 to 35 years); the elimination of parole for some crimes; and the addition of new crimes to the code. One of the June reforms strengthened the legal protection afforded to children and the disabled by prescribing a 6-to-8-year prison sentence for individuals convicted of sexual aggression against adults incapacitated by a mental or physical condition or against minors. Under the Constitution, defendants have the right to a presumption of innocence, protection from self-incrimination, legal counsel, freedom from coercion, and compensation for damages due to judicial error. They also have the right to be present in court. While these rights are

not always respected fully in practice, compliance with these provisions improved, in part due to increased judicial training programs and to evaluations and monitoring of judges conducted by the National Judicial Council and the Supreme Court. The Constitution and law require the Government to provide legal counsel to the indigent. While this requirement has not always been implemented in practice, the Government continued to make progress during the year toward ensuring provision of legal assistance to indigents. In 1998 the Public Defender's office began adding new attorneys and increased salaries for public defenders. At year's end, the Public Defender's office had 339 attorneys compared with 279 in 1998 and 113 in 1997.

The new sentencing code implemented in April 1998 stresses criminal rehabilitation and prevention of future crimes and stipulates the provision of humane conditions in prisons as well as the separation of violent offenders and pretrial detainees. It also established the Criminal Sentencing Court. Previously, the same judge that investigated, judged, and sentenced the accused was also responsible for the imposition, monitoring, and suspension of the sentence. The new code also provides for alternatives to imprisonment for nonviolent offenders, designed to reduce prison overcrowding.

There are still problems of corruption and incompetence in the judicial system, but the Supreme Court stepped up its efforts to discipline judges. While the court system steadily improved, the process remains deliberative and slow. Pay and benefits for judges, prosecutors, and public defenders increased, and are sufficient to attract well-qualified individuals. However, despite significant investment in physical infrastructure, working conditions remain barely adequate, contributing to inefficiency. Training programs improved, but focused on overcoming inadequate university education rather than judicial procedure and advanced professional development. While representing a marked improvement in procedures, the new criminal and sentencing codes entail a massive reeducation effort for the judicial sector.

Impunity for those who are politically, economically, or institutionally well-connected continued, although there was some progress in addressing this historic problem. The continued systemic weaknesses in the criminal justice system contribute to this impunity. Such impunity might take the form of a reluctance on the part of authorities to pursue aggressively and to conclusion allegations involving acts of violence or other major crimes. There is a clear perception among the public that those who are well-connected, especially the rich and powerful, often have impunity with respect to the country's civil and criminal laws. Public suspicion that special groups receive special treatment under the law clearly diminishes confidence in the justice system, although during the year, the Government investigated prominent citizens involved in suspected criminal activity, including current and former government officials, political leaders (across the political spectrum), diplomats, and persons in the business community. However, there were no convictions, nor did the authorities make serious progress in prosecuting these individuals. The authorities also had little success in addressing general criminal impunity.

The implementation of judicial reforms continued to create confusion and uncertainty among police, prosecutors, public defenders, and the courts. Inadequate police coverage (due to limited resources and lack of sufficient personnel) and intimidation (especially by gangs) of victims and witnesses made it difficult to identify, arrest, and prosecute criminals, diminishing public confidence in the justice system.

There were no reports of political prisoners.

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

The Constitution requires the police to have the 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, and government authorities generally respected these rights in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

There are 5 daily newspapers, with a combined circulation of more than 250,000 copies per day, and 12 television stations. Four independent VHF television stations reach most areas of the country, while the government-owned and operated VHF station has poor signal quality even in San Salvador. Seven 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 other cable companies operate in San Miguel, Santa Ana, and Sonsonate. All carry the major local stations and a wide range of international programming. There are as many as 20 small cable television stations across the country, serving limited local areas. While most of them appear to be authorized broadcasters, several are believed to be pirating signals. Approximately 150 licensed radio stations broadcast on the FM and AM bands.

A provision in the new Criminal Code allows judges to close court proceedings if public exposure could prejudice the case. The media and the Inter-American Press Association (IAPA) asserted that the provision abridged press freedom. Several legislative deputies have argued that misuse of the provision could lead to impunity and corruption by limiting the "watchdog" role of the press.

The August 1997 murder of Lorena Saravia, a news reader employed by a commercial radio station, remained under investigation at year's end. In 1997 the IAPA listed this case among examples of violence directed against the media; however, there still is no concrete evidence linking the murder directly to Saravia's profession and the motives for the murder remained unclear.

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

The Constitution provides for academic freedom, and the Government respects this right in practice, although it was criticized for efforts in 1998 and 1997 to implement minimum academic and administrative standards for the operation of universities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for peaceful assembly for any lawful purpose, and the Government respects this right in practice. There is no requirement for permits to hold public meetings, and public demonstrations are common and generally peaceful. However, in August police killed two demonstrators during a violent clash (see Section 1.a.).

The Constitution provides for freedom of association, and the Government respects this right in practice. In 1997 the Government implemented a 1996 law that charges the Ministry of Interior with registering, regulating, and overseeing the finances of NGO's and non-Catholic religious groups in the country. The law specifically exempts unions, cooperatives, and the Catholic Church, and the Interior Minister stated that it would not affect other churches, which already were being registered, under other laws, with the Ministry of Interior.

Leaders within the NGO community expressed continuing concerns that the law would be used by the Ministry to control certain organizations. Several small, domestic human rights NGO's have reported that they have not been able to register. The law requires the Ministry to respond to applications within 15 days; if the Ministry fails to do so, the law dictates that the NGO receives automatic registration. At year's end, the Supreme Court was considering a constitutional challenge to the NGO registration law brought by a group of NGO's in 1998.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects 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. The Civil Code specifies that a church must apply for formal recognition through the General Office of Nonprofit Associations and Foundations within the Ministry of Interior. The 1996 law and the 1997 implementing regulations on registration of NGO's and non-Catholic churches (see Section 2.b.) did not change the existing mechanism for church registration, and there were no allegations that churches encountered problems in obtaining registration.

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

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

The law does not include specific provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has procedures for handling such requests, in accordance with these principles.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of

first asylum did not arise in 1999 and has not arisen in recent years. There were no reports of the forced return of persons to a country where they feared persecution.

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

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

Ten political parties, representing the full political spectrum, fielded seven candidates in the March 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.

The March presidential election followed the free and fair 1997 legislative and municipal elections. In 1997 the FMLN--the principal opposition party--and its allies won nearly one-third of the assembly seats and many of the largest municipalities (including San Salvador, in which an FMLN coalition candidate was elected mayor). The governing ARENA party lost its legislative working majority and important mayoral races. The next two largest opposition legislative parties won significant blocs of seats.

There are no laws or overt practices that prevent women from voting or participating in the political and governmental systems; however, women are not accorded equal respect or stature in these areas and are underrepresented in government and politics. Women represented 49 percent of the registered voters in the March election, and party campaigns and slates reflected strong attention to this vote. The FMLN chose Maria Marta Valladares (known during the civil war as Nidia Diaz) as its vice presidential candidate. President Flores named women to head three ministries (Foreign Affairs, Education, and Environment), the Social Security Institute, and a substantial number of vice- and sub-ministerial jobs. In 1997 voters elected 14 women to the 84-seat legislature, an increase from the previous Assembly's 9. However, women held fewer positions (2 of 11) on the Assembly's governing board than in the previous legislature.

Minorities are not barred from voting or participating in government and politics; however, they are underrepresented.

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

The Government demonstrated a willingness to discuss human rights issues and problems with domestic, international, and nongovernmental organizations. Numerous domestic NGO's operated freely as did various international human rights groups, including migration and other humanitarian and technical assistance groups. Domestic and international NGO's were required to register with the Government under the terms of the 1996 NGO registration law, and some reported difficulties (see Section 2.b.). In March unknown persons kidnaped and held for a number of hours the president of the Center for

the Defense of the Consumer (see Section 1.b.). In April unknown assailants briefly kidnaped the head of the CDHES (see Section 1.b.).

The principal human rights investigative and monitoring body is the Ombudsman for the Defense of Human Rights, elected by the Assembly for a 3-year term. The Peace Accords specifically created the PDDH, which was established formally by a constitutional amendment that defined its role. Although the 1998 budget gave the PDDH a modest increase in funds, its investigative capacity remained limited due to resource constraints. The PDDH has been spread increasingly thin as the organization sought to expand its scope of attention, extend its presence throughout the country, and meet increased public demand.

In 1998 in a drawn-out and politically charged process, the Legislative Assembly elected Judge Eduardo Antonio Penate Polanco as Ombudsman to replace Victoria de Aviles, whose term expired early that year. However, after the vote and during the 30-day confirmation stage, the FMLN, the Social Christian Unity Party, and many in the NGO community questioned Penate's selection, citing a lack of experience in the human rights field, reports of poor performance as a judge, and charges that defendants in his court were not afforded the right to a speedy trial. The Supreme Court found no substance to these allegations, and the Assembly found no grounds to annul the election. The Assembly confirmed Penate in July 1998. However, his appointment and subsequent performance as Ombudsman continued to generate controversy during the year, with continuing charges from NGO's, the FMLN, and some other parties that he was unqualified. In January a coalition of NGO's petitioned the Assembly to remove Penate on grounds of incompetence. Penate claimed that the campaign against him was motivated by political considerations. The Assembly postponed action until after the June inauguration of the new President. On December 1, the Assembly's Political Committee created a subcommittee to evaluate Penate's tenure as Ombudsman and determine whether to present charges against him for inadequate performance. The subcommittee still was considering the matter at year's end.

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

The Constitution states that all persons are equal before the law and prohibits discrimination based on nationality, race, sex, or religion. In practice, discrimination again