



Amnesty International Report 2015/16 - El Salvador

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A total legal abortion ban remained in place, violating women's human rights. Human rights defenders of lesbian, gay, bisexual, transgender and intersex (LGBTI) communities and those defending and promoting sexual and reproductive rights faced increasing risks and particularly suffered violence and intimidation from state agents, individuals and private groups. The 1993 Amnesty Law was not repealed, presenting an obstacle for accessing justice and reparations for victims of human rights violations that occurred during the 1980-1992 armed conflict.

BACKGROUND

Legislative and municipal elections were held in March. A 30% gender quota in the electoral lists was required for the first time. No party reached the required number of representatives to achieve a majority in the Legislative Assembly.

Levels of gang-related violence and organized crime surged and homicide rates soared. According to official records, 4,253 homicides were registered in the first eight months of the year, compared with 3,912 for the whole of 2014. Criminal violence forced many Salvadorians to leave the country, and also led to the internal displacement of thousands of families, according to the Civil Society Roundtable against Forced Displacement Provoked by Violence and Organized Crime.

In September, the Inter-American Commission on Human Rights requested El Salvador to adopt precautionary measures to protect the life and personal integrity of three men who allegedly had been subjected to enforced disappearances, and of their families who had been attacked and threatened after enquiring with the authorities about the whereabouts of their relatives.

In September, amid reports and complaints of increased violence against LGBTI communities, the Legislative Assembly reformed the Criminal Code to increase the penalties for crimes motivated by political opinions, racial hatred or sexual orientation and gender identity.

WOMEN'S RIGHTS

Between January and October, 475 women were murdered, an increase from 294 in 2014, according to information gathered by the Salvadoran Women's Organization for Peace and official records. Despite the Special Comprehensive Law for a Life Free from Violence for Women, some judges continued to qualify gender-based murders of women and girls as homicide instead of the crime of femicide as defined in law, according to the Salvadoran Women's Organization for Peace.

In January, the Legislative Assembly granted the request of pardon in favour of "Guadalupe", a woman incarcerated on pregnancy-related grounds. She was released after serving seven years of a 30-year sentence based on charges of "aggravated murder" after suffering a miscarriage. Authorities recognized judicial errors in the original prosecution. More than 15 women remained in jail under similar circumstances.

In March, the UN Human Rights Council adopted the outcome of the UPR of El Salvador. Fourteen recommendations were made relating to sexual and reproductive rights. While El Salvador accepted recommendations to provide access to sexual and reproductive health services, including contraception, it merely "noted" the recommendation to decriminalize abortion and remove the total ban. El Salvador remained silent on a recommendation to immediately and unconditionally release all women imprisoned for having undergone an abortion or suffering a miscarriage.[1]

In November, the Office of the Human Rights Ombudsman issued a resolution on the case of Maria Teresa Rivera, who was sentenced to 40 years in prison after experiencing an obstetric complication and was wrongfully accused of having an abortion. The Ombudsman found violations of due process and the presumption of innocence, and determined that the participation of Maria Teresa Rivera was not demonstrated during trial.

HUMAN RIGHTS DEFENDERS

The Citizen Group for the Decriminalization of Therapeutic, Ethical and Eugenic Abortion and the Feminist Collective for Local Development – leading organizations in the promotion of sexual and reproductive rights – were harassed and stigmatized by state officials, individuals and private groups because of their work on women's rights. Both organizations were called "unscrupulous groups" and "unpatriotic traitors".

Human rights defenders working for the defence and promotion of sexual and reproductive rights were also particularly stigmatized for the legal assistance provided to women convicted of homicide after suffering obstetric emergencies. Defamatory campaigns against human rights defenders aggravated the risks they faced. The authorities failed to take effective measures to curb their stigmatization and reduce risks.[2]

Human rights defenders from the LGBTI communities also reported violence and intimidation. In May, Francela Méndez, a transgender activist and member of the Salvadoran Women's Network of Human Rights Defenders, was murdered.[3] By the end of 2015, no one had been brought to justice.

Organizations reported an increase in cases of harassment and violence against the transgender community by state agents and other individuals.

IMPUNITY

The 1993 Amnesty Law remained in place, denying access to justice and reparations to victims of the human rights violations committed during the armed conflict (1980-1992). In April, former General and Defence Minister Eugenio Vides Casanova was deported from the USA after an immigration judge in Florida ruled in 2012 that he should be sent back to El Salvador for his role in human rights violations committed by the armed forces during the armed conflict.[4] By the end of the year, there was no public information suggesting that former General Vides was facing any legal proceeding.

In March, the Human Rights Ombudsman called upon the authorities to overcome the prevalent impunity for human rights violations during the armed conflict. The Ombudsman also called on the Legislative Assembly to deprive the Amnesty Law of its legal effects and urged the Attorney General's Office to effectively investigate victims' claims.

In March, more than a year after a ruling by the Constitutional Chamber of the Supreme Court of Justice ordering the Attorney General's Office to thoroughly investigate the 1981 San Francisco Angulo massacre, in which 45 people were killed allegedly by members of the army, the Constitutional Chamber required the Attorney General to report the status of the investigation. Almost two months later, the Attorney General submitted a report, followed by a second in July after the Constitutional Chamber requested additional details. By the end of the year, no decision had been issued by the Constitutional Chamber.

In July, the Constitutional Chamber established the responsibility of the armed forces in the enforced disappearance of 11 people in the context of the 1982 military "Cleaning Operation". The Constitutional Chamber's ruling required the National Defence Ministry to provide information about the operation and in particular the fate and whereabouts of the victims. The Constitutional Chamber requested the Attorney General's Office to immediately start an investigation.

[1] Amnesty International calls on El Salvador to decriminalize abortion and immediately release all women imprisoned for pregnancy-related complications (AMR 29/1254/2015)

[2] Defenders under attack! Protecting sexual and reproductive rights in the Americas (AMR 01/2775/2015)

[3] El Salvador: El Estado debe garantizar justicia en el asesinato de activista transgénero (AMR 29/1855/2015)

[4] El Salvador: No amnesty for human rights violations (AMR 29/1431/2015)