

EL SALVADORISSUE

Seven years after the signing of the Salvadorean Peace Accords, the overall human rights situation in El Salvador is stabilizing. El Salvador is no longer inscribed on the agenda of the CHR. Nevertheless, a few issues continue to threaten the Peace Process, including high levels of criminality, abuses by the National Civil Police (PNC) and the judiciary, poverty, and environmental degradation. The impact of Hurricane Mitch and the upcoming elections need to be followed closely.

BACKGROUND

The **Salvadorean Peace Accords** have largely been implemented and the Government has made a formal commitment to human rights, democratic principles and social development. Human rights violations are neither systematic nor do they reflect government policy. However, the Government's institutional ability to deal with human rights violations remains limited and has not improved noticeably over the last two years. In a positive development, the March 1996 *Emergency Law*, intended to combat rampant delinquency and crime, was revoked in March 1998. Additionally, there were no independently confirmed cases of politically-motivated disappearances or torture in 1998.

Levels of crime remain extremely high and are rising, with **criminal violence** having replaced the political violence of the past. The PNC has had limited success in fighting organized crime and delinquency. The **Office of the Human Rights Ombudsman (PDDH)** has reported that the PNC is the source of the greatest number of alleged human rights violations, principally, excessive use of force, mistreatment of detainees, intimidation and illegal searches. Inadequate police training may be partially responsible for the failings of the PNC and there is no indication that any excesses have been either ordered or sanctioned by the government. The result of the recent "Villanova" case has resulted in several members of the PNC being arrested, charged with murder and sentenced to long jail terms.

Unsurprisingly in a country with such a high daily level of violence (3 violent deaths per day reported in 1998, a figure which is 25% higher than in 1997), violations of physical integrity and personal security were the most frequently reported human rights abuses. The PDDH reported 26 cases of "arbitrary death" at the hands of State agents, down from 197 reported violations of the right to life by "irregular armed groups" between August 1995 and July 1996. The **UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution** also reported that paramilitary groups have reappeared in recent years. These groups, which are allegedly fomenting violence and social unrest in the country, are said to be acting with the acquiescence of the authorities, despite the fact that their links with the latter may not be as clear as in the past.

The process of **modernization of the judiciary** and purging of corrupt or incompetent judges continues, albeit slowly, and has been extended to justices of the peace. The judicial system is not capable of coping with the demands placed on it and is thus cited by the PDDH as the second largest source of violations. Impunity continues to be a leading contributor to violence in El Salvador. Mistrust between civilians and law enforcement officials and fear of reprisal represent other contributing factors.