

# EL SALVADOR 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

El Salvador is a constitutional multiparty republic. Municipal and legislative elections held on March 1 were generally free and fair. Election results were delayed, however, until March 27 due to problems with the transmission, tabulation, and public dissemination of the vote count under the management of the Supreme Electoral Tribunal. Disputes over the vote count in the San Salvador legislative elections resulted in an unprecedented recount mandated by the Constitutional Chamber of the Supreme Court. Following a vote recount, all political parties accepted the election results, and the new Legislative Assembly began its three-year term on May 1. Free and fair presidential elections took place in March 2012. The civilian authorities failed at times to maintain effective control over security forces.

The principal human rights problems stemmed from widespread corruption; weaknesses in the judiciary and the security forces that contributed to high levels of impunity; and abuse, including domestic violence, discrimination, and commercial sexual exploitation of women and children, particularly among armed groups and gangs.

Other human rights problems included unlawful killings and cruel treatment by security forces; harsh and life-threatening prison conditions; lengthy pretrial detention; restrictions on freedom of speech and press; trafficking in persons; human smuggling, including of unaccompanied children; and discrimination against persons with disabilities and persons with HIV/AIDS. There was also widespread discrimination and some violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. Child labor, violence against labor activists, and inadequate enforcement of labor laws were problems as well.

Impunity persisted despite government steps to dismiss and prosecute some officials who committed abuses within security forces and the justice system.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

During the year there were no verified reports the government or its agents committed politically motivated killings; however, there were several reports of

security force involvement in unlawful killings. As of August the Office of the Ombudsman for Human Rights (PDDH) had received 17 complaints of alleged unlawful killings committed by security, military, and other public officials. Although the PDDH defines all killings by government personnel as “extrajudicial killings,” there were no completed investigations or convictions and no verified reports of deliberate, unlawful killings carried out by order of the government or with its complicity. The media, however, reported on several allegations of extrajudicial killings that suggested police involvement. As of July the Office of the Inspector General of the National Civilian Police (PNC) reported eight PNC officers faced charges of homicide during the year. All of the alleged homicides occurred while the officers were on duty.

On December 9, Human Rights Ombudsman David Morales presented PDDH’s annual findings on the status of human rights. Morales stated that between June 2014 and May 2015, PDDH received 2,202 complaints of human rights violations, 92 percent of which alleged human rights violations committed by the National Civilian Police and the military. Among those complaints, Morales noted that the PDDH is investigating cases of “arbitrary deaths, situations that verge on torture, and possible executions at the scenes of armed confrontations between police and supposed criminals.” Morales petitioned the government to exercise firmly internal control and discipline over security forces, and called on the attorney general to take investigative and prosecutorial action against security force misconduct as appropriate.

Local media reported that on March 26, members of the Police Reaction Group entered the San Blas coffee farm in San Jose Villanueva in the La Libertad Department. Witness reports published by the *El Faro* online journal alleged police shot at unarmed gang members and other youths at the farm while they were trying to flee. In the shootout that followed, eight persons were killed and one police officer injured. The case remained under investigation by the attorney general, PDDH, and PNC Internal Affairs Unit. According to the PNC, the officers involved remained on active duty. As of November 17, no arrests were made in the case.

On October 21, the daily newspaper *El Diario de Hoy* reported the quadruple homicide of four alleged gang members in front of La Paz Farm in Cojutepeque, Cuscatlan. Family members of the victims reported an undetermined number of persons, wearing police-style clothing and claiming to be police, entered their houses and abducted the victims. The four victims were later found blindfolded, bound, and fatally shot at close range. Two of the victims were reportedly under

investigation for the killing of a police officer. The PNC Internal Affairs unit was investigating the case and the possibility of PNC involvement in the killing.

### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings. As of September the nongovernmental organization (NGO) Association for the Search for Missing Children (Pro-Busqueda) received six new complaints regarding children who disappeared during the 1980-92 civil war. Pro-Busqueda reported 19 new complaints of forced disappearances of children that reportedly occurred during war. As of August it continued to investigate 955 open cases and resolved one other case.

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

The law prohibits such practices, but there were multiple reports of violations. The PDDH received 58 complaints of torture or cruel, inhuman, or degrading treatment or punishment perpetrated by public officials, including 47 complaints against PNC officials and eight against members of the armed forces. The PDDH also received 371 complaints of violations of human integrity: 303 against PNC officers, 60 against members of the armed forces, and eight against other public officials. The PDDH received 482 complaints of unauthorized searches, mistreatment, physical abuse, insults, and harassment committed by the military in their conduct of joint patrols with the PNC. The Ministry of Defense Human Rights Office stated it investigated all cases against members of the armed forces.

As of September 24, the Ministry of Defense Human Rights Office received 89 complaints of alleged human rights abuses and had not sanctioned any soldiers for damage of physical integrity. In one case a soldier reportedly compelled a reputed gang member to perform 100 push-ups while supporting a log, resulting in a broken leg.

NGOs reported that public officials, including police, engaged in violence and discrimination against sexual minorities. Persons from the LGBTI community stated the agencies in charge of processing identification documents, the PNC and Office of the Attorney General (FGR), harassed transgender and gay individuals when they applied for identification cards or reported cases of violence against LGBTI persons. The LGBTI community reported authorities harassed LGBTI persons by conducting strip searches and questioning their gender in a degrading

manner. The government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination against sexual minorities.

### **Prison and Detention Center Conditions**

Prison and detention center conditions remained harsh and life threatening due to gross overcrowding, unhygienic conditions, and gang activities.

Physical Conditions: Overcrowding remained a serious threat to prisoners' health and lives. In many facilities provisions for sanitation, potable water, ventilation, temperature control, medical care, and lighting were inadequate. As of September the prison directorate reported 31,148 prisoners were held in 24 correctional facilities and one secure hospital ward, all of which had a combined appropriate capacity of 10,035. The prison population included 23,160 convicted prisoners and 7,988 inmates held in pretrial detention. As of September 2, there were 3,005 female prisoners. As of June there were 620 juvenile inmates, including 79 females in four prisons for juvenile offenders with a total appropriate capacity of 460 inmates. According to the director general of the prison system, as of September prison overcrowding was at 310 percent.

Due to prison overpopulation, police authorities held some pretrial detainees in small detention centers at police stations. As of January police authorities held 5,051 detainees in police station detention centers with a combined appropriate capacity of 2,102. The Salvadoran Foundation for Economic and Social Development reported in February that authorities held approximately 83 percent of these pretrial detainees in detention centers longer than the 72 hours legally permitted before presenting them to a court, some for up to two years.

Due to the lack of holding cells, authorities often held pretrial detainees in regular prisons with violent criminals. Men and women had separate accommodations within the prisons. A separate women's prison in Ilopango was generally clean and allowed inmates' children under age five to stay with their mothers.

On September 3, 14 prisoners were killed by fellow inmates at Quezaltepeque prison. On September 12, three prisoners were killed at Cojutepeque prison by fellow inmates. National Prison Directorate officials blamed overcrowding and a shortage of prison personnel for the failure to prevent the deaths. As of October the Prison Directorate reported 23 homicides within prisons.

In 2014 prison authorities reported 19 prisoners died due to natural causes, homicide, and suicide, including one juvenile prisoner who died of strangulation by hanging.

Gang activities in prisons and juvenile holding facilities remained a serious problem. Detention center facilities held 13,868 inmates who were current or former gang members. Officials separated gang members from the rest of the prison population when possible, but gangs continued to exercise influence within the prisons and judicial system.

Prisoners conducted criminal activities from their cells, at times with the complicity of prison guards. Smuggling of weapons, drugs, and other contraband such as cell phones and cell-phone SIM cards was a major problem in the prisons. As of September 2, prison authorities removed 11 guards from prisons for carrying illegal objects and sanctioned 29 guards for misconduct. As of September 12, six external contractors responsible for food services were arrested for passing illegal contraband, including cell phones, SIM cards, cables, cigarette lighters, and other illicit items. There was no information available regarding abuse of persons with disabilities in prisons, although the government's National Council for Comprehensive Attention to Persons with Disability (CONAIPD) previously reported isolated incidents, including sexual abuse.

The food quantity provided in prisons was adequate, although poor quality sometimes resulted in illness. Prisoners had inadequate access to potable water in some instances. Heating, ventilation, and lighting remained inadequate. On April 26, five prison detainees died in a detention center in the eastern city of San Miguel. The media reported they died as a result of heat stroke. Sanitation was poor due to overcrowding and infrequent cleaning of cells.

Prisoners had access to medical care, but the number of providers was inadequate to address the medical needs of all prisoners. Detainees in police station detention centers did not have adequate access to food, proper lighting, ventilation, or heating. These detainees remained in overcrowded and unsanitary cells for all but 15 minutes a day without an opportunity for movement, exercise, or use of showers.

Administration: There was no provision for independent government authorities to investigate credible allegations of inhumane conditions. Prison authorities investigated such allegations, although investigators did not always document results in a publicly accessible manner.

Independent Monitoring: The government permitted prison-monitoring visits by independent human rights observers, NGOs, and the media. Church groups, the Central American University's Human Rights Institute, LGBTI activists, and other groups visited prisons during the year.

#### **d. Arbitrary Arrest or Detention**

Although the constitution prohibits arbitrary arrest and detention, there were several complaints that the PNC and military forces arbitrarily arrested and detained persons.

#### **Role of the Police and Security Apparatus**

The PNC, overseen by the Ministry of Justice and Public Security, is responsible for maintaining public security, and the Ministry of Defense has responsibility for maintaining national security. Although the constitution separates public security and military functions, Article 168 allows the president to use the armed forces "in exceptional circumstances" to maintain internal peace and public security "when all other measures have been exhausted." On March 23, the commissioner for security announced the creation of three quick reaction military battalions under the Trueno Command Unit. The three battalions, each consisting of 200 soldiers from existing military units, are tasked with supporting the police on domestic security patrols and crime response activities only when the PNC requests the battalions' assistance. Battalion soldiers are legally able to detain people they believe are committing criminal acts, under citizen's arrest authority.

The military is responsible for securing the international border and conducting joint patrols with the PNC. Military personnel assigned to assist the PNC do not have arrest authority. President Sanchez Ceren renewed the decree authorizing military involvement in police duties through the end of the year.

Inadequate training, lack of enforcement of the administrative police career law, arbitrary promotions, insufficient government funding, failure to enforce evidentiary rules effectively, and instances of corruption and criminality limited the PNC's effectiveness. The PDDH has the authority to investigate (but not prosecute) human rights abuses and refers all human rights abuse cases to the FGR.

In October 2014 the Legislative Assembly approved reforms to the Organic Law of the Inspector General for Public Security. The reform places the inspector general

(IG) under the command of the Ministry of Justice and Public Security, separating it from the police leadership, where it was formerly located. The IG Office collects complaints and independently investigates allegations of police misconduct. As of September the newly independent IG reported authorities investigated eight police officers for homicide. In the same period, the IG also received 709 complaints of alleged police misconduct, referred seven of these cases to the FGR, and sanctioned 296 officers in response to complaints filed during the year and in prior years. These sanctions included 62 officers dismissed for misconduct and 234 suspended without pay. As of September 3, the FGR had investigated 234 accusations against police officers, resulting in five cases resolved through mediation and seven convictions.

The IG and the Ministry of Defense Human Rights Office reported most PNC officers, police academy cadets, and all military personnel had received human rights awareness training, including training by the Salvadoran Institute for the Development of Women, the Human Rights Institute of the University of Central America, and the Inter-American Institute of Human Rights. The PNC reported that as of July, 1,582 police officers received training on human rights. The Ministry of Defense Human Rights Office reported every soldier received a minimum of three training sessions on human rights in a year.

### **Arrest Procedures and Treatment of Detainees**

The constitution requires a written warrant of arrest, except in cases where an individual is in the act of committing a crime. Authorities apprehended persons with warrants based on evidence and issued by a duly authorized official. The constitution grants detainees the right to a prompt judicial determination on the legality of their detention; however, as of September persons in pretrial detention constituted 26 percent of the general prison population. Police generally informed detainees promptly of charges against them.

The law permits release on bail for detainees who are unlikely to flee or whose release would not impede the investigation of the case. The bail system functioned adequately in most cases. The courts generally enforced a ruling that interrogation without the presence of counsel is coercive and that evidence obtained in such a manner is inadmissible. As a result, PNC authorities generally delayed questioning until a public defender or an attorney arrived. Family members sometimes did not have access to detainees. Detainees generally had access to counsel of their choice or to an attorney provided by the state. The constitution permits the PNC to hold a suspect for 72 hours before presenting them to court, after which the judge may

order detention for an additional 72 hours to determine if an investigation is warranted. The law allows up to six months for investigation of serious crimes before requiring either a trial or dismissal of the case. In exceptionally complicated cases, the prosecutor may ask an appeals court to extend the deadline for three or six months, depending on the seriousness of the crime. Many cases continued beyond the legally prescribed period.

Arbitrary Arrest: The PDDH reported 100 complaints of arbitrary detention and complaints of illegal detention during the year. According to media reports, on February 18, six soldiers from the armed forces Hermes Unit detained five civilians after a raid on a private home in Colonia San Fernando, Armenia, in the Sonsonate Department. None of the five was brought to a police station to be charged, and the whereabouts of three of the five civilians remained unknown. In July the Constitutional Chamber of the Supreme Court and the criminal court in Armenia ruled there was sufficient evidence to proceed with a criminal case. As of November the accused soldiers were in detention and being prosecuted for arbitrary arrest and forced disappearance. On November 4, the Trial Chamber acquitted all defendants due to lack of evidence that the soldiers forced or restrained the victims. On November 4, the PDDH started an investigation of the court ruling.

Pretrial Detention: Lengthy pretrial detention was a significant problem. As of September 2, 26 percent of the general prison population was in pretrial detention. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, corruption, and staff shortages caused trial delays. Because it may take several years for a case to come to trial, some persons remained in pretrial detention longer than the maximum legal sentences for their alleged crimes. In such circumstances detainees may request a Supreme Court review of their continued detention.

#### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, the judiciary suffered from inefficiency, corruption, political infighting, and insufficient resources.

Substantial corruption in the judicial system contributed to a high level of impunity, undermining the rule of law and the public's respect for the judiciary. According to the FGR, as of September there were 3,948 convictions in the 16,045 cases that went to trial. An ineffective public security strategy, inadequate government funding and training of the PNC, and ineffective senior-level

leadership made it difficult to identify, arrest, and prosecute perpetrators of human rights abuses and other crimes, thus diminishing public confidence in the justice system. Intimidation and killing of police officers, crime victims, and witnesses created a climate of fear, complicating investigations of violent crimes and other alleged human rights abuses.

The Legislative Assembly did not always comply with Supreme Court rulings. In November 2014 the Constitutional Chamber ordered the Legislative Assembly to issue a set of regulations for the cross-vote system, which allows voters to vote for candidates from multiple parties. As of November, however, the Legislative Assembly had not done so.

As of July 31, the PNC was providing protection to 27 victims, 53 witnesses, and 51 family members of victims and witnesses, a decrease from 2014. Some judges denied anonymity to witnesses at trial, and gang intimidation and violence against witnesses contributed to a climate of impunity from criminal prosecution.

As of June the Supreme Court reported 106 judges were being investigated for judicial misconduct. Of these judges, six were dismissed and nine suspended. The NGO Fundacion Salvadorena para el Desarrollo Economico y Social reported some judges had been under investigation for the past 20 years. As of August 21, the Supreme Court had received 115 complaints against judges, compared with 10 in 2014. As of November the Supreme Court had resolved 19 cases, resulting in 10 sanctions and nine dismissals; 96 cases remained unresolved.

### **Trial Procedures**

Although procedures called for juries to try certain crimes, including environmental pollution and certain misdemeanors, judges decided most cases. By law juries hear only cases the law does not assign to sentencing courts. After the jury's determination of innocence or guilt, a tribunal decides the sentence.

Defendants have the right to be present in court, question witnesses, and present witnesses and evidence. The constitution further provides for the presumption of innocence, the right to be informed promptly and in detail of charges, the right to a fair and public trial without undue delay, the right to a trial by jury, protection from self-incrimination, the right to communicate with an attorney of choice, the right to adequate time and facilities to prepare a defense, freedom from coercion, the right to confront adverse witnesses and present one's own witnesses and evidence, the right to appeal, access for defendants and their attorneys to government-held

evidence relevant to their cases, and government-provided legal counsel for the indigent. Authorities did not always respect these legal rights and protections. Although a jury's verdict is final, a judge's verdict is subject to appeal. Trials are public. The law extends these rights to all citizens.

On October 15, the Legislative Assembly revised the criminal procedure code to allow court hearings to be conducted via videoconferencing. The new optional procedure was established by the Legislative Assembly to increase efficiency and to protect the identity of judges. On October 22, the Specialized Court of Instruction of San Miguel and the Ciudad Barrios Prison held the first preliminary hearing in a criminal case in which the defendant was present via video.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The law provides for access to the courts, enabling litigants to bring civil lawsuits seeking damages for, as well as cessation of, human rights violations. Domestic court orders generally were enforced.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

In many neighborhoods, armed groups and gangs targeted certain persons and interfered with privacy, family, and home life, and created a climate of fear that the authorities were not capable of restoring to normal. In October the government launched a new and comprehensive security strategy to target 10 high-crime municipalities. The Plan El Salvador Seguro, or National Security Plan, was designed by a multi-stakeholder Consejo Nacional de Seguridad Ciudadana y Convivencia (or Security Council) in January, and strategically integrates law enforcement tactics with social prevention programs.

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

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and press, and the government generally respected these rights. Some restrictions, however, on the freedom of speech and press occurred throughout the year. The law permits the executive branch to use the emergency broadcasting service to take over all broadcast and cable networks temporarily to televise political programming. As of September President Sanchez Ceren used the emergency broadcast system three times to broadcast on the transportation stoppage crisis, on Salvadoran Independence Day, and on a security tax.

Freedom of Speech: Article 6 of the constitution provides that all persons may freely express and disseminate their thoughts and that the exercise of this right is not subjected to government censorship. Nevertheless, there were reports in which individuals alleged the government retaliated against them for criticizing government policy. In May, Roberto Rubio, director for the National Foundation for Development, a non-governmental organization, alleged the government mounted a cyberattack against him and his family in reaction to his criticism of government financial policies. Rubio filed a complaint with the FGR; as of November the case was under investigation.

Violence and Harassment: Reporter Oscar Martinez, from the online journal *El Faro*, reported on-line harassment, including death threats after publishing a July 2 article that quoted a conversation between PNC officers in which officers encouraged other officers to kill detained gang members. *El Faro* also reported being subject to online harassment and death threats following its July 22 report alleging a police cover-up of the illegal killing of eight civilians by police at the San Blas Farm on March 26.

Censorship or Content Restrictions: Government advertising accounted for a significant portion of press advertising income, although exact data was not publicly available. Newspaper editors and radio directors occasionally discouraged journalists from reporting on topics the owners or publishers might not view favorably. According to the Salvadoran Association of Journalists (APES), the media practiced self-censorship, especially in its reporting on gangs and narcotics trafficking. APES stated many members of the media were afraid to report in detail on these subjects due to fear of retaliation from gangs and narcotics trafficking groups.

Journalist contacts reported experiencing violent threats from persons they believed to be government officials after reporting on the topic of violence in the

country. They said these experiences diminished journalists' willingness to report on the security situation.

Nongovernmental Impact: APES noted journalists reporting on gangs and narcotics trafficking were subject to threats and intimidation, which led to media self-censorship.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Internet access was available in public places throughout the country. The International Telecommunication Union reported 27.3 percent of the population used the internet during the year.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

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

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights in practice.

#### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although in many areas the government could not provide freedom of movement for any persons, due to the strength of criminal gang activity. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons,

or other persons of concern, but they were unable to facilitate activities in many ungoverned neighborhoods most in need.

According to a December 2014 poll conducted by the Instituto Universitario de Opinion Publica, 4.6 percent of surveyed citizens reported being internally displaced due to violence and the threat of violence, and 8 percent reported having tried to migrate to another country for the same reasons. The Internal Displacement Monitoring Centre reported in its Global Overview 2015 that as many as 288,900 persons were displaced by criminal violence and threats in 2014. On January 9, PDDH Human Rights Ombudsman David Morales attributed the problem of internal displacement to an increase in violence and organized crime as well as a lack of economic opportunity. Refugees International concluded resources being used to counter transnational criminal activity were consuming resources needed to tend to the victims' needs.

The countries of the Northern Triangle--El Salvador, Guatemala, and Honduras-- have created a Plan of the Alliance for the Prosperity of the Northern Triangle. The plan seeks to implement both short and medium-term measures that offer a structural response to the rapid increase in the flow of unaccompanied minors from the Northern Triangle to the United States. The plan aims to address the underlying causes of this phenomenon by improving citizens' quality of life and their economic opportunities, especially among youth. The plan recognizes the multiple factors causing outward migration and seeks to address these challenges with four strategic lines of action: fostering the productive sector, developing human capital, improving public safety and access to justice, and strengthening institutions and promoting transparency.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of August 21, the government received three refugee petitions. Authorities approved two of the petitions, which involved three children and seven adults.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections based on universal suffrage, and citizens exercised that ability.

## **Elections and Political Participation**

Recent Elections: National municipal and legislative elections were held on March 1. The release of final election results by the Supreme Electoral Tribunal (TSE) electoral authorities was delayed until March 27 due to problems with the transmission, tabulation, and public dissemination of the vote count. International and domestic electoral observers participated in the election and counting process. The election report published by the Organization of American States electoral mission noted that while votes were being tabulated, “inconsistencies were discovered in a large number of records, due to erroneous data and information input by many voting centers.” The report also noted changes made to the voting system by the TSE during the pre-electoral stage, as ordered by the Constitutional Chamber, including the introduction of the crossed-vote, which allows citizens to vote for an individual candidate rather than a party list, allowing citizens to vote for candidates from different parties, “raised concerns, as the change of rules was made just three months before the elections, complicating compliance with the electoral timetable and planning and modifying an electoral process already underway.” This assessment was controversial.

On April 14, the Constitutional Chamber of the Supreme Court ordered a vote-by-vote recount for the 24 legislators elected in the municipality of San Salvador, the country’s largest constituency. The results of the recount did not alter any of the election results released by TSE on March 27.

During these elections, as in the 2014 presidential elections, the Nationalist Republican Alliance (ARENA) and the Farabundo Marti Liberation Front (FMLN) political parties accused each other of fraud, including reports of double voting and voter intimidation.

The Political Parties Law prohibits public officials from campaigning in elections.

Participation of Women and Minorities: In 2013 the Legislative Assembly approved a law stipulating 30 percent of all candidates in municipal, legislative, and city council elections must be women. The law took effect for the first time during the March municipal and legislative assembly elections. There are 18 women in the 84-member legislative assembly, five women on the 15-member Supreme Court, and three women in the 13-member cabinet.

No members of the Supreme Court, the legislature, or other government entities identified themselves as members of an ethnic minority or indigenous community,

and there were no political party positions or parliamentary seats designated for ethnic minorities.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The NGO Institute for Social Democracy stated that officials, particularly in the judicial system, often engaged in corrupt practices with impunity.

Corruption: Former president Francisco “Paco” Flores, charged with embezzlement and illicit enrichment for allegedly stealing \$15.3 million, remained detained on house arrest. On June 15, the Institute for Social Democracy criticized the attorney general for failing to pursue adequately the prosecution of former president Flores on embezzlement charges. Flores was scheduled to have a case hearing before the First Appeals Court of San Salvador on December 3.

On September 5, approximately 1,000 demonstrators in San Salvador called for an end to impunity and the creation of an international commission against impunity.

Financial Disclosure: The illicit enrichment law requires appointed and elected officials to submit their assets records to the Probity Section of the Supreme Court. The declarations are not available to the public, and the law does not establish sanctions for noncompliance.

Public Access to Information: The law provides for the right of access to government information. Although the law establishes mechanisms to appeal denials of information, authorities did not effectively implement the law. The law provides a narrow list of exceptions outlining the grounds for nondisclosure, a reasonably short timeline for the relevant authority to disclose or respond, no processing fees, and administrative sanctions for noncompliance.

The National Foundation for Development announced in July that the Legislative Assembly had spent \$1,066,278 on official travel in 2013. Civil society groups strongly criticized the expenditures, given current fiscal constraints. Following the release of legislative expenditures, the Access to Public Information Institute (IAIP), a government body, ruled any information related to government travel, including travel for legislators was “reserved.” Civil society groups criticized the

decision, citing Article 10 of the Access to Public Information Law, which they argued expressly classifies such information as public.

Some public officials refused to publish information. For example, former minister of economy Armando Flores refused to disclose financial information on Alba Petroleos to the Access to Public Information Institute. In May 2014 the institute imposed a fine of \$6,060 on Flores for refusing to comply. In August 2014 the Administrative Dispute Chamber of the Supreme Court issued a temporary injunction on the fine to permit a review of its imposition. In September 2014 the IAIP ruled that the Administrative Dispute Chamber did not have the jurisdiction to review the imposition of an IAIP fine and ordered Flores to pay the fine. On August 22, Flores refused to pay the fine.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although government officials generally were cooperative and responsive to these groups, officials at times were reluctant to discuss worker rights problems with NGOs and the PDDH. The government required domestic and international NGOs to register, and some domestic NGOs reported that the government made the registration process unnecessarily difficult.

Government Human Rights Bodies: The principal human rights investigative and monitoring body is the autonomous PDDH, whose head is nominated by the legislative assembly for a three-year term. The PDDH regularly issued reports and press releases on prominent human rights cases. The PDDH generally enjoyed government cooperation, operated without government or party interference, had adequate resources, and was considered generally effective, except in areas controlled by criminal groups and gangs.

The PDDH maintained a constructive dialogue with the President's Office. The government publicly acknowledged receipt of PDDH reports, although in some cases it did not take action on PDDH recommendations, which are nonbinding.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

Although the constitution and other laws provide that all persons are equal before the law and prohibit discrimination based on race, sex, disability, language, sexual

orientation and/or gender identity, social origin, national origin, or religion, the government did not effectively enforce these prohibitions. There was discrimination against women, persons with disabilities, LGBTI persons, and indigenous people.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, and the criminal code's definition of rape may apply to spousal rape. The law requires the FGR to prosecute rape cases whether or not the victim presses charges, and the law does not permit the victim to nullify the criminal charge. Generally, the penalty for rape is six to 10 years' imprisonment, but the law provides for a maximum sentence of 20 years for raping certain classes of victims, including children and persons with disabilities.

Incidents of rape continued to be underreported for several reasons, including societal and cultural pressures on victims, fear of reprisal, ineffective and unsupportive responses by authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted. Laws against rape were not effectively enforced.

Rape and other sexual crimes against women were widespread. The Salvadoran Institute for the Development of Women (ISDEMU) provided health and psychological assistance to women who experienced sexual abuse, domestic violence, mistreatment, sexual harassment, labor harassment, trafficking in persons, including commercial sexual exploitation, or alien smuggling. The law prohibits domestic violence and generally provides for sentences ranging from one to three years in prison, although some forms of domestic violence carry higher penalties. The law also permits restraining orders against offenders. Laws against domestic violence were not well enforced, and cases were not effectively prosecuted. The law prohibits mediation in domestic violence disputes.

Violence against women, including domestic violence, was a widespread and serious problem. A large portion of the population considered domestic violence socially acceptable, and, as with rape, its incidence was underreported. As of November 24, the Ministry of Health reported that 4,686 women were victims of violence. As of October 24, the PNC received 134 cases that allege violence against women. The Economic Commission for Latin America and the Caribbean (CEPAL) reported 183 femicides in 2014.

ISDEMU coordinated with the judicial and executive branches and civil society groups to conduct public awareness campaigns against domestic violence and sexual abuse. The PDDH, FGR, Supreme Court, Public Defender's Office, and PNC collaborated with NGOs and other organizations to combat violence against women through education, increased enforcement of the law, and programs for victims. The Secretariat of Social Inclusion (SIS), through ISDEMU, defined policies, programs, and projects on domestic violence and continued to maintain one shared telephone hotline and two separate shelters for victims of domestic abuse and child victims of commercial sexual exploitation. The government's efforts to combat domestic violence were minimally effective.

On November 12, the Ministry of Justice and Public Security, in partnership with ISDEMU and the Department of Census Statistics, implemented the National Data and Statistics System for Information on Violence against Women. Using this system the three agencies aimed to collect and analyze data to better understand the root causes of violence against women as well as evaluate the impact of policies aimed at eliminating violence against women.

Sexual Harassment: The law prohibits sexual harassment and provides imprisonment from three to five years if the victim is an adult and from four to eight years if the victim is a minor. Courts may impose fines in addition to a prison term in cases where the perpetrator is in a position of authority or trust over the victim. The law also mandates that employers take measures to avoid sexual harassment, violence against women, and other workplace harassment problems. The law requires employers to create and implement preventive programs to address violence against women, sexual abuse, and other psychosocial risks. The government, however, did not enforce sexual harassment laws effectively. Since underreporting by victims of sexual harassment appeared to be widespread, it was difficult to estimate the extent of the problem.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Access to reproductive health services outside of San Salvador, however, was limited.

Civil society advocates expressed concern that 17 women convicted of homicide for the deaths of their infants were wrongly incarcerated. Amnesty International and the UN Development Program claimed the women had miscarriages, while the Legal Medicine Institute argued that the women committed infanticide. On

January 21, the Legislative Assembly approved a pardon for one of the 17 women, Carmen Guadalupe Vasquez Aldana. Vasquez Aldana was sentenced in 2007 to 30 years of prison on charges of homicide in the death of her child. The vote was based on a report presented by the Supreme Court of Justice indicating that there was insufficient evidence to prove Vasquez Aldana was guilty. The Legislative Assembly was reviewing the remaining 16 cases.

On March 11, the Constitutional Chamber of the Supreme Court ruled that the Ministry of Health violated the sexual and reproductive rights of two HIV-positive teenagers whom ministry officials forcibly sterilized. The Constitutional Chamber ruled that the teenage patients did not have a full and well-informed understanding about medical procedures, family planning, or adequate services during their pregnancies.

Discrimination: The constitution grants women and men the same legal rights under family, labor, property, and inheritance laws, but women did not enjoy equal treatment. The law establishes sentences of one to three years in prison for public officials who deny a person's civil rights based on gender and six months to two years for employers who discriminate against women in the workplace, but employees generally did not report such violations due to fear of employer reprisals (see section 7.d.).

Although pregnancy testing as a condition for employment is illegal, some businesses allegedly required female job applicants to present pregnancy test results, and some businesses illegally fired pregnant workers.

Although the law prohibits discrimination based on gender, women suffered from cultural, economic, and societal discrimination. The law requires equal pay for equal work, but according to the 2014 World Economic Forum Global Gender Gap Report, the average wage paid to women for comparable work was 55 percent of compensation paid to men. Men often received priority in job placement and promotions, and women did not receive equal treatment in traditionally male-dominated sectors, such as agriculture and business. Training was generally available for women only in low- and middle-wage occupations where women already held most positions, such as teaching, nursing, apparel assembly, home industry, and small business.

## **Children**

Birth Registration: Children derive citizenship by birth within the country and from one's parents. The law requires parents to register a child within 15 days of birth or pay a \$2.86 fine. While firm statistics were unavailable, many births were not registered. Failure to register resulted in denial of school enrollment.

Education: Education is free, universal, and compulsory through the ninth grade and nominally free through high school. Rural areas, however, frequently did not provide required education to all eligible students, due to a lack of resources and because rural parents often withdrew their children from school by the sixth grade to allow them to work.

Child Abuse: Child abuse was a serious and widespread problem. Incidents of rape continued to be underreported for a number of reasons, including societal and cultural pressures on victims, fear of reprisal against victims, ineffective and unsupportive responses by authorities toward victims, fear of publicity, and a perception among victims that cases were unlikely to be prosecuted.

The Salvadoran Institute for Children and Adolescents, an autonomous government entity, defined policies, programs, and projects on child abuse; maintained a shelter for child victims of abuse and female child victims of commercial sexual exploitation; and conducted a violence awareness campaign to combat child abuse.

Early and Forced Marriage: The legal minimum age for marriage is 18, although the law authorizes marriage from the age of 14 if both the boy and girl have reached puberty, if the girl is pregnant, or if the couple has a child.

Sexual Exploitation of Children: Sexual exploitation of children, including girls in prostitution, remained a problem. Child sex trafficking is prohibited by law, which prescribes penalties of 10 to 14 years' imprisonment for trafficking crimes. An offense committed against a child is treated as an aggravating circumstance, and the penalty increases by one-third, but the government did not effectively enforce these laws.

The minimum age of consensual sex is 18. The law classifies statutory rape as sexual relations with anyone under age 18 and includes penalties of four to 13 years' imprisonment.

The law prohibits paying anyone under the age of 18 for sexual services. SIS, through ISDEMU, continued to maintain one shared telephone hotline for child

victims of commercial sexual exploitation and victims of domestic abuse. The law prohibits participating in, facilitating, or purchasing materials containing child pornography, and provides for prison sentences of up to 16 years.

Infanticide or Infanticide of Children with Disabilities: See section 6, Women, for allegations of infanticide.

Displaced Children: During the year there was a significant increase in the number of children leaving the country. Surveys indicated the primary motivations for migration were a lack of economic and educational opportunity in the country, fear of violence, and family reunification.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see [travel.state.gov/content/childabduction/en/country/el-salvador.html](http://travel.state.gov/content/childabduction/en/country/el-salvador.html).

### **Anti-Semitism**

The Jewish community totaled approximately 150 persons. There were no known reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other state services. According to CONAIPD the government did not allocate sufficient resources to enforce these prohibitions effectively, particularly in education, employment, and transportation. The government did not effectively enforce legal requirements for access to buildings, information, and communications for persons with disabilities. There were almost no access ramps or provisions for the mobility of persons with disabilities. Children with disabilities generally attended primary school, but attendance at higher levels was more dependent on their parents' financial resources.

CONAIPD, composed of representatives from multiple government entities, is the government agency responsible for protecting disability rights, but it lacked enforcement power.

According to CONAIPD only 5 percent of businesses and nongovernment agencies fulfilled the legal requirement of hiring one person with disabilities for every 25 hires. There was no information available regarding abuse in educational or mental health facilities, although CONAIPD previously reported isolated incidents, including sexual abuse, in those facilities.

CONAIPD reported employers frequently fired persons who acquired disabilities and would not consider persons with disabilities for work for which they qualified. Some schools would not accept children with disabilities due to a lack of facilities and resources. There is no formal system for filing a complaint of disability discrimination with the government.

During the year SIS and CONAIPD conducted awareness campaigns, provided sensitivity training, promoted employment of persons with disabilities, and trained doctors and teachers about the rights of persons with disabilities.

On January 13, the TSE and CONAIPD signed an agreement to promote the rights of persons with disabilities during the municipal and legislative elections. As part of the agreement, the TSE hired persons with disabilities and sign-language interpreters to guide voters with disabilities on how to exercise their right to vote, and provided Braille ballots during the elections.

On November 13, the Ministry of Labor held a job fair for persons with disabilities. Reportedly, the fair offered approximately 450 jobs exclusively for persons with disabilities across 40 private companies in the commercial services and trade industries.

On October 8, the Legislative Assembly reformed the Land Transportation and Traffic Safety Law to include fines against those who inappropriately use parking spaces exclusively designated for disabled persons.

Several public and private organizations, including the Telethon Foundation for Disabled Rehabilitation and the National Institute for Comprehensive Rehabilitation (ISRI), promoted the rights of persons with disabilities. The Rehabilitation Foundation, in cooperation with ISRI, continued to operate a

treatment center for persons with disabilities. CONAIPD reported that the government provided minimal funding for ISRI.

### **Indigenous People**

A 2014 constitutional amendment recognizes the rights of indigenous people, but no laws provide indigenous people rights to share in revenue from exploitation of natural resources on indigenous lands. The government did not demarcate any lands as belonging to indigenous communities. Because few possessed title to land, opportunities for bank loans and other forms of credit were extremely limited. The PDDH reported that indigenous persons faced employment and workplace discrimination.

### **Acts of Violence, Discrimination, and Other Societal Abuses Based on Sexual Orientation and Gender Identity**

Although the law prohibits discrimination on the basis of sexual orientation and gender identity, discrimination against LGBTI persons was widespread, including in employment and access to health care. On August 3, legislators of the Constitutional and Legislative Committee voted to approve reforms to articles 129 and 155 of the penal code to include sexual identity, gender expression, and sexual orientation as categories protected against hate-based threats, hate crimes, and hate-based homicides. These reforms elevate prison sentences associated with each crime: three to six years' imprisonment for threats, 10-15 years' imprisonment for hate-based crimes, and 30-50 years' imprisonment for hate-based homicide. The law may not be applied retroactively.

NGOs reported that public officials, including police, engaged in violence and discrimination against LGBTI persons. The LGBTI community stated that PNC and FGR personnel ridiculed them when they applied for identification cards or reported cases of violence against LGBTI persons. The government responded to these abuses primarily through PDDH reports that publicized specific cases of violence and discrimination. The NGO Space for Lesbian Women for Diversity claimed that as of November, the FGR had prosecuted no cases of killings and other violent acts, nor of possible human rights violations committed by public officials, against LGBTI persons.

On June 27, following a San Salvador LGBTI Pride event, Alex Pena, a transgender activist man and San Salvador municipal police agent, was allegedly assaulted by five PNC officers in front of the Ciudad Delgado Police Station. PNC

officers arrested and charged Pena with resisting arrest. Following the incident, Police Director Mauricio Ramirez Landaverde ordered an investigation by the police Disciplinary Unit. Upon completion of its investigation, the PNC passed the case to the FGR for further investigation and possible indictment.

In March the Ministry of Labor inaugurated an office to deal exclusively with LGBTI labor-related matters.

### **HIV and AIDS Social Stigma**

Although the law prohibits discrimination on the basis of HIV/AIDS status, discrimination was widespread. Lack of public information and medical resources, fear of reprisal, fear of ostracism, and mild penalties incommensurate with the seriousness of the discrimination remained problems in confronting discrimination against persons with HIV/AIDS or in assisting persons suffering from HIV/AIDS. As of July the PDDH reported one case of discrimination against persons with HIV or AIDS. As of September 16, the Ministry of Labor had not reported any cases of discrimination against an HIV-positive employee based on the illness.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides the right of most workers to form and join independent unions, to strike, and to bargain collectively. The law also prohibits antiunion discrimination, although it does not require reinstatement of workers fired for union activity. Several restrictions limit these rights. Military personnel, national police, judges, high-level public officers, and workers who are in “positions of trust” may not form or join unions. The law does not define the term “positions of trust.” The labor code does not cover public sector workers and municipal workers, whose wages and terms of employment are regulated by the 1961 civil service law. A reform of the law remained under review by the executive. The constitution guarantees the formation of associations by employees but prohibits police, military, and certain judicial sector employees from forming either a union or a formal association.

The Center for Global Worker’s Rights academic research center at Pennsylvania State University and the Worker Rights Consortium issued a detailed analysis in January (based on interviews from 2012-14) alleging a widespread pattern of collusion among corrupt union leaders, government officials, and company owners

to deprive workers of exercising their freedom to join a union under Salvadoran law, which raises concerns.

Unions must meet complex requirements to register legally and to have the right to bargain collectively, including a minimum membership of 35 workers. If the Ministry of Labor denies a union's legal registration, the law prohibits any attempt by the union to organize for the next six months. Collective bargaining is obligatory only if the union represents the majority of workers.

While workers have the right to strike, the law contains cumbersome and complex registration procedures for conducting a legal strike. The law does not recognize the right to strike for public and municipal employees or for workers in essential services, which include those services where disruption would jeopardize or endanger life, security, health, or normal conditions of existence for some or all of the population. The law does not specify which services meet this definition. The law places several other restrictions on the right to strike, including the requirement that 30 percent of all workers in an enterprise must support a strike for it to be legal, and 51 percent must support the strike before all workers are bound by the decision to strike. In addition unions may strike only to obtain or modify a collective bargaining agreement or to protect professional rights. They must also engage in negotiation, mediation, and arbitration processes before striking, although many groups often skip or go through these steps quickly. The law prohibits workers from appealing a government decision declaring a strike illegal. The Labor Court ruled five strikes illegal. These rulings covered the strikes of the following unions: the Social Security Institute strike in May, the Bloom Hospital in July, the Nurses' Union strike in November, the Health Labor Union strike in November, and the Ministry of Economy strike in November. No arrests were made during the strikes.

In lieu of requiring employers to reinstate illegally dismissed workers, the law requires employers to pay them the equivalent of their basic salary for 30 days for each year of service completed, and this compensation must never be less than 15 days of basic salary. The law specifies 18 reasons for which an employer can legally suspend workers, and employers can invoke 11 of these reasons without prior administrative or judicial authorization. For example, an employer can suspend workers because of an economic downturn, or because of market conditions, or because of employee misconduct, among other reasons. Other reasons include consistent negligence of an employee, leaking of private company information, or committing immoral acts while on duty. As of November the

Ministry of Labor had not encountered any case of unpaid salary among its 1,252 inspections of employers.

The government did not effectively enforce the laws on freedom of association and the right to collective bargaining in all cases. Resources to conduct inspections were inadequate, and remedies remained ineffective. Penalties for employers who disrupt the right of a union to exist by directly or indirectly firing workers with the goal or effect of ensuring the union no longer met the minimum number of members ranged from 10 to 28 times the monthly minimum salary. The maximum penalty for employers who interfere with the right to strike was \$114. Such penalties were generally not sufficient to deter violations. The Ministry of Labor acknowledged it lacked sufficient resources, such as vehicles, fuel, and computers, to enforce the law fully. Judicial procedures were subject to lengthy delays and appeals. According to union representatives, the government did not consistently enforce labor rights for public workers, maquila/textile workers, subcontracted workers in the construction industry, security guards, informal sector workers, and migrant workers. As of September 16, the Ministry of Labor received 11 claims of the violation of the Freedom of Association.

As of September 24, the Ministry of Labor imposed 2,179 fines totaling more than \$1.9 million on businesses and individuals for workplace violations. The ministry participated in mediation efforts related to 50 complaints of illegal firing. Although not required by law, the ministry continued to request that some employers rehire fired workers, basing its requests on International Labor Organization (ILO) Administrative Court rulings. The ministry did not perform inspections in the informal sector. According to the ILO, 65.7 percent of the economically active population worked in the informal economy in 2013. The ministry does not have jurisdiction over public employees, most of whom are under the civil service law. Public institutions employed some persons not covered by the civil service law under “temporary” contracts despite being employed for as long as 10 years, a practice that allowed the government to dismiss these employees without providing severance pay.

Workers faced problems exercising their rights to freedom of association and collective bargaining, including, according to allegations by some unions, government influence on union activities and antiunion discrimination on the part of employers. Unions were independent of the government and political parties, although many generally were aligned with the ARENA, FMLN, or other political parties.

There were reports of antiunion discrimination, including threats against labor union members, dismissals of workers attempting to unionize, and blacklisting. Workers at times engaged in strikes regardless of whether the strikes met the legal requirements. The Labor Court ruled five strikes illegal. These rulings covered the strikes of the following unions: the Social Security Institute strike in May, the Bloom Hospital in July, the Nurses' Union strike in November, the Health Labor Union strike in November, and the Ministry of Economy strike in November. No arrests were made during the strikes.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government generally did not effectively enforce such laws. Resources to conduct inspections were inadequate. The labor code allows penalties for violations ranging from \$23 to \$1,143, but in practice the Ministry of Labor issued fines for "light" infractions up to \$57 per infraction. For serious infractions they fined employers up to 28 times the minimum monthly wage, which was generally not sufficient to deter violations. The lack of sufficient resources for inspectors reduced their ability to enforce the law fully. There were reports of forced labor by men, women, and children in agriculture, domestic servitude, and the informal sector (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children under age 14. The law allows children between the ages of 14 and 18 to engage in light work if the work does not damage the child's health or development, or interfere with compulsory education. The law prohibits children under age 16 from working more than six hours per day and 34 hours per week; those under age 18 are prohibited from working at night or in occupations considered hazardous. The Ministry of Labor maintains a list of the types of work considered hazardous and prohibited for children, which include repairing heavy machinery; mining; handling weapons; fishing and harvesting mollusks; and working at heights above five feet while doing construction, erecting antennas, and working on billboards. Children age 16 and older may engage in light work on coffee and sugar plantations and in the fishing industry, so long as it does not harm their health or interfere with their education.

The Ministry of Labor is responsible for enforcing child labor laws but did so with limited effectiveness. The law specifies a default fine of no more than \$60 per each violation of most labor laws, including child labor laws; such penalties are insufficient to act as a deterrent. The ministry's labor inspectors focused almost exclusively on the formal sector. As of September 16, the ministry reported that it encountered five minors working without work permits and two minors working with a special work permit. There was no information on any investigations or prosecutions by the government. The ministry lacked adequate resources for effective enforcement of child labor laws in the agricultural sector, especially in coffee and sugarcane production, or in the large informal sector.

During the year the Ministry of Labor conducted two campaigns to raise awareness about child labor. One campaign, supported by the European Union and CARE International, sought to strengthen government enforcement of labor law and educate the public, specifically youth, on the hazards of child labor and the right to an education. The government continued to participate in an ILO project to provide educational opportunities to children while offering livelihood alternatives for their families. Through this project the Ministry of Education promoted child labor awareness and encouraged school attendance, including operating after-school programs in 2,000 schools during the year. The ILO project was scheduled to conclude in March 2016. The Ministry of Governance and the Ministry of Agriculture also conducted awareness campaigns on child labor. The government also continued to include material on combating child labor in its elementary school curriculum.

Child labor remained a serious and widespread problem. According to the 2014 Permanent Household Survey, published in 2015, there were approximately 141,600 child workers. The worst forms of child labor occurred in coffee and sugarcane cultivation, fishing, mollusk shucking, and fireworks production. There were reports of children engaged in garbage scavenging. In order to survive, orphans and children from poor families frequently worked as street vendors and general laborers in small businesses. Children also worked as domestic servants and endured long work hours and abuse by employers. Children were subjected to commercial sexual exploitation (see section 6, Children) and were recruited into illegal gangs to perform illicit activities related to the arms and drug trades, including homicide.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The constitution and regulations prohibit discrimination regarding race, sex, gender, disability, language, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce those laws and regulations. Sexual orientation and gender identity are not included in the constitution, although the PDDH and Ministry of Labor actively sought to protect such rights.

Discrimination in employment and occupation occurred with respect to gender, disability, and sexual orientation and/or gender identity (see sections 6 and 7.e.). According to the Ministry of Labor, migrant workers have the same rights as citizens, but the ministry did not enforce these rights.

#### **e. Acceptable Conditions of Work**

There is no national minimum wage; the minimum wage is determined by sector. According to the Ministry of Labor, the minimum daily wage was \$8.39 for retail and service employees, \$8.22 for industrial laborers, and \$7.03 for apparel assembly workers. The agricultural minimum wage was \$3.94 per day. The government reported that the poverty income level was \$179.67 per month in urban areas and \$126.97 in rural areas.

The law sets a maximum normal workweek of 44 hours, limited to no more than six days and to no more than eight hours per day, but allows overtime if a bonus is paid. The law mandates that full-time employees receive pay for an eight-hour day of rest in addition to the 44-hour normal workweek. The law provides that employers must pay double-time for work on designated annual holidays, a Christmas bonus based on the time of service of the employee, and 15 days of paid annual leave. The law prohibits compulsory overtime. The law states that domestic employees are obligated to work on holidays if their employer makes this request, but they are entitled to double pay in these instances. The government did not adequately enforce these laws.

The Ministry of Labor is responsible for setting workplace safety standards, and the law establishes a tripartite committee to review the standards. The law requires all employers to take steps to ensure that the health and safety of employees are not at risk in the workplace. To provide for the health and safety of workers, the law requires employers to take preventive safety measures, including proper equipment and training, and a violence-free environment. Employers who violate most labor

laws can receive a default fine of no more than \$57 per each violation. For serious infractions employers can be fined up to the amount equivalent to 28 minimum monthly wage salaries. These penalties were insufficient to deter violations, and some companies reportedly found it more cost effective to pay the fines rather than comply with the law. The law promotes occupational safety awareness, training, and worker participation in occupational health and safety matters.

The Ministry of Labor is responsible for enforcing the law. The government was more effective in enforcing the minimum wage law in the formal sector than in the informal sector. Unions reported that the ministry failed to enforce the law for subcontracted workers hired for public reconstruction contracts. The government provided its inspectors updated training in both occupational safety and labor standards. As of October, the ministry conducted 2,995 inspections. Allegations of corruption among labor inspectors continued.

The ministry received complaints regarding failure to pay overtime, minimum wage violations, unpaid salaries, and cases of employers illegally withholding benefits (including social security and pension funds) from workers. As of November 4, the FGR investigated 487 cases alleging illegal withholding of benefits and prosecuted 103 cases.

There were reports of overtime and wage violations in several sectors. According to the ministry, employers in the agriculture sector did not generally grant annual bonuses, vacation days, or days of rest. Women in domestic service and the industrial manufacturing sector for export industry, particularly in the export processing zones, faced exploitation, mistreatment, verbal abuse, threats, sexual harassment, and generally poor work conditions. Workers in the construction industry and domestic service were reportedly subject to violations of wage, hour, and safety laws. There were also reports of occupational safety and health violations in other sectors. The government was ineffective in pursuing such violations.

In some cases the country's high crime rate negatively affected acceptable conditions of work, as well as workers' psychological and physical health. Some workers, such as bus drivers, bill collectors, messengers, and teachers in high-risk areas, reported being subject to extortion and death threats.

As of September 16, the Ministry of Labor reported 4,678 workplace accidents. The sectors registering the highest level of incidents were the following: 1,287 accidents in the industrial manufacturing sector, 618 in real estate and

construction-related businesses, 472 among mechanics and in home repair, and 341 in the health and social services sectors. The ministry reported that as of October, 15 persons died from workplace-related accidents.

Workers can legally remove themselves from situations that endanger health or safety without jeopardy to their employment, but authorities lacked the ability effectively to protect employees in this situation.