



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE  
Ninety-seventh session  
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE  
CONSIDERATION OF THE SIXTH PERIODIC REPORT OF EL SALVADOR  
(CCPR/C/SLV/6)**

**Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. Please provide examples of cases in which the provisions of the Covenant have been invoked before, and relied on by, national courts (core document, HRI/CORE/1/Add.34/Rev.2, para. 92). Please also indicate whether the State party intends to give the Covenant constitutional rank (State party's report, CCPR/C/SLV/6, para. 203).
2. Please indicate whether the State party has reviewed or intends to review the General Amnesty, (Consolidation of the Peace) Act of 1993, with a view to ensuring that it does not confer impunity incompatible with the Covenant, in particular articles 2 and 14, as recommended by the Committee in its previous concluding observations (CCPR/CO/78/SLV, para. 6).
3. Please indicate whether the State party has reviewed its rules on the statute of limitations with a view to bringing them in line with the Covenant so that human rights violations can be investigated and punished (previous concluding observations, para. 7). What have been the results of the investigation conducted into the killing of Mgr. Oscar Romero, the Archbishop of San Salvador, as well as the killing of the six Jesuit priests, their housekeeper and her daughter at the Central American University on 16 November 1989?
4. Please indicate whether the recommendations of the Truth Commission with regard to the dismissal of military and court officials have been implemented (previous concluding observations, para. 8). Further to the recommendations of the Truth Commission, what measures,

including legal proceedings, have been taken to make named military and court officials accountable for human rights violations committed during the civil war (1980-1992) and to provide reparation for the victims?

5. What measures have been taken to ensure that the conditions of recruitment into the National Civil Police bar any applicant who might have perpetrated human rights violations or been implicated in violations of humanitarian law (previous concluding observations, para. 11)?

6. As requested in the Committee's previous concluding observations (para. 9), please provide information on the progress made regarding the reform of the judicial system.

7. Please provide information on the measures taken to support the Office of the Procurator for the Defence of Human Rights and the Ombudsmen and to investigate all reports of threats and harassment with a view to ensuring the safety of all Office officials in the performance of their functions (previous concluding observations, para. 13).

**Non-Discrimination, freedom from interference with privacy, protection of the family, and equality of men and women (arts. 2, 3, 17, 23 and 26)**

8. Please indicate what measures have been adopted, if any, to combat discrimination against members of ethnic minorities and indigenous communities. Please also provide information on the participation of members of ethnic minorities and indigenous communities in public life, including the higher level of civil service, political parties and Parliament.

9. Has the State party adopted a strategy to eliminate gender stereotypes of women? Please provide information on the "Plan de Acción de la Política Nacional de la Mujer" (State party's report, paras. 33, 41-55 and 211). Please also provide more detailed and up-to-date information on the measures taken to further promote the participation in public life of women, in particular women from disadvantaged groups. Please indicate the steps taken, if any, to improve the literacy rate of women, especially rural women (paras. 58-59).

10. What measures have been taken to prevent discrimination against persons because of their sexual orientation and gender identity? Please also provide information on the steps adopted to prevent attacks on homosexuals, to investigate such incidents, and to prosecute and punish the perpetrators (previous concluding observations, para. 16).

11. Please provide information on the situations in which abortion is legal (previous concluding observations, para. 14; State party's report, para. 67). Does the State party plan to review its laws on abortion as recommended by the Committee? Please comment on reports that women resort to illegal and clandestine abortions, resulting in a high number of maternal deaths.

**Right to life, prohibition of torture, right to a fair trial, rights of the child, and violence against women (arts. 6, 7, 14, 24 and 3)**

12. Has the State party adopted a comprehensive plan to search for all disappeared persons? Please indicate whether the State party intends to broaden the definition of enforced disappearance in the Criminal Code as recommended by the Working Group on Enforced or

Involuntary Disappearances. Please also provide information on the progress accomplished by the Inter-Institutional Commission to Search for Children who Disappeared owing to the Armed Conflict in El Salvador.

13. Please provide precise information concerning (a) the number of complaints and ensuing investigations of torture and ill-treatment by law enforcement officials, including prison guards, received during the reporting period; (b) the remedies available to victims; (c) and the follow-up given to the complaints and the penalties imposed on those identified as having been responsible for those acts. In particular, as requested in the Committee's previous concluding observations (para. 12), please provide precise information on the dismissal of National Civil Police staff for violations of the right to life and/or of the prohibition of torture, cruel, inhuman or degrading treatment and abuses of authority, as well as the procedures applicable in such cases (State party's report, paras. 73-75, 81, 128 and 171). Please also provide more detailed information on the mandate and the activities of the "Inspectoría General de la Policía Nacional".

14. In relation to the phenomenon of *maras* (youth gangs), please indicate whether the State party's Criminal Code permits the prosecution of children as young as 12 as adults, and if so, whether the State party considers it compatible with the Covenant (State party's report, paras. 69 and 127).

15. Please provide more detailed information on the measures taken to implement the Domestic Violence Act and to prevent, prosecute and punish violence against women, including harassment and domestic violence. Please also describe the legal assistance and remedies available to the victims of domestic violence, and provide detailed information on this subject, including statistics. Does the State party intend to establish additional shelters for victims (State party's report, paras. 39-40)? Please also provide information on the measures taken to prevent harassment of, and violence against female staff members of the National Civil Police (previous concluding observations, para. 15).

16. What are the regulations governing the tenure, dismissal and discipline of judges? Please provide information on the number of judges and other judicial officials prosecuted for corruption, if any, including any convictions and sentences handed down. In light of articles 14 and 2, paragraph 3 of the Covenant, what measures have been taken to ensure that the judicial system is staffed by appropriately qualified personnel (State party's report, para. 157; previous concluding observations, para. 10)?

#### **Prohibition of human trafficking (art. 8)**

17. Please comment on reports that a very low number of perpetrators are prosecuted and punished. Has the National Committee against Trafficking in Persons elaborated a national plan of action and if so, please provide information on its content (State party's report, paras. 103-108)? Please provide more detailed information on the phenomenon of human trafficking in the State party, including disaggregated data, as well as the efforts undertaken for the protection of victims of trafficking, such as shelters.

**Right not to be subjected to arbitrary arrest or detention and right of persons deprived of their liberty to be treated with humanity (arts. 9 and 10)**

18. Please provide information on the maximum duration of pretrial detention prescribed by law and please indicate whether the fundamental legal safeguards for persons detained by the police are upheld in practice (State party's report, paras. 115-117).

19. What additional steps, if any, have been taken by the State party to resolve the problem of prison overcrowding and to guarantee that the basic needs of persons deprived of their liberty are met, including adequate food and medical care (State party's report, paras. 126-134; previous concluding observations, para. 17)? How does the State party address the problem of gang activities in prisons?

**Expulsion of aliens (art. 13)**

20. Please provide information on the draft migration and aliens act, including the date of its adoption. Please describe the currently applicable legal procedures for the expulsion or deportation of aliens and comment on their compatibility with the Covenant.

**Freedom of expression (art. 19)**

21. Please provide further information on the events leading to the amendment of article 296 of the Penal Code. Please also indicate how this amended provision is in conformity with article 19 of the Covenant. (State party's report, para. 179)

**Freedom of association (art. 22)**

22. Please provide more information on the amendment of the legal provisions on the right to form trade unions and its conformity with article 22 of the Covenant (State party's report, paras. 199-205; previous concluding observations, para. 20).

**Protection of minors (art. 24)**

23. Please provide information on the additional steps envisaged by the State party, if any, to eliminate child labour, in particular regarding girls in domestic service as well as children working in sugar cane cultivation (State party's report, paras. 234-246).

**Rights of minorities (art. 27)**

24. Please provide more detailed information on the measures taken to fully guarantee the right of indigenous peoples to maintain their own cultural and traditional life, their own languages and control over their lands and natural resources (State party's report, paras. 269-276).

**Dissemination of the Covenant**

25. Please provide information on (a) any measures taken to disseminate information on the submission of reports and their consideration by the Committee, and in particular on the Committee's concluding observations (core document, paras. 142, 146); (b) dissemination of the Committee's concluding observations of 2003; and (c) any training courses on human rights,

particularly civil and political rights, that have been held for judges, law enforcement officials, officials of the three branches of Government over the reporting period.

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