



CONGREGATION OF OUR LADY OF
CHARITY OF THE GOOD SHEPHERD



VIVAT INTERNATIONAL

El Salvador

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KEYWORDS:

1. Stalking and extortion gang
2. Situation of migrant women
3. Domestic workers
4. Women working in Maquiladoras (Commercial companies) ¹
5. Impunity
6. Re-militarisation of the security forces
7. Introducing and strengthening initiatives to address inequalities
8. El Mozote legal case

NOTE ON THE NGO ORGANIZATIONS:

1) CONGREGATION OF OUR LADY OF CHARITY OF THE GOOD SHEPHERD is an international organization of religious women, present in 73 countries (in El Salvador since 1924). The Organisation works for Economic justice on behalf of women and children, who are forced to migrate for financial and political reasons and also with victims of human trafficking. ECOSOC status since 1996.

2) VIVAT International reaches out to persons and peoples living in poverty of any kind, and shares in their efforts for the restoration of well-being, dignity and freedom. We promote human rights, sustainable development, understanding and harmony between peoples, cultures, classes, and religions, and the creation of a world society, We engage with local communities to facilitate the participation of all. We work for ecological sustainability, the protection of biodiversity, and the preservation of the richness of the planet for future generations.

EXECUTIVE SUMMARY

3) Our in-country Educational Centers note with deep concern the following: the extortion suffered by teachers and families; children subjected to stalking, Teenagers to join criminal gangs; the vulnerability of children - boys and girls - who are alone, sons/daughters of single mothers, workers and migrants, and also the difficult experience of economic survival of single mothers, heads of households, migrant domestic workers in Commercial Companies. In addition issues of Re-militarisation of the security forces and inequalities are addressed in this submission. Finally we also address the issue of government compliance with regard to recommendations of the Interamerican Court of Human Rights.

BACKGROUND AND FRAMEWORK

4) El Salvador has managed to emerge from a bloody civil war in the 80s. After signing a peace agreement in 1992, it has made good progress towards the consolidation of peace and democracy.

5) The political transformation of the country has led to structural reforms and stable macro - economic policies with a strong economic performance between 1990 and 2007. The effects of the global financial crisis of 2008 had a deep impact on El Salvador. The exports and foreign remittances fell and there has been rising unemployment. Meanwhile the price of energy and food has risen. So from 2007 to 2008 the percentage of people living in poverty rose from 35.5% to 42.3% according to the World Bank.²

6) In recent years, the Salvadoran economy has started to recover at a slow pace. It grew by 1.6% in 2012 and it was predicted to rise by 1.9% in 2013, according to World Bank data. El Salvador has also suffered the effects of the environmental crisis. In 2011 it faced Tropical Depression Twelve-E, affecting over 1.4 million people, leaving losses and damage costing US\$ 902 million.

7) Another major challenge facing El Salvador is the level of crime and violence, which negatively affects the quality of life of its citizens.³

8) Unemployment, extortion and violence force many Salvadorans to migrate in search of better living conditions. Migration has changed the family and social composition of Salvadoran communities. The migratory exodus has caused a breakdown of the social fabric that has reduced the participation and community organization of women and men, creating a deficit of social capital.⁴

As organizations, we are present in El Salvador since 1924, when we began serving children living in poverty and other neglected children. As part of this work, we opened a school centre in the city of San Salvador. Currently this school center serves a population of 915 children from ages 4 to 15 years. It is estimated that 98.5% are children of families who depend on irregular work (i.e, have businesses in the market of San Salvador) and only 1.5% work in the formal sector. Within this school center, special attention is given to children with disabilities. Another feature of life within this group of students is that, one or more of their relatives have migrated to USA, Canada or Spain. In a situation, where both parents have migrated, children are placed with grandparents, aunts or uncles or even with neighbours.

9) In 1983, we opened another center located in a semi-rural area. Currently this center serves a population of 324 children. One hundred and forty-six of these children (or 45 %) received a full scholarship. The families of the boys and girls, who attend the center, live in poverty. They are mostly children of single mothers. And these mothers are the heads of households, who work in the informal sector as domestic workers and in Maquiladoras. In some cases their relatives have moved to the USA as irregular migrants. On a daily basis this children face insecurity in there homes because of harassment and extortion by gangs.

RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSONS

1. Stalking and extortion by gangs

10) Our organizations through the aforementioned educational centers note with deep concern the climate of fear and anxiety experienced by some families and teachers, when they are forced to pay fees to the gangs. Also these gangs prey on children and adolescents as they return home from school. It is an opportunity for these gangs to persuade these School children and sometimes to force them to join one or other of the gangs. One of the strategies followed by the directors of these educational centers has been to deliver students directly to their tutors. However, it is worrisome for parents and guardians, when children do not have anyone to pick them up after school because their relatives are working. After classes, they go home alone and hence, these children are at greater risk.

11) According to the Secretary of the Ministry of Education in El Salvador there are 335 schools at high risk from such activities, despite the Provisions of the Security Plan that the government has put in place⁵.

12) In another urban school center a graduate student was beaten and threatened (as he left school) by gangsters for refusing to join their gang⁶.

13) In 2013, according to the commissioner of the Central Investigation Department (DCI) of the National Civil Police, 954 cases of extortion were reported. The most affected sectors are the ones trading in small businesses, the professionals, agriculture, commercial and business. The most common method used to extort money is through phone calls. The criminals take phonebook numbers and contact their victims to ask for monthly payments under the threat of death. Also, on public transportation, youths belonging to these gangs get into the buses demanding from \$ 1.00 to \$ 1.50 per person.⁷

14) All of this has happened despite the creation of a Truce Commission among two gangs (Mara 18 and Mara Salvatrucha) in March 2012, which allowed for the reduction of homicides by 52 %. The expectation of advancing towards municipalities free from violence or areas of peace is a distant reality. In many municipalities declared free of violence, residents claim that an outsider or a merchandise distributor must pay at least one dollar to enter. It is dangerous at anytime to transit through the inner streets or passages especially in the afternoon and evening as at that time gangs may come to "fulfill missions" such as murder, extortion or theft. Citizens are frequently killed for refusing to pay extortion.

15) In another municipality, which has been declared free of violence, people who face extortion, dare not speak for fear of threats and are often forced to leave their homes. There are streets where nobody lives, because they had to run away after anonymous threats or phone calls⁸.

16) The World Health Organization (WHO) refers to El Salvador, as the country with the second highest rate of homicides worldwide, registering 69.2 murders per 100,000 inhabitants⁹.

Recommendation 1: That the Ministry of Education, in coordination with NGOs, the Private Sector, Ministry of Culture, design a program of music workshops, art and poetry, in addition to the academic curriculum, in order to respond to the vulnerability in which these lone children, (sons and daughters of migrant workers / female heads of household find themselves.

17) We note the economic plight of the Salvadoran female migrant domestic workers.

2. Situation of migrant women

18) According to official data about 200 people leave El Salvador daily, traveling without documents to other countries in search of better living conditions. Of these over 52% are women, and most of them cannot read or write. As a consequence these migrant women have poor working conditions, receive low pay and are exposed to physical and sexual exploitation¹⁰.

19) In 2012, according to the General Directorate of Statistics and Census of the Ministry of the Economy, the illiteracy rate was about 12.4 % at the national level. This breaks down to 7.8% illiteracy rate for women and 4.6 % for men¹¹.

20) When these female migrant workers travel between El Salvador and the United States they pass through what is commonly known as the “road of death”. It is commonly known that on this section of their journey they will be sexually assaulted at least once. Sexual violence against women in the context of migration continues. Young women are the most vulnerable.

21) The journey of migrants from El Salvador to the United States becomes increasingly dangerous because new risks have emerged, such as the kidnapping of migrants by organized criminals and the Zetas, a Mexican criminal organization.

22) Despite these risks, Salvadoran migrant women through their labour provide 70 % of the more than US\$ 3.7 billion dollars in remittances entering El Salvador each year. Remittances are the second pillar of state revenue, accounting for 17% of GDP¹².

23) In 2013, according to the General Directorate of Immigration, 34,126 people have been deported from the U.S. back to El Salvador, 1,692 of these are children and adolescents¹³. But these people will try again to get into the United States, and in the case of children to meet their relatives.

Recommendation 2: To establish an educational program for women with literacy as a central component. To be effective this educational program needs to be practical and relevant to the situation of women.

3. Domestic workers

24) In El Salvador there are about 108,000 female domestic workers and only about 1,200 are registered in the health system according to the Social Security Institute of El Salvador (ISSS). The monthly salary of these domestic workers is below the minimum wage. This corresponds to US\$ 233.17. About 4% of all migrant workers earn less than \$ 100.00 dollars per month. 89% of domestic workers have only a verbal contract, while 2% have a written contract¹⁴. In addition to this precarious economic situation, they are exposed to physical and sexual abuse. But many of them keep silent because they need to work, as they are trying to support their families, and most of them are living in poverty.

Recommendation 3: That the State ratifies and then implements the ILO Convention 189 on Domestic Workers.

4. Women working in Maquiladoras (Commercial companies)

25) The Maquiladoras generate 70,000 jobs of which 90% are women employees with an average salary of \$ 195.10 per month, after the new increase of 4 % granted in June 2013.

26) According to the independent union leader Marta Zaldaña of the Latin America Committee on Women Rights (CLADEM), women workers in the Maquiladoras " have strenuous working hours, (12, 14 or 16 hours per day), are subject to ill-treatment, women are sexually harassed, and many are not registered in the social security system"¹⁵. Despite all these situations, women prefer to keep quiet for fear of losing their job.

Recommendation 4: That the Ministry of Labour conducts periodic supervisions to the Maquiladoras to ensure that workers enjoy decent work and working conditions, and that they are free from harassment and violence.

5. Impunity

27) El Salvador's 12-year civil war was brought to an end by a Peace Accord signed on 16th January 1992, in which the Salvadorean government and the opposition FMLN (Frente Farabundo Martí para la Liberación Nacional) agreed to end the armed conflict as soon as possible, by political means; make the country more democratic; guarantee unrestricted respect for human rights; and re-unite Salvadoran society¹⁶.

28) A Truth Commission, set up as a mechanism to overcome impunity, was to be responsible for investigating serious acts of violence committed after 1980. The parties to

the Peace Accords promised to carry out the recommendations of the Truth Commission's report¹⁷ '*From madness to hope*'.

29) Nevertheless, on 20th March 1993, only a few days after the publication of the Truth Commission's report, the Salvadorean government passed a Law of General Amnesty¹⁸ granting absolute and unconditional amnesty to all persons who had participated in any way in the crimes which had been committed before 1st January 1992.

30) According to Hernández¹⁹, the right to truth is an unquestionable vindication of the rights of the victims, and the work of guaranteeing and protecting human rights is an obligation that El Salvador has assumed through various international agreements. Therefore the country must take all possible steps to investigate human rights offences in order to know what happened and who committed the crime; employ due process; and punish the perpetrators. Furthermore, the Inter-American Commission of Human Rights²⁰ has stated that the State must fulfil its obligation to the families of the victims and to society in general by identifying those who took people's lives.

31) Roberto Cañas López²¹, one of the signers of the Peace Accords, states that restorative justice demands moral and material compensation for victims. In societies like El Salvador, where violence has been permitted and supported, people's mental health can be restored only by facing the past and preserving the historical memory.

32) The Law of General Amnesty has made it impossible to follow many of the recommendations of the Truth Commission and has led to a culture of impunity. It is therefore necessary to repeal the Law of General Amnesty in order to carry out the recommendations of the Truth Commission and thus build peace in El Salvador.

Recommendation 5: That the Salvadoran Government repeal the 'Law of General Amnesty' that was passed on 20th March 1993, so that justice may be served and those responsible for crimes may be held accountable before the legal system.

6. Re-militarisation of the security forces

33) Cañas Lopez points out that it is unconstitutional and against both letter and spirit of the Peace Accords to militarise the security forces. The establishment of the Civil Police Force (PNC) was a major outcome of the Peace Accords. And yet even today members of the Armed Forces are being used in joint patrols with the PNC. This was a "temporary" measure, according to El Salvador's National Report²² for the UPR of 2009, but one of the candidates for El Salvador's 2014 presidential elections has said that if elected he will militarise the public security forces in order to fight the gangs.

Recommendation 6: The authority of the Ministry of Justice and Public Security, the Public Ministry and the Civil Police Force²³ should be recognised and protected as the sole institutions responsible for public security.

7. Introducing and strengthening initiatives to address inequalities

34) Orellana ²⁴ points out that the Peace Accords, which were essentially political, were successful in terminating the armed conflict rapidly, but at the cost of failing to address the problems caused by drastic social and economic deficiencies. Therefore, ending the war without designing a peaceful future has resulted in the continuation and worsening of problems of the past, especially in the spheres of violence and inequality. Speaking of the ethical dimension of democracy, Orellana ²⁵ observes that it will be difficult to develop features of democracy such as inclusion, knowing one's rights and demanding one's rights in a population held captive by insecurity, hunger and fear.

35) Therefore, if El Salvador is to achieve the objectives of the Peace Accords, which include making the country more democratic, guaranteeing unrestricted respect for Human Rights, and re-uniting Salvadorean society ²⁶, the country must continue, strengthen and multiply initiatives which lessen inequalities.

Recommendation 7: That the Government of El Salvador develop a Human Rights based, plan of action to eliminate inequalities in society.

8) El Mozote legal case:

36) We express concern at the delay in arriving at a satisfactory resolution of the El Mozote legal case. This we believe is a result of the failure on the part of the Salvadoran government to comply with the judgment recommendations of the Inter-American Court for Human Rights. All these recommendations are detailed in Appendix 2 (El Mozote).

Reccommendation 8:

That the government of El Salvador comply fully with those recommendations of the Inter-American Court For Human Rights concerning the El Mozote case, that have not yet been implemented and give a clear time frame for their implementation.

APENDICES

ACHIEVEMENTS, BEST PRACTICES

The State of El Salvador through the Ciudad Mujer Program is giving answers to a number of recommendations (A- 2, A- 3, A- 15, A -21, A- 22, A -28, A- 32, A-33 , A- 34, A -64) that were asked in the periodic review in 2010 on creating an infrastructure bequeathed to improve the protection of women, comply with CEDAW, take the legal and political measures for equality of men and women, public policies to address the problem of violence against women, and access to sexual and reproductive health.

The City Woman Program promoted by the Ministry of Social Inclusion, guaranteeing the fundamental rights of Salvadoran women, with specialized services such as: sexual and reproductive health, integrated care for gender violence, economic empowerment and promotion of their rights. It has an area of child care for daughters and children to be cared for while their mothers are in different services. Centers have been opened in Colón, La Libertad, Usulután, Santa Ana, San Martín San Salvador, San Miguel and Morazán. Perform coordination with 16 state institutions ²⁷.

¹ <http://es.wikipedia.org/wiki/Maquiladora>

Maquiladora is a company that imports materials duty free, its product is marketed in the country of origin of the raw material. The workers, mostly women, are paid very low wages (often it is not a living wage), they live in poverty and have little job security.

² <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:22738461~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>

The government has been able to partially finance its Anti-Crisis Plan. Specific results from the implementation of this DPL were reported as follows:

- Expansion of fiscal space through the implementation of a new tax on vehicles and the introduction of an ad-valorem tax on alcoholic beverages. As of July 2010, tax collection from alcoholic beverages (specifically from beer) has increased by 21.1 percent compared to 2009. The new tax on vehicles allowed the government to collect US\$4.4 million by July 2010.
- Improvements on the targeting of public spending. From a baseline of US\$325 million in 2008, untargeted public subsidies have been reduced to US\$190.7 million (by July 2010).
- Expansion of the Conditional Cash Transfer Program “Comunidades Solidarias.” The coverage of the program has been expanded from the 77 poorest municipalities in 2008 to 100 municipalities by May 2010, benefiting a total of 100,000 families.

³ <http://www.bancomundial.org/es/country/elsalvador>

⁴ CN-Cimacnoticias-Mujeres migrantes sostienen la economía de El Salvador 27-02-2013

⁵ El Salvador.com- Periódico digital. 13-09-2012

http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47655&idArt=7249849

⁶ La Prensa Gráfica-El Salvador. 18-09-2013
<http://www.laprensagrafica.com/2013/09/18/alumnos-de-guatajiagua-y-yamabal-acosados>

⁷ La Pagina- 15-06-2013
<http://www.lapagina.com.sv/nacionales/83000/2013/06/14/Salvadorenos-son-extorsionados-en-90-de-los-casos-por-pandillas>

⁸ El Salvador.com- 06-07-2013
http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47859&idArt=8100721

⁹ El Salvador.com- 13-08-2013
http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47859&idArt=8100721

¹⁰ CN-Cimacnoticias- Migrantes salvadoreñas no escapan de violaciones en ruta a E.U 19-04-2013
<http://www.cimacnoticias.com.mx/node/63012>

Página web del Ministerio de Economía de El Salvador

¹¹ <http://www.digestyc.gob.sv/EHPM2012/digestyc/resultado.pdf>

La Opinión- 03-05-2013

¹² <http://www.laopinion.com/trescientos-salvadorenos-emigran-cada-dia-por-maras>

Voces- Deportados por Estados Unidos mil 692 niños salvadoreños este año. 11-12-2013

¹³ <http://voces.org.sv/2013/12/11/deportados-por-estados-unidos-mil-692-ninos-salvadorenos-este-ano/>

Diario digital Contra Punto- Exigen dignificación de trabajadoras del hogar – 14-12-2012

¹⁴ <http://www.contrapunto.com.sv/ddhh/exigen-dignificacion-de-trabajadoras-del-hogar>

El Mundo.com.sv- sección Economía- 06-07-2013

¹⁵ <http://elmundo.com.sv/trabajo-domestico-agricultura-y-pesca-son-los-peores-pagados>

¹⁶ Acta de los Acuerdos de Paz, Chapultepec, México, 16th January 1992

¹⁷ Comisión de la Verdad, *De la locura a la esperanza*, March 1993

¹⁸ La Ley de Amnistía General para la Consolidación de la Paz, 20th March 1993

¹⁹ Claudia María Hernández (2013) “Recomendaciones de la Comisión de la Verdad, la oportunidad perdida” in *Estudios Centroamericanos* No. 733 April-June 2013, Vol. 68, pp. 162-163

²⁰ Comisión Interamericana de Derechos Humanos (CIDH) (1999), p. 221

²¹ Roberto Cañas López (2014) “¿Celebración de firma de Acuerdos de Paz en medio de la campaña electoral?” in *El Mundo*. San Salvador, El Salvador, C.A., 15 January 2014, p. 20

²² Human Rights Council, Working Group on the Universal Periodic Report (2010) “Informe Nacional presentado con arreglo al párrafo 15a) del anexo de la Resolución 5/1 del Consejo de Derechos Humanos”, El Salvador. Geneva: U. N. General Assembly, no. 32

²³ El Ministerio de Justicia y Seguridad Pública, el Ministerio Público and the Policía Nacional Civil

²⁴ Carlos Ivan. Orellana (2013) “Una revisión crítica de algunos presupuestos sobre la democracia a propósito del caso salvadoreño” in *Estudios Centroamericanos* No. 734 July-September 2013, Vol. 68, p. 360

²⁵ *Ibid.*, p. 382

²⁶ Acta de los Acuerdos de Paz, Chapultepec, México, 16th January 1992

Página web del Programa Ciudad Mujer,

²⁷ <http://www.ciudadmujer.gob.sv/>

Bibliography

Allamanni de Carrillo, Beatrice (2013) “Los derechos humanos y el pensamiento de Ignacio Ellacuría” en *Estudios Centroamericanos* No. 732 Enero-marzo 2013, Volumen 68, páginas 105-113

Cañas López, Roberto (2014) “¿Celebración de firma de Acuerdos de Paz en medio de la campaña electoral?” en *El Mundo*. San Salvador, El Salvador, C.A., 15 de enero de 2014, pág. 20

Consejo de Derechos Humanos, Grupo de Trabajo sobre el Examen Periódico Universal (2010), “Informe Nacional presentado con arreglo al párrafo 15 a) del anexo de la Resolución 5/1 del Consejo de Derechos Humanos”, El Salvador. Ginebra: Asamblea General, Naciones Unidas

Hernández, Claudia María (2013) “Recomendaciones de la Comisión de la Verdad, la oportunidad perdida” en *Estudios Centroamericanos* No. 733 Abril-Junio 2013, Volumen 68, páginas 161-172

Orellana, Carlos Ivan (2013) “Una revisión crítica de algunos presupuestos sobre la democracia a propósito del caso salvadoreño” in *Estudios Centroamericanos* No. 734 July-September 2013, Vol. 68, pp. 355-386

Note: This submission uses *unofficial* English translations of information gleaned from sources in Spanish.