



Parallel Report

Universal Periodic Review of El Salvador

34th Session, November 2019



International Bar Association's Human Rights Institute
Instituto de Derechos Humanos de la Universidad Centroamericana de El Salvador

With the participation of:

*American Friends Service Committee
Asociación ProBusqueda de niñas y niños desaparecidos
Avocats Sans Frontières Canadá
Azul Originario
CEMUJER
COMCAVIS
Cristosal*

Fundación de Estudios para la Aplicación del Derecho

Fundación para el Debido Proceso

Fundación para la Justicia y el Estado Democrático de Derecho

Observatorio de la Universidad Centroamericana de El Salvador

Servicio Social Pasionista

1. Human rights violations by state agents

1. Detention

1. Enforced disappearances

1. Trafficking

1. Forced displacement

- **Human rights violations by state agents**
 - I. Criminalize extrajudicial killings;
 - II. Publish official statistics on extrajudicial executions;
 - III. Compensate the victims of extrajudicial killings, through adequate and sufficient economic reparation and psychological and psychiatric assistance;
 - IV. Demilitarize security tasks;
 - V. Conduct a study of the PNC's structure with the objective of implementing effective police reform, including of its chain of command;
 - VI. Reform its human rights education plan for state agents.

- **Detention**
 - I. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - II. Undertake a comprehensive review of the amended Penitentiary Law, ensuring the due process rights of persons detained and that lawyers can exercise their functions without intimidation or undue interference;
 - III. Ensure that detention conditions in all the country's prisons are compatible with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
 - IV. Reduce overcrowding in detention centres, in particular by ending the general and indiscriminate use of provisional detention and ensuring that provisional detention is an exceptional, reasonable and necessary measure in all circumstances and that it is as short as possible, including for adolescents in conflict with the law;
 - V. Reform the Criminal Procedure Code to reduce the maximum legal term for administrative detentions to 48 hours.

- **Enforced disappearances**

- I. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- II. Accept the investigation procedure of Article 13 of the Optional Protocol to the Convention on the Rights of the Child, to allow the investigation of the systematic disappearances of children;
- III. Provide the Forensic database for the search of persons disappeared on migrant routes with sufficient budget and full-time exclusive staff;
- IV. Adopt legislation on the search and identification of disappeared persons that allows for the participation of victims and civil society organizations in the actions and mechanisms implemented.

- **Trafficking**
 - I. Strengthen the special units against human trafficking to ensure effective investigations of the crimes committed and their root causes by providing sufficient budget and staff;
 - II. Modify Article 9 of the Special Law against Human Trafficking, with the aim to professionalize the National Council against Human Trafficking;
 - III. Create shelters for victims of human trafficking, with sufficient funding and trained staff to support the victims.

- **Forced displacement**
 - I. Generate a national record of internal displacement and establish “a legal framework, program and policies aimed to guarantee the assistance and protection of displaced people ”;
 - II. Approve a law for the comprehensive assistance of victims of forced displacement.



Administration of Justice, including impunity, and the rule of law



- 1. Access to the archives of the armed conflict**

- 1. Reparation**

- 1. Impunity**

- 1. Justice**



Administration of Justice, including impunity, and the rule of law



- **Access to the archives of the armed conflict**
 - I. In his capacity as General Commander of the Armed Forces, the President of the Republic should create an independent commission, composed of human rights experts, after consultation with the victims and their lawyers, with the mandate to access and review a military archives related to the armed conflict;
 - II. Allocate the financial resources to allow the UN Archive to initiate an expedite classification of the archives of the Salvadoran Truth Commission, in order to facilitate access to such information to victims, their lawyers, prosecutors and judges and to seek international cooperation in this regard.

Administration of Justice, including impunity, and the rule of law

- **Reparation**
 - I. Create a comprehensive registry of victims as a first step to provide adequate and effective reparations to the victims of violations during the armed conflict;
 - II. Approve a law that provides for full and adequate reparation, including both material and symbolic reparations, to victims of violations occurred during the armed conflict, in consultation with the victims and civil society organisations;
 - III. Eliminate all public recognition and homage to perpetrators of international crimes during the armed conflict.



Administration of Justice, including impunity, and the rule of law



- **Impunity**
 - I. Enact a law on reconciliation that meets international standards on the rights to truth, justice, reparation and guarantees of non recurrence, and that condemns all forms of impunity, with the full participation of civil society.



Administration of Justice, including impunity, and the rule of law



- **Justice**
 - I. Provide the Office of the Public Prosecutor with appropriate and sufficient resources to carry out serious, impartial and comprehensive investigations of violations occurred during the armed conflict in order to prosecute and punish those responsible;
 - II. Amend Articles 98 to 101 of the Internal Rules of the Legislative Assembly to regulate the selection of the magistrates of the Supreme Court of Justice and the Public Prosecutor, establishing a transparent proceedings with clear rules to evaluate the qualities and skills of the candidates.