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## **Draft report of the Working Group on the Universal Periodic Review\***

### **El Salvador**

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventh session from 8 February to 19 February 2010. The review of El Salvador was held at the 4th meeting, on 9 February 2010. The delegation of El Salvador was headed by the Vice-Minister for Integration and Economic Promotion of the Ministry for Foreign Affairs, Carlos Alfredo Castaneda Magaña. At its 8th meeting, held on 11 February 2010, the Working Group adopted the report on El Salvador.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of El Salvador: Nicaragua, the Republic of Korea and the Russian Federation.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of El Salvador:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/7/SLV/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/7/SLV/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/SLV/3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Latvia, the Netherlands, Norway and the United Kingdom of Great Britain and Northern Ireland was transmitted to El Salvador through the troika. These questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 42 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. The delegation of El Salvador acknowledged that the preparation of the national report had been a challenge, because the report had had to contain information about measures taken by two different administrations. It also recognized that the Government bore a historical debt with regard to the fulfilment of its international human rights obligations. The administration is committed to incorporating into public policy the recommendations made by the United Nations human rights machinery.
7. The Government is establishing an internal consultation process for the possible ratification of the international instruments to which El Salvador is not a party, such as the Rome Statute of the International Criminal Court. Moreover, in September 2009, El Salvador signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the internal ratification process is ongoing.
8. The delegation laid out the legal framework for the guarantee of fundamental freedoms. It highlighted a bill regarding access to information and transparency currently

being considered by Congress, as well as the establishment, in 2006, of a tribunal on Government ethics.

9. Since 2000, there have been continuing efforts to prevent and combat torture through the screening of applicants to the National Academy on Public Security. That measure has prevented the recruitment of security agents involved in violations of human rights and humanitarian law.

10. Several public institutions, such as the National Civil Police, created by the 1992 peace accords, and the Attorney General's Office, are entrusted with ensuring public security. The delegation acknowledged that the prevailing official policy, centred on police repression and the generalization of preventive imprisonment, has not worked and has caused the country to become one of the most dangerous in the region. The most vulnerable groups are women and girls under the age of 18. The new Administration has taken extraordinary and temporary actions to control criminal activities and to prevent human rights violations.

11. With regard to the electoral system, the Supreme Electoral Tribunal has taken a series of measures aimed at guaranteeing the right to vote for every citizen. For example, a pilot programme on residential voting has been established, the participation of citizens with disabilities has been promoted, and the possibility of voting abroad is being considered.

12. In 2008, new procedural criminal, civil and trade codes were adopted. Their implementation remains pending, owing to the need to train the legal profession.

13. The new Administration has reinforced and extended the "Red Solidaria" programme, aimed at combating poverty in those municipalities in which abject poverty is a severe problem. The programme, now renamed "Comunidades Solidarias", takes an inclusive and integral approach to improving the health, hygiene, nutrition and education of the families concerned. The programme also incorporates a gender perspective, since women are the main administrators of its benefits, as well as a rights-based approach. Between 2004 and 2009, 106,000 families benefited from the programme.

14. El Salvador is closer to achieving the Millennium Development Goals, as indicated in its second progress report.

15. The illiteracy rate in El Salvador has fallen to 14.1 per cent, while average school attendance has reached 5.9 years, which is an improvement compared with 2004, when the rate was 5.6 years. The Government is committed to improving those numbers. The delegation highlighted the establishment of a Secretariat for Culture, which has replaced the former National Council for Culture and Art. The Secretariat reflects an institutional upgrade, since it is directly under the President.

16. El Salvador's legal framework will guarantee the right to health. In that context, the Government has taken steps, based on a human rights approach, to extend health coverage in rural areas and heavily populated urban centres. Social security coverage has increased by 12.7 per cent, reaching 29.7 per cent of the economically active population and 23.9 per cent of the total population.

17. With respect to the right to work, the delegation explained in detail several programmes based on tripartite participation and aimed at generating employment opportunities, in particular for specific vulnerable groups such as young people, the elderly and persons with disabilities. On the other hand, El Salvador has lost 39,000 jobs because of the financial crisis. The Administration plans to create 100,000 new jobs through a temporary employment programme and the improvement of public and private infrastructure.

18. The national curriculums have incorporated principles of sustainable development. A new environmental administration paradigm is being promoted by the Government in order to mitigate social, economic and environmental risks related to natural disasters.

19. A total of 8,305 families have benefited from funds supporting the development of housing projects, while 8,153 families that were victims of the 2001 earthquake received new housing. Moreover, 41,047 families affected by Hurricane Stan and the eruption of the Ilamatepec volcano received property titles.

20. President Funes acknowledged that the victims of serious human rights violations committed during the armed conflict have the right to truth, justice and reparation, and recognized the importance of memory in guaranteeing that such acts would not be committed again. He also recognized the responsibility of the State and apologized for the serious human rights violations perpetrated by public officers. A commission has been established to propose to the President reparations for the victims.

21. In November 2009, the Institute for the Integral Development of Children and Adolescents launched a process for building a national policy aimed at the protection of those groups. It was a first step in identifying the most relevant problems affecting them.

22. The Government is committed to following the recommendations of the Committee on the Elimination of Discrimination against Women and will encourage Congress to discuss the possibility of ratifying the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women. The delegation also referred to the national plan to prevent and eradicate domestic violence and explained measures aimed at combating violence against women and sexual aggression against girls.

23. El Salvador recognizes the existence of indigenous peoples, in particular the Nahuapipiles, the Lencas and the Cacaopera.

24. In 2005, a Vice-Ministry for Foreign Affairs for Salvadorians Abroad was established. The new Administration intends to reinforce consular protection of the human rights of its citizens abroad, as well as respect for the human rights of foreigners in the national territory. Since 2008, there has been a national policy aimed at eradicating the trafficking in persons.

25. The delegation also described the State's policies and institutional frameworks aimed at persons with disabilities, the elderly and persons with HIV/AIDS.

26. It concluded its presentation by referring to the Government's new approach to penitentiary administration, which, inter alia, encourages the participation of civil society in seeking solutions to overcrowding and other common problems. The penitentiary academy plans to provide human rights education for all personnel.

## **B. Interactive dialogue and responses by the State under review**

27. A number of delegations thanked the Government of El Salvador for its comprehensive national report, its inclusive preparation and its presentation. Some delegations also welcomed the positive steps taken by the country to consolidate the peace accords and the rule of law. Many States noted the importance of the 2009 presidential elections and recognized the commitment of the new administration to the promotion and protection of human rights.

28. Algeria welcomed the efforts made by El Salvador to consolidate peace and to promote human rights and to ensure that the events of the past will not be repeated. Algeria also welcomed the country's efforts to combat poverty, as a result of which a number of

communes with high poverty rates benefited in 2005 from food security, education and health services. Algeria made recommendations.

29. Cuba welcomed the efforts of El Salvador to combat poverty and further the realization of the right to food, the right to work and social security. It highlighted advances in the areas of education and health, including actions taken in rural areas; the extension of the hours of operation for health clinics in densely populated centres; the adoption of the National Education Plan for 2021; and the provision of free secondary school education. It also welcomed actions by the Government to prevent discrimination and protect vulnerable populations. Cuba made recommendations.

30. Slovenia noted that, although discrimination based on physical or mental disabilities is prohibited by law in El Salvador, the law had not been effectively enforced with regard to education, employment or access to buildings, and requested information about the measures that the country intended to take to eliminate such discrimination. Slovenia stated that, despite positive steps taken to guarantee children's rights, it was alarmed by the reported numbers of children who had suffered physical abuse or lived in an atmosphere of domestic violence. It also stated that the Act on Child Protection does not explicitly prohibit corporal punishment. Slovenia made a recommendation.

31. The Bolivarian Republic of Venezuela welcomed the social policies implemented by El Salvador in order to protect and promote the human rights of its population. In that connection, Venezuela noted measures taken to combat poverty through employment, health, education and nutrition programmes, particularly for vulnerable populations. Venezuela highlighted the implementation of the Communities in Solidarity Programme in rural and urban areas, as well as the Government's efforts to promote a system of universal social protection. Venezuela made a recommendation.

32. Ecuador highlighted steps taken to protect children and women in particular, as well as victims and witnesses. It noted the willingness of El Salvador to work with other Governments of the region to protect persons crossing its territory in order to reach North America. It asked about the status of the migration bill, as well as about the negative effects of the Free Trade Agreement on the most vulnerable groups of society, as observed by the Committee on Economic, Social and Cultural Rights.

33. Turkey stated that the establishment of the Attorney's Office for the Defence of Human Rights was an important element in the strengthening of democracy and human rights and indicated that respect on the part of the relevant State institutions for rulings issued by the Attorney's Office could be improved. It encouraged El Salvador to take into consideration the recommendations made by the Committee against Torture and welcomed the efforts made thus far to that end. Turkey encouraged the country to allocate greater resources to social development and to the fight against poverty. It welcomed the recognition of health as a fundamental human right and commended the progress made in reducing infant mortality. It also welcomed the absence of gender disparity in the area of education. Turkey noted with concern the prevailing high incidence of violence against women. It made a recommendation.

34. Canada expressed distress at reports implicating the National Civilian Police in unlawful killings, arbitrary arrests and detentions, as well as in the use of excessive force and the mistreatment of detainees. While noting with concern reported threats, harassment and killings of community activists and members of non-governmental organizations, it welcomed the intention to conduct a full investigation into recent deaths of community activists in Cabanas. It also noted that prison overcrowding and harsh and dangerous conditions threatened the health and the lives of inmates. Canada made recommendations.

35. Kyrgyzstan welcomed the efforts made by El Salvador to strengthen its national system for the protection of human rights. It noted with satisfaction the project aimed at modernizing the judiciary and welcomed El Salvador's efforts to improve the education system. It also noted the country's national policy related to children and adolescents.

Kyrgyzstan stated that El Salvador needed to devote greater attention to the issue of migration, refugees and trafficking. It made recommendations.

36. Egypt commended the Government's efforts to consolidate the human rights infrastructure by establishing the Office of the *Procurador* for the Defence of Human Rights, as well as the dialogue with petitioners before the Inter-American court. It also acknowledged the efforts to combat poverty in urban and rural areas, taking into account the central role of women, and to promote cultural rights. Egypt requested information about the public policy aimed at establishing a national health service based on comprehensive primary health care and about related action-oriented steps. Egypt made recommendations.

37. Kazakhstan congratulated El Salvador on having met some targets of the Millennium Development Goals and encouraged the country to continue to implement effective socio-economic policy on the basis of a human rights approach. Kazakhstan welcomed the adoption of the Act on the Comprehensive Protection of Children and expressed the hope that it would appropriately address all aspects of children's rights. El Salvador was also commended for its recognition of the rights of indigenous people and for its steps to promote those rights. Kazakhstan made a recommendation.

38. The Republic of Korea noted the several initiatives launched to promote women's rights. It referred to the concerns related to the high incidence of acts of violence against women raised by the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and CEDAW and requested further details regarding the specific measures taken to prevent violence against women. Korea welcomed El Salvador's cooperation with the special procedures. It made recommendations.

39. Norway recognized El Salvador's commitment to strengthening its national systems for the protection of human rights and welcomed the apology made by President Mauricio Funes for human rights abuses that had been committed by the State during the civil war. Norway expressed concern at the increase in the number of attacks and acts of intimidation against human rights defenders and independent journalists, as well as the decrease in the formal participation of women in public administration, in government, at the ministerial level and in parliament. Norway made recommendations.

40. The Russian Federation welcomed the changes made in the area of legislation and in the State structure following the conclusion of the peace agreement in 1992. It noted the measures taken to combat poverty, illiteracy and disease, to address the housing problem and to protect the rights of vulnerable groups. It acknowledged challenges faced, particularly in the area of development. It made a recommendation.

41. The Lao People's Democratic Republic noted the significant progress and achievements of El Salvador in participating in the inter-American system for the promotion and protection of human rights and commended El Salvador for its goodwill and openness in that regard. It also noted that, within the framework of the United Nations, El Salvador had made significant progress in implementing the recommendations of the various committees, although much work remained to be done. The Lao People's Democratic Republic welcomed El Salvador's establishment of several institutions to promote and protect human rights. The Lao People's Democratic Republic made recommendations.

42. Mexico welcomed El Salvador's decision to undertake a study on the international human rights treaties to which it is still not a party, as well as to seek to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and extend a standing invitation to all human rights mechanisms. Mexico stressed the importance of supplementing the legislative framework with an independent and efficient judicial system and suggested that El Salvador request technical assistance from OHCHR in order to further the implementation of international and national human rights legislation, particularly to eliminate discrimination against women. Mexico made recommendations.

43. Panama referred to the regularization of the migratory situation of 700 Salvadorians who had previously enjoyed refugee status. It inquired about measures to facilitate voting on the part of persons with disabilities. Panama highlighted the establishment of the Secretariat for Social Inclusion, in charge of policies regarding vulnerable groups and, in that context, asked about the inclusion of indigenous peoples in the national statistical data. It made a recommendation.

44. Azerbaijan stated that El Salvador's commitment to promoting and protecting human rights through the integration of international human rights standards into its national legislation was commendable. It stated that, in 2006, the Committee on Economic, Social and Cultural Rights had noted with concern the discrimination faced by women and that, in 2008, the Committee on the Elimination of Discrimination against Women had expressed concern at the pervasiveness of patriarchal attitudes and deep-rooted stereotypes, which constituted serious obstacles to women's enjoyment of their human rights. Azerbaijan made a recommendation.

45. The Netherlands welcomed El Salvador's extension of a standing invitation to all special procedures. It was concerned that, despite measures taken by El Salvador, discrimination against women persisted. It was also concerned at the high incidence of acts of violence against women. The Netherlands noted that reports had indicated that attacks against human rights defenders had gone unpunished, and raised the issue of severe prison overcrowding, which had reportedly led to widespread violence. The Netherlands made recommendations.

46. Brazil congratulated El Salvador on its efforts to promote social inclusion and combat poverty within the framework of a universal social protection system. Brazil expressed concern about reports concerning child labour, particularly in rural areas, and inquired about measures to provide protection for children. Brazil welcomed El Salvador's commitment to implementing the recommendations of the Committee on the Elimination of Discrimination against Women and encouraged action to mainstream women's rights at all levels of public policies and to redouble efforts to achieve the Millennium Development Goals. Brazil made recommendations.

47. Spain recognized the steps taken by the Government to improve gender equality in primary and secondary schools, which had brought it closer to achieving Millennium Development Goal 3. It made recommendations.

48. Colombia welcomed efforts made by El Salvador to provide reparations to the victims of the armed conflict, consistent with the 1992 peace accords. It also recognized efforts made to implement the recommendations of United Nations treaty bodies and special procedures. In particular, Colombia highlighted the programme entitled "Ciudad Mujer," which had proceeded from the recommendations of the Committee on the Elimination of Discrimination against Women, and encouraged the Government to continue to develop such programmes. Colombia made recommendations.

49. The delegation of El Salvador reaffirmed its commitment to complying with recommendations of the United Nations treaty bodies and special procedures, including observations made by the Committee on Economic, Social and Cultural Rights concerning the potential effects of the free-trade agreement, the recent recommendations by the Committee against Torture, and the 2007 recommendations of the working group on enforced disappearances.

50. The delegation highlighted a draft law against gender-based violence that reflected broad participation on the part of civil society. In addition to the adoption of that law, El Salvador recognized the need to develop a more comprehensive policy to deal with the serious problem of violence against women and children. The Government recognized the failure to produce complete, comprehensive national statistics on gender violence and stressed its commitment to develop such a statistical system. El Salvador further underscored the need to allocate special funding for these efforts within the security



budgets at both national and municipal levels, and to include civil society organizations and local networks in the process.

51. El Salvador had been engaged in a technical discussion regarding the possible lifting of its reservations to the Cairo Plan of Action and would soon consider a final political decision on the matter. The Instituto de Desarrollo de la Mujer had been designated to lead national efforts to combat discrimination against women and girls, including by furthering the country's compliance with the recommendations of the Committee on the Elimination of Discrimination against Women and reactivating the legislative debate on the ratification of the optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Its institutional budget had recently been increased accordingly.

52. The delegation highlighted the fact that most attacks and threats made against human rights defenders were under investigation, adding that the complaints filed had enabled the Government to provide protection for a number of victims. The Government had further increased protection for the Ombudsman, who had also received threats, and had redoubled its efforts to strengthen that Office.

53. The President of the Republic had signed a decree establishing a national commission to search for children who disappeared during the armed conflict, in accordance with the standards set by the Inter-American Human Rights Court. El Salvador now recognized the full authority and binding nature of the Court's recommendations and had moved forward with dialogues with the claimants in various cases currently being heard by the Inter-American Commission.

54. El Salvador mentioned its efforts to protect and guarantee the rights of persons with disabilities. It highlighted the fact that the Secretariat for Social Inclusion was tasked with promoting the human rights of groups generally excluded or marginalized, including persons with disabilities, senior citizens, children, indigenous peoples and persons affected by discrimination as a result of their sexual orientation.

55. France inquired how, when and under what modalities the Government would meet its commitments to recognizing and compensating the victims of the civil war and queried as to the exact mandate and composition of the National Commission to Search for Disappeared Children. It noted that violence against women and children remained a severe social problem and requested information about the financial and human resources to be allocated to the implementation of the Act on the Comprehensive Protection of Children and Adolescents. France made recommendations.

56. Belarus stated that, although El Salvador faced a number of problems in protecting human rights, the country was determined to continue to enforce the rule of law and to strengthen democracy. Belarus noted with satisfaction the steps taken by El Salvador to strengthen both the legislative and the judicial bases for human rights. It welcomed the steps taken to eliminate illiteracy, improve health services, and combat poverty and trafficking. Belarus stated that additional effort was needed with regard to public security and in the area of women and children. Belarus made recommendations.

57. Chile highlighted the Government's commitment to developing a policy that fully recognized its international obligations in the field of human rights, as well as the right to the truth, to access to justice and to adequate reparations. Chile cited poverty as one of the major challenges that El Salvador faces and praised the Communities in Solidarity Programme. In addition, it welcomed the Government's decision to extend a standing invitation to United Nations special procedures mandate holders. Chile made recommendations.

58. Ireland welcomed with satisfaction the adoption of the Act on the Comprehensive Protection of Children and Adolescents. Looking forward to its entry into force in April 2010, it regretted the lack of financial resources allocated for its implementation,

particularly considering the high and disproportionate number of child victims of various crimes. Ireland expressed concern at the prevalence of violence against women and children, in particular cases involving violent death, sexual abuse and domestic violence. Ireland made recommendations.

59. Malaysia stated that, since the signing of the Chapultepec Accords in 1992, El Salvador had sought to create the conditions necessary to consolidate peace by strengthening democracy and the rule of law. Those efforts had resulted in the establishment of a number of institutions tasked with ensuring respect for human rights and their implementation. Malaysia noted that the effects of the global and financial crisis, which had resulted in significant job losses, had had a negative impact on the enjoyment of human rights. Malaysia was encouraged to note El Salvador's commitment to enhancing job creation, improving public services and upgrading infrastructure. Malaysia made recommendations.

60. Italy noted with satisfaction the non-application of the death penalty since 1973 and the abolition of the capital punishment for all crimes in 1983, except those under military legislation in time of war. Despite progress made in the area of women's rights and the introduction of a national policy on women and a law on domestic violence, it noted the prevalence of a discriminatory attitude against women in society. The 30 per cent rise in delinquency in El Salvador in 2009, with high numbers of often unpunished murders of women, was worrisome. Italy made recommendations.

61. The United States of America appreciated El Salvador's recognition of the cultural, historic and ethnic heritage of its indigenous people and applauded El Salvador's interest in promoting the economic, social, and cultural development of those populations. The United States also applauded El Salvador's work in designing and implementing a new humane model for prison administration and its decision to include civil society in finding solutions to problems in its penal institutions, as well as its outreach to disaffected young people through the creation of economic opportunities and social programmes. The United States of America made recommendations.

62. Germany requested information regarding the efforts to bring perpetrators to justice and the number of successful investigations into acts of violence. Germany made recommendations.

63. The United Kingdom recognized the serious challenges posed to the Government and society by high levels of violence and by criminal gangs, and noted that a slow and ineffective justice system, long periods of pre-trial detention and overcrowded and violent prisons might hamper efforts to bring perpetrators to justice. It welcomed the modernization project of the judicial system, including initiatives to update court facilities, bring justice to remote areas and train judges to more effectively prosecute organized crime. Acknowledging the development of a national policy on women, it remained concerned at reports of continued discrimination and violence faced by women, children and minorities and inquired about planned steps to address those concerns. It also asked about the involvement of civil society in the follow-up to the universal periodic review. It made recommendations.

64. Uruguay highlighted the efforts made by El Salvador in the field of human rights and the work that had been accomplished in the process of national reconciliation. Uruguay recalled invitations extended by the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights to strengthen cooperation with non-governmental organizations and civil society. In that connection, it welcomed the participation of civil society in the process of preparing the national report for the universal periodic review. Uruguay also welcomed the national policy for women and the law against domestic violence. Uruguay made recommendations.

65. Argentina noted El Salvador's policies aimed at truth, justice and reparations for victims of human rights violations perpetrated during the armed conflict. It highlighted the official recognition that agents belonging to public institutions and other paramilitary organizations had committed serious human rights violations and abuse of power. In that regard, it inquired about the possibility of reflecting on the derogation of the amnesty law. Argentina also inquired about measures to decrease gender discrimination and eradicate violence against women, as well as about the possibility of introducing a gender perspective with regard to HIV/AIDS prevention and treatment. It made recommendations.

66. Ukraine commended the efforts by El Salvador to protect and promote human rights, including by strengthening legislation, combating discrimination, promoting gender equality, protecting children's rights and taking measures to combat poverty. It noted with concern the serious problem of femicide. Ukraine made recommendations.

67. Luxembourg congratulated El Salvador on the adoption of the recent law aimed at the protection of children and welcomed the recent improvements in the areas of school attendance rates, security and violence against women and children. It expressed concern at the high murder rates. Luxembourg highlighted the solid partnership it had established with El Salvador in terms of development and cooperation aimed at achieving the Millennium Development Goals. That partnership would promote the right to education, health care and good governance. Luxembourg made recommendations.

68. Iraq welcomed the Government's participation in the Inter-American system for the promotion of human rights and noted the adoption of a number of laws in accordance with international standards. It requested information about available mechanisms for protecting the freedom of expression and the role of justice in that regard. Iraq made recommendations.

69. Guatemala congratulated the Government on its efforts to ensure compliance with the recommendations and decisions of the Inter-American human rights system. Guatemala noted that the working group against enforced disappearances had visited El Salvador in 2007, but that no report following its recommendations had been submitted by the Government. Guatemala highlighted the efforts of the Procuraduría General de la República and other institutions to provide access to justice, and asked about actions taken to ensure access to justice for indigenous peoples. Guatemala made recommendations.

70. China commended El Salvador for having taken measures to promote and protect human rights. It also commended the country for its efforts and achievements in terms of strengthening training for judicial personnel, combating poverty, raising the school attendance rate, improving public health, promoting social welfare to support poor families and protecting vulnerable groups. China noted that El Salvador was confronted with numerous difficulties and challenges in relation to its judicial system. China asked what specific measures would be adopted to address the lack of a rational legal system.

71. Slovakia expressed concern at the increasing number of attacks against human rights defenders, especially those criticizing the Government or important business groups, and encouraged the Government to guarantee their legitimacy and ensure their protection. It also noted that perpetrators were often not held accountable. It welcomed the abolition of the death penalty for ordinary crimes in 1983 and its non-application since 1973. With respect to conditions in detention centres and prisons, it deplored the lack of necessary infrastructure, which had resulted in overcrowding. Slovakia made recommendations.

72. Latvia noted with appreciation the open spirit of El Salvador in addressing human rights challenges. It welcomed the country's announcement that it would extend a standing invitation to all special procedures of the Human Rights Council and invited all other countries to follow that commendable example.

73. Costa Rica recognized efforts taken by El Salvador to combat poverty and decrease inequalities in the country. It also welcomed the country's system of universal social

protection, which went beyond combating poverty and addressed, inter alia, food security, employment and economic development. Costa Rica encouraged El Salvador to continue its efforts to improve the living conditions of its population along those lines and to strengthen the gender perspective in all aspects of public policy in order to comprehensively address inequalities. Costa Rica made recommendations.

74. Bolivia noted remarkable education and health improvements since the new Administration had taken power. It expressed understanding of the remaining challenges due to the legacy of the armed conflict and to imposed economic policies. It made recommendations.

75. Poland appreciated the progress made by El Salvador in promoting and protecting human rights. It referred to the national policy on women for 2005-2009 and the solidarity network programme as among the recently adopted measures and stated that, nevertheless, serious obstacles to women's enjoyment of their human rights persisted, as a result of a wider problem related to gender and domestic and sexual violence. Poland made recommendations.

76. The delegation of El Salvador referred to concerns regarding the minimum age for marriage, an issue that affected girls in particular and had been the subject of particular mention by the Committee on the Rights of the Child. The Government stated that it would review the relevant legislation and propose legal reforms if deemed appropriate, in accordance with international human rights standards.

77. El Salvador emphasized its commitment to conducting timely studies on some of the concerns raised in the questions submitted in advance by delegations, including the need to bring the definitions of torture, enforced disappearance, gender-based violence and other crimes into line with international human rights standards. The delegation also underscored its willingness to share information about recent efforts to address the problem of violence, particularly as it affected vulnerable groups such as women and children.

78. The delegation acknowledged the failure of public security policies that, until recently, had been focused primarily on police control and repression, at the expense of crime prevention, attention to victims and the rehabilitation of offenders. El Salvador announced that it had launched a plan to develop a comprehensive public security policy. The new policy would focus on police control and greater control in prisons; addressing impunity for crimes committed by State agents; recovering public trust in the national police force; and the restructuring of the force, in accordance with the spirit of the peace accords.

78. El Salvador highlighted concerns about the problem of impunity and appreciated the recommendations made by States with a view to addressing that serious issue. The delegation stated that investigations into alleged human rights violations and other crimes committed by police chiefs were under way, and that a law to strengthen the Office of the Inspector-General was being discussed.

80. El Salvador reaffirmed its commitment to taking up the agenda proposed by the working group on enforced disappearances, which the Committee against Torture had recently reinforced, and concluded by expressing its appreciation for the recommendations, questions and comments made during the interactive dialogue.

## **II. Conclusions and/or recommendations**

81. The recommendations formulated during the interactive dialogue and listed below have been examined by El Salvador and enjoy the support of El Salvador:

1. To strengthen its legal framework and mechanism for the promotion and protection of human rights (Lao People's Democratic Republic);

2. To enhance its implementation of laws to protect women's rights (Canada);
3. To reinforce the legal and implementation infrastructure aimed at upholding the rights of women (Egypt);
4. To adopt specific criminal legislation to protect the rights of women (Brazil);
5. To take measures to increase the participation of women in public life, both in terms of legislation and in terms of concrete action (Norway);
6. To continue to promote the establishment of a national commission to search for girls and boys who disappeared during the internal armed conflict (Colombia);
7. To urge the national commission to search for children who disappeared during the armed conflict to begin its work (Argentina);
8. To continue its efforts to ensure the full enjoyment of human rights through the participatory preparation of a national plan on human rights (Bolivia);
9. To develop a coordinated national strategy for ensuring the protection of all human rights and civil liberties (Canada);
10. To accelerate efforts aimed at the promotion and protection of human rights, including through tackling problems of public safety, economic and judicial safety and human development (Malaysia);
11. To urgently take all possible measures to reduce the growth in crime and to establish and implement a clear policy of crime prevention, including reforms of the judiciary and the national police to combat corruption and achieve greater transparency (Italy);
12. To develop and implement a plan of action to protect the safety and human rights of community activists and members of social organizations (Canada);
13. To guarantee the full legitimacy of human rights defenders and ensure their protection in order to spare them from the harassment that they have often endured (Slovakia);
14. To include civil society and human rights defenders in the political dialogue and in the development of legislation, through an open and transparent consultation processes (Norway);
15. To develop targeted strategies, policies and programmes to support women in claiming their rights, in accordance with its obligations under CEDAW (Canada);
16. To continue to cooperate with the United Nations and other international organizations to strengthen human rights (Lao People's Democratic Republic);
17. To extend a standing invitation to all special procedures of the United Nations to further such cooperation (Republic of Korea);
18. To extend a standing invitation to all special procedures (Slovakia);
19. To extend a standing invitation to all special procedures of the United Nations (Brazil);
20. To extend a standing invitation to all United Nations special procedures and ensure that reports are submitted to treaty bodies (United Kingdom);
21. To take all legislative and policy measures necessary to guarantee full equality between men and women (Italy);

22. To increase efforts to combat discrimination and violence against women and impunity for such crimes, through national institutions, including the ISDEMU and the Secretariat for Social Inclusion (Costa Rica);
23. To intensify efforts to prevent and eliminate discrimination against indigenous children, children with disabilities, and girls (Malaysia);
24. To continue to include in its social policies anti-discrimination measures and programmes in favour of indigenous peoples, ethnic minorities, persons with disabilities, persons with HIV/AIDS and persons facing discrimination based on their sexual orientation (Colombia);
25. To enact and enforce laws and implement programmes directed specifically at combating discrimination and promoting the rights of indigenous peoples (United States of America);
26. To intensify efforts to prevent and combat violence against women and girls, domestic violence and the violent deaths of women (Turkey);
27. To intensify efforts to prevent and combat violence against women and girls (Norway);
28. To take measures to change social and cultural attitudes that are the root cause of most forms of violence against women (Netherlands);
29. To create a national mechanism for providing statistics on women's deaths (Netherlands);
30. To intensify awareness campaigns aimed at changing social attitudes and behaviour patterns that form the basis for violence against women, including homicides motivated by prejudice against women (Spain);
31. To enhance efforts to prevent and combat violence against women and girls, in particular sexual abuse, domestic violence and femicide, in accordance with the recommendations made by the Committee Against Torture (Chile);
32. To intensify its efforts to improve the situation with respect to violence against women and girls, as well as to undertake awareness campaigns, human rights education and training programmes for members of the police and to provide greater resources to the judicial services entrusted with addressing those issues (Ireland);
33. To intensify its efforts to prevent and combat violence against women and girls, in particular sexual abuse, domestic violence and the violent killing of women, as recommended by CAT (Azerbaijan);
34. To continue efforts to combat violence against women, including by taking effective measures aimed at preventing and punishing such violence and ensuring that its perpetrators do not have impunity (Uruguay);
35. To accelerate the ongoing legislative reform to combat insecurity and violence against women and children and to consolidate those measures, including through improved statistics or educational programmes in schools regarding human rights and gender equality (Luxembourg);
36. To devise action-oriented plans to combat trafficking, in particular of women and children (Egypt);
37. To strengthen measures to protect boys, girls and adolescents from all forms of violence against them, as well as measures to eradicate child labour and combat the exploitation of boys, girls and adolescents (Costa Rica);

38. To take specific measures to prohibit corporal punishment of children in all settings, including at home (Slovenia);
39. To take legislative and administrative measures to combat violence against boys and girls and to eliminate child labour (Chile);
40. To intensify its efforts to prevent and combat violence against children and other members of vulnerable groups (Germany);
41. To continue the programme aimed at modernizing its judicial system with the assistance of international bodies and to take measures to improve access to justice for all segments of the population (Algeria);
42. To strengthen oversight mechanisms to ensure that the National Civilian Police, in carrying out its activities, fully respects human rights and the rule of law (Canada);
43. To fully investigate allegations of corruption and criminality within the police force (Canada);
44. To fully investigate all allegations of abuse and violence against civil society actors, and to prosecute the perpetrators (Canada);
45. To investigate fully and effectively the violations committed against human rights defenders and journalists and to bring to justice those responsible (Norway);
46. To properly investigate and prosecute perpetrators of attacks against human rights defenders (Netherlands);
47. To take measures to ensure the transparent, independent and impartial investigation of cases involving violence against women and girls (Norway);
48. To ensure the effective investigation of all cases of femicide, as well as punishment for those who commit that crime, and to adopt additional measures to combat that phenomenon (Ukraine);
49. To increase the effectiveness of investigations in order to hold accountable perpetrators of killings motivated by gender prejudice (Poland);
50. To guarantee effective access to justice for victims of gender violence, shelters for such victims and police protection (Poland);
51. To establish an effective legal and judicial process for investigating cases of child disappearance and to ensure that those found responsible are brought to justice (United Kingdom);
52. To accelerate efforts to improve the existing situation in detention centres and prisons (Slovakia);
53. To develop concrete plans to address and control abuses perpetrated by gang inmates against other prisoners, as well as the corrupt practices of prison officials who have condoned and exacerbated violence and other dangerous conditions in the nation's detention centres (United States of America);
54. To provide adequate professional training and human rights education to PNC (Canada);
55. To include programmes on human rights education at all levels of the armed forces and police, and to provide assurances of transparency and participation to civil society in every cooperation project related to justice and security (Spain);

56. To ensure that civil society organizations and journalists can exercise their freedom of expression and participate in peaceful public gatherings and demonstrations (Norway);
57. To eradicate child labour and, to that end, seek cooperation with United Nations agencies such as ILO (Brazil);
58. To make further efforts to eradicate child labour and protect juvenile workers (Belarus);
59. To adopt efficient measures to stop child labour, especially in cases in which children work in a hazardous environment (Germany);
60. To make further efforts to address the problem of unemployment (Belarus);
61. To continue to promote economic rights in order to improve the living conditions of the population (Iraq);
62. To continue efforts to establish a universal system for social protection, including to guarantee food security, employment, social security and the development of production (Russian Federation);
63. To take the measures necessary, in accordance with the recommendation made by CESCR, to strengthen the national health system on the basis of equity and accessibility, guaranteeing essential health services for the entire population, in particular vulnerable groups (Ukraine);
64. To improve access for women to sexual and reproductive health rights and services (Luxembourg);
65. To continue efforts to combat poverty through comprehensive programmes aimed at both rural and urban areas (Cuba);
66. To continue to increase and consolidate social programmes aimed at combating poverty and social exclusion (Bolivarian Republic of Venezuela);
67. To step up efforts to further reduce poverty, in particular in rural areas (Belarus);
68. To continue to carry out actions and programmes aimed at guaranteeing educational and health services for all (Cuba);
69. To adopt social integration policies aimed at preventing girls, boys and adolescents from dropping out of school (Mexico);
70. To strengthen measures to progressively reduce the illiteracy rate in the country (Argentina);
71. To continue its efforts to eradicate illiteracy and to consider urging the cooperation of other countries engaged in that endeavour (Bolivia);
72. To pursue and intensify initiatives in the area of housing (Algeria)<sup>1</sup>;
73. To pursue a robust policy aimed at promoting and protecting the rights of indigenous people (Kazakhstan);

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<sup>1</sup> The recommendation as read during the interactive dialogue: To pursue and intensify initiatives in the area of housing within the framework of the plan for 2009-2014, which sets as an objective a house for everyone.



74. To promote a legal framework providing legal certainty for the protection of the rights of indigenous peoples (Mexico);
  75. To continue its efforts to guarantee the rights of migrants, in particular migrant workers and members of their families (Egypt);
  76. To make additional efforts to work with refugees and migrants (Kyrgyzstan);
  77. To establish an effective and inclusive process to follow up on the recommendations resulting from the universal periodic review (Norway);
  78. To establish an inter-institutional mechanism with broad civil society representation to follow up on the outcomes of the review (Uruguay);
82. The following recommendations will be examined by El Salvador, which will provide responses in due course, but no later than the 14<sup>th</sup> session of the Human Rights Council, in June 2010:
1. To work to adhere to the protocols to those conventions that it has already signed (Iraq);
  2. To ratify the main international human rights instruments, in particular the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court (Chile);
  3. To consider signing or ratifying the Optional Protocol to the Convention against Torture, the Rome Statute, the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of Discrimination against Women (Brazil);
  4. To sign and ratify the Optional Protocol to the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance, and to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Spain);
  5. To consider the early ratification of the optional protocols to the Convention against Torture, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women (Slovakia);
  6. To consider the possibility of ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and the Rome Statute (Argentina);
  7. To ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Republic of Korea, The Netherlands);
  8. To take the measures necessary to ratify or accede to the 169 International Labour Organization (ILO) Convention, the Optional Protocol to the Convention against Torture and, in particular, the International Convention for the Protection of All Persons from Enforced Disappearance (Guatemala);
  9. To sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to finally and entirely abolishing the death penalty (France);
  10. To sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);

11. To consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Italy);
12. To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Luxembourg);
13. To sign and ratify the International Covenant for the Protection of All Persons from Enforced Disappearance (France);
14. To consider the possibility of ratifying the International Covenant in order to ensure that it is enforceable as soon as possible (Argentina);
15. To consider the possibility of ratifying the Rome Statute of the International Criminal Court, as proposed by the Committee on the Rights of the Child (Panama);
16. To ratify the Rome Statute of the International Criminal Court, signed in 1998 (Italy);
17. To ratify the Rome Statute of the International Criminal Court, including accession to the Agreement on Privileges and Immunities (Slovakia);
18. To ratify the Optional Protocol to the Convention against Torture (United Kingdom);
19. To ratify ILO Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries (Kyrgyzstan);
20. To accord priority to the provision of required resources in order to ensure the effective implementation of the Comprehensive Act on the Protection of Children and Adolescents (Ireland);
21. To conduct a national campaign for the universal provision of identity documents (Brazil);
22. To identify concrete measures to combat social and cultural attitudes leading to discrimination and to specifically promote the sexual and reproductive rights of women and girls; to work towards equality of pay and conditions for women in the workplace; to reduce discrimination against people with HIV/AIDS; and to increase the inclusion of lesbian, gay, bisexual and transgender people in the public and private sectors (United Kingdom);
23. To abolish the death penalty (Luxembourg);
24. To amend the relevant legislation in order to abolish capital punishment entirely, in line with the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovakia);
25. To assess the possibility of abolishing the death penalty for military crimes and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Argentina);
26. To modify the military code in order to eliminate capital punishment for all crimes (France);
27. To implement the recommendations made by the members of the working group on enforced or involuntary disappearances following their visit in 2007 (France);
28. To urgently take effective measures to reduce the duration of preventive detention, as well as to prevent and punish torture and ill treatment in accordance with the recommendations made by the Committee against Torture (Mexico);

29. To adopt and implement reforms aimed at facilitating credible and responsible criminal investigations that respect human rights and at eliminating judicial corruption in order to ensure that persons suspected of breaking the law are apprehended, tried and sentenced in an efficient, accountable and transparent manner (United States of America);
30. To take steps to improve prison conditions and reduce overcrowding, as well as to reduce the period of pre-trial detention (Canada);
31. To take measures necessary to put an end to prison conditions that are characterized by severe overcrowding and that lead to widespread violence among prisoners (Netherlands);
32. To amend the Family Code in order to raise to 18 the minimum age for marriage; to define forced marriage as a crime; to intensify educational measures in the area of reproductive health; and to improve the conditions of access to secondary education, especially in rural areas (Spain);
33. To consider amending the Family Code in order to raise the minimum age for marriage, which is currently 14 years (Poland);
34. To study the possibility of consolidating the national health system, including through public-private partnerships (Malaysia);
35. To redouble efforts to reduce the maternal mortality rate and increase the health budget in order to guarantee a national health system based on equity and accessibility, as stated in paragraph 48 of the national report (Luxembourg);
36. To adopt and implement all measures necessary to encourage and ensure access for girls, adolescents and women to adequate sexual and reproductive health services, including the provision of adequate contraceptive, family planning and obstetric information and facilities, according special attention to the prevention of early pregnancies and unsafe abortions (Germany);
37. To initiate a national dialogue on the right of women to reproductive health, including with respect to the consequences of restrictive laws on abortion, including the criminalization of abortion (Luxembourg);
38. To continue to implement the recommendation of the Committee on Economic, Social and Cultural Rights that a national plan for land management be adopted in accordance with applicable construction norms in areas exposed to risks of natural disasters (Algeria);
39. To ratify the convention to combat discrimination in the area of education (Kyrgyzstan);
40. To make further efforts to update and amend the laws on migration to bring them into line with international standards (Kyrgyzstan);
83. All conclusions and/or recommendations set out in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

### **III. Voluntary pledges and commitments**

84. El Salvador extended an open and standing invitation to the Human Rights Council special procedures.

85. El Salvador will subscribe to the Optional Protocol to the Convention against Torture and will recognize the competence of the Convention under its articles 21 and 22.

## Annex

### Composition of the delegation

The delegation of El Salvador was headed by the Vice-Minister for Integration and Economic Promotion of the Ministry for Foreign Affairs, Carlos Alfredo Castaneda Magaña, and was composed of four members:

- Byron Fernando Larios López, Permanent Representative of El Salvador to the United Nations Office and Other International Organizations in Geneva;
  - David Morales, Director General for Human Rights;
  - Carmen Elena Castillo-Gallandat, Minister Counsellor, Permanent Mission of El Salvador to the United Nations Office and Other International Organizations in Geneva.
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