



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**List of issues to be addressed during the consideration of the
second periodic report of EL SALVADOR (CAT/C/SLV/2)**

Articles 1 and 4

1. Please state whether the State party is considering incorporating in its criminal legislation a proper definition of the offence of torture in terms complying with article 1 of the Convention. If it is not, please indicate what has prevented the State party from implementing this recommendation, which was contained in the Committee's previous concluding observations. Please give examples of cases in which judges, prosecutors or procurators have used articles 1 and 4 of the Convention (see para. 133 of the report).

Article 2

2. Please provide detailed information on any relevant changes with regard to the mandate, funding, activities and achievements of the Office of the National Counsel for the Defence of Human Rights. Please describe any coordination and cooperation that exists between the Office and the Government.

3. Please indicate:

(a) Whether, in accordance with the recommendations of the Truth Commission, all the military personnel and judicial officers who were identified in the Commission's report as alleged perpetrators of serious human rights violations have been relieved of their duties;

(b) The measures taken to ensure that persons who may have committed human rights violations, including torture, or violations of humanitarian law, are not recruited as officers of the National Civil Police (PNC).

4. Please indicate:

(a) What measures have been taken by the State party to find persons who disappeared during the armed conflict of 1980 to 1992, including children;

(b) Whether or not a national commission with adequate resources and capacity has been established;

(c) Whether or not a programme to compensate victims has been implemented; and, if not, why not;

(d) Whether or not there exists a comprehensive programme to search for disappeared persons.

5. According to reliable information received by the Committee, the incidence of torture in centres for juvenile offenders is alarming. Please comment on this and provide detailed information, including the number of cases of torture or ill-treatment in such centres that have been investigated.

6. Please indicate any practical measures adopted to combat the high levels of criminal behaviour, violence and murder to which children are subjected, including policies and programmes implemented at every level.

7. According to reliable information received by the Committee, various provisions of the Anti-Gang Law do not comply with the Convention. Please indicate what measures have been taken by the State party to ensure that such provisions comply with the Convention.

8. Does the State party intend to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity? Please indicate the reasons for your reply.

Article 3

9. Please provide information on:

(a) The regulation of the expulsion of refugees for national security or public order reasons;

(b) The number of persons expelled, repatriated or extradited since the Committee's consideration of the first report, the list of countries to which they have been repatriated and the reasons for repatriation.

Article 5

10. Please indicate whether, in accordance with the obligations imposed by the International Covenant on Civil and Political Rights, the General Amnesty (Consolidation of the Peace) Act of 1993 has been amended in such a way as not to prevent the investigation and punishment of those responsible for torture and inhuman or degrading treatment during the armed conflict.

Articles 6, 7 and 8

11. Please indicate the legislative or other measures that have been adopted in order to implement the provisions of article 5 of the Convention. Under the country's current legislation, are acts of torture invariably considered to be offences within domestic law, wherever they occur and whatever the nationality of the perpetrator or the victim? Please provide relevant examples of legal judgements in this area.

12. Please indicate whether the State party has, for any reason, refused an extradition request from a third State relating to a person suspected of having committed torture and whether proceedings have been initiated against that person as a result. What is the situation and the result of such proceedings? What articles of El Salvador's Criminal Code have been breached in such cases?

Article 9

13. Please indicate whether the Istanbul Protocol is used in the training given to public officials, law enforcement officers and health professionals.

14. Please provide information on the gender perspective of training given to public officials, particularly to staff responsible for public order, legal officers and health-service providers.

Article 10

15. Please indicate what mechanisms exist for the independent monitoring of detention centres. Please also provide information on the frequency of visits made by such mechanisms.

Articles 11 and 12

16. With regard to the period covered by El Salvador's second periodic report, please provide statistical data, disaggregated by crime, region, ethnic group, sex and age, on claims relating to acts of torture and cruel, inhuman or degrading treatment, which were recorded during the last five years, as well as on investigations, prosecutions and related criminal and disciplinary judgements, including administrative sanctions.

17. Please indicate:

(a) What action has been taken on the reports of the Office of the National Counsel for the Defence of Human Rights, which have exposed many acts of torture, cruel, inhuman or degrading treatment and the disproportionate or unnecessary use of force by police and prison staff;

(b) What procedure was followed in carrying out a prompt and impartial investigation of the cases described by the Office.

18. Please indicate whether cases of extrajudicial executions in the period between El Salvador's initial report and the second periodic report have been reported or investigated.

19. The Committee has learned that, during 2002 and 2003, there was an increase in the number of murders of women. The majority of cases related to females between 15 and 20 years of age, who disappeared and were later found murdered in public parks or wasteland around San Salvador. The mutilated corpses showed signs of rape and torture. In that connection, please inform the Committee of:

- (a) Whether a record of the women murdered since 2002 has been kept, and the approximate number;
- (b) Progress made on investigations into these incidents;
- (c) Persons who have been identified, tried and sentenced for such offences; and
- (d) The forms of reparation and compensation given to the victims.

Article 13

20. Please indicate whether legislation has been adopted giving victims of torture the right to fair and adequate compensation at the State's expense and whether programmes for the victims' fullest possible physical and mental rehabilitation have been introduced. Please provide information on the reparation and compensation provided for victims over the period 2007-2009.

21. Please indicate the kind of medical and psychological treatment or rehabilitation available to victims of torture or cruel, inhuman or degrading treatment. What budgetary funds are provided for this purpose?

Article 14

22. Please provide information on the implementation of current legislation in which violence against women is classified as an offence.

23. Please indicate:

- (a) What the results of the National Plan on Domestic Violence have been;
- (b) Whether or not there has been an assessment of the functioning of the "conciliation between aggressor and victim" provided for by law and what the result has been;
- (c) Whether or not there exists a law in the State party under which marital rape is prosecuted;
- (d) The measures adopted to combat the practice of corporal punishment of children.

24. Please indicate whether the clause in the Criminal Code that exonerates rapists who marry their victims has been repealed.

25. Please indicate the measures taken to raise public awareness of laws penalizing domestic violence and to create an understanding of the criminal nature of such conduct.

26. Please provide information on the measures that have been taken to protect girls, including very young girls, who are employed as domestic workers and are exploited, physically abused and sexually harassed. Please indicate what further action has been taken on the study by the International Labour Organization (ILO) - International Programme on the Elimination of Child Labour (IPEC) carried out in 2002, which found that 60 per cent of girl domestics surveyed reported physical and sexual abuse.

27. Please indicate whether the complaints of ill-treatment to which migrant children were subjected in public schools have been investigated and describe the measures taken to prevent and punish such conduct.

28. In her report on her mission to El Salvador in 2004, the Special Rapporteur on violence against women, its causes and consequences, referred to claims that a high proportion of female police officers had been subjected to sexual harassment and violence. Please indicate what action has been taken to deal with these claims.

29. Please comment on reports that victims of violence and their families, when seeking justice, are subjected to further abuse and discrimination by the criminal justice system and that some female relatives have been sexually harassed by police officers.

30. Please comment on measures taken by the State party to eliminate trafficking in children for the purposes of sexual and labour exploitation.

Other topics

31. Please indicate:

(a) The practical steps taken to make the Convention and the Committee's concluding observations and recommendations widely available in the various languages spoken in the State party;

(b) Any activities or programmes that have been set up in cooperation with non-governmental organizations;

(c) The conditions under which human rights defenders have been given access to detention centres and information and statistics on Government policy in this regard.

32. Please provide information on educational and promotional activities in the field of human rights and on the incorporation of the topic in the school curriculum of the present generation of children.

33. Indicate the reasons for the delay in the submission of El Salvador's second periodic report, which should have been submitted in 2001.

34. Please indicate whether, following the recommendations made by the Committee in 2000, El Salvador intends to make the declarations provided for in articles 21 and 22 of the Convention.

35. Please indicate when the State party anticipates that it will sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In that regard, have measures been taken to establish or appoint a national mechanism to carry out periodic visits to detention centres with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment?
36. Please provide information on the legislative, administrative and other measures adopted to combat terrorism. Please also indicate whether these measures have affected any legal guarantees and practices with respect to human rights.
37. Please provide information on the legislative, administrative and other measures taken by the State party in response to the threat of terrorist acts and explain whether these measures have affected human rights safeguards in legislation and in practice and, if so, in what way. In that connection, the Committee would recall Security Council resolutions 1456 (2003), 1535 (2004), 1566 (2004) and 1624 (2005), in the first of which the Council stated that States “must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law”. Please describe the relevant training given to law and order officials, the number and type of sentences handed down in accordance with the law and the legal resources available to persons who have been the object of anti-terrorism measures. Please also state whether there have been claims of non-compliance with international law and the result of such claims.
