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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC
SOCIAL AND CULTURAL RIGHTS**

**Second periodic reports submitted by States parties in accordance
with articles 16 and 17 of the Covenant**

Addendum

EL SALVADOR* ** ***

[6 December 2004]

* The initial report submitted by the Government of El Salvador concerning rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.25) was considered by the Committee on Economic, Social and Cultural Rights at its fourteenth session in 1996 (see documents E/C.12/1996/SR.15-16 and 18 and E/C.12/1/Add.4).

** The information submitted in accordance with the consolidated guidelines relating to the initial part of State party reports is contained in the core document (HRI/CORE/1/Add.34/Rev.1).

*** In accordance with the information transmitted to States parties concerning the processing of their reports, the present document has not been formally edited before being sent to the United Nations translation services and is being circulated as received.

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INTRODUCTION

1. Pursuant to articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Government of El Salvador submits to the Committee on Economic, Social and Cultural Rights its combined second and third periodic report, which contains information about the action taken and the progress made in its effort to secure observance of the rights recognized in the Covenant.
2. This report has been prepared in accordance with the Committee's concluding observations on the initial report of El Salvador (document E/C.12/1/Add.4 of 28 May 1996), with compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (document HRI/GEN/2/Rev.1 of 9 May 2001), and with the Committee's general recommendations contained in the compilation of general comments and general recommendations adopted by the human rights treaty bodies (document HRI/GEN/1/Rev.5 of 26 April 2001).
3. The information contained in the report was produced by an inter-institutional team coordinated by the Ministry of Foreign Affairs and drawing its members from the following institutions: the Supreme Court of Justice; the Ministry of Labour and Social Security; the Ministry of Health and Social Welfare; the Ministry of Education; the Ministry of the Environment and Natural Resources; the Ministry of Agriculture and Livestock; the Ministry of Public Works; the National Secretariat for the Family; the Salvadoran Institute for the Protection of Minors; the Salvadoran Institute for the Advancement of Women; the National Council on Culture and the Arts; the National Civil Service Pensions Institute; the Salvadoran Social Security Institute; the Armed Forces Social Security Institute; the Department of Housing and Urban Development; the Social Fund for Housing; the National Public Housing Fund; the National Land Studies Institute; the Social Investment Fund for Local Development; the Libertad y Progreso Institute; the Directorate-General for Statistics and Censuses; and the National Water Supply and Sewerage Administration.
4. The report covers the period from January 1995 to December 2003, which was a time of profound legal and institutional change for El Salvador following the signature of the Peace Agreements in Chapultepec, Mexico, on 16 January 1992, mainly in respect of civil and political freedoms and steps taken to rebuild and transform the country's economy, which had been destroyed by the war. The Peace Agreements, which put an end to 12 years of armed conflict, have fostered ideological and political tolerance, the strengthening and consolidation of democracy, the reconstruction of the damaged or destroyed basic social and production infrastructure, and the implementation of macroeconomic policies for the stabilization and development of the national economy. These changes have created a favourable climate for the general exercise and enjoyment of human rights and fundamental freedoms.
5. Attention must also be drawn to the difficulties which had to be addressed in the years covered by the report, in particular the ones caused by nature in the shape of Hurricane Mitch in 1998, the periods of widespread drought, and the two earthquakes in 2001, as well as to the sustained fall in international coffee prices, the increase in oil prices, the international economic recessions, and the epidemics of rotavirus, dengue and other diseases. Despite these difficulties, the Government reaffirms its commitment to combat poverty by means of human development allied to measures to meet the people's needs.

6. There is a significant link between democracy and observance of all the human rights and fundamental freedoms; and the existence of State governed by the rule of law is a decisive factor for successful economic, social and cultural development.

7. It is important to mention here the obligation of the State to ensure the broadest possible enjoyment of economic, social and cultural rights and the role of the competent national institutions, such as the Supreme Court of Justice, the Office of the Attorney-General of the Republic, the Office of the Procurator for the Protection of Human Rights, consumer protection agencies and associations, and trade unions, in the efforts of civil society to secure observance of these rights, for they have an influence on public affairs and promote action with regard to rights found to have been infringed.

8. Although the allegations of violations of fundamental rights do constitute an indication of the existence of such violations, they do not necessarily determine the facts of the offences. In the Government's view, it is important to be clear that there is no automatic relation between the number of complaints and the actual number of violations. It should moreover be borne in mind that the number of complaints usually exceeds the number of verified violations.

9. It should also be pointed out to the Committee that some of the matters covered here have already been addressed in other reports of El Salvador to the competent committees; the corresponding connections and references are indicated in this report.

10. It is well known that the judicial system and prompt action on its part play a decisive role with regard to the enjoyment of all the human rights and fundamental freedoms. Accordingly, efforts are continuing to strengthen the administration of justice and maintain its capacity to respond properly to the people's needs with respect to their economic, social and cultural rights.

11. Where economic matters are concerned, the action taken has had positive effects but has also attracted criticism, some unfounded and some valid, which has served as a gauge for correcting the thrust of policy as necessary. El Salvador's economic system operates at present under a dual-currency arrangement: the United States dollar circulates freely in the country, as does the national currency, the colón, at a rate of one dollar to 8.75 colones.

12. Recent years have seen the creation of governmental bodies to work on specific aspects of economic, social and cultural development; they are continuing to implement programmes, policies, plans and projects in their areas of competence, as will be seen throughout the report. In the sphere of education, the coverage of the system has been expanded in both quantity and quality. In the field of public health, the basic integrated health systems have been put in place and are now facilitating the people's access to health services country-wide. In the case of cultural affairs, support has been given to a series of plans and projects designed to foster culture and the arts in their various expressions, and efforts are being made to restore and maintain the cultural heritage.

13. During the period covered by this report El Salvador acceded to the Optional Protocol to the International Covenant on Civil and Political Rights (1995) and to the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict (2001), both under the auspices of the United Nations, while under the auspices of the Organization of American States it ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1995), recognized the

administrative jurisdiction of the Inter-American Court of Human Rights (1995), and ratified the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1995) and the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities (2001), as well as becoming a party to several conventions of the International Labour Organization.

14. The Government drafted and has been implementing since 2001 its policy for the prevention of HIV/AIDS. It must be pointed out here that El Salvador has been following the progress of a case submitted to the Inter-American Commission on Human Rights, concerning persons living with HIV/AIDS, with a view to improving their treatment and supplying them with the necessary antiretroviral drugs; this case is being handled under the amicable-settlement procedure, thus demonstrating the State's wish for it to be treated as a matter of the protection of economic, social and cultural rights.

15. Accordingly, persons under the jurisdiction of the Salvadoran State enjoy the benefit of a system which, while not perfect, does seek to realize the constitutional guarantees as effectively as possible and to ensure observance of democratic rights and freedoms.

16. The Office of the United Nations High Commissioner for Human Rights has been working with the Government in 2003 and 2004 under a human rights technical cooperation project, carrying out measures to strengthen the Office of the Procurator for the Protection of Human Rights in El Salvador and the human rights capacity of the United Nations system in the country, and conducting training seminars for employees of State agencies; this project is a continuation of the technical cooperation projects carried out by the Office in the period 1997-2000, which were concerned with training and documentation for strengthening the system for the protection of human rights, aimed at several target agencies, and with the consolidation of the country's public security model, based on the rule of law, for the benefit of the then Ministry of Public Security, the National Civil Police, the Inspectorate-General of the National Civil Police, and the National Public Security Academy.

17. Information on the situation of El Salvador with respect to the application of the provisions of the International Covenant now follows.

A. ARTICLE 1

Paragraph 1

18. The State of El Salvador is aware that the exercise of the right of peoples to self-determination is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and consolidation of those rights and it reiterates its firm attachment to this fundamental principle of international law.

19. According to article 83 of the Constitution, El Salvador is a sovereign State whose capacity to govern is vested in the people, which exercises this capacity in the prescribed manner and within the constitutional limits.

20. One of the ways in which the people exercises the right of self-determination is the periodic democratic election of its rulers. Free and transparent elections have been held since the signing of the Peace Agreements: three Presidents and Vice-Presidents have been democratically elected,

in 1994, 1999 and 2004; four Legislative Assemblies have been constituted and municipal councils elected on four occasions (1994, 1997, 2000 and 2003); and deputies to the Central American Parliament have been elected on three occasions (1994, 2000 and 2003).

21. The principle that a President may not succeed himself is essential to the maintenance of the established form of government and political system.

22. Article 87 of the Constitution recognizes the right of the people to rise up against the Government solely for the purpose of restoring the constitutional order when it has been disturbed by violation of the rules on the established form of government and political system or following serious infringement of the rights established in the Constitution.

23. This right has been recognized in order to empower the people to take direct action, for example when it is necessary to remove culpable officials and replace them temporarily until new officials come to office in the manner prescribed by the Constitution.

24. The Constitution also establishes personal rights: everyone has the right to life, physical and moral integrity, freedom, security and work, and the right to own property and to enjoy protection in the preservation and defence of these rights.

25. The agencies of the Government perform their functions independently and within the powers and spheres of competence established by the Constitution and the laws governing the exercise of State power, which emanates from the people. Accordingly, every agency of the State exercises sovereignty through the members of the civil service. The fundamental branches of the State are the Legislature, the Executive and the Judiciary. They exercise the three fundamental State powers: to legislate, to administer, and to judge.

26. The Constitution establishes, in addition to the principal agencies of the State, a number of other particularly important bodies: the Office of the Procurator for the Protection of Human Rights, which promotes and supervizes the observance of the basic rights and freedoms of all persons as against the public administration; the Office of the Attorney-General of the Republic, which protects the interests of the State and society; the Office of the Prosecutor-General of the Republic, which watches over the interests of the family and children and other individuals; the Supreme Electoral Court, the supreme authority with regard to elections; and the Court of Audit, which ensures that the expenditures of State agencies are effected in accordance with the law.

Paragraph 2

27. Article 84 of the Constitution states that the national territory over which El Salvador exercises jurisdiction and sovereignty is irreducible and includes, in addition to the mainland, islands, the territorial waters and the jointly held Gulf of Fonseca, the airspace, the subsoil and the corresponding continental and insular platform. El Salvador also exercises sovereignty and jurisdiction over the sea, the sea-bed and the subsoil thereof.

28. The subsoil belongs to the State, which may grant concessions for its exploitation.

29. The economic system is based on the principles of social justice; the State plays a support role in collaboration with the production sector to ensure that all the country's inhabitants have the decent life which is the right of all human beings. Since 1989 the State has been promoting a

system of economic freedoms as a means of enhancing development and delivering a positive impact on the people's quality of life.

30. The country's economic order is thus based on the free-market system, promotion of the equality of all its inhabitants, and special protection for small-scale commerce, industry and services as the patrimony of native-born Salvadorans and Central Americans (Constitution, art. 115).

31. The State encourages and protects the private ownership of property in order to augment the country's wealth and make the benefits thereof available to the greatest possible number of its inhabitants.

32. A programme has been introduced for the modernization of the State and public entities such as telecommunications corporations and pension funds. This has produced a significant increase in the general public's access to modern communication media; moreover, the increased number of pension funds will considerably improve the access of retired persons to a fairer and more decent pension.

33. In accordance with article 101.2 of the Constitution, the State is obliged to promote economic and social development by increasing production and productivity and the rational use of resources. To the same end it must support the various production sectors and defend the interests of consumers. This latter aspect is addressed by the Consumer Protection Act, whose application is the responsibility of the Directorate-General for Consumer Protection of the Ministry of the Economy; any inhabitant of the Republic who considers that his consumer rights have been infringed may apply to this body.

Paragraph 3

34. Throughout its history as an independent State, El Salvador has been a steely advocate of strict compliance with the principle of self-determination of peoples in the relations between States, both bilaterally and in the international organizations and forums in which it takes part, and when the occasion demanded it has condemned acts of foreign interference.

35. Against this background El Salvador promotes in its external relations mutual respect, peaceful co-existence, democratic solidarity and economic cooperation, always on the basis of the principles of non-intervention, self-determination of peoples, renunciation of the use of force, legal equality of States, peaceful settlement of disputes, and respect for human rights.

36. Where internal affairs are concerned, the armed forces are responsible for defending State sovereignty and territorial integrity. The President may make use of the armed forces in order to uphold the Constitution when internal peace has to be maintained and in emergency situations, provided that all other available remedies have been exhausted.

B. ARTICLE 2

Paragraph 1

37. We reiterate that the Constitution posits as a fundamental principle the recognition of the human person as the origin and purpose of the activity of the State.

38. The Constitution is clear as to the protection which the State must provide for all the inhabitants of the Republic, for the rights which it recognizes and defends are accorded because they are inherent in the human person and may not therefore be subject to any kind of differentiation.

39. Title I, article 1, entitled “The human person and the purposes of the State”, recognizes the human person as the origin and purpose of the activity of the State, which must be organized in such a way as to secure justice, legal certainty and the common good, and establishes the obligation of the State to ensure the enjoyment of freedom, health, culture, economic well-being and social justice.

40. Section 1 (“Individual rights”) of Chapter I (“Individual rights and the regime of exceptions”) of Title II (“Fundamental individual rights and guarantees”) establishes everyone’s right to life, physical and moral integrity, freedom, security, work, and ownership of private property, and the right to enjoy protection in the preservation and defence of these rights; it also establishes the principle of the equality of all persons before the law without any distinction on the basis of nationality, race, sex or religion. It goes on to guarantee the right to protection of personal honour, personal and family privacy, and self-esteem and makes provision for compensation, in accordance with the law, for harm of a moral nature.

41. In Section 2 of Title II, Chapter II (“Social rights”) the Constitution sets out provisions on work and social security, while Section 3 contains provisions on education, science and culture and Section 4 addresses public health and social welfare.

42. Human rights are guaranteed throughout the Constitution. To cite a few examples, on the freedom of association it states: “Employers and workers in the private sector, without any distinction based on nationality, sex, race, religious beliefs or political opinions and regardless of the activity or the nature of the work performed, shall have the right of free association for the defence of their respective interests and to form professional associations and trade unions. Workers in public autonomous institutions shall have the same right” (art. 47); on the subject of nationality it states: “From the moment of their entry into the territory of the Republic, foreigners shall be strictly obliged to obey the authorities and comply with the law and shall acquire the right to be protected by the authorities and the law” (art. 96); on social security it states: “When employed in the same enterprise or establishment and in identical circumstances, workers shall receive equal remuneration for equal work regardless of their sex, race, religious beliefs or nationality” (art. 38.1); on education it provides that: “All the inhabitants of the Republic shall have the right and the duty to receive nursery and primary education to equip them for lives as useful citizens. The State shall promote the establishment of special education schools” (art. 56.1); and on the subject of public health and social welfare the Constitution states: “The health of the inhabitants of the Republic constitutes a public good. The State and individuals shall be obliged to ensure the protection and restoration of personal health” (art. 65.1).

43. Secondary legislation protects the legal equality of all persons (Criminal Code, art. 17); and article 246 of the Code established the offence of discrimination in labour matters.

44. El Salvador is a signatory of ILO Conventions 29 and 105, concerning forced or compulsory labour and their final abolition. Convention 105 was incorporated in domestic law in November 1958, and Convention 29 was ratified on 14 July 1994. Since the ratification of these two instruments there have been no complaints or reports of failure to comply with the

international labour legislation in question or of violation of its rules since the date of their entry into force.

45. With international assistance El Salvador has been making efforts to secure the progressive development of the economic, social and cultural rights set out in the Constitution and the relevant international treaties and other legal instruments. In this connection it has obtained technical and financial resources, mainly for housing, health and education, rural electrification and access roads, to promote local development and grass-roots participation and to combat exclusion, poverty and environmental degradation.

Paragraph 2

46. Articles 3 and 58 of the Constitution recognize inter alia the right to equal treatment and they prohibit all discrimination based on nationality, race, sex or religion. Any person who infringes this right is liable to punishment under article 292 of the Criminal Code. El Salvador has not known any cases of discrimination against a person on any of these grounds.

Paragraph 3

47. Although small-scale commerce, industry and services are the exclusive province of native-born Salvadorans, the Constitution also accords the right to engage in these activities to native-born Central Americans (art. 115). Foreigners are not allowed to acquire real estate in rural areas unless Salvadorans have a similar right in the foreigners' countries of origin, except in the case of land for industrial enterprises (art. 109).

C. ARTICLE 3

48. El Salvador is a party to the following instruments: the Convention on the Elimination of All Forms of Discrimination against Women (1981); the Convention on the Political Rights of Women (1994); the Inter-American Convention on the Granting of Civil Rights to Women (1951); the American Convention on Human Rights (1978); the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (1995); the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1995); and the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities (2002). It is also a party to a number of ILO conventions, which are referred to under article 7.

49. The agencies and institutions specifically designated to apply the principle of gender equality include the Salvadoran Institute for the Advancement of Women (ISDEMU), created¹ under the Government's Social Plan 1994-1999 as a national mechanism for mainstreaming the gender perspective in public affairs, contributing to the advancement of women and improvement of their status, establishing gender equality, and removing the obstacles to women's participation in social, economic, cultural and political life.

¹ By Legislative Decree No. 644 dated 29 February 1996, published in the *Diario Oficial*, No.43, vol. 330, of 1 March 1996.

50. The creation of ISDEMU served as the basis for the development of the National Policy on Women (PNM) to promote equality of opportunities between men and women. Article 3 of the ISDEMU Act calls upon the Institute and other State agencies to draft the PNM and ensure its implementation.

51. The PNM was formulated in 1996 and adopted in 1997; it introduced the first plan of action, for the period 1997-1999; a new plan was formulated and introduced for 2000-2004 and incorporated in the Government's programme; its institutional programmes include the mainstreaming of gender on a cross-cutting basis in all the activities on the public agenda. Both these plans were concerned with the implementation of measures relating to legislation, education, health, popular participation, the family, work, domestic violence, agriculture, livestock-raising, fisheries, food supply, communications media, and culture and the environment.

52. The PNM seeks to enhance the status and the situation of Salvadoran women by ensuring that their participation in the country's development is based on equality of opportunities with men and encourages shared responsibility.

53. The specific goals of the PNM include: (1) increasing women's social and political participation by promoting participation by women as leaders with a view to achieving equal access to power for women and men; (2) contributing to women's comprehensive development by encouraging the sharing of responsibilities among the members of the family, improving the living conditions of women heads of household, and publicizing the exercise of women's rights in order to strengthen the family; (3) helping to secure equality of opportunities for women in the labour market by eliminating the gender discrimination which produces wage differentials and impedes women's access to decision-making posts in the workplace, and by expanding the training of women in the various occupational branches and sectors of production; (4) providing incentives for the communications media to project an image of women based on non-discrimination and the elimination of sexual stereotypes and using the media and cultural activities to promote gender equality and the contribution of women to social, cultural, political and economic life in a context of respect for the diversity of their identities and experience; and (5) identifying and preventing the phenomenon of violence against women and providing protection and care for the victims by means of substantive measures based on the current international and national legislation on such violence.

54. The PNM was designed in such a way as to secure the support of the various agencies of the State (the Legislature, Executive and Judiciary), local authorities, autonomous institutions, and political and grass-roots organizations, especially women's associations.

55. The ISDEMU Board of Management consists of an ex officio President - the head of the National Secretariat for the Family (the First Lady of the Republic) - and the heads of the Ministry of Labour and Social Security, the Ministry of Health and Social Welfare, the Ministry of the Interior, the Ministry of Agriculture and Livestock, the Ministry of Education, the Office of the Attorney-General, the Office of the Prosecutor-General, the Office of the Procurator for the Protection of Human Rights, two representatives of women's NGOs, and the representative of El Salvador on the Inter-American Commission on Women.

56. Investment by ISDEMU in the training of the State's human resources was an urgent and indispensable measure for the creation of conditions for the achievement of a fair and equitable

society in terms of the relations between men and women. The Institute has therefore promoted training activities to ensure the attainment of the PNM goals.

57. The year 2000 saw the creation of the Inter-institutional Judicial Commission, which is made up of representatives of ISDEMU, the Supreme Court of Justice, the National Council of the Judiciary, the Office of the Prosecutor-General, the Office of the Procurator for the Protection of Human Rights, the Legislative Assembly, the Ministry of Health and Social Welfare, the Ministry of Education, the Ministry of Labour and Social Security, and the Ministry of Agriculture and Livestock. Other institutions may be brought in, depending on the question under consideration.

58. The Commission's main purpose is to make socio-legal analyses to identify gaps, inconsistencies, and rules and provisions which discriminate against women; it is also required to bring forward proposals for the amendment of legislation to eliminate any legal provision which may facilitate discrimination and prevent women from enjoying the benefit of the constitutional principles of equality before the law and non-discrimination on the ground of sex.

59. The Commission has taken the following actions, amongst others: (a) production of a consolidated study of amendments to the Domestic Violence Act; (b) review of the amendments to the Criminal Code, the Family Code, and the Domestic Violence Act; (c) analysis of the measures for protection of the family home, and review of article 46 of the Family Code; and (d) review of the HIV/AIDS Act, proposed by the Health Ministry.

60. Various studies show that women are the principal producers of food for their households. There is a perception that in the labour market Salvadoran women do not enjoy the same conditions and means of access as men, for the informal urban sector and micro-enterprises are increasingly the areas of the labour market in which women are employed.

61. According to some indicators, women are the majority presence in the informal sector and micro-enterprises, accounting for 65 per cent of total employment in micro-enterprises country-wide and 51 per cent of persons working in the informal sector. The PNM is seeking to increase women's participation in the economic sphere.

Total number of micro-entrepreneurs by sex and occupational category (percentages)

<i>Occupational category</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
Own account	100.00%	30.0%	70.0%
Employer	100.00%	61.1%	38.9%
Total	100,00% (468 717)	35,0% (163 994)	65,0% (304 723)

Source: FOMMI/DIGESTYC, Micro-enterprise Survey, 1998.

62. Most of the women working in the micro-enterprise sector are self-employed. Women are in the majority in subsistence enterprises, while there is a relatively more balanced participation of men and women in simple-accumulation and expanded-accumulation micro-enterprises. A total of 53.7 per cent of economically active women obtain their employment from some form of

activity in the informal sector, while only 41 per cent of the economically active male population does so.

Participation by sex in micro-enterprises in subsistence sectors, 1995 and 1998 (percentages)

Category	1995			1998		
	Women	Men	Difference	Women	Men	Difference
Subsistence	70.2%	28.8%	+41.4	67.0%	33.0%	+30
Simple accumulation	53.0%	47.0%	+6.0	50.4%	49.6%	+0.9
Expanded accumulation	25.0%	75.0%	-50	45.8%	54.2%	-8.4

Source: FOMMI I and II and DIGESTYC.

63. The official figures available for the public sector show that the remuneration gap between men and women tends to hold steady for the different levels of the salary scale and levels of advanced education.

64. Although some of the indicators of equal access to jobs have improved in favour of women, there are still occupations with few or no women, for example in the categories of construction workers, mechanics and fitters, electronic equipment mechanics, etc.

65. Most female workers are found in services, the professions, factories, the in-bond assembly sector (*maquilas*) and domestic service, but mainly in the informal sector. Their chief problems are unemployment and low wages, and sometimes unjustified dismissal.

66. The legal equality of men and women is guaranteed under articles 3 and 38.1 of the Constitution, which are taken up in articles 12 and 123 of the Labour Code.

67. Lastly, as in other countries, women in El Salvador are exposed to the problem of domestic violence, despite the efforts made by various governmental bodies and NGOs to check this problem.

D. ARTICLE 4

68. The State of El Salvador points out that the provision contained in this article of the Covenant applies to all the persons under its jurisdiction, as may be seen from the arguments expounded throughout this report.

E. ARTICLE 5

Paragraph 1

69. The State of El Salvador points out that provision contained in this paragraph apply to all the persons under its jurisdiction, as may be seen from the arguments expounded throughout this report.

Paragraph 2

70. The Salvadoran State recognizes the human person as the origin and purpose of its activity and takes all necessary steps to ensure that the various international instruments which it has ratified are consistent with the Constitution which governs the State. Accordingly, no limitation or reduction of the human rights and freedoms thus established is permitted.

F. ARTICLE 6

Paragraph 8 of the guidelines

71. El Salvador has submitted the following reports: document CEDAW/C/SLV/3-4 dated 19 October 2001, which refers in section VI to the right to work; document CEDAW/C/SLV/5 dated 19 October 2001, which refers in section VII of Part Two to article 11 (Equality of rights in employment and work); and document CEDAW/C/SLV/6 dated 25 November 2002, which refers in Part Three to article 11 (Measures on non-discrimination in labour affairs). Information from these reports which is still current is mentioned again in the various sections of the present report.

72. El Salvador also draws attention to the reports which it submitted to ILO in 2001 and 2002 respectively in connection with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Employment Policy Convention, 1964 (No. 122).

Paragraph 9 (a) of the guidelines

73. Employment in El Salvador is not under the direct control of a national authority, for article 23 of the Constitution establishes the principle of freedom to recruit.

74. Information on enterprises, hours and remuneration is compiled by the Department of Statistics and Information Technology of the Ministry of Labour and Social Security on the basis of a survey which produces figures on the management of employment, integration in the labour market, jobs in manufacturing and commerce, etc.

75. There are currently 2.4 million jobs distributed among the sectors of the economy providing most employment: agriculture, industry, commerce, services, construction, transport, and domestic service.

76. Total employment in the various sectors of economic activity has been growing by some 47,000 jobs a year. For 2001 this figure was 89,000. Most of the new jobs have been in agriculture, industry and commerce.

77. The forecast is for 224,201 new jobs for the period 2002-2004. It is estimated that the free-trade agreements which have been signed will generate every year during this period an additional direct demand for 33,000 new jobs and an indirect demand for 66,000. It is hoped that new jobs will be created directly in agriculture and industry and indirectly in commerce, services, transport and construction.² The new jobs generated by the free-trade agreements are in the

² See the annex "Evolution of employment in the economy".

formal economy, and the structure of the indirect jobs will depend on the behaviour of domestic demand.

78. The expectations with regard to the number of jobs and the value of the exports to countries with which El Salvador has signed or is negotiating free-trade agreements are in the area of 405,000 jobs and \$5,918 million for the period 2004-2005.³

The employment situation

79. The labour-market indicators are obtained from the Multi-purpose Household Survey conducted annually by the Directorate-General for Statistics and Census (DIGESTYC) of the Ministry of the Economy.⁴ Most of the concepts and measurements used in the Survey are based on the international standards for measurement of employment and unemployment adopted by the International Conference on Labour Statistics.

80. The labour-market indicators include total population, population of working age, economically active population (total, urban and rural), formal and informal urban sectors, unemployment (total, urban and rural), underemployment (urban and metropolitan area), unemployment rate (total, urban and rural), and gross participation rate.

81. Following collection and evaluation the data are used to forecast the behaviour of the economically active population (EAP) and of the population at large, with a view to determining the requirements of the production sector for skilled manpower as well as the quantitative and qualitative needs with regard to vocational training.

82. In 2000 the Survey established that the population of working age (PWA) totalled 4,777,995, while the EAP in that year was 2,496,365 (62.8 per cent in urban and 37.2 per cent in rural areas). The proportion of employed persons was 93 per cent of the total EAP, and the unemployed accounted for seven per cent.

83. In 2001 the PWA totalled 4,946,991 and the EAP 2,634,595 (62.1 per cent in urban and 37.9 per cent in rural areas).

84. In 2002 the distribution of employed persons by economic branch was as follows: 38.7 per cent in agriculture, livestock, hunting and fishing; 29.7 per cent in commerce, hotels and restaurants; and 12.9 per cent in manufacturing industry; the remaining persons were employed in the other branches of the country's economy.

85. The total participation rate for 2000 was 52.2 per cent, i.e. 52 out of every hundred persons of working age were employed or were offering their services in the labour market. In that same year 66 per cent of the EAP were fully employed, 27 per cent underemployed, and the rest unemployed. The figures for 2001 were 64.9 per cent fully employed, 28.1 per cent underemployed, and seven per cent unemployed.

³ See the annex "Forecasts of exports-based jobs creation".

⁴ See the annex "Methodological aspects of the Multi-purpose Household Survey".

86. The destruction caused by the earthquakes in January and February 2001 meant that all the funds available to the State had to be used for emergency needs. The principal aims of the rural-employment recovery programme included: (a) rubble removal; (b) water supply and sanitation; (c) public health; (d) repair, rehabilitation and reconstruction of schools; (e) soil stabilization; (f) rural roads and tracks; (g) repair of local tracks; (h) stabilization of shoulders of local tracks; (i) cleaning of river beds; (j) farm packages; (k) fisheries packages; (l) fisheries infrastructure; (m) rehabilitation of coffee plantations; (n) fruit-tree nurseries; and (o) rehabilitation of regional offices.

87. The investment mobilized by the State for these purposes in 2001 totalled \$324.4 million; 941,409 jobs were created or restored in the period January-June 2001.⁵

The unemployment situation

88. In 2000 the national open-unemployment rate was seven per cent, being higher in rural than in urban areas (7.5 and 6.6 per cent respectively). The EAP in the 15-29 age group was the most seriously affected by open unemployment, with a rate of 10.7 per cent (99,953 persons) in urban areas; the rate was 11.5 per cent in rural areas.

89. The Multi-purpose Household Survey indicated that at the national level more men than women were unemployed in 2000 (open rates of 9.0 and 3.7 per cent respectively).

90. The figures supplied by the Labour Market Observatory of the Salvadoran Vocational Training Institute (INSAFORP) showed that the unemployment rate in 2000 was slightly higher (7.3 per cent) than the 1999 average (7.0 per cent) but fell to 6.0 per cent in December of that year. In terms of location, the urban rate began the year at 7.4 per cent and ended it at 6.3 per cent, while the rural rate began at 7.3 per cent and ended at 5.5 per cent, a positive difference of 1.8 points. Disaggregated by sex the rate was 8.6 per cent in January and 7.2 per cent at year's end for males, while the female rate fell from 5.2 to 4.0 per cent over the same period.

91. The national open-unemployment rate was seven per cent in 2001. The rate for the EAP in the 15-29 age group fell in that year to 9.8 per cent (95,750 persons); the urban rate for this age group was 10.9 per cent.

92. In 2001 the male unemployment rate was 8.7 per cent, while the female rate showed an increase over the previous year, rising to 4.9 per cent.

The underemployment situation

93. According to the Survey, in 2000 the underemployment rate was 27 per cent: 3.5 per cent identified as visible underemployment and 23.6 per cent as invisible.

94. The underemployment rate was 28.1 per cent in 2001: 3.5 per cent visible and 24.6 per cent invisible.

⁵ See the annex "Rural-employment recovery programme".

Paragraph 9 (b) of the guidelines

95. The Government's programme for 1999-2004 established an "Alliance for Work" in order to create favourable conditions for job generation, placement, vocational training, and occupational guidance services.

96. The principal measures implemented by the Government to meet the demand for jobs included a number of programmes and projects having an impact on the level and quality of employment.⁶

97. Within the framework of the implementation of the National Policy on Women (PNM) the Salvadoran Institute for the Advancement of Women (ISDEMU), in coordination with the Salvadoran Vocational Training Institute (INSAFORP) and other bodies, is working to facilitate women's access to vocational training.

98. The bodies collaborating with INSAFORP which are concerned specifically with the training of women include: the Women's Training Centre; the Girl Guides Association of El Salvador; the Julia Canessa Youth Training School; the Association for the Organization and Training of Women Entrepreneurs; FUNDEMUN; ASAPROSAR; and Academia Lina. Promotional campaigns for women have also been carried out in order to persuade women to enrol for vocational training courses in non-traditional occupations, for example as metal-workers, electricians, plumbers, carpenters, etc., thus increasing their chances of finding jobs.

99. In addition, in coordination with the Directorate-General for Employment of the Ministry of Labour and Social Security ISDEMU is seeking to guarantee women access to employment on the same terms as men and in the full range of occupations.

Paragraph 9 (c) of the guidelines

Strengthening of the vocational training system

100. Through its vocational training system INSAFORP provided training for teaching staff at 64 collaborating institutions authorized to provide vocational training services, with a view to standardizing training activities and guaranteeing their quality. Technical refresher courses have also been held, together with training events on the gender perspective. Training has thus been given to 500 instructors, 48 per cent of them women.

Ongoing improvement of national productivity

101. The training activities are focused in particular on tourism, handicrafts, farming, commerce, services and industry; some 20,000 persons have received training, 14,000 (70%) of them women.

⁶ See the annex "Principal programmes and projects having an impact on the level and quality of employment".

Training for jobs

102. Training has been provided for vulnerable groups and for the population at large under the occupational retraining programme and pilot projects: a total of 25,000 persons has benefited, 20,000 (80%) of them women.

103. The Higher Labour Council works in coordination with employers' and workers' organizations and other bodies to encourage acceptance and implementation of the employment policies.

104. Tripartite seminars are held under the auspices of ISDEMU in order to improve the awareness of workers and employers and the personnel of public agencies concerning the need to protect and respect the labour and other human rights of all workers without any gender distinctions.

Paragraph 9 (d) of the guidelines

105. The following are the principal items of domestic legislation guaranteeing the free choice of work : (a) the Constitution of the Republic (Decree No. 38 dated 15 December 1083, which entered into force on 20 December of that year); (b) the Labour Code (*Diario Oficial* No. 142, vol. 236, of 31 June 1972, in force since 31 October of that year); (c) the Labour and Social Security (Organization and Functions) Act (Executive Decree No. 682 dated 11 April 1996, published in the *Diario Oficial*, No. 81, vol. 331, of 3 May 1996, in force since 8 May 1996); (d) the INSAFORP Act (Legislative Decree No. 554 dated 2 June 1993, published in the *Diario Oficial*, No. 143, vol. 320, of 20 July 1993); (e) the Disabled Persons (Opportunities) Act (Legislative Decree No. 888 dated 27 April 2000); (f) the ISDEMU Act (Decree No. 644, published in the *Diario Oficial*, No. 43, vol. 330, of 1 March 1996); (g) the Regulations for the Disabled Persons (Opportunities) Act; (h) the Employment Recovery Bill; (i) the National Employment Directorate (Establishment) Bill; (j) the Private Employment Agencies, Collaborating Employment Agencies, and Temporary-Employment Agencies (Regulation) Bill; (k) the New Alliance Plan 1999-2004; (l) the National Employment Promotion Plan; (m) the National Vocational Training Plan; (n) the Rural Employment Recovery Programme: Post-Earthquake Reconstruction (2001); (o) the Programme for the Promotion and Attraction of Financial Investment for Industrial Technology and Jobs Creation (2001); (p) the Disabled Persons (Opportunities) Policy; (q) the new education act initiative; (r) the preliminary study for the formulation of national policy for the creation of labour-intensive employment in infrastructure projects; (s) the programme for boosting exports and manpower supply in the context of the free-trade agreements (2001); (t) the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (ratified on 15 June 1995); (u) the Employment Policy Convention, 1964 (No. 122) (ratified on 15 June 1995).

106. Under these legal instruments and arrangements, the State has an obligation to ensure compliance with the principles governing equality of opportunities and treatment in employment and occupation (Constitution, art. 3), including opportunities for vocational training (art. 40).

107. Employers have an obligation not to establish any distinctions, exclusions or preferences on the grounds of race, colour, sex, religion, political opinions, or national or social origin, subject to the exceptions prescribed by law for the purpose of protecting the worker (Labour Code, art. 12 and art. 30, para. 12).

108. Workers in the same enterprise or establishment performing the same work in identical conditions must receive equal remuneration, regardless of their sex, age, race, colour, nationality, political opinions or religious beliefs (Labour Code, art. 123).

109. The Ministry of Labour has three consultative bodies: (a) the Higher Labour Council; (b) the National Minimum Wages Council; and (c) the Consultative Commission.

110. The Higher Labour Council maintains a permanent dialogue and promotes economic and social agreements between the public authorities and the employers' and workers' organizations. Its membership and functions are regulated by Decree No. 859 dated 21 April 1994. It is empowered to make recommendations on the formulation, implementation and revision of social policy, contribute to the coordination of the factors of production, and promote the integration of the social and economic aspects of development, as well as performing the other functions conferred on it by law.

111. The function of the National Minimum Wages Council is to set or adjust the minimum wage at regular intervals in accordance with the procedure prescribed in the Labour Code.

112. These two Councils have tripartite membership: (a) a representative of the Government; (b) a representative of the employers; and (c) a representative of the workers. They meet periodically to study the relevant issues.

113. The Consultative Commission is made up of professionals and specialists of acknowledged expertise and experience drawn from outside the Ministry of Labour; they perform their duties *ad honorem* and on the basis of trust. The Commission is organized and functions under temporary arrangements determined by ministerial agreement.

Paragraph 9 (e) of the guidelines

114. The Government endeavours to ensure political, social and economic stability and provide legal safeguards and investment in infrastructure and human capital, with a view to promoting full, productive and freely chosen employment.

115. In this connection it is the responsibility of INSAFORP (made up of representatives of employers, workers and the public sector) to meet the requirements for the skilled human resources needed to boost the country's economic and social development by organizing and carrying out programmes of human resources training tailored to institutional policies.⁷

116. These policies provided the framework for the revision and implementation of a number of human resources training programmes adapted to labour-market forces and trends. The Labour Market Observatory was created in February 2000 to monitor these programmes.

117. Other technical and vocational training programmes have been carried out under the Government's economic and social policy.

⁷ See the annex "Principal policies formulated by INSAFORP".

The occupational retraining programme (HABIL)

118. The purpose of this programme is to conduct vocational training activities for unemployed, underemployed and employed persons, and to promote the application of knowledge, development of skills and formation of values to facilitate their integration in the labour market as employees or as independent entrepreneurs and to improve their job performance (the courses have a core module on business management).

119. This programme has demonstrated its impact, as can be seen from the relationship between the employment obtained by the beneficiary population and the training given. An average of 20 per cent of the participants in the HABIL courses found employment in 1999.

120. The need has been established for INSAFORP to continue tailoring its training to the possibilities offered by the labour market and to concentrate its efforts on the areas in which development measures and projects are planned.

Training programmes with a practical focus

121. These programmes offer systematic and comprehensive training linking theory with practice and seeking to meet the demand from the production sector and the people.

Training programme for enterprises

122. This programme offers training for the personnel of enterprises, both at the operative level and at the supervisory and management level within the framework of the ongoing improvement of national output; it helps to upgrade individual skills and boost the country's competitiveness in the light of the demands of globalization.

Strategic programmes

123. These programmes have enabled young Salvadorans to obtain training at home and abroad. They have received training in software production and development in India and in agriculture at the El Zamorano Pan-American Agricultural School in Honduras. Training in the restoration of historic monuments has been provided in El Salvador for a number of graduates.

Special programmes

124. These programmes provide training for population groups with characteristics which differentiate them from the rest of the economically active population: the disabled, convicts, other ranks in the armed forces, young people at social risk, etc.

125. In 2000 and 2001 these programmes helped 62,095 persons by way of retraining and initial training for employment, with the central focus on the unemployed and underemployed.

Paragraph 9 (f) of the guidelines

126. The State has an obligation to ensure compliance with the principle of equality of opportunities and treatment in employment and occupation, including opportunities for vocational training, in accordance with article 40 of the Constitution, which prescribes the

establishment of a vocational training system for the production of trained and skilled human resources.

127. The challenge of establishing a model for the improvement of production competitiveness has been taken up enthusiastically and comprehensively in spite of the increasingly stiff competition in the markets and the pressures generated by a growing population.

Paragraphs 10 (a) and (b) of the guidelines

128. The Vocational Training Act was adopted on the basis of article 40 of the Constitution; it established INSAFORP as an institution under public law with economic and administrative independence and juridical personality to take responsibility for the direction and coordination of the vocational training system for the production of trained and skilled human resources at the entry and higher levels for employment in agriculture, industry, commerce, agro-industrial services, and other production activities, in accordance with approved plans and programmes.

129. INSAFORP has a dynamic and flexible structure and it joins forces with other vocational training bodies to offer a range of training programmes, not least for low-income groups. INSAFORP training courses are based on equal opportunities for men and women.

130. In accordance with article 38.1 of the Constitution and article 123 of the Labour Code, El Salvador does not recognize any distinctions, exclusions or preferences based on race, colour, sex, religion, political opinion, or national or social origin which have the effect of nullifying or impairing the principle of equality of opportunity in training and in treatment in employment or occupation.

131. In recent years ISDEMU has been encouraging the creation of vocational training schools for women, with a view to equipping women with the skills needed for their increased integration in production activities, in particular in activities where the biggest obstacles are found, i.e. in areas connected with the primary and secondary branches of the economy (agriculture, industry and commerce).

132. Within the context of the implementation of the National Policy on Women (PNM), the Ministry of Labour and Social Security and INSAFORP have been introducing specific employment measures: (a) approval of 122 sets of internal labour regulations; (b) formulation of a plan for publicizing women's rights, to be implemented through the communications media; (c) production of posters and leaflets with various designs; (d) implementation of the second phase of the HABIL 98 programme, with the involvement of 6,150 men and 7,614 women; (e) fulfilment by INSAFORP of its earlier commitments to secure equal access for women to effective jobs training and retraining and to placement services not limited to the traditional areas of female employment, with the support of a project on promotion of the national vocational training system; (f) establishment of placement services by the Ministry in the period 1995-1997; (g) formulation of instructions for the development of internal labour regulations from a gender perspective to serve as a guide for workplaces in the compilation of their own regulations and for the persons scrutinizing the regulations submitted for approval; (h) the conduct of 3,840 special and regular inspections and re-inspections in the workplace in order to eliminate occupational hazards for men and women in industry, services, commerce, agriculture, and livestock-raising; (i) conduct by the Ministry of Health and Social Welfare and the Salvadoran Social Security Institute of 20 special joint inspections and re-inspections to verify that women's working

conditions do not affect their reproductive health; (j) renewal of an agreement between the Ministry of Labour and the Office of the Prosecutor-General on the introduction of standing arrangements for inter-institutional coordination to make it easier for women heads of household to find jobs.

Paragraphs 10 (c) and 11-13 of the guidelines

133. Attention is drawn to the note on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) submitted to ILO in 2001.

134. A number of projects sponsored by ILO are currently being carried out in El Salvador.

ILO project on the modernization of labour administrations in Central America, Belize, Panama and the Dominican Republic

135. This project is concerned with: (a) modernization of the inspection services of the Ministry of Labour and Social Security; (b) modernization of public employment services; (c) technical assistance for the formulation of job-creation plans, employment-agency services, occupational guidance, and updating of labour legislation; (d) training for the technical personnel of the Employment Department; and (e) decentralization of employment services in the country's eastern region.

ILO rapid-impact employment project: restoration of employment levels and reduction of economic vulnerability in Usulután Department

136. This project is concerned with: (a) the analysis of employment-impact measurement and formulation of a national strategy for the restoration of employment levels in the areas affected by the earthquakes in 2001; (b) micro-enterprise reactivation by means of the construction of production models and technical assistance; (c) strengthening of the construction subsector by means of technical assistance for small construction businesses in the shape of a handbook of rules on organizational, technical, administrative and financial management and a promotional and marketing plan; and (d) analysis and stocktaking of the entities making expenditures on the rebuilding of infrastructure and of their respective hiring procedures and studies of other private groups in El Salvador.

ILO Office for Central America, Panama and the Dominican Republic: multidisciplinary technical team for Central America, Cuba, Haiti, Mexico, Panama and the Dominican Republic

137. This project is concerned with: (a) formulation of a document entitled "El Salvador: economic and employment policy in the 1990s; challenges for the new decade"; and (b) special statistical analysis of the El Salvador labour market.

G. ARTICLE 7

Paragraph 14 of the guidelines

138. With respect to article 7 of the Covenant, attention is drawn to the following notes submitted by El Salvador to ILO: on the Minimum Wage Fixing Convention, 1970 (No.131), sent

in 2002; on the Equal Remuneration Convention, 1951 (No. 100), sent in 2002; on the Labour Inspection in Agriculture Convention, 1969 (No. 129), sent in 2002; on the Occupational Safety and Health Convention, 1981 (No. 155), sent in 2002; and on the Labour Inspection Convention, 1947 (No. 81), sent in 2001.

139. Since the beginning of the 1990s and more specifically since the signature of the Peace Agreements in 1992, the Government of El Salvador has constantly sought to improve the working and living conditions of the labour force: in 1994, for example, it initiated with ILO guidance a profound analysis of the country's labour legislation which led to the amendment of the Labour Code and the ratification of the Minimum Wage Fixing Convention, 1970 (No. 13), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection in Agriculture Convention, 1969 (No. 129).

140. In this same connection, with view to strengthening the protection of labour rights El Salvador ratified in 2000 the Equal Remuneration Convention, 1951 (No. 100) and the Occupational Safety and Health Convention, 1981 (No. 155).

141. The domestic legislation guaranteeing equal remuneration includes: (a) the Constitution of the Republic (Decree No. 38 dated 13 December 1983, which entered into force on 20 December of that year); (b) the Labour Code, published in the *Diario Oficial*, No. 142, vol. 236, of 31 June 1972, in force since 31 October of that year; (c) the Labour and Social Security (Organization and Functions) Act (Executive Decree No. 682 dated 11 April 1996, published in the *Diario Oficial*, No. 81, vol. 331, of 3 May 1996), in force since 8 May 1996); (d) the ISDEMU Act; (e) the Family Procedures Act (Legislative Decree No. 133 dated 15 November 1995, published in the *Diario Oficial*, No. 228, vol. 329, of 8 December 1995); (f) the Domestic Violence Act (Legislative Decree No. 902, published in the *Diario Oficial*, No. 241, vol. 333, of 20 December 1996); (g) the Criminal Code (Legislative Decree No. 1030 dated 26 April 1997, published in the *Diario Oficial*, No. 105, vol. 335, of 10 June 1997); (h) the Code of Criminal Procedure (Legislative Decree No. 904 dated 4 December 1996, published in the *Diario Oficial*, No. 11, vol. 334, of 20 January 1997); (i) the National Policy on Women and its Plan of Action 2000-2004; (j) the ILO Labour Inspection Convention, 1947 (No. 81) (ratified on 15 June 1995); (k) the ILO Equal Remuneration Convention, 1951 (No. 100) (ratified on 12 October 2000); (l) the ILO Labour Inspection in Agriculture Convention, 1969 (No. 129) (ratified on 15 June 1995); (m) the ILO Minimum Wage Fixing Convention, 1970 (No. 131) (ratified on 15 June 1995); and (n) the ILO Occupational Safety and Health Convention, 1981 (No. 155) (ratified on 12 October 2000).

142. The constitutional principle of equal remuneration (Constitution, art 38.1) is taken up in article 123 of the Labour Code; neither instrument recognizes any distinction between men and women with respect to hours of work. However, a wage differential still persists owing to the compartmentalization of jobs by sex.

143. The benefits established in the Labour Code in respect of remuneration, weekly rest, public holidays, annual holidays, bonuses, incapacity benefit, and on-the-job training are universal, i.e. subject to no form of discrimination.

144. The legal framework of labour protection furnishes sufficient support, in terms of equality of rights, to women seeking jobs in the labour market. It is therefore argued that the problem lies mainly in the social and cultural discrimination which continues to marginalize and undervalue

women's work and activities and in the obstacles to their obtaining suitable training for better paid jobs.

Female wage rates as percentages of male rates

<i>Occupational group</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>
Professional staff	84.5	84.5	77.3	68.5
Technical staff	78.9	78.9	93.5	94.6
Office workers	96.2	96.2	104.6	98.7
Craftsmen/women. unskilled workers	57.9	57.9	50.5	55.3

Sources: FUSADES, 1994 Labour Market Survey, and 1995 and 1997 Multi-purpose Household Surveys.

145. Female wage rates as a proportion of male rates by branch of activity show a variation for the construction industry because women are employed in this branch at a different level from men, i.e. in administrative and professional posts.

Female wage rates as percentages of male rates

<i>Branch</i>	<i>1992/93</i>	<i>1994</i>	<i>1995</i>	<i>1997</i>
Industry	57.8	67.3	61.4	70.5
Construction	173.2	141.8	268.2	176.0
Commerce	63.6	57.2	51.7	58.1
Services	56.6	58.9	58.2	79.5

Source: 1995 and 1997 Multi-purpose Household Surveys.

146. The ratio of women's average incomes to men's for the whole country was 0.35 in 2000; in other words, women earned 35 per cent less than men in equivalent jobs or work. Women's income from paid work was estimated for that year at 2,347, as against 6,727 for men in terms of purchasing power parity in dollars - a manifestly unfair imbalance in favour of men.

147. The Labour Inspectorate is responsible for monitoring strict compliance with the labour legislation, and the labour courts are an effective means of ensuring non-discrimination in remuneration.

Paragraph 15 of the guidelines

148. Domestic legislation defines remuneration in the same terms as the ILO Equal Remuneration Convention, 1951 (No. 100).

149. The National Minimum Wages Council is the body responsible for fixing minimum wages, on the basis of article 38.1 of the Constitution and article 123 of the Labour Code.

150. Failure to comply with these provisions entitles the workers affected to request the adjustment of their wages under article 124 of the Labour Code.

151. For the purposes of fixing minimum wages the Council reviews the situation every three years in the light of the factors mentioned in article 145 of the Labour Code, including cost of living, type of work, and other similar criteria.

152. Wages in the construction industry are fixed by collective bargaining with the enterprises parties to the Arbitral Award, but they are nevertheless covered by the minimum wages system.

153. The minimum wages system applies to workers in the following sectors: (a) commerce, industry and services; (b) seasonal agriculture; (c) agriculture and livestock; (d) coffee picking; (e) sugar cane cutting; and (f) cotton picking.

154. The National Minimum Wages Council is responsible for determining which groups of wage earners should be protected; the Council operates under the Ministry of Labour and Social Security and has a seven-member tripartite composition: three representatives of the public sector and two each from the employers' and workers' sectors.

155. The determination of wage levels is based on the following legal instruments: (a) the Constitution of the Republic; (b) the Labour Code; (c) the Labour and Social Security (Organization and Functions) Act; (d) minimum wage decrees for commerce, industry, services and seasonal agriculture; and (e) the ILO Minimum Wage Fixing Convention, 1970 (No. 131) (ratified in 1995).

156. The legal provisions guaranteeing minimum wages, which may not be undercut, have the force of law; they are article 38.1 of the Constitution and article 144 of the Labour Code, which recognizes the right of all workers, including home workers, to be paid a periodically reviewed minimum wage.

157. Employers who infringe any provision of the decree fixing minimum wages are liable to a fine of up to 500 colones (\$57.14) in respect of each offence and must fall into line with the rule. The calculation of the amount of the fine is based on the seriousness of the infringement and the offender's capacity to pay and past record (Labour Code, art. 627).

158. Article 145 of the Labour Code provides that the main criteria for fixing minimum wages are the cost of living, the type of work, the method of remuneration, the production area, etc. Article 146 goes on to prescribe that the cost of living shall be determined on the basis of the ordinary expenditure on food, clothing, housing, education and health of an average urban or rural working family.

159. Article 38.2 of the Constitution states that all workers are entitled to be paid a periodically reviewed minimum wage. This wage is based primarily on the cost of living, the type of work, the method of remuneration, the production area, and other similar criteria. It must be sufficient to meet a worker's normal household needs in the material, moral and cultural senses.

160. The National Minimum Wages Council reviews and fixes or adjusts minimum wages at least once every three years on the basis of the factors mentioned in article 3, paragraphs (a) and (b), of the ILO Minimum Wage Fixing Convention, 1970 (No. 131).

161. Minimum wages are fixed for each economic activity in accordance with the following legal provisions: Executive Decree No. 37 dated 23 May 2003, published in the *Diario Oficial*, No. 93, vol. 359, of the same date; Executive Decree No. 46 dated 22 April 1998, published in the *Diario Oficial*, No. 72, vol. 339, of the same date; Executive Decree No. 47 dated 22 April 1998, published in the *Diario Oficial*, No. 90, vol. 311, of 30 May 1999; and Executive Decree No. 68 dated 21 July 1995, published in the *Diario Oficial*, No. 135, vol. 328, of the same date.

**Current minimum wages by economic activity
(US dollars)**

Commerce and services:	
All locations	\$5.28 a day
Industry:	
Except textiles and clothing in <i>maquilas</i>	\$5.16 a day
Textiles and clothing in <i>maquilas</i>:	
All locations	\$5.04 a day
Seasonal agro-industries:	
(a) Coffee plantations.....	\$3.57 a day
(b) Cotton plantations and sugar mills	\$2.61 a day
Agriculture and livestock:	
Workers hired by unit of time, all locations.....	\$2.47 a day
Plus a food allowance of \$0.11 for each mealtime or \$0.34 per working day	
Coffee picking:	
(a) Workers hired by unit of time (normal working day of eight hours)	
Basic wage	2.70
Proportional seventh	0.45
Food allowance	0.34
Total.....	3.49
(b) Workers hired on a piece-work basis	
Proportional seventh	0.54
Food allowance for each unit picked	0.09
Food allowance for each unit picked	0.07
Total.....	0.70
In the case of fractions of a unit (each pound)	0.02
Sugar cane cutting:	
(a) Workers hired by unit of time (normal working day of eight hours)	
Basic wage	2.29
Proportional seventh	0.38
Food allowance	0.34
Total.....	3.01

(b) Workers hired on a piece-work basis (cutters)	
Basic wage per ton	1.14
Proportional seventh	0.19
Food allowance	0.17
Total.....	1.51
Cotton picking:	
(a) Workers hired by unit of time (normal working day of eight hours)	
Basic wage	2.06
Proportional seventh	0.34
Food allowance	0.34
Total.....	2.75
(b) Workers hired on a piece-work basis, mixed system (pickers)	
Total per pound with allowances	0.03
per <i>quintal</i> * with allowances	2.74

* 1 *quintal* = 46 kg.

162. The Labour Code establishes the Minimum Wages Council as a tripartite body with seven members: three representing the public interest, and two each the interests of the employers and the workers.

163. As pointed out earlier, El Salvador has legislation guaranteeing that minimum wages have the force of law and may not be undercut and prescribing sanctions for failure to pay the full rates.

164. It has already been acknowledged that in practice there is a differential between the average incomes of women and men throughout the country despite the fact that the legal framework is sufficient to enable women to obtain employment on an equal footing..

165. However, since it has been established that this problem of income differential has its roots in social and cultural discrimination, efforts involving the various government agencies and civil society have been made to increase women's vocational training and upgrade their qualifications.

166. Responsibility for the institutional strategy set out in the National Policy on Women (PNM) has been assumed by the Ministry of Labour and Social Security; through its Directorate-General for Labour Inspection the Ministry seeks to ensure strict compliance with the relevant provisions of the Constitution and with the Labour Code and the other legislation establishing labour rights and obligations, including the right of women to employment on terms of equality in all occupations.

167. The Directorate-General carries out scheduled workplace inspections in industry, services, commerce and agro-industry in order to check the working conditions and the safety and health situation.

Paragraph 16 of the guidelines

168. The following legal provisions regulate questions of safety and health in the workplace: (a) the Constitution of the Republic; (b) the Labour Code; (c) the Labour and Social Security (Organization and Functions) Act; (d) the General Regulations on Safety and Health in the Workplace; (e) the provisions of the Health Code on safety and health in the workplace; (f) the Mines and Quarries Safety Regulations; (g) the Special Regulations on Radiological Protection; (h) the minimum wage decrees for commerce, industry, services and seasonal agro-industry; (i) the ILO Labour Inspection Convention, 1947 (No. 81); and (j) the ILO Occupational Safety and Health Convention, 1981 (No. 155).

169. In accordance with the principle established in article 44 of the Constitution, the Government operates through the Ministry of Labour and Social Security a labour inspection system responsible for monitoring compliance with the labour legislation and the basic rules on occupational safety and health in order to prevent labour disputes in the workplace in commerce, industry, services and agriculture and livestock-raising, as well as in mining and transport enterprises. This constitutional principle is developed further in the Labour Code and the Labour and Social Security (Organization and Functions) Act.

170. The ILO Labour Inspection Convention, 1947 (No. 81) provided the basis for the content of Chapter VII, Section Two, of the Act, which deals with the Directorate-General for Labour Inspection; this legislation replaced the Ministry of Labour and Social Security Act, which had been in force since 1963.

171. The Directorate-General is responsible for monitoring and controlling labour inspections; it has the following organizational structure: (a) Director-General of Labour Inspection; (b) Head of the Department for Industry, Commerce and Services Inspections; (c) Head of the Department for Agriculture and Livestock Inspections; (d) inspection supervisors for industry, commerce and services; (e) inspection supervisors for agriculture and livestock; (f) heads of regional offices; (g) labour inspectors for industry, commerce and services; (h) labour inspectors for agriculture and livestock; and (i) secretaries, record-keepers and support staff.

172. The Directorate-General is not notified of industrial accidents or occupational illnesses, for in view of their subject-matter these reports are sent to the Directorate-General for Social Security, which has the inspectors responsible for investigating conditions of safety and health in the workplace and verifying the insurance arrangements.

173. The Directorate-General for Social Security has specialized occupational safety and health personnel and can also call on the expert services of the Salvadoran Social Security Institute.

174. Inspections are carried out by the Occupational Safety and Health Department of the Ministry of Labour and Social Security on a routine basis or at the request of employers and/or workers. The safety and health conditions are verified *in situ*; re-inspection visits are made to verify compliance with the recommendations resulting from the first visit; the safety and health inspections cover assessments of exposure to noise, heat or light stress, and chemicals, the review and approval of the construction plans for premises intended for use as workplaces, inspections of boilers, including the condition of steam generators, and the investigation of fatal or extremely serious accidents.

175. The powers of labour inspectors are set out in article 38 of the Labour and Social Security (Organization and Functions) Act: (a) to enter any workplace subject to inspection freely and without prior notification during working hours; (b) to question employers, workers and, where necessary, trade-union representatives, either alone or before witnesses, about any matter connected with the application of the legislation; (c) to require the production of accounts, receipts or other relevant documents and to obtain copies or extracts thereof; (d) to carry out by their own decision any investigation or examination which they deem necessary for the purposes of the inspection and to use the most suitable means for making an accurate determination of the facts; (e) to set one or more reasonable time limits for correction of any defects found and, in the event of an imminent threat to the health or safety of the workers, to order measures for immediate implementation; and (f) to exercise any other powers provided by law.

176. The reference to working hours under (a) in the preceding paragraph has to be understood in the light of article 161 of the Labour Code, which provides that hours may be worked during the day or at night. Day work is from 6 a.m. to 7 p.m. the same day; and night work is from 7 p.m. to 6 a.m. the next day. Labour inspectors are thus empowered to enter a workplace for the purposes of an inspection freely and without prior notification either during the day or at night.

177. Occupational health and safety inspections may also be carried out independently by the institutions of the Salvadoran Social Security Institute (ISSS) and the Ministry of Health and Social Welfare. Under article 101 of the ISSS Act the Institute's officials may make visits to and inspections of workplaces or, when it sees fit, request the Ministry of Labour and Social Security to do so.

178. The Directorate-General for Labour Inspection holds meetings and maintains coordination with governmental agencies performing similar functions, such as ISSS, ISDEMU, the Salvadoran Institute for the Integrated Development of the Child (ISNA) and the Health Ministry with a view to cooperation, exchanges of information, etc. The Directorate-General also maintains links with employers' and workers' organizations by means of tripartite seminars on labour regulations and through the Higher Labour Council.

179. There are currently 39 labour inspectors, 24 of them responsible for ensuring compliance with the labour legislation and 15 for compliance with the basic regulations on occupational health and safety. The inspectors are deployed as follows: (a) 28 in the central area; (b) five in the eastern area; and (c) six in the western area. There are 10 inspectors for agriculture, with no special distinctions as to category or technical function.

180. In addition to the inspectors there are four supervisors at headquarters responsible for assigning and reviewing the inspectors' work; they receive weekly reports and ensure that the assigned tasks are carried out and that their inspectors conduct themselves correctly.

181. In order to ensure compliance with the legislation on occupational safety and health, the teams conducting inspections include experts and other members duly qualified in the occupation in question and related activities, in accordance with article 46 of the Labour and Social Security (Organization and Functions) Act.

182. The penalties for violation of the legislation are set out in article 627 of the Labour Code and consist of fines of up to 500 colones for each violation of the provisions of Books I, II and III

or of the other provisions of the labour legislation for which no specific penalty is prescribed, for such provisions must still be observed.

183. The National Occupational Health and Safety Commission was inaugurated in October 2001 in order to speed up the formulation of the national occupational health and safety policy which was coming out at that time. The Commission operates on a tripartite basis under the auspices of the Higher Labour Council. It is currently considering a bill on prevention of hazards in the workplace.

184. Article 43 of the Constitution establishes the obligation of employers to provide the medical, pharmaceutical and other services prescribed by law for workers who suffer industrial accidents or contract occupational diseases.

185. Pursuant to article 38 (f) of the Labour and Social Security (Organizations and Functions) Act, in the event of an imminent threat to workers' health or safety an inspector may order measures for immediate implementation.

186. Article 7 of the Act empowers the public authorities to formulate, implement and monitor occupational health and safety and other policies. In its paragraphs (e) and (k) article 8 of the Act prescribes inspections as a means of verifying working conditions and of monitoring and coordinating with other sectors the application of the occupational health and safety regulations.

187. Article 314 of the Labour Code establishes the obligation of employers to adopt and implement suitable measures to ensure health and safety in the workplace. And article 315 establishes the obligation of workers to comply with the health and safety regulations and with the technical recommendations on protective clothing and equipment, machine guards and cages, and general operations and procedures.

188. In addition, article 59 of the Act provides penalties for obstructing an inspector when performing his official duties: (a) a fine ranging from 500 to 5,000 colones (\$57.14 to \$571.42); and (b) criminal liability in respect of the obstruction. The amount of the fine is based on the seriousness of the offence and offender's capacity to pay.

189. Article 106 of the Labour Code addresses hazardous activities presenting a grave and imminent threat to workers' health and physical integrity. These activities are listed in that article and in article 162.

190. If an employer disregards a measure proposed by an inspector, the inspector communicates the facts immediately to the Director-General for Social Security, who must request the Director-General for Labour Inspection, pursuant to article 65 of the Code, to close down some or all parts of the workplace in question or to prohibit the use of certain machinery, artefacts, equipment or apparatus which present a threat to the workers' lives, physical integrity or health.

191. Appeals may be lodged with the Ministry of Labour and Social Security against orders for the closure of premises or prohibition of the use of dangerous items within a time limit of two days from notification of the order. The Ministry deals with such appeals in accordance with the procedure prescribed in the Labour Code.

192. For the purposes of executing a final order of closure or prohibition, seals are placed on the entrance to the premises or on the equipment in question, with the assistance of the forces of law and order if necessary.

193. When an employer is willing to correct the unhealthy or dangerous conditions, he so informs the Director-General for Labour Inspection, who orders the removal of the seals subject to a warning to the employer that work may not be resumed until all the defects have been put right.

194. When this has been done, the employer requests permission from the Director-General for work to be resumed; the Director-General may not give such permission until he has received a certificate from the Director-General for Social Security to the effect that the hazards which caused the closure or prohibition have been removed.

195. Resumption of work without such permission is punishable by a fine of 1,000 to 25,000 colones (\$114.28 to \$2,857.14) and work may be suspended until the permission is granted.

196. Employers are required to produce plans for the construction of premises intended for use as a workplace in accordance with specifications established by the Directorate-General for Social Security under the General Regulations on Occupational Safety and Health, whose application is also monitored by the labour inspectors.

197. In order to provide employers and workers with guidance as to the fulfilment of their legal obligations, the Occupational Safety and Health Department conducts courses and seminars on aspects of the prevention of occupational hazards, with the support of audio-visual and written materials, at no cost to the participants. Good occupational safety and health practice is also promoted by means of awareness-raising campaigns using fixed and mobile billboards displaying messages about the benefits of good practice.

198. Between 1 June 2001 and 31 May 2002, 150,598 men and 5,342 women were covered by inspections conducted by the Occupational Safety and Health Department.

Paragraph 17 of the guidelines

199. Article 3 of the Constitution provides that everyone is equal before the law. It may be asserted in the light of this constitutional principal that the conditions of access to employment and promotion are based solely on physical and mental aptitude.

200. This article of the Constitution is taken up in article 30.2 of the Labour Code (on prohibitions), which provides that employers must not “require or accept any rewards from workers to secure recruitment to a job or to obtain a privilege or concession connected with the terms of employment”.

201. The legislation also establishes clear and specific rules on discrimination in employment or occupation: any employer who practices discrimination on the ground of sex, pregnancy, origin, civil status, race, social circumstances or physical condition, or religious or political opinions, or who fails to eliminate any discriminatory practice when called upon to do so, or who refuses to make good any economic harm caused, commits the offence of labour discrimination and is liable to imprisonment for six months to two years (Criminal Code, art. 246).

Paragraphs 18-20 of the guidelines

202. The labour legislation (specifically the Labour Code) provides that all workers are entitled to one weekly rest day and to an eight-hour working day (44 hours a week) and that night work shall consist of shifts of seven hours (39 hours a week).

203. Overtime may be worked only occasionally or when unforeseen, special or emergency circumstances so require.

204. Article 167 of the Labour Code establishes that there must be an interval of at least eight hours between the end of one ordinary working day or one working day with overtime and the start of the next.

205. With regard to holidays, the legislation provides that all workers who have completed one year's continuous employment in the same company or enterprise or under the auspices of the same employer and have worked 200 days in that year are entitled to leave of at least 15 days paid at the ordinary wage rate for that length of time plus an additional payment of 30 per cent of that amount.

206. Article 190 of the Labour Code specifies the following paid public holidays: 1 January; the Thursday, Friday and Saturday of Holy Week; 1 May; 6 August; 15 September; 2 November; and 25 December. In addition, 3 and 5 August are public holidays in the city of San Salvador, as is the first day of the most important traditional local festival elsewhere in the country.

207. Public holidays are paid at the basic wage rate in accordance with the rules set out in article 142 A of the Labour Code. If the wage is denominated on a weekly, fortnightly or monthly basis or for some longer period, it is deemed to include remuneration for public holidays.

208. A Regional Occupational Safety and Health Centre was established, with its headquarters in San Salvador, under the regional occupational safety and health project sponsored by the United States Department of Labour for the countries of Central America, Belize, Panama and the Dominican Republic; it organizes awareness-raising activities for employers in textiles plants in the in-bond assembly sector (*maquilas*) and demonstration construction projects run by experts from the Occupational Safety and Health Administration, as well as providing occupational safety and health extension workers from technical institutes, etc.

H. ARTICLE 8

Paragraph 21 of the guidelines

209. In accordance with its international commitments, El Salvador submitted a consolidated periodic report under the International Covenant on Civil and Political Rights (document CCPR/C/SLV/2002/3 dated 8 July 2002); paragraphs 571-590 address the provisions of article 22 of that Covenant, on the right to freedom of association.

Paragraph 22 of the guidelines

210. Article 204 of the Labour Code provides that all workers, private employers and employees of autonomous public bodies have the right to form trade unions or employers' associations. This

article is based on article 47 of the Constitution. The right to form trade unions is subject to a tacit limitation in the case of members of the State administration, the armed forces and the police, all regarded as public employees, in the light of article 47 of the Constitution, which does not expressly accord them that right.

211. Both these legal provisions have been applied to all trade unions which have obtained legal personality by satisfying the requirements mentioned in the earlier reply, without any distinction based on the class of workers or the economic activity in which they engage.

212. Articles 210-215 and article 219 of the Labour Code address expressly the substantive and formal requirements which persons must satisfy when forming a trade union, as well as the administrative procedure for the granting of legal personality.

213. These substantive and formal requirements include: (a) a minimum age-requirement of at least 14 years; a minimum of 35 members for formation and operation; and (c) the adoption of a constituent act.

214. A constituent act adopted at the founding meeting of a trade union must include the following information: the place and date of the meeting; the full names of all the founder members, together with details of their nationality, addresses and the occupation which unites them; the name, purpose, type and address of the trade union; details of the members of a provisional board of management, including at least the chairman and vice-chairman and a secretary and, optionally, a temporary treasurer and a financial controller; and any other information which the persons concerned deem appropriate. The constituent act must be signed by the founders or by a proxy or proxies if one or more of the founders is unable to write or is physically unable to sign. The act must be communicated immediately to the employer concerned, with a copy to the Ministry of Labour and Social Security, or to the municipal authority if the Ministry does not have an office or a representative in the place where the trade union is constituted. The trade union's statutes must be discussed and approved at the founding meeting or at a subsequent meeting held within 15 working days.

215. An employers' association must consist of at least seven employers and may be formed or joined by employers aged over 21 years and by authorized minors. If an employer is a legal person, he may join an association through his specially authorized representatives or agents.

216. A trade union or employers' association constituted under the Labour Code must obtain legal personality in order to come legally into existence. To this end, persons nominated by the union or association must submit to the Ministry of Labour and Social Security: (a) a duly certified copy of the record of the constituent assembly, in accordance with the provisions of articles 213 and 214 of the Code; (b) two copies of the union's or the association's statutes, with a certified copy of the record of the meeting or meetings at which they were approved.

217. Within five working days of receipt of the documents mentioned in the preceding paragraph, the Ministry requests the employer or employers to certify the wage-earning status of the founder members of a trade union, except in the case of own-account workers. The employer or employers must respond within five working days of receipt of this request; silence is deemed recognition of the status of wage-earner.

218. Within 10 working days of their submission the Ministry examines the statutes in order to determine whether they are in conformity with the law. This examination is unnecessary if the statute follows a model approved by law.

219. If the Ministry discovers formal defects or infringements of the law, it so informs the persons concerned in writing, and the defects or infringements must be corrected within 15 working days. If this is not done, the application for legal personality is deemed withdrawn.

220. If the Ministry does not find any defects or any identified defects have been corrected, it grants legal personality and orders the trade union or employers' association to be entered in the respective registers.

221. If 30 working days have elapsed since the submission of the application for legal personality or since the persons concerned have corrected any defects found by the Ministry without a registration order being issued, the union or association is regarded as registered for all legal purposes and to have acquired legal personality.

222. The order granting legal personality or, as the case may be, the notice of administrative silence, are published together with the statutes, free of charge, in the *Diario Oficial*. However, the trade union or employers' association may publish such order or notice in a national newspaper, at its own expense.

223. The existence of the union or association is confirmed by a notice in the *Diario Oficial*, or by a statement issued by the Ministry specifying: (1) the officials on whom the statutes confer the legal representation of the union or association; (2) the number, date and volume of the *Diario Oficial* in which the registration notice and the statutes have been published; and (3) the number of the book in which the union or association has been registered.

224. The Ministry has no legal powers to impose restrictions on the formation of trade unions or employers' associations, provided that they comply with the law. Indeed, article 256 of the Labour Code prohibits the Ministry from doing anything to obstruct the free exercise of the freedom of association.

225. The Ministry takes specific action, in the form of special inspections conducted by its Directorate-General for Labour Inspection, when so requested by a trade union, in order to verify strict compliance with the law and that the employer is not doing anything to coerce the trade union or obstruct its operation. If such activity is verified, economic sanctions are ordered and recommendations issued; the Ministry monitors compliance with these recommendations.

226. There are currently 327 workers' trade unions with legal personality granted by the Ministry, and 17 federations, three confederations and four associations of employers.

Paragraph 23 of the guidelines

227. The right to strike is addressed in 48 of the Constitution and is regulated in articles 527-538 of the Labour Code.

228. There are no specific legal provisions relating to special categories of non-public-sector workers.

229. The law does not provide for any restrictions as such on the right to strike. The only restriction is in fact that this right must be exercised in accordance with the law: the strike must be preceded by joint negotiations in which agreement with the employer has proved impossible, with neither of the parties wishing to submit the dispute to arbitration.

230. In practice, the strikes which have been called have always been declared unlawful by the competent courts on the ground that they were not preceded by joint negotiations, as required by law.

231. Article 221 of the Constitution prohibits public and municipal employees from exercising the right to strike.

I. ARTICLE 9

Paragraph 26 of the guidelines

232. El Salvador's social security legislation includes the following instruments: (a) the Social Security Act (Decree No. 1263), adopted on 3 December 1953 and published in the *Diario Oficial*, No. 226, vol. 161, of 11 December 1953; (b) the Regulations on the Application of the Social Security Act (Decree No. 37), adopted on 10 May 1954 and published in the *Diario Oficial*, No. 88, vol. 163, of 12 May 1954; (c) the Regulations on Incapacity, Old-Age and Death Insurance (Decree No. 117), adopted on 25 September 1968 and published in the *Diario Oficial*, No. 240, vol. 221, of 20 December 1968; (d) the Regulations on Investment of the Technical Reserves of the Salvadoran Social Security Institute (Decree No. 74), adopted on 26 November 1969; (e) the National Civil Service Pensions Institute Act (Decree No. 373), adopted on 10 October 1968; (f) the Regulations on Coordination of the Pension Schemes of the of the National Civil Service Pensions Institute and the Salvadoran Social Security Institute (Decree No.6), adopted on 19 August 1977 and published in the *Diario Oficial*, No. 163, vol. 256, of 5 September 1977; (g) the Regulations on Mortgages of the National Civil Service Pensions Institute (Decree No. 7), adopted on 24 March 1988 and published in the *Diario Oficial*, No. 59, vol. 298, of 24 March 1988; (h) the Graduated Contributions Act (Decree No. 953), adopted on 26 April 1988 and published in the *Diario Oficial*, No. 953, vol. 299, of 11 May 1988; and (i) the Regulations on Personal Loans to Insured Persons and Pensioners of the National Civil Service Pensions Institute (Decree No. 30), adopted on 3 June 1988 and published in the *Diario Oficial*, No. 103, vol. 299, of 3 June 1988.

Paragraph 27 of the guidelines

233. All the social security benefits mentioned in the list are available in El Salvador, except for unemployment benefit.

Paragraph 28 of the guidelines

Medical care

Salvadoran Social Security Institute (ISSS)

234. Health benefits and benefits in kind are provided by ISSS. The health benefits include: (a) outpatient medical and dental consultations; (b) hospitalization for general medical and

specialist treatment; and (c) all auxiliary diagnostic and treatment services (laboratory tests, scans, surgery, cobalt therapy, cardiac surgery, kidney transplants, etc.). The benefits in kind include: (a) maternity basket (clothing and utensils for new-born babies); (b) foods to supplement breastfeeding, in quantities and qualities determined by a doctor; and (c) medicines and prosthetic and orthopaedic appliances.

235. Insured persons who are in employment are entitled to medical benefits. Unemployed persons must have completed at least two months of insurance contributions in the four calendar months preceding the date of the request for benefits. The Social Security Act also treats as unemployed a person who ceases to contribute on moving to a new job not covered by social security.

236. The dependants (spouse and children aged under six years) of insured persons with benefit entitlement also enjoy such entitlement; in the specific case of a common-law marital relationship, a common-law spouse is entitled to benefits provided that he or she was registered as such nine months before the application for benefit or from the date of registration when the common-law spouse already has a child with the insured person.

237. In the case of health benefits and benefits in kind in respect of maternity, an insured woman and the legal or common-law wife of an insured man must have made contributions for at least three months during the 12 calendar months preceding the birth.

238. Medical services are provided in the facilities built by ISSS for this purpose in the country's various departments and in clinics and hospitals run privately or by the Ministry of Health and Social Welfare in places where there are no ISSS facilities.

239. With a view to greater efficiency in the use of resources, the first level of care has been strengthened by expansion of the preventive medical programmes in community and company clinics which protect and monitor the health of insured persons and the persons financially dependent on them.

240. The preventive health programmes give emphasis to the protection of the most vulnerable groups (children, women, pregnant women), education for health for individuals, and occupational health in enterprises; the purpose of strengthening these programmes is to prevent illness and reduce expenditures on the health benefits available to insured persons.

Fund for the Protection of Persons Injured or Disabled in the Armed Conflict

241. Persons injured or disabled in the armed conflict are entitled to health benefits and benefits in kind from this Fund as often as may be necessary. Qualified persons are entitled to these benefits whenever required in respect of a disability which results later from an earlier injury.

242. The health services provided for such injured and disabled persons are free and include medical, dental, surgical and hospital treatment, laboratory tests, and individual or group mental care to preserve or restore the patient's health and capacity to work in respect of all medical problems resulting directly from the injury or disability.

243. They also receive benefits in kind for the same purpose, depending on the degree of disability (wheelchairs, prostheses, walking sticks, orthopaedic appliances, medicines, etc.).

244. In order to facilitate the care of these injured and disabled persons the Fund coordinates under agreements the timely provision of the benefits through the national health system and other insurance schemes operated by the State or private institutions.

245. With regard to the health services furnished to beneficiaries in the facilities of the national health system in respect of their condition as such, the Fund reimburses the corresponding amounts for the consultation, laboratory tests, X-rays, medicines, etc. If the facility cannot provide the required medicines, services or examinations, it may buy them in against total reimbursement of the cost by the Fund.

246. If an institution of the national health system is unable, owing to *force majeure* or an accident or for other reasons, to furnish the required service to the beneficiary, the Fund's unit for the provision of health benefits and benefits in kind refers him or her to a private health institution for the necessary specialist treatment. The cost is met by the Fund, and no contribution is required from the beneficiary.

Cash benefits in respect of sickness

247. The cash benefits provided by ISSS in respect of sickness, temporary incapacity to work or ordinary risks amount to 75 per cent of average base remuneration (calculated by dividing by 90 the proportion of the worker's remuneration subject to social security contributions in the first three calendar months of the four-month period preceding the month in which the incapacity begins, as attested by a medical certificate) up to a limit of 52 weeks for the same illness. Workers are entitled to to the subsidy in respect of ordinary illnesses and ordinary accidents from the fourth day of the incapacity or from the day following the onset of incapacity caused by an industrial accident or occupational disease.

248. These benefits are paid in all cases when the insured person is in unemployment; if the insured person is unemployed, he or she must have completed at least eight weeks of contributions during the last three calendar months preceding the benefit application.

Maternity benefits

249. The ISSS maternity benefits and allowances for temporary incapacity to work owing to maternity amount to 75 per cent of average base remuneration (calculated by dividing by 90 the proportion of the worker's remuneration subject to social security contributions in the first three calendar months of the four-month period preceding the month in which the incapacity begins, as attested by a medical certificate). Female insured workers are entitled to this benefit for a period of 84 days around the date of the delivery.

250. Twelve weeks of contributions within the 12 calendar months preceding the month in which the birth is expected to take place are required for qualification for maternity benefits.

251. These benefits are paid in all cases when the insured person is not unemployed; if the insured person is unemployed, he or she must have completed at least eight weeks of contributions during the last three calendar months preceding the benefit application.

Old-age benefits

Salvadoran Social Security Institute (ISSS)

252. ISSS provides insured persons with an old-age pension at age 60 for men and age 55 for women when the period of contributions is 25 years or longer. The age requirement is disregarded in the case of periods of 30 years or longer.

253. The old-age pension amounts to 30 per cent of the applicable base remuneration (the average of the last 120 payments) for the first three years of contributions, plus 1.5 per cent for each additional year. The maximum pension is 100 per cent of the applicable base remuneration.

254. One of the transitional provisions concerning the minimum service requirement relates to the pensioner's age at the moment when the Pensions Savings Scheme came into effect (April 1998), as follows:

<i>Men</i>		<i>Women</i>	
<i>Age</i>	<i>Years of contribution</i>	<i>Age</i>	<i>Years of contribution</i>
60 or over	15	55 or over	15
59	16	54	16
58	17	53	17
57	18	52	18
56	19	51	19
55	20	50	20
54	21	49	21
53	22	48	22
52	23	47	23
51	24	46	24
50 or under	25	45	25

National Civil Service Pensions Institute (INPEP)

255. INPEP provides old-age pensions for its members at age 55 for women and age 60 for men, subject to a period of contributions of 25 years or more. Members who have 30 continuous or interrupted qualifying years in ISSS or INPEP are entitled to this benefit under article 200 of the Pensions Savings Scheme Act (SAP Act) regardless of their age.

256. INPEP pays these pensions monthly through the banking system and its own branches operating in the country's financial system.

Armed Forces Social Security Institute (IPSFA)

257. IPSFA uses the funding mode of graduated contributions (four per cent by the member and four per cent by the State) for (a) retirement pensions, (b) incapacity pensions and (c) survivors' pensions.

258. IPSFA awards a retirement pension when the member (a) has completed 25 years of service and reached age 50, in an amount equal to 80 per cent of the applicable base remuneration (average pay over the last five years) or (b) has completed 30 years of service, in an amount equal to 100 per cent of the applicable base remuneration.

259. The IPSFA benefit consists of a pension equal to five per cent of the applicable base remuneration for each month of contributions, paid to members who have reached retirement age; the period of contributions is disregarded when the member makes a declaration that he or she is unable to continue contributing.

Pensions Savings Scheme (SAP)

260. The new SAP began operations in April 1998; most of its members were then in the 15-40 age group, and only two per cent of them were aged 50 or older. Accordingly, the first SAP old-age pensions were awarded in 2000 (92 pensions); as of September 2002, 664 old-age pensions had been awarded.

261. The SAP Act provides inter alia that the Scheme's members are entitled to an old-age pension when they satisfy any of the following conditions: (a) when the amount in the individual pension savings account is sufficient to fund a pension equal to or greater than 60 per cent of the applicable base remuneration (as defined in article 122 of the Act); (b) when the member has made continuous or interrupted contributions for 30 years, regardless of age; or (c) when a male contributor has reached age 60 or a female contributor age 55, provided that he or she has completed 25 years of continuous or interrupted contributions (SAP Act, art. 104).

Incapacity benefits

Salvadoran Social Security Institute (ISSS)

262. To qualify for a pension in respect of incapacity to work, following 52 weeks of receipt of benefits in respect of an industrial accident or occupational disease a member must be found to have a partial loss of the capacity to work of 20 per cent or more. The pension of a worker whose degree of incapacity is greater than 20 per cent but equal to or less than 35 per cent is paid provisionally for three years. Loss of the capacity to work in excess of 66 per cent triggers entitlement to a full incapacity pension.

263. The degree of incapacity to work is determined by the Incapacity Assessment Commission. An insured person is deemed incapable of work when, following an ordinary illness or ordinary accident, he or she is unable to earn by work proportional to his or her strength, ability and vocational qualifications remuneration greater than 33 per cent of the remuneration usually earned in the region by a healthy worker of the same sex, ability and vocational qualifications. The award of this pension is dependent on the completion of a period of contributions of not less

than 36 months, 18 of them within the 36 calendar months preceding the date of the onset of the incapacity; male recipients must be aged under 60 and female under 55.

National Civil Service Pensions Institute (INPEP)

264. Members of INPEP are entitled to a total or partial incapacity pension when they meet the following requirements: (a) they have been declared incapable of working by the Incapacity Assessment Commission; (b) they have made contributions for at least 36 months, 18 of them within the last 36 calendar months preceding the date of the onset of the incapacity; (c) they are under 60 years of age for men or 55 for women, the starting ages for receipt of the old-age pension under article 196 of the SAP Act.

Armed Forces Social Security Institute (IPSFA)

265. IPSFA awards incapacity pensions (a) based on the degree of incapacity (greater or less than 60 per cent) and (b) in respect of events occurring outside the service amounting to 40 per cent of the basic monthly remuneration plus two per cent for each full year of contributions.

Pensions Savings Scheme (SAP)

266. The Office of the Superintendent of Pensions recorded the award of 202 incapacity pensions in 2000. As of September 2002, 526 such pensions had been awarded.

267. The SAP Act provides that entitlement to an incapacity pension may arise for members not already in receipt of a pension who, before they can satisfy the age requirement for an old-age pension, suffer a reduction of capacity to work, in whatever occupation, as a result of an ordinary illness or ordinary accident or the decline of their physical or mental powers, with the exception of persons who become incapacitated as a result of an occupational risk (SAP Act, art. 105).

268. An incapacity pension may be full or partial: (a) a full pension is awarded to members suffering the loss of at least two thirds of their capacity to work; or (b) a partial pension is awarded to members suffering the loss of at least 50 per cent but less than two thirds of their capacity to work.

Survivors' benefits

Salvadoran Social Security Institute (ISSS)

269. ISSS awards survivors' pensions in respect of ordinary risks to the widow or common-law widow of an insured person. The widow's pension is awarded for life and amounts to 50 per cent of the pension paid or payable to the insured person if the marriage took place six months before the death. A pension is awarded to a common-law widow if the couple had cohabited for three years, as defined in the Family Code. In either case, the period of cohabitation is not mandatory if the couple have children or the widow or common-law widow is pregnant. In the case of a widower or common-law widower, a survivor's pension is awarded in respect of ordinary risks if he is incapable of working.

270. Survivors' pensions in respect of ordinary risks are awarded to children orphaned of both father and mother in the amount of 25 or 40 per cent of the pension payable to the insured person,

up to a maximum of 100 per cent. In the case of ascendant relatives, if there are no other beneficiaries a survivor's pension in respect of ordinary risks is awarded to fathers aged over 60 and to mothers aged over 55. If there is only one such beneficiary, the pension amounts to 40 per cent; if both are alive, the pension amounts to 30 per cent for each of them.

271. Survivors' rights are acquired in the following cases: (a) when the deceased was in receipt of an incapacity or old-age pension; (b) when the deceased was an insured person who was paying contributions or had ceased to contribute within the 12 months preceding his or her death; in both cases a minimum of five years of contributions is required; (c) when the deceased was an insured person who had not paid contributions for longer than the 12 months preceding his or her death but had previously completed a total of 10 years of contributions; (d) when the surviving spouse has a permanent incapacity to work; (e) when there are children aged up to 18 years or up to 24 years if they are studying or up to any age if they are incapable of working; (f) when there is a common-law spouse but no legal spouse; (g) in the absence of other survivors, when there are legitimate or adoptive parents aged 60 (fathers) or 55 (mothers) or regardless of age in the event of incapacity to work.

272. ISSS awards a survivors' pension in respect of occupational risks when the death of the insured person was the direct consequence of an industrial accident or occupational disease or when the deceased was in receipt of a full incapacity pension. Survivors' pensions in respect of occupational risks may be awarded to a spouse or common-law spouse, to any children aged under 21 years or, failing that, to the parents.

National Civil Service Pensions Institute (INPEP)

273. INPEP awards survivors' pensions to an insured person's children aged up to 18 years or up to 24 years if they are studying in a technical institute or university or up to any age if they are incapable of working, to a legal or common-law widow or widower if he or she is incapable of working, and to parents who satisfy the age requirement for pension entitlement.

274. When an insured person has at least 12 months of contributions to ISSS or INPEP but does not satisfy the requirements for award of an incapacity pension or for entitlement to a survivors' pension, he or she is entitled to a single lump-sum payment equal to 10 per cent of the applicable base remuneration for each month of contributions.

Armed Forces Social Security Institute (IPSFA)

275. IPSFA awards survivors' pensions to members of the family of current contributors: (a) in respect of 25 or more years of contributions (in an amount of up to 75 per cent of the pension to which the contributor would have been entitled but not less than 50 per cent of the applicable base remuneration); or (b) in respect of 10 to 25 years of contributions (50 per cent of the applicable base remuneration). Survivors of pensioners receive an amount equal to 75 per cent of the amount received by the pensioner. This benefit may be awarded to parents, children and legal and common-law spouses.

Pensions Savings Scheme (SAP)

276. In 1998 the Office of the Superintendent of Pensions recorded the award of 54 survivors' pensions; as of September 2002 it had awarded 6,495.

277. In addition to its other functions, SAP is responsible for assessing the entitlement to survivors' pensions of the members of the family of an insured person whose death is caused by an ordinary illness or accident; "members of the family" means a legal or a common-law spouse as defined in article 118 of the Family Code, legitimate and illegitimate children, adopted children and natural and adoptive parents who are financially dependent on the insured person (SAP Act, art. 106).

278. In the case of a common-law marriage, in order to obtain a survivors' pension the spouse must prove at least three years of cohabitation. However, if at the time of an insured person's death common-law wife is pregnant or there are children of the union or if the common-law wife is incapable of work in the opinion of the Incapacity Assessment Commission, pension entitlement arises regardless of the requirements specified in the Act (SAP Act, art.107).

279. A child is entitled to a survivors' pension when he or she is (a) aged under 18 years or (b) a student in primary, secondary, technical or higher education and aged between 18 and 24 years or (c) incapable of working, regardless of age, subject to an opinion of the Incapacity Assessment Commission. (SAP Act, art. 108).

280. The balance in an individual pension savings account becomes part of the estate of a member who dies before being awarded a pension: (a) when at the time of death there are no beneficiaries with entitlement to a survivors' pension; (b) when the last person with entitlement loses that status; or (c) when the member dies as a result of an occupational risk. If no heirs come forward within the 10 years following the date of the death of a member who has not taken a pension or the date on which the last person with entitlement lost that status, the balance of the account is transferred, following notification of the management institution, to the General Fund of the Nation and used to meet the cost of the pension schemes (SAP Act, art. 110).

Benefits in respect of industrial accidents

Salvadoran Social Security Institute (ISSS)

281. ISSS provides benefits in respect of occupational risks and incapacity to work. Incapacity pensions in respect of occupational risks are awarded in amounts directly proportional to the degree of incapacity. These matters are governed by special regulations.

282. The pensions scheme also includes the award of survivors' pensions when an insured person's death is caused directly by an occupational risk.

283. The award of such pensions requires the insured person, who must have completed 52 weeks of insurance contributions in respect of industrial accidents and occupational diseases, to have suffered a partial loss of the capacity to work greater than 20 per cent. The pensions of members who have suffered loss of capacity of over 20 but under 35 per cent are awarded on a provisional basis for a period of three years. Any loss of capacity in excess of 66 per cent triggers entitlement to a full incapacity pension.

Armed Forces Social Security Institute (IPSFA)

284. IPSFA awards incapacity benefits to (a) members suffering incapacity resulting from service duties (in an amount equal to 100 per cent of the monthly base remuneration) and (b) their survivors (100 per cent of the applicable base remuneration).

Family allowances

285. The Fund for the Protection of Persons Injured or Disabled in the Armed Conflict provides cash benefits for the family members of combatants who lost their lives (elderly parents, children under 18, and parents and children incapable of work regardless of age).

286. Article 22 of the Protection of Persons Injured or Disabled in the Armed Conflict (Benefits) Act (Legislative Decree No. 416) defines the beneficiaries as persons injured or disabled as a direct result of El Salvador's armed conflict and their parents, children and dependants incapable of work who thereby lost their family support, provided that they have not been awarded other benefits similar to the ones available under the Act.

287. Article 24 of the Act also recognizes the rights of parents of any age and children who, owing to incapacity to work, are financially dependent on combatants of the armed forces of El Salvador or the FMLN who died as a direct result of the armed conflict. These beneficiaries receive monthly pensions.

Other benefits

Salvadoran Social Security Institution (ISSS)

288. When a pensioner dies, ISSS awards to his or her relatives or to the persons paying for the funeral a cash sum to help to defray the funeral costs. This funeral allowance currently amounts to twice the average monthly remuneration subject to contribution to the general health scheme received in the first of the two years preceding the year of death. In 2002 it amounted to \$617.42 (5,402.43 colones).

National Civil Service Pensions Institute (INPEP)

289. INPEP provides additional benefits as follows: (a) its pensioners are entitled to an additional payment in December each year, up to a limit set by the Government, as a bonus for public-sector employees; (b) when one of its pensioners dies INPEP awards a funeral allowance of \$228.57.

Armed Forces Social Security Institute (IPSFA)

290. IPSAF provides other benefits under the headings of: (a) retirement fund; (b) life insurance; (c) funeral allowance; and (d) assignment of benefits.

291. A member's retirement fund consists of 120 or more contributions equivalent to one month's applicable base remuneration for each full year, with parts of a year taken into account proportionately. It is financed by an averaged general premium (three per cent paid by the member and three per cent by the State). In the event of fewer than 120 contributions, all the

member's contributions are repaid; if the member dies, the benefit is transferred to his or her qualifying survivors..

292. The IPSFA life insurance benefit is equal to 30 times the basic monthly remuneration. The beneficiaries are the persons designated by the member in the sealed document. The benefit is financed by a single annual premium (1.5 per cent paid by the member and 2.5 per cent by the State).

293. The IPSFA funeral allowance consists of: (a) a cash sum equal to one month's remuneration, with a minimum of 1,000 colones (\$114.28); or (b) provision of funeral services, with the money paid directly to FUDEFA, in a minimum amount of 5,000 colones (\$571.42). This allowance is financed by an annual allocation to IPSFA by the Ministry of National Defence from a funerals fund established in its budget.

Pensions Savings Scheme (SAP)

294. Under all payment modalities SAP pensions include a Christmas bonus equivalent to half the current payment and disbursed to all SAP pensioners during the first five days of December (SAP Act, art. 129).

Paragraph 29 of the guidelines

295. In the decade under consideration, expenditure on social security grew by 0.71 per cent as a proportion of GDP and 3.25 per cent as a proportion of the general national budget. No new population groups were brought into the social security system during this period, which is why the level of expenditure does not show any significant increase.

296. In 1992, spending on the national health programme totalled \$67,401, 266, on the pensions programme \$27,193,338, and on social security \$94,594,604. The corresponding figures for 2001 were \$217,452,001, \$114,408,300 and \$331,860,301 respectively.

297. In 1992, GDP totalled \$6,566,439,665 at current prices, and expenditure on social security was 1.44 per cent of GDP. In 2001, these figures at current prices were \$15,447,000,000 and 2.15 per cent respectively.

298. In 1992, the general national budget totalled \$807,364,503, and expenditure on social security was 11.72 per cent of that budget. In 2001, these figures were \$2,216,257,289 and 14.97 per cent respectively.

299. The social security allocation to the National Civil Service Pensions Institute (INPEP) under the national general budget amounted to 0.2 per cent of GDP in 2001.

300. The new Pensions Savings Scheme (SAP) operates as a sinking fund and has received or is to receive the following proportions of the general national budget: (a) from 1998 to 2000 - 0.5 per cent; (b) from 2001 to 2010 - one per cent; and (c) from 2011 - 1.5 per cent.

301. No comparisons can be made because 10 years ago the public pensions system was financed by the contributions of insured persons and employers, which were used to meet the forecast obligations to pensioners, while the new system is based on the personal account.

302. Since the Fund for the Protection of Persons Injured or Disabled in the Armed Conflict provides benefits only for a specific population group, its budget amounted to only 0.2 per cent of GDP in 1997 and 0.08 per cent in 2001.⁸

303. The Fund's budget increased substantially in 1997 and 1998 in comparison with previous years owing to the number of one-off payments made to elderly parents. A new increase occurred in 2002 owing to the amendment of the Benefits Act by Legislative Decree No. 698, providing an opportunity for potential beneficiaries to request benefits from the Fund.

Paragraph 30 of the guidelines

304. Where the health system is concerned, there are arrangements with private and public bodies for purchasing services and/or renting premises when the locality does not have its own health infrastructure or to cover any deficits in the specialist and support services. Such arrangements are only just beginning to be used in the social security system, and spending on them is insignificant as a proportion of the budget. Private arrangements are used in the following areas, amongst others: laboratory, cleaning, canteen and security services; low-risk childbirth; low-risk surgery; and diagnostic and treatment procedures.

305. Where pensions are concerned, the new system introduced in May 1998 has gradually been replacing the old distribution-based public system. The current arrangements are operated by pension fund administrators and are based on the personal account.

306. The social security scheme of the Fund for the Protection of Persons Injured or Disabled in the Armed Conflict operates independently of the other schemes, although the Fund does coordinate the award of its benefits with public and private institutions, in accordance with article 2 of the Benefits Act.

307. The Fund is responsible, through whichever institutions it deems fit, for administering its range of economic benefits and for coordinating and/or furnishing benefits in kind and in services.

Paragraph 31 of the guidelines

308. Women enjoy equal access with men to social security benefits, without any distinction.

309. The groups which currently do not enjoy social security benefits include domestic, casual and farm workers (Regulations on the Application of the Social Security Act, art. 2).

310. The following groups do not enjoy the right to incapacity, old-age or death benefits or do so to a significantly lesser degree than the majority of the population: (a) own-account workers; (b) workers in the informal sector; (c) farm workers; (d) domestic workers; and (e) nationals living abroad.

⁸ See the annex "Budget of the Fund for the Protection of Persons Injured or Disabled in the Armed Conflict.

311. There were 703,161 persons working in the informal sector in 1999, including employers giving work to a large number of workers. The two groups accounted for about 39 per cent of the economically active population; over 87 per cent of these persons were not members of a social security scheme.

312. There are no overall statistics on own-account workers, but 27,898 such workers had joined the Pensions Savings Scheme by 2002 (2.8 per cent of the total membership).

313. Feasibility studies have been made on the incorporation of farm and domestic workers and nationals living abroad, but the corresponding regulations are still to be drafted.

314. The measures regarded as necessary in order to realize these groups' right to social security include: (a) updating of the studies on their incorporation; (b) comprehensive reform of the health system; and (c) adoption of special regulations on private pension schemes.

315. One of the measures taken by the Government was the introduction of the new pensions system, the aim of which is to extend the coverage to all persons taking up employment for the first time.

316. The legislation envisages the gradual extension of the pensions coverage following the conduct of studies and drafting of the necessary regulations; there has also been a debate about the comprehensive reform of the health system tabled recently by the Government with a view to securing universal coverage.

Paragraph 32 of the guidelines

317. With respect to the reporting period, changes were made in the pensions system in 1998: it has moved on from being a distributive scheme to one based on the personal account. There are currently two pension fund administrators in addition to ISSS and INPEP, which retain responsibility for their contractual obligations towards members until their technical and legal extinction. The new system covers workers in the public, private and municipal sectors.

Evolution of the pensions system

318. The Salvadoran Social Security Institute (ISSS) was established in 1949 to administer health, maternity and occupational-risks benefits, and its medical services were inaugurated in May 1954. The services were subsequently expanded, and the coverage of risks was gradually extended until the introduction in 1969 of the incapacity, old-age and survivors' pensions schemes for workers in the private sector.

319. The National Civil Service Pensions Institute (INPEP) was established in 1975 to cover workers in the public sector except for the armed forces. This move standardized the special pensions schemes operated by the State; teachers in the State system were incorporated in INPEP in 1978.

320. The Armed Forces Mutual Savings Fund was established in 1974 under the Armed Forces (Retirement, Pensions and Mutuality) Act, preparing the way for the creation of the Armed Forces Social Security Institute (IPSFA), which began operations in 1981.

321. These three institutions (ISSS, INPEP and IPSFA), which administered the social security schemes for various categories of worker (each institution having its own legal, technical and financial regulations) were controlled by the Insurance and Social Security Unit of the Office of the Superintendent of the Financial System. However, the social security arrangements changed following the reform of the pensions system decreed in 1996 and the introduction of the new system in 1998. ISSS and INPEP were brought under the control of the Office of the Superintendent of Pensions, while the position of IPSFA remained unchanged.

322. During the transitional period ISSS and INPEP continued to manage the pensions schemes for workers who, either voluntarily or on a compulsory basis, remained affiliated to these two institutions. In ISSS, the sickness, maternity and occupational-risks schemes were separated for financial and administrative purposes from the pensions scheme. In addition, all the workers, from the public and from the private and municipal sectors, were covered under the ISSS general health scheme, whereas before the reform workers in the public and municipal sectors had been covered under a special scheme which placed restrictions on certain benefits.

323. The most important change introduced by the new social security arrangements was certainly the emergence of the pension fund administrators empowered by the State to administer the pension funds built up from the contributions of workers in the private, public and municipal sectors affiliated to one of the new funds. The following administrators began operations in April 1998: PROFUTURO S.A.; PREVISIÓN S.A.; CONFÍA S.A.; MÁXIMA S.A.; and PORVENIR S.A.

The reform of the pensions system

324. The main problem of the pensions system was that it did not relate the contributions made by individuals to the benefits which they received in respect of the contingencies of incapacity, old-age and/or death. This weakness was exploited by some people, who made the minimum contributions required but obtained the biggest possible pensions. It also allowed the social security schemes to be kept under constant political pressure to relax the requirements for the award of pensions (especially in the case of INPEP); this led to internal inequities and aggravated the system's financial fragility and thus the risk of insolvency for future pensioners.

325. The economic instability generated in the period of armed conflict also affected the system's actuarial solvency and caused informal employment to expand (according to the Ministry of Planning, in 1990 the informal sector accounted for almost 55 per cent of the urban EAP), forced wage levels down, and increased contribution evasion; furthermore, the real value of the technical reserves was undermined by inflation and the legal restrictions on their management; the result was yields lower than the rates of variation of the overall level of prices.

326. Another major design defect of the old schemes was that they were incapable of coping with the demographic changes of the new era. Population ageing or longer life expectancy is recognized as a dominant demographic trend in both developed and developing countries, producing higher retirement costs in distributive systems. In 1984 the consolidated ISSS/INPEP system had 13 active contributors for every pensioner. In 1986 that figure was 10.9 and it had fallen to 8.9 by 1996; according to official projections, by 2005 the ratio would be four active contributors for every pensioner if the reform of the social security system were left out of the calculations.

327. The different contribution rates for ISSS and INPEP (both civil service and teachers' schemes) caused differences both in the amounts contributed and in the benefits obtained, and since the system did not relate pensions to contributions the results fell far short of social justice for all.

328. These were the main reasons for the system's actuarial deficit. The technical reserves of ISSS and INPEP were insufficient to meet their commitments in respect of the rights acquired by current pensioners and rights being acquired by persons who continued to contribute in the expectation of receiving their pension at some future date. The projections augured insolvency early in the medium term, and any correction of the distributive system would only have postponed the day.

329. Given all the weaknesses of the distributive schemes providing specific benefits, the reform of the social security system became a necessity to be addressed sooner rather than later. The Pensions Savings System (SAP) was thus inaugurated on 15 April 1998, following the structural reform of the country's pensions arrangements (Legislative Decree No. 927 dated 20 December 1996). The SAP is based on individual capitalization and the freedom of the individual to choose the pension fund administrator (AFP) which is to manage his personal account.

330. The SAP Act and the emergence of the AFPs have created a new industry in El Salvador. One of this industry's salient features is the high level of regulation of its operations, designed to ensure transparency and security in the management of the pension funds and the provision of improved benefits for their members.

331. An AFP is a business whose success depends on the efficient and effective management of the services which it offers and on sufficient profitability to ensure its survival in the long term. The services basic and necessary to the functioning of the system are regulated by law. These services include the management of personal accounts, the investment of the fund's assets, the award of pension benefits, and the processing of certificates of transfer.

332. The AFPs finance their activities by charging their members a commission, which is deducted from their personal accounts. This commission is also regulated by law (taking the international rates as the point of reference) and may not exceed three per cent of a worker's base contributory earnings (except in 1998 and 1999 when the rates were 3.5 and 3.25 per cent respectively). This commission covers the group incapacity and survivors' insurance premium paid to an insurance company to cover those risks. An AFP's total income also depends on the number of its contributing members and their average base contributory earnings.

333. With regard to expenditure, the AFPs have to make big investments in the early stages of their operations in order to satisfy the legal requirements for their constitution and to be able to provide the necessary basic services. The nature of the industry means that the AFPs must have sufficient capital to fund their initial investments and be capable of withstanding negative investment returns in the first years of operation. They must also have the skills to manage large quantities of information and to use advanced technology to carry out complex transactions quickly.

334. The entry into force of the SAP Act, which was adopted on 20 December 1996, changed the country's pensions system and established two social security subsystems: the Public Pensions Scheme and the Pensions Savings Scheme.

The Public Pensions Scheme

335. This Scheme provides incapacity, old-age and death benefits; it is operated by ISSS and INPEP and covers the beneficiaries of Decrees Nos. 474 and 667.

336. Decree No. 474 relates to the incorporation in INPEP of the civil-service and retirement pensions due from the State under the Civil-Service and Retirement Pensions Act, which was in force up to 2 November 1975 for employees of the Administration and up to 1 January 1978 for teachers. The financial responsibility for the payment of these pensions rested exclusively with the Ministry of Finance.

337. Decree No. 667 relates to pensions awarded in the period 1990-1993 and covers all the civil employees of the public sector who had completed 30 years of service without satisfying the age requirement stipulated in the INPEP Act (55 years for women and 60 for men) for an old-age pension. The financial responsibility rests with the Ministry of Finance and with INPEP, as well as with ISSS in respect of years of contribution under its pensions scheme.

338. The INPEP system covers the civil employees of the State and the municipalities; once they have satisfied the legal requirements these employees receive pensions in respect of the risks mentioned above. The current INPEP contributing population includes all the civil employees of the public sector who were working on 2 November 1975 and who decided to remain in the Public Pensions Scheme

339. On 30 September 2002 the INPEP contributor population totalled 15,884 (8,779 males and 7,105 females.)⁹ At that same date its pensioner population totalled 54,665, of which 42,471 (77.7%) satisfied its requirements; the requirements established by Decrees Nos. 667 and 474 were met by 17.5 and 4.8 per cent respectively. The awards made by INPEP as of 30 September 2002 in respect of all types of pension and under all the schemes totalled \$305,421.40.

340. The INPEP pensioner population was divided between the two schemes (as of 30 September 2002) as follows: (a) the civil-service scheme, which had 41,643 pensioners (incapacity - 868; old-age - 27,366; widows/widowers - 9,165; orphans - 3,869; and ascendant relatives - 375); and (b) the teachers' scheme, which had 13,022 pensioners (incapacity - 44; old-age - 11,602; widows/widowers - 821; orphans - 440; and ascendant relatives - 115).

341. INPEP will continue to pay the 54,665 pensions which it was paying on 31 December 2002 and will receive social security contributions from the 15,884 members who remain affiliated to the Institute in the expectation of obtaining their pensions when they satisfy the legal requirements.

342. Before the entry into force of the SAP Act, INPEP operated the actuarial financial system of graduated premiums, under which the income from members' and employers' contributions was used to cover the social security obligations to pensioners. As of 31 December 2002, the monthly contribution rate was 14 per cent, seven per cent each from employees and employers.

⁹ INPEP figures.

343. In order to meet the financial obligations of the Public Pensions Scheme, the SAP Act provided for the creation of a sinking fund constituted by annual allocations specified in the general national budget with a view to funding the social security obligations when the Institute's technical reserves are exhausted; INPEP began to draw on these resources in August 2002.

344. Legislative Decree No. 727 entered into force on 19 November 1999, amending the Armed Forces (Social Security Institute) Act. It included the following changes: (a) it increased the minimum contribution period for pension entitlement from 20 to 25 years; and (b) it increased the minimum retirement age from 45 to 50 years.

345. As a result of these amendments, changes were made in the table of percentages for calculation of the retirement pension. These changes are set out in articles 25 (amounts) and 26 (conditions for voluntary retirement) and are based on the actuarial adjustments needed for the financial security and sustainability of the pensions programme over the long term.

346. A paragraph 1 was added to article 43 (on revaluation of pensions) in order to incorporate in the Act a reference to the financial and actuarial need for pensioners to continue to contribute in order to be entitled to periodic revaluation of their pensions.

347. Arrangements were made to cater for those members who on reaching retirement age do not satisfy the requirements for pension entitlement but are unable to continue to contribute voluntarily.

348. The definition of applicable base remuneration contained in article 149 (definitions) was amended in order to meet the financial and actuarial need for sustainability; the applicable base remuneration for the calculation of pensions is now the average of the last five years of contributions.

349. The Armed Forces Social Security Institute (IPSFA) operates a graduated-premium financial system consisting of rising premiums whose increase depends on the length of the step. From the technical standpoint, the premium must be increased from the moment when the outgoings in respect of benefits and administrative costs equal the contribution revenue plus the interest earned on investment of the technical reserve.

350. In 1994 the minimum retirement and incapacity pensions were increased from \$34.29 to \$106.29. The IPSFA retirement and incapacity pensions were raised by 10 per cent in 1995, 1996 and 2000.

351. The supplementary payments made by IPSFA have evolved as follows: (a) in 1994 and 1995 the supplementary payment was \$57.14; (b) in 1966 and 1999 it was \$68.57; and (c) in 2000 and 2002 it was \$80.00.

352. Some of the statistics on the pensions provided by IPSFA illustrate the changes in the active population: between June 1995 and June 2002 it increased from 25,621 to 55,865; in that same period the passive population rose from 11,105 to 15,122.¹⁰

¹⁰ See the annex "Statistics of the Armed Forces Social Security Institute".

353. The annual pensioner population of IPSFA varied as follows in the period 1995 to June 2002: in 1995 the number of persons drawing retirement pensions totalled 2,303 and it had increased to 3,163 by June 2002; the figures for incapacity pensions were 927 and 916 and for survivors' pensions 7,875 and 11,043 respectively.

354. The number of benefits paid by IPSFA between 1995 and June 2002 evolved as follows: retirement pensions decreased from 8,078 to 784, while payments under life insurance fell from 254 to 108, and funeral allowances from 169 to 75.

The Pensions Savings Scheme (SAP)

355. The SAP covers all workers in the private, public and municipal sectors whose contributions are intended for capitalization in a personal pensions savings account, which entitles them to the award and payment of old-age, ordinary incapacity and survivors' benefits.

356. Pursuant to the provisions of the SAP Act, the incorporation of new members in the INPEP schemes was completed in 1999; the contributors who transferred to the SAP were issued with certificates of transfer which recognized periods of contribution to the institutions of the public pensions system up to the date of transfer. These certificates were issued either by ISSS or by INPEP, depending on the institution to which the last contribution was made; the employment history of the former contributors was taken as the basis for the issuance of the certificates.

357. As of September 2002, the SAP had 27,898 members, representing 2.8 per cent of all insured persons.

Contribution rates by institution

358. Under the SAP the workers' contributions include the commission paid to the pension fund administrator (AFP) in respect of the management of their personal accounts and payment of the group incapacity and survivors' insurance premium.

**Rates of contribution to SAP
(percentages applied to base contributory remuneration)**

	<i>Workers</i>	<i>Employers</i>	<i>Total</i>
1998	4.50	5.00	9.50
2002	6.25	6.75	13.00

359. The resources required for funding the general health scheme, which is a responsibility of ISSS, are provided basically by contributions from employers, workers and the State. However, there other sources of funding: the interest and other income from investment of the reserves; revenue from fines and other legal sanctions; and the contributions of holders of ISSS and INPEP incapacity, old-age and widows/widowers pensions.

360. The total contribution rate of employers, workers and the State was set at 3.5 per cent from 1969 to 1997 (workers - one per cent; employers - two per cent; and the State - 0.5 per cent). Since the beginning of operations following the reform they have moved as follows in percentage terms:

<i>Year</i>	<i>Employers</i>	<i>Workers</i>	<i>Total</i>
1998	5.00	4.50	9.50
1999	5.50	5.50	11.00
2000	6.00	6.00	12.00
2001	6.50	6.50	13.00
2002	7.00	7.00	14.00

361. The minimum and maximum remuneration subject to contributions is as follows: (a) the minimum legal wage fixed in May 1998 in the amount of 42 colones (\$4.80), equivalent to \$144 a month; and (b) the maximum remuneration fixed by the Office of the Superintendent of Pensions for 2001 in the amount of 39,392 colones (\$4,501) a month.

362. The INPEP contribution rates have evolved as follows:

**Employees of the public administration
(percentages)**

<i>Year</i>	<i>Employers</i>	<i>Employees</i>	<i>Total</i>
1998	4.50	4.50	9.00
1999	5.00	5.00	10.00
2000	5.50	5.50	11.00
2001	6.00	6.00	12.00
2002	6.50	6.50	13.00
2003	7.00	7.00	14.00

**Public-system teaching staff
(percentages)**

<i>Year</i>	<i>Employers</i>	<i>Employees</i>	<i>Total</i>
1998	6.00	6.00	12.00
1999	6.50	6.50	13.00
2000 onwards	7.00	7.00	14.00

363. The IPSFA percentage contribution rates are as follows:

<i>Benefit</i>	<i>Member's contribution</i>	<i>Employer's contribution</i>	<i>Total</i>
Pension	6,0	6,0	12,0
Retirement fund	3,0	3,0	6,0
Life insurance	0,5	1,5	2,0
Rehabilitation	1,0	1,0	2,0
Total	10,5	11,5	22,0

J. ARTICLE 10

Paragraph 34 of the guidelines

364. Attention is drawn in this regard to El Salvador's comments on articles 17, 23 and 24 in its consolidated periodic report under the International Covenant on Civil and Political Rights (CCPR/C/SLV/2002/3 dated 8 July 2002) and to the sections of its three CEDAW reports (CEDAW/C/SLV/3-4 dated 19 October 2001; CEDAW/C/SLV/5 dated 19 October 2001; and CEDAW/C/SLV/6 dated 25 November 2002) relating to the topics addressed in this article of the International Covenant on Economic, Social and Cultural Rights; those comments are still valid.

365. Attention is likewise drawn to the information contained in El Salvador's second periodic report under the Convention on the Rights of the Child (CRC/C/65/Add.25 dated 10 July 2002).

Paragraph 35 of the guidelines

366. The Constitution acknowledges the family as the foundation of society and prescribes that it shall be protected by the State. The Family Code addresses the fundamental principle of the protection of the family and stipulates that the State has an obligation to protect the family by promoting its integration, welfare and social, cultural and economic development. The Code establishes as the guiding principles family unity, the equality of rights of men and women, the equality of rights of children, the comprehensive protection of minors, the disabled, the elderly, and mothers when they are solely responsible for the household.

367. Marriage is the legal foundation of the family and is defined as a union constituted by the free and mutual consent of the partners, which is rendered complete when they manifest it before the competent authorities. The officials authorized to legalize marriages are the Notaries of the Republic, the Prosecutor-General of the Republic and the auxiliary departmental prosecutors, the Attorney-General of the Republic and the auxiliary attorneys in their respective jurisdictions; marriage ceremonies are conducted free of charge, a circumstance which encourages couples to marry. Political governors of departments and municipal mayors are also empowered to conduct marriage ceremonies.

368. The Family Code defines marriage as the legal union of a man and a woman contracted by a couple in order to establish a full and permanent life together.

369. Heads of diplomatic missions when there is no consular officer and consular officers themselves (consuls general, consuls and vice-consuls) are empowered to legalize marriages in the places to which they are accredited, but only between Salvadorans; El Salvador thus guarantees the exercise of the right of fit persons to found a family, not only within the framework of marriage, for which ample provision is made, but also in common-law unions, which, while not assimilated to legal marriages, are recognized for the purposes of regulating certain reciprocal rights and duties of the couple on the basis of article 33 of the Constitution and in view of the fact of life that free or common-law marriages are on the increase.

370. According to the reports on the work of the Office of the Prosecutor-General, in the last five-year period from 1997 to 2002 the Office conducted free of charge 2,615 marriages: (a) from June 1997 to May 1998 - 444; (b) from June 1998 to May 1999 - 700; (c) from June 1999 to May 2000 - 509; (d) from June 2000 to May 2001 - 582; and (e) from June 2001 to May 2002 - 380.

Paragraph 36 of the guidelines

371. Since puberty and adolescence are matters of a child's degree of social, psychological and cultural maturity, and in accordance with the Convention on the Rights of the Child, the Family Code sets 18 years as the age of majority; children acquire the full exercise of their rights at that age.

372. The family bears the chief responsibility for the protection of its children, for it is the natural and most suitable environment for the normal development of their personalities; society and the State take on some of this responsibility when the family does not provide adequate protection. The State must furnish families with sufficient assistance for them to perform their functions with regard to the exercise by children of their established rights (Family Code, art. 347).

373. All children are entitled to: (a) protection against all forms of physical, mental or moral harm or abuse, neglect, ill treatment, torture, and cruel, inhuman or degrading punishment; (b) a sufficiently high standard of living for their physical, mental, spiritual, moral and social development; and (c) access to the highest possible standards of health and other services for treatment of illness and for rehabilitation (art. 351).

374. Children's lives and health are protected by means of an array of legal, social, preventive and assistance measures designed to secure their comprehensive development from conception to the age of majority (art. 353).

375. The Salvadoran Institute for the Integrated Development of the Child (ISNA) is the lead agency for the provision of care at the national level; it coordinates the activities of the various institutions working with children with a view to application of the policies for children; it is also responsible for implementing the administrative measures for the protection of the rights of children under threat or having suffered infringement of their rights.

376. In order to achieve its objectives more effectively ISNA coordinates with local and international agencies the management of the additional resources provided to improve the measures for children.

Paragraph 37 of the guidelines

377. See paragraphs 366-370 of this report.

378. The National Secretariat for the Family (SNF) encourages, promotes and facilitates ways and means of fostering the unity and sustainable development of the family and its members; in order to provide adequate care and developmental stimulus of the family group it works with other public institutions, such as ISNA, ISDEMU, the National Council on the Integrated Care of the Disabled (CONAIPD), the National Mental Health Council (CNSM) and the National Council on the Integrated Care of the Elderly (CONAIPAM).

379. SNF manages national and international resources to support the implementation of its programmes and it coordinates the voluntary activities of agencies working in the community.

380. It is acknowledged that, as in other countries, the traditional concept of the family has changed; in the case of El Salvador such changes have also been produced by the armed conflict which afflicted the country for 12 years, migration and the increasing number of women going out to work. This new situation constitutes a challenge, and the State has endeavoured to formulate policies to strengthen the family and the moral and ethical values which sustain it, to improve access to education, health, culture, recreation, sports and employment, to reinforce the inter-institutional coordination of the programmes to prevent and deal with domestic violence, and to furnish better opportunities for the development of women, including training programmes.

Paragraph 38 of the guidelines

381. The provision of maternity is prescribed by law. The relevant precepts of the Constitution are developed in the Labour Code, which establishes principles for the protection of pregnant women, such as job stability: summary dismissal or dismissal with notice does not terminate the labour contract.

382. Poor women have access to the health system in any national or public hospital or health post or, failing that, they may call on the services of midwives trained by the Health Ministry.

383. The total length of maternity leave (before and after confinement) is 12 weeks.

384. Pregnant women are protected by the social security system and may obtain benefits in addition to the ones accorded under the Labour Code, including medical attendance at the birth itself, as well as surgery and pharmaceutical, dental, hospital and laboratory services before and after confinement; they are also entitled to a daily maternity allowance in respect of temporary incapacity to work equal to 75 per cent of their average base remuneration, as well as assistance with feeding supplements for the child in cash or kind and a set of clothes and utensils for the new-born baby known as the maternity basket (Labour Code, arts 113 and 309; Social Security Act, art. 59 and elsewhere; Regulations on the Application of the Social Security System, art. 23 et seq.).

Paragraph 39 of the guidelines

385. Article 34 of the Constitution states: "All children have the right to live in family and environmental circumstances which foster their comprehensive development, for which purpose they shall enjoy the protection of the State. The law shall prescribe the duties of the State and create institutions for the protection of mothers and children."

386. Article 2 of the Statute of ISNA states: "The purpose of the Institute is to implement and monitor the National Policy on Children throughout the national territory and to provide comprehensive protection."

387. Children's rights are protected and defended by agencies such as the Office of the Prosecutor-General of the Republic, which furnishes legal assistance, and ISNA, which also registers, certifies and monitors NGOs working for the protection and care of children, including non-profit organizations authorized by the State to obtain the necessary legal personality for working with children.

388. Pursuant article 376 of the Family Code, children aged under 18 but over 14 may work, subject to the regulations contained in the Labour Code, provided that their education rights are not affected.

389. Article 114.2 of the Labour Code authorizes children to work from age 12, provided that their tasks consist of light work which is not (a) likely to impair their health or development or (b) of such a kind as to affect their school attendance, their participation in programmes run by competent authorities, or their utilization of the education which they receive.

390. While it is true that El Salvador has legislation providing protection for children, it is equally true that the economic circumstances of most poor Salvadoran families mean that in some cases children are obliged to work by their own parents, and in other cases out of necessity, in order to help their parents and siblings; this undoubtedly causes social and economic problems for children who have to give up school in order to work to survive.

391. There are many children lacking protection, in both rural and urban areas: for example, children working on farms, in the informal sector or in the street.

392. The following rules must be observed in the cases when children are authorized to work: (a) their developing personalities must be respected; (b) they must receive appropriate work training; (c) work by children aged under 14 must be limited to half the ordinary working day; and (d) they must have medical checks at least once a year to determine whether their work is impairing their health or normal development. To this end, children's work is supervised by the Ministry of Labour and Social Security and by ISNA (Family Code, art. 380). These two bodies have an obligation to provide special training programmes for children.

393. The Labour Code provides that children aged under 16 may not work, in any activity, more than six hours a day (34 hours a week). They may not work more than two hours overtime in any one day or perform work requiring great physical effort. Children aged under 18 may not perform night work (art. 116) or be recruited for work before undergoing a detailed medical examination to declare them fit to perform the work in question (art. 117.2).

394. All of these rules are consistent with El Salvador's commitments under the ILO Minimum Age Convention, 1973 (No 138).

Age groups and sex of working children¹¹

<i>Age group</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
10-14	67 857	29 463	97 320
15-18 ¹²	147 437	68 356	215 793
Total	215 294	97 819	313 113

¹¹ Figures from the section on employment by branch of activity of the Multi-purpose Household Survey (EHPM), Directorate-General for Statistics and Censuses, Ministry of the Economy.

¹² Age group adjusted by ISNA to conform with the legal definition of the child: the EHPM does not take into account children aged under 10 who work.

395. The work identified as not suitable for children includes: (1) refuse collection; (2) fishing; (3) manufacture of fireworks; (4) sugar-cane cultivation and processing; and (5) activities involving sexual exploitation.¹³

396. The number of children engaged in various forms of child labour in El Salvador is estimated at 25,000.¹⁴

397. With a view to eliminating child labour, ISNA is carrying out institutional and inter-institutional programmes and activities with an estimated coverage of 5,835 children.

398. The projects implemented by ISNA to provide protection and assistance for working children¹⁵ include:

- Baseline study to obtain specific data on the beneficiary children (number, ages, addresses, schooling, family details, etc.) and their relationship to the mode of work in question. This study also describes and analyzes the children's employment in terms of hours worked, remuneration, and effects on their physical, mental and moral integrity;
- Social protection and/or education and awareness: this component establishes measures relating to the schooling of the beneficiary children, with emphasis on the integration of children who do not attend school and improvement of the teaching of the various academic subjects, with a view to persuading children to remain in school and eliminating drop-outs or reducing the rate. The children and the schools are furnished with material assistance (equipment and uniforms for the children, and teaching materials for the schools). With regard to health care, some facilities are provided directly, and prevention and treatment (including mental health) measures are coordinated with various other institutions. This component also includes recreational and sports activities as essential elements of a child's development.
- Alternative production activities to provide support for parents, female heads of family, and other persons responsible for working children through the provision of loans, training in loan management and/or job training and skills; all these activities are backed up by advice on how to manage money.
- A monitoring component, under which project execution is supervised and evaluated.

399. ISNA has programmes of residential care, such as its foster-homes and adoption programmes, which provide children with a family in which they will receive comprehensive support in all its aspects. It provided residential care for 2,261 children between 1999 and mid-2003, as described in the following table.

¹³ Defined in 2001 by the National Committee on the Gradual Elimination of Child Labour.

¹⁴ According to the ILO national coordination office in El Salvador of the International Programme on the Elimination of Child Labour (IPEC).

¹⁵ In the form established by IPEC/ILO. In terms of execution, they may vary according to the execution methodology and strategy used and/or in the light of the agreements made with the families and institutions involved. See the annex "Projects for the elimination of child labour in El Salvador".

<i>Year of entry or re-entry</i>	<i>Releases</i>	<i>Housed in ISNA or NGO facilities</i>	<i>Annual total</i>
1999	418	84	502
2000	450	142	595
2001	291	248	539
2002	250	363	613
2003	--	15	15
Total	1 409	852	2 261

400. ISNA provides guidance and support with respect to social and family matters for as long as it deems necessary to ensure that children receive comprehensive care and protection in their family and normal environment when their rights are threatened or violated by their parents or guardians or other persons responsible for them or their social environment. This guidance and support covers problems of children's physical, mental and social development, as well as their enrolment in State or community care and treatment programmes (ISNA Act, art. 46).

401. After periods of care away from home children are returned to their parents, guardians or other persons in whose care they had been previously, provided that the moral, psychological and social environment will ensure the children's protection and education. When ISNA regards it as necessary and appropriate in a child's best interests, it may agree to the child's return under supervision provided that the family receives psychological and social counselling for at least six months. The officials responsible for such supervision are selected by preference from among social workers, teachers and other persons with knowledge and experience of children's problems (art. 48).

402. Family placement means placing a child in the care of members of the immediate family or other close relations, in the absence of parents, guardians or other responsible persons or when they cannot offer sufficient guarantees of care and protection. The same action is taken when the threat to or violation of a child's rights is a serious one and caused by a person having the child in his or her care. Before a child is placed in this way, the moral, environmental, psychological and social background must be investigated and evaluated in order to ensure that the child's education and protection will be guaranteed. This measure is subject to periodic checks for at least six months.

403. Placement in a foster home means entrusting a child to a family which undertakes to provide comprehensive protection. This measure is frequently used in the case of orphans without families and children who have families but whose parents or relatives cannot offer sufficient guarantees of care and protection. Foster families must be headed by a united couple who are married or living in a stable relationship, have acknowledged moral probity and economic solvency, and are willing to offer a child love and a family environment which will facilitate his or her normal development. Persons wishing to become foster parents have to be investigated and evaluated to determine whether they satisfy the requirements of the law. In no case may a child be placed with a foster family living abroad. A child placed in a foster home may not be passed on to another family without authorization by ISNA. This measure is subject to supervision for one year (art. 50).

404. The protection measure of placement in an institution is used by ISNA in exceptional cases. It means placement in a children's home appropriate to the child's age, personality and sex for the purpose of education, acquisition of a skill or occupation, specialized rehabilitation treatment, and provision of comprehensive care. This measure is used when a child is growing up in a family environment which is unsuitable or non-existent in terms of the child's integrated development. ISNA places children in institutions as full-time or part-time boarders, as appropriate (art. 51).

405. If an investigation establishes that a child is an orphan or of unknown parents and therefore has to be placed in an institution for longer than six months, he or she is considered for adoption; the Office of the Prosecutor-General is so informed so that it may proceed with the necessary formalities (art. 53).

406. Measures for the protection of children are applied for as long as may be necessary but cease for all legal purposes when a child reaches the age of 18; in any event, the duration of the measures depends on the studies conducted and on their findings but they must be reviewed every six months (art. 54).

407. ISNA informs children of their rights by means of a number of projects and programmes designed to have a positive impact on the development of a culture of peace.

408. The implementation of the "Prevention of student violence" project in 2001, whose purpose was to create spaces for participation by children and young people in their places of education, facilitated: (a) coordination with officials of the Division for Life of the Ministry of Education with a view to implementing the project in the places of education with the highest rates of student violence; (b) the establishment of the project in 12 education institutions; and (c) the identification and training of 500 young leaders as facilitators in education institutions with a view to improving relations and encouraging tolerance.

409. The following results were achieved in 2002: (a) 1,051 students and pupils received information about the rights of the child and human values and counselling in sexual matters, and 400 students at the Francisco Morazán Institute were given guidance on how to prevent student violence, in the expectation that they would have a multiplier effect on their fellow students; (b) 11 students taking social-service courses at the El Salvador and Cristiana de las Asambleas teacher-training universities collaborated in the implementation of the prevention project; (c) 1,000 parents received instruction in family relations, self-esteem, and communication in the home in parents' classes in four schools; (d) 200 teachers acquired expert knowledge of the project and collaborated in its implementation; and (e) 9,407 students and pupils benefited from the multiplier effect, learning about the rights of the child, human values, prevention of student violence, etc.

410. The Office of the Mayor of San Salvador and Nueva San Salvador, the National Civil Police, the Olympics Committee of El Salvador, and the Nueva San Salvador health unit worked together on the organization of: (a) two student hikes, one up the Cerro de Guazapa and other up the Boquerón (San Salvador volcano); (b) a traditional games festival; and (c) an Olympics Day run, in which 6,352 children, young people and adults took part.

411. Still within the context of disseminating information about children's rights, the *País Joven* (Young Country) programme was designed with the aim of improving institutional coordination

in the governmental, municipal and private sectors, establishing programmes with gender-equity components, and carrying out preventive measures to publicize children's rights and duties.

412. The institutions participating in the *País Joven* programme include: the Ministry of Education, ISNA, the Office of the Procurator for the Protection of Human Rights, the Human Rights Institute of the José Simeón Cañas University of Central America; the *Yekineme* Welfare Association; the Office of the Attorney-General of the Republic; and a number of universities.

K. ARTICLE 11

Paragraph 42 of the guidelines

413. In general terms, El Salvador has seen a sizeable reduction in poverty in recent years; according to a recent study by the Salvadoran Foundation for Economic and Social Development (FUSADES), poverty fell by 20.7 points in eight years, from 65.4 to 44.7 per cent. However, poverty remains widespread in the countryside. In 1992, 56 per cent of the poor lived in rural areas; in 2002, despite increased urbanization, that figure still stood at 55 per cent. The lack of access to basic services is most acute in rural areas. On average, only 65.2 per cent of rural households have access to electricity and only 43.3 per cent to piped water, whereas in urban areas over 90 per cent of households are connected to these services.

414. The most substantial reduction has been in the extreme-poverty level, which stood at 32 per cent in 1992 but had fallen to 19.3 per cent by 2000. The decline in relative poverty has been less marked, from 33.4 per cent in 1992 to 25.4 per cent in 2000.¹⁶

415. The poverty level has fallen faster than the population has increased; this explains the fall in the absolute number of poor people, from 3.3 million in 1992 to 2.8 million in 2000.

416. The combination of the economic policies and the social development strategy pursued over the last decade produced advances in the three basic dimensions of human development. The Human Development Index improved from 0.642 in 1990 to 0.704 in 1999. This enabled El Salvador to reach 104th place among the 174 countries on the Index.¹⁷

417. The poverty level took a dramatic turn for the worse following the earthquakes in 2001. In a matter of seconds the progress made in poverty reduction and human development was cut severely back, especially in the central areas of the country.

418. The earthquakes had the following consequences:¹⁸ (a) the poverty level rose from 47.5 to 51.1 per cent and the extreme-poverty level from 20.3 to 23.6 per cent; (b) the greatest impact was on rural areas: in less than a minute more than 225,000 persons (3.6 per cent of the total population) who had not been poor dropped into poverty; (c) in a minute the equivalent of 16 per cent of GDP was lost in terms of the destruction of housing and social and economic infrastructure, with serious implications for the quality of life of Salvadorans; (d) the four departments most seriously affected by the earthquakes (Cuscatlán, La Paz, San Vicente and

¹⁶ Lardé and Argüello, 1997. FUSADES, San Salvador.

¹⁷ *Human Development Report, El Salvador*. UNDP, 2001.

¹⁸ *Ibid.*

Usulután) had previously had poverty levels on a par with or lower than the levels in the traditionally poorest departments (Chalatenango, Cabañas, Morazán and La Unión).

419. In addition to the earthquakes in 2001, which laid waste to the country over a period of 30 days, El Salvador was also stricken by Hurricane Mitch and has experienced regular periods of drought. Other developments, such as the fall in international coffee prices, the rise in international oil prices, and the international economic recessions have affected the Salvadoran economy.

420. Women are known to be especially vulnerable to poverty and have to overcome bigger obstacles in order to take their proper place in development processes.

Percentage household poverty rates by sex of the head of household

Female

	1992	1993	1994	1995	1996	1997	1998	1999
National	63	63	55	47	52	49	46	42
Urban	60	58	50	42	47	44	41	37
Rural	67	69	64	46	62	59	58	51

Male

	1992	1993	1994	1995	1996	1997	1998	1999
National	57	60	52	46	51	48	44	41
Urban	50	51	42	37	40	37	34	31
Rural	65	69	66	58	66	63	59	56

Source: Human Development Index, 2001.

421. The progress made has been due to the combined effect of the economic growth levels of the 1990s (El Salvador had Latin America's second-highest growth rates in that period, outdone only by Chile) and the social policies pursued. Macroeconomic stability was achieved: in the 1990s El Salvador kept inflation under strictest control, achieving Latin America's third-lowest rate, outdone only by Bolivia and Panama. In the social sphere, the poverty reduction strategy is implemented by the leading social agencies, in particular the Social Investment Fund for Local Development.

422. El Salvador's population growth has been dizzying and it has the highest population density in Central America (309 inhabitants per square kilometre), although there are differences between departments.

Population growth by geographic area

<i>Population</i>	<i>1996</i>	<i>1998</i>	<i>2000</i>
Total	5 787,1	6 031,3	6 276,0
Urban	3 305,1	3 485,5	3 665,7
Rural	2 482,0	2 545,9	2 610,3
Density	275.0	286.7	309.3

Source: Own compilation based on the *Human Development Report, El Salvador, 2001*.

423. The population structure reflects two important considerations: (a) El Salvador has an extremely young population (46.9 per cent aged under 20); and (b) people aged over 60 account for only 9.1 per cent of the population.

424. It must be stressed that the rural population is declining owing to a number of factors, including the lack of well paid jobs and of opportunities for younger people and the reduced profitability of agricultural activities as result of the lower international prices. Rural dwellers made up 44.5 per cent of the total population in 1992, 42.9 per cent in 1996, and 41.6 per cent in 2000.

425. There are no figures on the per capita GDP of the poorest 40 per cent of the population by poverty category, but per capita income certainly differs from region to region. The average rural income has been 40 per cent of the urban level. The Gini coefficient, an indicator ranging between 0 (perfect equity) and 1 (total concentration in one person) is 0.525 for El Salvador; the Latin American average is 0.520.

Poverty indicators

426. The 1999 Multi-purpose Household Survey (EHPM)¹⁹ determined poverty levels for the whole country and by department and found significant differences between different areas. Taken together, the poorest households account for 47.5 per cent of the total population; 20.1 per cent of these households are extremely poor, i.e. their incomes do not cover the cost of the basic food basket (\$136 a month in urban areas and \$98 in rural areas), and 24.6 per cent are relatively poor, i.e. their incomes do not cover the expanded basket (essential food plus spending on housing, transport, education, health, clothing, and miscellaneous items, regarded as double the basic basket).

427. Poverty is most acute in the country's rural areas, where 55.5 per cent of poor people live; the poverty level is 32.8 per cent in urban areas, but the number of households trapped in poverty although living in urban areas remains high (more than a million persons).

¹⁹ Conducted by the Directorate-General for Statistics and Censuses of the Ministry of the Economy.

**Evolution of extreme and relative poverty as percentages of the population
(1996-1999)**

Area	1996		1997		1998		1999	
	Relative	Extreme	Relative	Extreme	Relative	Extreme	Relative	Extreme
Whole country	31.8	26.3	32.2	23.2	27.8	22.6	27.4	20.1
Urban	30.3	17.4	29.5	14.7	25.8	14.8	25.4	12.2
Rural	33.7	37.0	35.5	33.6	30.6	33.3	30.2	30.9

Source: Based on data from the *Human Development Report, El Salvador, 2001*.

428. Despite the progress made, access to basic services in the country's rural areas remains at a rather critical level owing to the occurrence in these areas of a series of phenomena: the armed conflict, hurricanes, droughts, earthquakes, loss of farm jobs as a result of the reduced profitability of agricultural activities, and the impact of the lack of rural investment on the countryside's productivity; all these factors have held back the development of rural areas and adversely affected their inhabitants. Historically, moreover, public spending has been concentrated on the country's urban areas, with negative consequences for rural development in both social and production terms.

**Situation of some basic social services having a direct impact on the people's nutritional standards
(percentages)**

	People without access to drinking water		People without access to health services		Adult illiteracy rate		Underweight under-fives	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Whole country	14.9	65.4	14.5	38.9	11.7	32.4	8.4	14.1

Source: Own compilation based on data from the *Human Development Report, El Salvador, 2001*.

Impact of the earthquakes in 2001

429. The earthquakes in 2001 had their most powerful impact on housing, especially in rural areas. The resulting situation substantially reduced the accumulation and production capacities of rural families, for the rebuilding or repair of their homes became their priority. Lack of a home is an obstacle to obtaining production loans and jeopardizes the family's food security. The earthquakes left a total of 110,202 dwellings uninhabitable in rural areas and 53,664 in the towns (the homes of 1.6 million persons). A total of 56,525 homes in rural areas and 51,262 in the towns suffered damage.

Damage to housing caused by the earthquakes

	<i>No. of persons affected</i>	<i>Urban housing</i>			<i>Rural housing</i>			<i>Total housing</i>
		<i>Uninhabitable</i>	<i>Habitable</i>	<i>Undamaged</i>	<i>Uninhabitable</i>	<i>Habitable</i>	<i>Undamaged</i>	
Whole country	1 616 782	53 664	51 262	637 406	110 202	56 525	453 104	1 362 163

Source: Own compilation based on data from the *Human Development Report, El Salvador, 2001*.

430. The provision of certain basic social services was rendered more difficult by the earthquakes, and services such as drinking water and health were seriously disrupted. The following table shows the situation of the health services before and after the earthquakes.

Impact of the earthquakes on some basic services and on extreme poverty

	<i>People without access to drinking water</i>		<i>People without access to health services</i>		<i>Underweight under-fives</i>		<i>Impact on extreme poverty</i>	
	<i>Before</i>	<i>After</i>	<i>Before</i>	<i>After</i>	<i>Before</i>	<i>After</i>	<i>Before</i>	<i>After</i>
Whole country	34.0	40.6	24.1	36.4	12.2	12.8	25.3	29.4

Source: Own compilation based on data from the *Human Development Report, El Salvador, 2001*.

431. Data for the Physical Quality of Life Index are not available, but the Human Development Index summaries progress in several areas of development, such as education, health, incomes, etc. The main thing is to stress that the country has progressed from a mid-position in the Index.

432. In 1997 the UNDP *Human Development Report* assigned El Salvador a Human Development Index value of 0.674, placing the country in a low-development category, in 115th place in world terms; the value fell to 0.603 for 1999. The current figure is 0.706, rating El Salvador as a country of average human development in the range 0.500 to 0.790; this rating also means that over the past 10 years EL Salvador has risen by at least 10 places in the international listing, currently occupying 105th out of 173 places.

Paragraph 43 of the guidelines

The physical growth and nutrition component

433. The Ministry of Health and Public Welfare operates a nutrition programme with the basic aim of helping to improve the nutrition of the population, especially the most vulnerable groups such as children aged under five years, pregnant women and nursing mothers. This programme has the following components; (a) nutrition monitoring; (b) monitoring of specific nutritional deficiencies; (c) nutritional care for vulnerable groups; (d) food supplements; (e) food and nutrition education; and (f) food and nutrition security.

434. These measures have helped to improve the food supply and access to it by the most vulnerable families; above all, they are helping the people to obtain sufficient food and to use it properly. As a result, the nutritional situation has improved over recent years.

The state of the people's nutrition²⁰

435. **Children aged under five years.** Since 1988 El Salvador has had a National Family Health Survey, which produces data for the whole country and by department; this survey has been conducted regularly every five years, the latest one in 1998; the data show that the nation's nutritional situation improved over the last decade.

Percentages

	1988	1993	1998
Total malnutrition (weight/age)	15.2	11.2	11.8
Chronic malnutrition (height/age)	30.0	23.1	23.3
Acute malnutrition (weight/height)	2.5	1.5	1.1
Exclusive breastfeeding in the first three months	-	21.3	21.0

436. **Children aged six to nine years.** The second national census of the height of first-grade pupils was carried out in September 2000, producing data for the whole country and by department and municipality; it showed a significant decline in the incidence of height deficiency and chronic malnutrition at the national level.

Percentages

	First national height census, 1988	Second national height census, 2000
Public sector	29.8	21.0
Public and private sectors	-	19.5

437. Specific nutritional deficiencies at the national level are described in the following tables.

Iron deficiency (anaemia) (percentages)

	1988	1998
Under-fives	23.2	18.0
Pregnant women	-	9.8

²⁰ Sources: (a) Assessment of the food situation in EL Salvador, 1988. ESANES/88-ADS; (b) National Family Health Survey, 1993. FESAL/93-ADS; (c) National Family Health Survey, 1998. FESAL/98-ADS; (d) Incidence of goitre in El Salvador. Ministry of Public Health and Social Welfare, 1990; (e) Study on vitamin-A levels in El Salvador's schools. Ministry of Public Health and Social Welfare, 1998; and (f) Study on iodine levels in El Salvador's schools. Ministry of Public Health and Social Welfare, 1998.

Iodine deficiency (goitre) among first-grade pupils (percentages)

	1990	1998
Incidence of goiter	25.8	-
Low iodine levels in urine	-	5.6

Vitamin-A deficiency – Low retinol levels in blood (percentages)

	1988	1998
Children aged under 5	36	-
Children aged 6 to 9	-	1

438. **Nutrition is monitored**, only among under-nines in rural areas, by the health extension workers of the Ministry of Public Health and Social Welfare; 94 per cent of cantons are covered. The nutritional state of children is monitored every six months for those aged over two years and every three months for under-tuos. The information provided by this monitoring exercise is used for the taking of decisions concerning the targets and implementation of nutritional measures additional to the ones envisaged in the regular programme and concerning the redirection of funds.

439. A strategy for comprehensive nutritional care at the grass-roots level was initiated in 1999; it consists of the formation and organization of voluntary groups of mothers in every community, who undertake : (a) to monitor every month the weight gain (satisfactory growth) of under-tuos and pregnant women; and (b) to educate mothers about diet, nutrition and health: (1) exclusive breastfeeding (0 to six months) and addition of food supplements (up to two years); (2) non-milk food supplements (weaning from six months); (3) diet during pregnancy and breastfeeding period; and (4) use of available community resources to improve the quality and variety of the family diet.

Food production

440. El Salvador's food production has experienced deficits in several items: basic grains; legumes; milk and milk products; fruits and vegetables; and meat. This situation means that the farming sector has a negative trade balance. In recent years the country has been a net importer of agricultural food products.

441. All supplies of wheat and maize are imported, and there are substantial imports of white maize for human consumption, rice and beans. Beef production is about 75 million pounds a year, with an apparent annual human consumption of 13.91 pounds per person in 2000; this level has varied little over the past five years and is fairly close to the 16 pounds per person recommended by the Nutrition Institute of Central America and Panama. Milk production is also fairly stable, with an average annual output of 348.9 million bottles in the five-year period 1996-2000.²¹

²¹ See the annex "Production of certain foodstuffs".

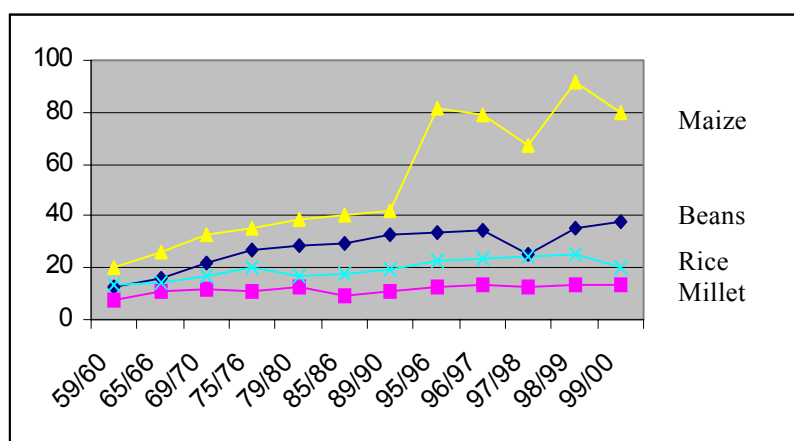
442. Poor rural areas and marginalized urban areas suffer food insecurity. The factors determining food insecurity at the national and family levels include: inadequate food supplies; low family incomes; inadequate diets in both quantitative and qualitative terms; reduced diversification of foodstuffs; the weather; degradation of natural resources, especially the soil; concentration of land ownership; soil quality; loans for food producers; research and dissemination of new technology; and profitability of basic grain crops.

443. The production of some items such as basic grains and fruits and vegetables has been fairly stable. The production of eggs, milk, beef, pork and chicken is increasing, but output of fish products is declining. Despite some favourable production and yield indicators, food dependency remains at a high level owing to population growth.

444. The data shown in figure 1 below illustrate the upward trend in the yields of basic grains, in particular rice. The factors which have facilitated this increased food production include the policy of conducting research into new varieties, technical assistance from the National Centre for Agricultural Technology, international technical cooperation, construction of irrigation works, the animal and plant health policy, and the increased use of chemical fertilisers.

445. In order to reduce the negative impact of chemical fertilisers on natural resources, the Ministry of Agriculture and Livestock has carried out a number of projects for the preservation of natural resources, mainly the soil resource, including the El Salvador environment project, a project on sustainable farming on hillsides, etc. With regard to the conservation of food products, the Ministry carried out a post-harvest project under which a total of 40,000 metal silos was distributed, enabling producers to store their products for longer and thus ensure that they are consumed and secure higher prices.

**Figure 1. Evolution of yields of basic grains
(quintals per manzana, 1959/60 to 1999/00)***



* One *quintal* = 46 kilograms. One *manzana* = 0.6 hectares.

Source: Directorate-General for Agricultural Economy, Ministry of Agriculture and Livestock.

Food imports

446. The principal food imports include wheat, which has become a staple of the national diet, replacing maize in some cases, as result of the increasing consumption of bread. Imports of maize, beans and rice are also very large.

447. Although the production of basic grains has remained stable in recent years, the supply is still insufficient to meet the increasing demand, mainly for industrial consumption. The balance sheet shows that without imports there would be deficits in the consumption of white maize (1,234,840 *quintales*), beans (429,636 *quintales*) and rice (955,869 *quintales*). There is a surplus of sorghum, for imported maize is converted into a perfect substitute for this product.

448. Imports of beef, pork, milk and cheese have risen at increasing rates over the past seven years. And imports of spices in 2000, for example, were more than double the 1996 levels.

449. Most of the vegetable supply is imported, mainly from Guatemala. In order of volume, the five main vegetables imported in 2000 were tomatoes (30.6 million pounds), cabbages (22.3 million pounds), potatoes (13.9 million pounds), onions (13.8 million pounds) and carrots (6.4 million pounds).

450. The figures for vegetable imports indicate that there is a large domestic market; this market could perfectly well be supplied by domestic production, thus improving the incomes of Salvadoran producers, generating new productive jobs, and saving foreign exchange by cutting imports. Such a change would also reduce the country's food dependence.²²

Agrarian reform measures to support food production

451. Under the process of agrarian reform initiated in El Salvador before 1980 Salvadoran peasants have been acquiring their own land and thus substantially improving their food security and the living standards of their families, for cultivation of the land is their principal means of production. The reform has increased agricultural production, both by associations and by individuals.

452. Under reform process a total of 453,292 hectares released by the acquisition of 8,687 properties was distributed to 936,020 beneficiaries. This land distribution helped to improve the food security of families which had previously not possessed this principal means of production.²³

The situation of especially vulnerable groups²⁴

453. There are 404,196 landless peasants: 320,651 men and 83,554 women.

454. There are 215,437 marginalized peasants: 109,228 men and 106,209 women.

455. There are 928,648 rural workers: 561,382 men and 366,816 women.

456. There are 229,786 rural unemployed: 210,964 men and 27,822 women.

457. There are 210,034 urban unemployed: 74,379 men and 135,655 women.

²² See the annex "Imports of food products".

²³ See the annex "Principal decree-laws regulating the transfer of land".

²⁴ Data from the Multi-purpose Household Survey, 2000.

458. There are 2,309,568 urban poor: 1,096,763 men and 1,212,805 women.

459. There are 43,400 migrant workers: 31,321 men and 12,079 women.

460. There 62,760 members of indigenous peoples: 29,466 men and 33,294 women.

461. There are 2,234,100 children: 1,120,058 boys and 1,114,042 girls.

462. There are 312,400 elderly people: 144,793 men and 167,607 women.

The basic food basket

463. The basic food basket represents a larger quantity of food in urban than in rural areas. Urban households consume a total of 4,930 grams of food a day, but rural households consume only 3,355 grams, a difference of 1,575 grams. The rural basket contains much less of all the food items apart from tortillas and eggs. It does not contain bread or fruit.

464. The data show that in the period 1992-1999 the cost of the basic food basket increased by 31.9 per cent for urban families and by 36.7 per cent for rural families, thus aggravating even further the difficult economic situation of rural families.²⁵

The nutritional situation

465. The 1993 FESAL survey identified a decline in the incidence of general malnutrition to 11.2 per cent, height deficit to 22.8 per cent, and acute malnutrition to 1.3 per cent. The latest evaluation of the nutritional situation, made under the 1998 FESAL survey, did not find any major changes in any of the indicators. In all the national studies the target population has been children; there is no information on adolescents or adults.

466. The Salt Iodization Act is now in force, and programmes on fortification of sugar with vitamin A and wheat and maize flour with iron and folic acid are being carried out as a response to the nutritional problems. The latest surveys found a decline in the incidence of the deficiencies in question, but they are still regarded as public health problems.

467. The trends in the energy content of the diet have been favourable to biological growth, rising from 1,800 Kcals per person per day in 1964-1966 to 2,536 in 1996-1998, an increase of 705 Kcals. However, there has been no change in the percentage distribution of energy sources, the main one being carbohydrates (71 per cent), which is consistent with the basic Salvadoran diet of maize tortillas, rice and beans. Fats contribute 19 per cent. The proportion contributed by proteins is low at barely 10 per cent, reflecting the people's low level of consumption of products of animal origin such as milk, eggs and meat.

468. The fact that 74 per cent of all protein consumed is of plant origin shows that the present diet is inadequate in terms of its supply of essential amino acids and a number of specific nutrients such as iron.

469. Salvadorans' energy is supplied mainly by maize tortillas, rice, beans and sweeteners. The supply of calories per person is rising, but there are big differences between the rural and urban

²⁵ See the annex "Basic food basket".

populations owing to the differences in incomes and access to imported foods and foods of animal origin; the internal distribution of these foods is also very uneven.

470. The data contained in the *Human Development Report* indicate that general, acute and chronic malnutrition all fell substantially in the period 1983-1988. However, in a later period (1993-1998), far from declining, the malnutrition levels increased, except in the case of acute malnutrition, which was down slightly.

Maternal breastfeeding

471. The practice of exclusive maternal breastfeeding remains low: in 1998 only 21 per cent of babies under six months were exclusively breast-fed. But breastfeeding as a supplement to other foods increased in duration from 15 months in 1993 to 17 months in 1998.²⁶

472. The last seven years have seen the emergence of a number of problems which have influenced the management of public policies and had a direct impact on the food security of Salvadoran families, in particular low-income families living for the most part in rural areas. Two types of problem can be discerned: firstly, problems associated with the dynamics of the economy in terms of the decline in unprofitable agricultural activities; and secondly, problems connected with natural phenomena such as droughts, hurricanes and earthquakes.

The performance of the economy

473. The main problems associated with the performance of the economy include the low level of GDP growth from 1995. This factor has had an adverse effect on low-income families by reducing their opportunities for productive employment and thus having a direct impact on their consumption. The sluggish economic growth over the past five years has boosted unemployment and underemployment in both urban and rural areas, with a knock-on effect on the food security of such families.

474.

Economic performance by sector

<i>Sector</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>
GDP	1.7	4.2	3.7	3.4	2.0
Agriculture	1.3	0.4	-0.7	6.5	-0.8
Mines and quarries	1.0	6.5	5.3	0.4	3.0
Industry	1.7	8.0	6.6	3.7	4.5
Power supply	17.1	4.2	6.1	2.7	1.2
Construction	2.7	6.2	8.5	0.8	-2.3
Commerce and services	0.4	2.9	4.0	2.1	0.8
Transport	1.9	7.7	4.2	8.6	6.2
Finance	2.7	12.6	9.6	13.3	5.1
Retail price index	7.4	1.9	4.2	-1.0	4.2

Source: Quarterly Review. Central Reserve Bank, April-June, 2001.

²⁶ See the annex "Breastfeeding and nutritional vulnerability map".

475. The lack of opportunities for farm and non-farm employment in rural areas has contributed to the precarious situation of rural families and of their state of nutrition. This situation is aggravated by the higher prices for certain basic services, which impair a family's capacity to buy essential foods.

476. Low wages and the stagnation of the minimum wage are other factors contributing to the deterioration of the food security of thousands of families. This deterioration manifests itself in high levels of malnutrition, especially among children.

The effects of natural phenomena²⁷

477. The main food-security problems associated with natural phenomena were Hurricane Mitch in 1998, the earthquakes in January and February 2001, and the drought in that same year. These three phenomena had a profound impact on the food security of large sections of the population. The most serious effects were felt in rural areas, where the population is highly vulnerable.

478. The tropical storm known as Hurricane Mitch struck El Salvador and the rest of the Central American region in October 1998. This natural phenomenon inflicted enormous damage on the agricultural sector and rural families, and it is thought that its repercussions will continue to have far-reaching effects in all spheres of life and especially on the most vulnerable population groups.

479. A total of 80,433 rural dwellers suffered damage and loss and/or were forced to flee as a result of the torrential rains caused by the hurricane. In addition, 9,513 agricultural producers suffered damage to their crops and lost all or part of their harvests.

480. The losses in the agricultural sector were enormous: estimated at approximately \$71.2 million in the sector's various subsectors. The biggest losses were suffered in corn production (\$29.7 million), followed by beans (\$17.5 million) and sugar cane (\$6.6 million). The other subsectors registered big losses as well. Considerable damage was also inflicted on the production and social infrastructure, impairing the capacity of rural producers and rural dwellers to integrate themselves in the new production processes.

481. These circumstances led to a reduction of the food supply in the countryside and exacerbated even further the critical situation of small producers and rural families. The loss of harvests cut back the income levels and threatened the food security of broad sections of the population.

482. The earthquakes in January and February 2001 also had a powerful impact on the food security of broad sections of the population, mainly in the rural areas where the earthquakes struck hardest. They caused a substantial reduction in the purchasing power of the inhabitants of these areas, who suffered damage in many aspects of their lives.

483. The number of persons without access to drinking water or health services increased as a result of the damage which the earthquakes caused to infrastructure. This factor exacerbated even further the situation of the rural poor, for they had to redirect their scant resources to other

²⁷ See the annex "The effects of natural phenomena on food security".

priorities such as repairing their homes or building new ones; and the unavoidable interruption of their farming work had an impact on the food supply.

484. Coming on top of all these difficulties, the recent series of droughts, in particular the drought in June 2001, seriously affected a large part of the country; but the worst effects were felt mainly in the 44 municipalities of the central region, where water levels were very low. The activity most seriously affected by this phenomenon was the production of basic grains. The production of maize, the staple food of the rural poor, declined in the 44 municipalities by a total of 2.4 million *quintales*, bean production by 55,596 *quintales*, rice by 2,191 *quintales*, and sorghum by 106,372 *quintales*.

485. The drought affected a total of 74,842 small-producer families in the 44 municipalities (some 374,210 persons). In addition, 813,566 persons living in these municipalities were affected indirectly. The situation had a drastic impact on the food supply of thousands of poor families and created problems of food insecurity.

486. The fall in their incomes may force small producers in the long term into a vicious circle of food insecurity and malnutrition, which will require attention in the form of policies to combat poverty.

Food security and nutrition policies

487. October 2002 saw the first inter-institutional coordination meetings for the formulation of the national food security and nutrition policy; this initiative is headed and coordinated by the Ministry of Public Health and Social Welfare with the support of governmental agencies, external cooperation bodies and the private sector.

488. The aim of this policy is to provide guidelines for joint measures to be taken by various public and private agencies working to deliver food and nutritional security to the people on a sustainable basis and to contribute to the country's human development.

489. The Food Aid Division of the National Secretariat for the Family, in coordination with the Education and Health Ministries, has been carrying out inter-agency projects which also involve NGOs (Catholic Relief Services, CARE, and the Foundation for Environmental Rehabilitation (FREES)): (a) Promotion of basic education and preventive health care with grass-roots participation; (b) Social compensation programme for pre-school children, pregnant women and nursing mothers; (c) Food for work, 1994-1998; (d) The *El Niño* phenomenon (the Pacific Ocean phenomenon which caused a drought in 1997-1998); (e) Food aid for 129 municipalities in El Salvador (European Union); (f) Services for vulnerable indigenous peoples, 1994-1999; (g) Hurricane Mitch emergency 1998-2002; (h) Extended relief and rehabilitation, Central American region.

Promotion of primary education and preventive health care with grass-roots participation (Project PMA/ELS/3886 (extended))

490. The aim is to cut drop-out rates, boost school attendance, and help to reduce the number of repeated years among children in the nursery, primary and secondary cycles in rural areas in the municipalities with the biggest numbers of poor inhabitants by serving a daily snack in the early morning and early afternoon for the morning and afternoon shifts. This snack provides the

children with a daily intake of calories and proteins to maintain their energy level in the classroom, increase their attention span, and improve their scholastic performance.

491. The project's components are: (a) daily snack; (b) health and nutrition education; (c) teacher training; and (d) drafting and printing of educational materials.

Social compensation programme for pre-school children, pregnant women and nursing mothers (Project PMA/ELS/4508)

492. This project was aimed at children aged between six months and five years, pregnant women and nursing mothers at risk of malnutrition. It furnished a monthly food ration which satisfied the estimated calorie and protein requirements for five members of a family. The distribution of this food was used as an opportunity to bring the women to the local health facility to undergo medical checks during pregnancy and the child's first months of life. Services are still being provided for children aged between two and six years in the child welfare centres and rural nutrition centres in the municipalities with the highest malnutrition rates.

493. The project components were: (a) distribution of the monthly family food basket (rations for five members of each beneficiary family); (b) health and nutrition education; and (c) training of health facility personnel.

Food for work, 1994-1995 (Project PMA/ELS/2806 (extended))

494. This project was coordinated by the National Secretariat for the Family during its last year of execution, from April 1994 to April 1995; in previous years it had been executed by other agencies (Secretariat for National Reconstruction; Community Development Office of the Ministry of the Interior (DIDECO), and Ministry of Agriculture and Livestock).

495. The project was implemented on the ground by NGOs: (a) Catholic Relief Services; (b) Pan American Development Foundation; (c) Agricultural Development Project for Small Producers in the Central Region; (d) DIDECO; (e) Office of the United Nations High Commissioner for Refugees; (f) Emergency Programme for the Reintegration of Demobilized Combatants in Agricultural Production (national Government, European Union (ALA 92)); (g) Salvadoran Promotion, Training and Development Association; (h) Salvadoran Foundation for the Advancement of Women and Children; (i) Institute for Technology, Self-management and the Environment; (j) Salvadoran Foundation for the Third Age; (k) Caritas El Salvador; (l) Médicos del Mundo; (m) Salvadoran Foundation for Social Advancement and Economic Development; and (n) Initiative for Alternative Development.

496. This project provided participants with food in exchange for work under the following components: (1) conservation of natural resources; (2) agro-forestry and forestry; (3) agricultural diversification; (4) disaster prevention; and (5) basic infrastructure.

***El Niño* phenomenon/Pacific phenomenon (Project PMA/ELS/5949)**

497. This project started up during the winter of 1997 and early 1998. El Salvador had been hit by a severe drought which laid waste to crops and had a very adverse impact on the country's economy, especially on small farmers subsisting on the cultivation of maize, beans, millet and

vegetables. The drought also affected the livelihoods of the population at large, for it led to higher prices for basic consumer products.

498. In January 1998 the World Food Programme approved the start-up of an emergency programme for Central America to provide food aid for families affected by the *El Niño* phenomenon.

499. This project was implemented by Catholic Relief Services and the Foundation for Environmental Rehabilitation. It covered 11,300 hectares, improving both the natural resources and the environmental conditions, as well as protecting watersheds. Food was distributed throughout 1998.

500. The natural resources of the area were in the end rehabilitated. The activities, which were supported by food distribution, consisted mainly of the planting of quickset hedges and the construction of hillside irrigation channels, reservoirs, dams, etc.

Food aid project for 129 priority municipalities (European Union)

501. This project was executed by the Health Ministry and was aimed at children aged over six months and under five years, pregnant women and nursing mothers at risk of malnutrition in 129 municipalities regarded as priority targets. The women also attended child welfare centres and rural nutrition centres.

Services for vulnerable indigenous groups (SNF Project)

502. This project is aimed at helping poor people to cope with food emergencies. It also submits special applications to the National Secretariat for the Family for food aid for needy families.

Hurricane Mitch Emergency (Project 9800 and Project PMA/ELS/5949 (National emergency))

503. As a response to the regional emergency caused by Hurricane Mitch in October 1998, the Government implemented a relief plan to provide emergency assistance to the victims. To this end it carried out joint measures with the various governmental agencies and services concerned.

504. The action taken by the National Secretariat for the Family consisted chiefly of the provision of basic foods, clothing, and kitchen and household utensils to families living in temporary accommodation or isolated communities which had suffered as a result of floods or landslides. The aim in this phase was to cater to the largest possible number of persons in the shortest possible time. The goods were distributed either through departmental emergency committees or directly in the communities. Eighty communities were helped, mainly in the coastal zone stricken by the hurricane.

505. The project had two phases: (a) contingency aid (families were given a basket of foodstuffs and a supply of drinking water); and (b) emergency aid (families were given a one-month food supply for five persons).

Extended relief and rehabilitation in the Central American region (Project PMA/ELS/6089)

506. This project was aimed at vulnerable families and groups which lost all their property and personal possessions and whose food security was under threat until the next harvest was brought in. This two-year phase identified the areas affected by the disaster in Ahuachapán, Sonsonante, La Libertad, La Paz, San Vicente, Usulután, San Miguel, La Unión, Cabañas, Morazán and Chalatenango. It covered a total of 37 municipalities in these departments; the total number of persons affected by the disaster in the 37 municipalities was estimated at 95,000.

507. The modalities used were food for work and care for vulnerable groups (undernourished pre-school and primary children and vulnerable pregnant women and nursing mothers).

508. The food-for-work modality includes such activities as the repair of irrigation systems, soil conservation, rebuilding of housing and water-supply and basic-sanitation systems, and restoration of fruit and vegetable production. The external assistance in this phase is provided by the World Food Programme, which will also support UNDP and European Union activities.

509. Under its nutrition programme the Ministry of Health and Social Welfare has been promoting food and nutrition education as a main pillar of the work, for it provides opportunities for educating and informing people about the various aspects of food and nutrition.

510. The methods used for disseminating and transmitting knowledge about nutrition vary according to the specific characteristics of the target groups and the resources available.

511. The following methods have or are being used: (a) mass communication media (radio and television); (b) educational materials (posters, booklets, leaflets, story books, colouring books, puzzles, calendars, lotteries); (c) family food guides ("Good nutrition - your road to health"); (d) learning sessions and demonstration talks; (e) community visits by experts; (f) national campaigns (on the prevention of vitamin-A, iron and folic acid deficiency); (g) health care strategies and initiatives addressing the nutrition component and aimed at various population groups (mother and baby package, comprehensive treatment of common childhood ailments, healthy schools, child and mother friendly hospitals, and healthy municipalities).

512. Food and nutrition education is provided at several levels and in different settings (family, community, school, work, and health facility) in an effort to reach the biggest possible proportion of the target population or group in each of the education strategies.

513. The food and nutrition programme addresses specific topics for each age group and its content is tailored to the country's food and nutrition problems. The emphasis is chiefly on prevention.

514. The programme addresses the following topics: (a) breastfeeding; (b) feeding supplements; (c) diet of pregnant women and nursing mothers; (d) growth and development of children aged under 10 and adolescents; (f) prevention of specific nutritional deficiencies; (g) prevention and treatment of malnutrition in mothers and children; and (h) prevention and treatment of chronic ailments.

515. Food and nutrition education is the main pillar of all the interventions, programmes and projects in this area. Priority is given to the most vulnerable groups, and the educational activities are operated at all levels (family, community, health facility, school and work), but there is always a percentage of the population which does not have access to the information or which acquires it but does not put it into practice owing to a failure to change eating habits and good nutritional practices with respect to the children and indeed the whole family.

516. This food and nutrition education is continuing and is being adapted and reinforced to bring it into line with the country's nutritional profile.

517. On the subject of agrarian reform, attention is drawn to paragraphs 451 and 452 of this report and to the annexes referred to in the footnotes.

518. The principal development objectives in the period 1994-1999 were to increase investment in human capital, boost productivity and incomes, and promote and reinforce local development. Additional measures were also required to expand the economy and thus facilitate changes in social and economic development based on improvement of the quality and coverage of the social services.

519. The food security policy is designed to improve the food supply and nutritional standards through an integrated approach founded chiefly on measures to boost the total food supply by improving productivity and stepping up the fight against the degradation of natural resources. These objectives have to be pursued by means of investment in improved technology and farming practices and in production infrastructure, which implies facilitating farmers' access to extension services and financial resources. In view of the food deficit, which market deregulation has not made good, the Government intends to introduce procedures and allocate funds to guarantee the basic food supply by drawing on private-sector imports.

520. The following are the specific short-term objectives of the Government's anti-poverty strategies for 1999-2004: to secure a substantial reduction in extreme poverty by giving priority attention to the urban and rural areas where such poverty is concentrated, with special emphasis on the most vulnerable groups. The following specific objectives have been set for the medium term: to improve the access of the rural population to income-generating activities by integrating the country's various regions in the production process on a competitive basis and binding them to the dynamics of regional and world economic growth.

Paragraph 44 of the guidelines

521. The information on the housing situation in El Salvador set out below was prepared by the Office for Strategic Sectoral Planning of the Department of Housing and Urban Development on the basis of the data produced by the Multi-purpose Household Survey for each year shown. The latest survey was conducted in 2001.

Evolution of the housing stock in El Salvador 1995-2001

<i>Year</i>	<i>Households</i>	<i>Housing units</i>
1995	1 169 454	1 137 305
1996	1 235 484	1 209 319
1997	1 265 365	1 245 795
1998	1 339 269	1 296 635
1999	1 383 145	1 347 970
2000	1 438 186	1 403 279
*2001	1 481 698	1 463 023

* Forecast.

Evolution of the housing deficit in El Salvador 1995-2001²⁸

	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001*</i>
Housing stock	1 137 305	1 209 319	1 245 795	1 296 635	1 347 970	1 403 279	1 463 023
Qualitative deficit	543 173	549 724	534 511	514 637	507 227	489 010	319 644
Quantitative deficit	35 898	27 654	20 716	45 067	44 377	36 511	184 145
Total deficit	579 071	577 378	555 227	559 704	551 604	525 521	503 789

Source: Based on the Multi-purpose Household Survey, 1995-2000 (Ministry of the Economy).

* Forecast.

Housing situation since the earthquakes in 2001

522. As already discussed, El Salvador was struck by two earthquakes early in 2001 which seriously damaged the existing housing stock, affecting 1.6 million persons. For the whole country, 107,787 dwellings were damaged and 163,866 destroyed.

523. The efforts of the international community, NGOs, public agencies, private business, churches, communities and beneficiaries, actual and projected as of December 2001 (after the earthquakes), produced a total of 59,744 units built in the course of 2001: 35,800 units were rebuilt with the assistance of the agencies mentioned above; 4,715 were purchased through the banking system; 11,729 were purchased through the Social Housing Fund (FSV); and 7,500 were self-built with the help of family subsidies.

524. A total of 34,212 housing units underwent improvement in 2001: 26,712 with FSV funding and 7,500 on a self-build basis with the help of the family subsidies.

²⁸ For more details see the annex "Evolution of the housing deficit in El Salvador by region, 1995-2000.

525. The following table presents an estimate of the housing deficit calculated on the basis of the records of the number of units rebuilt and private-sector data.

Forecast housing deficit for 2001*

Total housing stock	1 463 023		
Total households	1 481 698		
	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
Quantitative deficit	73 443	110 702	184 145
Qualitative deficit	60 515	259 129	319 644
Total estimated deficit	133 957	369 831	503 789

* Estimates based on available data.

National post-earthquake reconstruction strategy

526. The earthquakes in January and February 2001 left in their wake a total of 163,866 dwellings destroyed, 41,400 micro-enterprises and small businesses ruined, more than 1,000 schools and health posts destroyed or severely damaged, and economic losses of over \$1,600 million. In addition, severe damage was inflicted on 23 hospitals and more than 100 other health facilities (49 per cent of the total). Over 30 per cent of public schools were severely damaged (1,566 out of a total of 4,858), threatening the education of 34 per cent of the enrolment. In addition to the other damage, the earthquakes inflicted serious losses on the country's cultural heritage (churches, historic sites, libraries).

527. The social cost is estimated at 13 per cent of GDP, and 150,000 persons nation-wide have been forced into extreme poverty.

528. In order to cope with this disastrous situation the Government, with the invaluable support of friendly countries and financial agencies, devised a two-pronged emergency programme to help the most serious affected families: (a) removal of the rubble of uninhabitable homes; and (b) construction of temporary housing from easily assembled components.

529. An incentives programme was introduced to encourage families whose homes had been destroyed to clear away the rubble. This provided construction sites for the families and grass-roots employment, which in turn reactivated the local economy; using the Social Investment Fund for Local Development (FISDL) the Government transferred resources to the municipalities for onward distribution to every victim family.

530. The resources transferred to the victims for the removal of rubble totalled \$22,114,222 up to July 2001. More than 177,000 sets of tools for shifting rubble (mattock, spade, crowbar, pickaxe) were also distributed; in other words, an attempt was made to involve every family in the process of national reconstruction.

531. The provision of easily assembled components was designed to enable every family to build a temporary home and thus help to repair the social fabric, reduce the risk of disease,

maintain people's roots in their community, etc. In addition to FISDL, NGOs and churches contributed to the provision of components and tools for the construction of temporary housing.

532. The scale of the rubble-removal and temporary housing programmes was determined on the basis of the censuses of destroyed housing taken by the municipal authorities. To date, the census data compiled by these authorities indicate a total of 220,000 homes destroyed or rendered uninhabitable in 167 municipalities. In order to verify the situation FISDL recruited a firm of external auditors to review the accuracy of the census data; with 66 per cent of the audit completed, a total of 4,017 units have been identified as ineligible for the emergency assistance (duplicated records, non-existent or repairable dwellings).

533. Following the audit it was confirmed by FISDL, in conjunction with the municipal authorities, that a total of 190,194 homes had been destroyed: 182,386 of the victim families qualified for assistance under both programmes (rubble removal and temporary housing); and 7,808 qualified only for the temporary housing programme, it having been established that the rubble had already been removed through the efforts of other agencies.

534. In the light of this information preparations were made for distributing the resources available under the two programmes, by two means: (a) distribution by FISDL on the basis of the census lists for which it was responsible, including the cases coordinated with the armed forces and NGOs (the total of 190,134 dwellings mentioned earlier); and (b) provision by governmental bodies and NGOs of 34,875 temporary homes (families identified and receiving priority separately from the municipal censuses administered by FISDL).

535. The earthquakes had a powerful economic and social impact on the implementation of the Government's regular programmes, in particular the programme on the construction of permanent housing and establishment of core services, as well as on the completion of core infrastructure works designed to upgrade basic sanitation standards in the municipalities and communities in which the basic-housing component of the National Reconstruction Programme had been implemented. These regular programmes are of vital importance for the future production capacity and social development of the many Salvadoran families benefiting under the reconstruction projects carried out by the Government country-wide through the relevant agencies.

536. The most relevant point to emerge is that most of the victim families are poor: the income of 78 per cent (211,889) of the households surveyed amounts to a maximum of two basic wages, and the other 22 per cent (59,764) have incomes of more than two basic wages. This 78 per cent is the target population of the special programmes of the National Public Housing Fund (FONAVIPO) for the construction of permanent dwellings in collaboration with private enterprise, the fundamental housing task in terms of the disposition of the financial resources provided by international cooperation.

537. In terms of the institutional effort made by each of the actors in the emergency phase, 32.7 per cent of the temporary homes were built by the armed forces, 51.5 per cent by FISDL, and some of the remainder by NGOs (under five per cent).

538. The emergency strategies devised by the Department of Housing and Urban Development may be summarized as follows: (a) the first step was to divide up the problem in order to provide assistance for the most seriously affected families under existing programmes and from existing

resources; (b) the second step was to identify sources of funds for execution of the specific strategies and programmes; and (c) the third step was concerned with negotiation, participation and decentralization, as well as with the determination of the priorities and the best interests of the most seriously affected families.

539. These strategies were put into practice as part of the National Housing Policy, using the technical experience acquired by the various agencies working in the housing sector.²⁹

Population groups currently threatened by natural phenomena

540. El Salvador has identified the chief threats, or latent dangers, posed by natural phenomena which may have adverse effects on people, production, infrastructure, goods and services, and the environment. They include earthquakes, tropical storms, droughts, volcanic activity, floods and landslides; these phenomena, allied to social processes which alter the natural environment, chiefly deforestation and changes in land use, can transform the environment into a threat and make the occurrence of disasters highly probable.

541. These natural phenomena pose a direct threat to housing which is in a vulnerable condition, owing either to the poor quality of the building materials or to its location in areas where such phenomena may occur. The exact number of vulnerable homes is not yet known but according to the National Land Studies Service of the Ministry of the Environment and Natural Resources some 1,970 square kilometres of the national territory is exposed to a serious or moderate threat of flooding, and more than 4,040 square kilometres are vulnerable to various types of landslide.

542. The annex "Vulnerability to threats posed by natural phenomena" contains a series of maps (Impact of earthquakes on housing by municipality, July 2001; Vulnerable settlements at a high risk of landslides in El Salvador; Areas subject to flooding in El Salvador) showing the main areas of the country hit by the earthquakes in 2001 and the settlements located in areas susceptible to floods and landslides. It must be pointed out that this information is provided for reference purposes only; it does not mean that all the settlements shown on the maps are under threat but merely that they are situated in areas where floods and landslides are likely; only parts of the territory shown may be under threat.

543. The 2001 Multi-purpose Household Survey produced an estimate of 43,512 homeless families.

Numbers of homeless families

<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001*</i>
32 149	26 165	19 570	42 634	41 982	34 907	43 512

* Forecast.

544. The homeless families were distributed by geographical location as follows:

²⁹ See the annex "National Housing Policy strategies".

Homeless families in 2000 (numerical deficit)

<i>Region</i>	<i>Area</i>		<i>Total</i>
	<i>Urban</i>	<i>Rural</i>	
Western	4 951	3 509	8 460
Central I	3 505	5 141	8 646
Central II	2 480	1 808	4 288
Eastern	2 933	1 981	4 914
AMSS *	8 599	--	8 599
Total	22 468	12 439	34 907

* Metropolitan Area of San Salvador.

545. Inadequate housing includes all dwellings with some defect in terms of the types of material used in the construction of their floors, roofs or walls, absence of basic services, or the form in which these services are provided. The following table covers all the housing found to be inadequate in some way by the Household Survey but it does not reveal the full extent of the problem. The Household Survey does not provide information about overcrowded or damp homes because these matters are not addressed in the questionnaire.

Inadequate housing by area and region, 2000

<i>Region</i>	<i>Area</i>		<i>Total</i>
	<i>Urban</i>	<i>Rural</i>	
Western	31 736	110 698	142 434
Central II	14 406	50 532	64 938
Eastern	30 940	120 333	151 273
AMSS	38 750	--	38 750
Total	132 473	358 141	490 614

546. The following tables present data on inadequate housing by type of defect (materials or services):

Construction defects in walls, floors or roofs

<i>Region</i>	<i>Area</i>		<i>Total</i>
	<i>Urban</i>	<i>Rural</i>	
Western	23 386	75 552	98 938
Central I	11 554	46 622	58 176
Central II	10 106	34 057	44 163
Eastern	22 024	77 703	99 727
AMSS	18 671	--	18 671
Total	85 741	233 934	319 675
Percentage	26.82	73.18	100

Lack of water, electricity or sanitation services

<i>Region</i>	<i>Area</i>		<i>Total</i>
	<i>Urban</i>	<i>Rural</i>	
Western	18 574	81 958	100 532
Central I	10 092	60 340	70 432
Central II	8 960	37 795	46 755
Eastern	17 100	92 984	110 084
AMSS	29 057	--	29 057
Total	83 783	273 077	356 860
Percentage	23,48	76,52	100

547. Emigration from the countryside to the towns is accelerating the proliferation of two types of irregular settlement: (a) illegal subdivision of farm land on the periphery of towns for self-build housing (in stages as the necessary income is obtained), which may be transformed by speculators into urban settlements lacking proper services and with an uncertain future; (b) settlements within urban areas marginalized by degradation of the existing housing and settlements in open areas and in publicly owned enclaves or enclaves next to property in private ownership.

548. There are no figures for the whole country, but the information on illegal housing in San Salvador indicates that there are 138 marginal settlements occupied by 18,082 families living in 16,789 dwellings.

549. There is a national total of 28,294 families living in illegal circumstances in 272 communities which have registered with the Libertad y Progreso Institute, an agency which awards title to plots of land.

550. The governmental agencies are directing their efforts towards providing housing and relocating families rather than concerning themselves with the reasons for eviction. The governmental agencies which facilitate the acquisition of housing for workers in the formal sector do not keep this kind of statistic, for persons buying homes on mortgages who fall behind with their payments are not evicted but they do often abandon their homes, which can be repossessed by the lenders after the elapse of a certain interval (more than a year's arrears). In other cases when legal proceedings for repossession are announced, the family abandons the property before the proceedings begin.

551. The 1999 Multi-purpose Household Survey points out with regard to the basic consumer basket that poverty (extreme/absolute or relative), in conjunction with unemployment, is one of the most important macro-indicators. The extreme-poverty category covers those households which cannot afford the basic food basket, which cost an average of \$136 a month in urban areas and \$98 in rural areas in 1999.

552. At the national level, some 572,000 households (38.8 per cent of the total) are living in poverty: 16 per cent in extreme poverty (unable to afford the basic food basket) and 22.6 per cent

in relative poverty (unable to afford the expanded basket consisting of the basic basket plus spending on housing, health, education, clothing, and miscellaneous items).

553. Urban areas have about 289,000 households (31.3 per cent of the total) living in poverty. The Survey's findings show that the situation is worse in rural areas, where 51.6 per cent of households (282,000) live in poverty: 26.1 per cent in the extreme and 25.5 per cent in the relative category.

554. The number of households living in poverty in the 1990s declined in both categories. In the early 1990s some 60 per cent of households were classified as poor, while in 2001 the figure was 39 per cent.

555. The governmental agencies have a list of approximately 8,000 heads of family who have applied for assistance with their housing since 1995, have monthly incomes of up to two minimum wages and belong to the informal sector of the economy, including some of the families affected by the earthquakes in 2001. These persons have been assisted under a programme combining savings, loans and subsidies. The funding is provided by international cooperation agencies, the proceeds of the sale of State property transferred to other public institutions, and internal allocations from the same institutions.

556. In the case of financing for the purchase of new housing by low- and middle-income families in the formal sector of the economy (90 per cent of this kind of investment), the potential purchasers have the option of submitting their applications directly to the public institution or through the six members of the banking system authorized to issue mortgages (on the same terms as the Government). In all cases the documents are processed and the loans issued free of administration charges.

557. The families awaiting legalization of the ownership of their land, under the auspices of the Libertad y Progreso Institute, are distributed by programme as follows: (a) 93 communities are in the process of award of title (5,920 beneficiary families); (b) The "El Salvador, Land of Owners" programme has 29 rural communities (2,117 families) awaiting award of title. In 2002 this programme had 75 communities (4,951 families) in this position; and (c) a further 63 communities (10,320 families) are awaiting legalization of the purchase of their land with funds provided by the Inter-American Development Bank.

558. As may be seen from the following table, some accommodation is occupied free of charge by families (12.33 per cent) which have the landlord's permission to do so; other apparently abandoned property is occupied illegally.

Types of housing tenure, 2000

	<i>Rental</i>	<i>Mortgaged</i>	<i>Owner</i>	<i>Illegal</i>	<i>Caretakers</i>	<i>Rent-free</i>	<i>Total</i>
Private house	137 859	142 152	798 452	31 744	31 298	153 995	1 295 500
Apartment	11 466	9 115	11 124	-	-	2 187	33 892
Room in house	1 423	-	56	-	-	1 627	3 106
Room in boarding house	47 575	-	2 827	333	-	7 495	58 230
Improvised dwelling	250	-	2 186	-	-	4 636	7 072
Farmhouse	-	-	2 078	72	184	3 145	5 479
Total	198 573	151 267	816 723	32 149	31 482	173 085	1 403 279

559. Article 119 of the Constitution enshrines the right to housing, declaring at the outset the social benefit of housing construction and then establishing the obligation of the State to ensure that as many Salvadoran families as possible become owners of their homes.

560. The laws giving substance to this right are the Social Housing Fund Act (FSV Act) and the National Public Housing Fund Act (FONAVIPO Act).

561. The FSV Act³⁰ takes the constitutional mandate referred to above as the basis for the creation of the Fund; the Legislative Assembly acknowledged that housing is a fundamental need of the family and that satisfaction of that need is a vital factor in building a peaceful society; hence the necessity to equip the country with financial and social mechanisms and instruments to facilitate access to housing for the most needy population groups, i.e. the families with lowest incomes, specifically monthly incomes equal to or lower than a total of four minimum wages in commerce and industry.

562. The chief purpose of the FSV, according to article 2 of the Act, is to help the Salvadoran families with the lowest incomes to obtain housing loans and to provide funding for social housing on the most favourable terms. The Act has been amended three times since its entry into force in 1992;³¹ these amendments were designed chiefly to clarify certain matters such as the definition of the beneficiary population, to invest the FSV with additional powers to improve its operational efficiency, and to restructure its Board of Management, as well as dealing with other operational questions with a view to expanding the Fund's scope and improving the monitoring of its loans.

³⁰ Legislative Decree No. 258 dated 28 May 1992, published in the *Diario Oficial*, No. 104, vol. 315, of 8 June 1992.

³¹ (1) Legislative Decree No. 592 dated 29 April 1999, published in the *Diario Oficial*, No. 98, vol. 343, of 27 May 1999.

(2) Legislative Decree No. 528 dated 30 August 2001, published in the *Diario Oficial*, No. 177, vol. 352, of 20 September 2001.

(3) Legislative Decree No. 822 dated 19 April 2002, published in the *Diario Oficial*, No. 89, vol. 355, of 15 May 2002.

563. The FONAVIPO Act³² entered into force in 1973 by virtue of the mandate contained in the Constitution of that time (1963 Constitution, art. 148), creating the Fund as a social security measure to help to solve workers' housing problems by providing them with sufficient resources to buy comfortable, hygienic and safe homes. The Act has been amended nine times since its entry into force; the latest amendment was adopted by Legislative Decree No. 45 dated 30 June 1994, published in the *Diario Oficial*, No. 148, vol. 324, of 15 August 1994.

564. The FSV and FONAVIPO Acts are not discussed here, for they were addressed in paragraphs 206-210 of the earlier report (E/1990/5/Add.25).

565. Article 2 of the Constitution establishes the universal personal rights, including the rights to life, physical and moral integrity, freedom, security, work, and ownership of private property, as well as to protection in the exercise of these rights.

566. The Constitutional Chamber of the Supreme Court established a legal precedent concerning the right to property in its decision of 26 August 1998 in *Amparo* Proceedings 317-97, stating that:

“The right to property, which has its origins in article 2 of the Constitution, must be understood as the exercise of full powers over property, including the right to occupy it, to use it in whatever way deemed fit, and to enjoy the benefits of its products and growth, as well as to modify and divide it. Accordingly, the right to property is to be understood, with regard to third parties, as being limited solely by the natural purpose of its existence: the social function.”

Housing legislation

567. As mentioned earlier, the principal laws on exercise of the right to housing are the FSV Act and the FONAVIPO Act. However, there are other laws which make reference to this right and to the State's obligation to deliver it.

568. In accordance with its constituent decree, the Department of Housing and Urban Development³³ is the lead agency, facilitator, coordinator, promoter, and legal and regulatory authority for national housing policies; it reports to the Ministry of Public Works, Transport and Housing and Urban Development.

³² Legislative Decree No. 328 dated 17 May 1973, published in the *Diario Oficial*, No. 104, vol. 239, of 6 June 1973.

³³ Executive Decree No. 71 dated 25 June 1993, published in the *Diario Oficial*, No. 133, vol. 320, of 15 June 1993. This decree revoked Executive Decree No. 26 dated 30 April 1979, published in the *Diario Oficial*, No. 79, vol. 263, of 2 May 1979, which had created the Under-Secretariat for Housing and Urban Development, likewise under the auspices of the Ministry of Public Works; to date it has been amended only by Executive Decree No. 61 dated 30 May 2002, published in the *Diario Oficial*, No. 110, vol. 355, of 17 June 2002.

569. The Immovable Property (Apartments) Act³⁴ has its origins in article 119 of the current Constitution even though its preamble refers to the corresponding article in the revoked Constitution.

570. The purpose of this Act is to promote housing construction both by public agencies and by private enterprise. To this end it sets out general provisions on the construction of buildings, the rights of their inhabitants and owners and the restrictions on those rights, the obligations of owners to each other, and the management and maintenance of a building's common facilities, as well as regulations on compulsory joint tenure and exceptions thereto.

571. In addition, the Urban Development and Construction Act³⁵ establishes the competence both of the Department of Housing and Urban Development and of the municipalities with respect to urban and rural development planning and sets out the conditions for obtaining building permits and the available remedies in the event of refusal of a building permit.

Legislation on homeless persons

572. The Family Code³⁶ establishes among other duties of the State the duty to ensure by all possible means the stability of the family and its well-being in terms of health, work, housing, education, and social security in order that it may discharge in full its responsibilities with regard to the training and protection of the children and well-being of the whole family group, including its older members. Accordingly, the State has an obligation to formulate policies for the protection of children, the family and its older members.

573. The comprehensive protection of children for whom the State is responsible is addressed by a series of governmental and non-governmental measures coordinated by the Salvadoran Institute for the Integrated Development of the Child (INSA) with family and community participation and the support of international organizations. These measures constitute the national system for the protection of children, which ensures that children's basic needs with respect to food, housing, health, education and integrated development are met.

³⁴ Decree-Law No. 31 dated 21 February 1961, published in the *Diario Oficial*, No. 40, vol. 190, of 27 February 1961. This decree-law has been amended by: (1) Legislative Decree No. 59 dated 8 August 1972, published in the *Diario Oficial*, No. 155, vol. 236, of 23 August 1972; (2) Legislative Decree No. 351 dated 12 June 1973, published in the *Diario Oficial*, No. 130, vol. 240, of 13 July 1973; (3) Legislative Decree No. 515 dated 8 January 1974, published in the *Diario Oficial*, No. 13, vol. 242, of 21 January 1974; and (4) Legislative Decree No. 62 dated 22 August 1974, published in the *Diario Oficial*, No. 174, vol. 244, of 19 September 1974.

³⁵ Legislative Decree No. 232 dated 4 June 1951, published in the *Diario Oficial*, No. 107, vol. 151, of 11 June 1951. This decree has been amended by: (1) Legislative Decree No. 2190 dated 31 August 1956, published in the *Diario Oficial*, No. 170, vol. 172, of 12 September 1956; (2) Legislative Decree No. 142 dated 10 October 1972, published in the *Diario Oficial*, No. 195, vol. 237, of 20 October 1972; and (3) Legislative Decree No. 708 dated 13 February 1991, published in the *Diario Oficial*, No. 36, vol. 310, of 21 February 1991.

³⁶ Legislative Decree No. 677 dated 11 October 1993, published in the *Diario Oficial*, No. 231, vol. 321, of 13 December 1993, which has been amended five times, by: (1) Legislative Decree No. 830 dated 11 March 1994, published in the *Diario Oficial*, No. 60, vol. 322, of 25 March 1994; (2) Legislative Decree No. 133 dated 14 September 1994, published in the *Diario Oficial*, No. 173, vol. 324, of 10 September 1994 (the Family Procedures Act); (3) Legislative Decree No. 317 dated 4 June 1998, published in the *Diario Oficial*, No. 121, vol. 340, of 1 July 1998; (4) Legislative Decree No. 319 dated 4 June 1998, published in the *Diario Oficial*, No. 121, vol. 340, of 1 July 1998; and (5) Legislative Decree No. 811 dated 6 January 2000, published in the *Diario Oficial*, No. 31, vol. 346, of 14 February 2000.

574. It should be pointed out that, where children's right to housing is concerned, the regulations contained in the INSA Act³⁷ relate to the protection of children aged under 18 years. If the Institute learns that a child's rights are being threatened or violated or that a child has been orphaned, it immediately opens an investigation, completes any preliminary procedures which may be needed to establish the facts, and adopts suitable interim measures for the child's protection.

575. On conclusion of the investigation, if the threat to or violation of the child's rights is proved, one of the following protection measures is ordered: (a) placement with a family member; (b) placement with a foster family; or (c) placement in an institution.

576. The Family Code recognizes the right of the elderly to live with their family, which bears the main responsibility for their protection. Society and the State take on this responsibility when an elderly person has no family or his or her family is incapable of providing adequate care. Placement in an old people's or retirement home is the measure of last resort. The fundamental rights which the State accords to the elderly include the right to food, transport and adequate housing.

577. The legislation on these matters is contained in the Old Age (Integrated Care) Act,³⁸ which is aimed at ensuring integrated care for the elderly and helping to strengthen family unity when an elderly person requires special consideration and care from his or her family, society and the State. The fundamental rights which this Act accords to the elderly include the rights to food, transport and adequate housing. The Act also provides that if an elderly person is suffering neglect or has been abandoned, the State must provide care, either directly or in facilities created for this purpose, including old people's homes, shelters and social welfare homes.

578. An old person is defined as any man or woman over the age of sixty.

579. Under the Act, an old person is deemed to be suffering neglect or abandonment when he or she: (1) lacks the means of subsistence; (2) lacks food or necessary health care; (3) does not have a fixed abode; (4) is habitually denied the affection or care of family members within the fourth degree of consanguinity or second degree of affinity; (5) is subject to domestic violence or ill treatment by third persons; or (6) is suffering a degree of neglect indicating that he or she has been abandoned (this status must be declared by a competent court).

580. The National Council on the Integrated Care of the Elderly was duly created pursuant to the Act for the purposes of implementing the set of governmental and non-governmental measures for the integrated care of the elderly.

³⁷ Legislative Decree No. 482 dated 11 March 1993, published in the *Diario Oficial*, No. 63, vol. 318, of 31 March 1993. This decree has been amended three times, by: (1) Legislative Decree No. 133 dated 14 September 1994, published in the *Diario Oficial*, No. 173, vol. 324, of 20 September 1994; (2) Legislative Decree No. 911 dated 11 July 2002, published in the *Diario Oficial*, No. 144, vol. 356, of 8 August 2002; and (3) Legislative Decree No. 983 dated 23 September 2002, published in the *Diario Oficial*, No. 189, vol. 357, of 10 October 2002.

³⁸ Legislative Decree No. 717 dated 23 January 2002, published in the *Diario Oficial*, No. 38, vol. 354, of 25 February 2002, which has been amended twice, by: (1) Legislative Decree No. 910 dated 24 July 2002, published in the *Diario Oficial*, No. 144, vol. 356, of 8 August 2002; and (2) Legislative Decree No. 1043 dated 1 November 2002, published in the *Diario Oficial*, No. 231, vol. 357, of 9 December 2002.

581. The legal grounds for expropriation are provided by article 106 of the Constitution, which provides that expropriation is permissible for legally verified reasons of the public interest or the interest of society and shall be subject to fair compensation; exceptions to the general rule are also established.

582. The fundamental legal text is the State Expropriation and Occupation of Property Act,³⁹ which contains explanatory provisions as to the meaning of “the public interest”. It prescribes the procedure to be followed in cases of expropriation, which includes prior negotiation between the parties with a view to agreement on the amount of compensation, provides for proceedings in a court of first instance, and specifies the remedies available to the parties.

583. There is a large body of special legislation regulating specific cases of expropriation and establishing special procedures in these cases. This legislation includes the New International Airport of El Salvador (Construction, Administration and Operation) Act,⁴⁰ the San Salvador Markets Act,⁴¹ the Irrigation and Drainage Act,⁴² the Special Cultural Heritage (Protection) Act,⁴³ and the Civil and Municipal Codes.

584. El Salvador’s agrarian reform process was initiated in 1980 with the entry into force of Decree-Laws Nos. 153, 1544 and 207, Legislative Decree No. 839 and other legislation, which affected 8,643 owners of a total of 411,151 hectares of land representing 20 per cent of the national territory; this land was transferred either collectively or individually to 831,750 persons.

585. In the period 1992-1998 the Land Bank and the Salvadoran Agrarian Reform Institute (ISTA) carried out a land-transfer programme for the benefit of persons demobilized from the armed forces of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) under the Peace Agreements.

586. The decrees, laws and agreements regulating the transfer of land include: (a) Decree No. 842 on the traditional sector (concerning the allocation of the land acquired by ISTA before the Agrarian Reform Act entered into force); (b) Decree No. 153 on the ISTA reformed sector,

³⁹ Legislative Decree No. 33 dated 25 July 1939, published in the *Diario Oficial*, No. 174, vol. 127, of 17 August 1939; this decree was amended by: (1) Legislative Decree No. 124 dated 14 May 1947, published in the *Diario Oficial*, No. 114, vol. 142, of 28 May 1947; and (2) Legislative Decree No. 467 dated 29 October 1998, published in the *Diario Oficial*, No. 21, vol. 341, of 13 November 1998.

⁴⁰ Legislative Decree No. 600 dated 16 May 1974, published in the *Diario Oficial*, No. 105, vol. 243, of 7 June 1974, which has been amended by: (1) Legislative Decree No. 80 dated 4 July 1985, published in the *Diario Oficial*, No. 148, vol. 288, of 12 August 1985; (2) Legislative Decree No. 127 dated 1 September 1994, published in the *Diario Oficial*, No. 184, vol. 326, of 5 October 1994; and (3) Legislative Decree No. 582 dated 18 October 2001, published in the *Diario Oficial*, No. 198, vol. 353, of 19 October 2001.

⁴¹ Legislative Decree No. 312 dated 22 April 1969, published in the *Diario Oficial*, No. 71, vol. 223, of 22 April 1969, which was amended by Legislative Decree No. 294 dated 12 June 1975, published in the *Diario Oficial*, No. 108, vol. 247, of 13 June 1975.

⁴² Legislative Decree No. 153 dated 11 November 1970, published in the *Diario Oficial*, No. 213, vol. 229, of 23 November 1970. This decree has been amended by: (1) Legislative Decree No. 232 dated 27 April 1989, published in the *Diario Oficial*, No. 82, vol. 303, of 5 May 1989; (2) Legislative Decree No. 385 dated 30 November 1989, published in the *Diario Oficial*, No. 227, vol. 305, of 7 December 1989; and (3) Legislative Decree No. 603 dated 18 October 1990, published in the *Diario Oficial*, No. 251, vol. 309, of 30 October 1990.

⁴³ Legislative Decree No. 513 dated 22 April 1993, published in the *Diario Oficial*, No. 98, vol. 319, of 26 May 1993.

phase 1 (authorizing ISTA to act and to take possession of estates of over 500 hectares); (c) Decree No. 895, articles 105-267 (on the allocation and use of rural estates of over 245 hectares); (d) Decree No. 719 (establishing the special regime referred to in article 105.3 of the Constitution, consolidating the agrarian reform process and guaranteeing the legal certainty of land ownership); (e) Decree No. 761 and ISTA Decree No. 719, article 30 (transferring areas of protected land and forestry reserves in the reformed agricultural sector to the Ministry of Agriculture and Livestock and the Ministry of the Environment and Natural Resources); (f) ISTA Agreement of 3 July, final version (transferring land under joint tenure to members of the Alianza Democrática Campesina (Democratic Farmers' Alliance); and (g) Chapultepec Peace Agreements, final version (transferring land to persons demobilized from the armed forces of El Salvador and the FMLN under the Land Transfer Programme).

587. A regulatory instrument in the form of a national plan for land regulation and development is being drafted. It is supported by the Ministry of the Environment and Natural Resources and the Department of Housing and Urban Development of the Ministry of Public Works; the purpose is to provide guidance for the institutionalization of land management in the public administration and a framework for land planning and management.

588. The following bodies have played a part in the land-transfer process: (a) ISTA; following its start-up on 26 June 1975 ISTA supervised the first land-transfer project, under which properties were acquired on a buy/sell basis; (b) the National Farm Land Fund, which began operations on 7 May 1980 and closed down on 22 December 1994; its purpose was to allocate and transfer farm land to its direct cultivators; and (c) the Land Bank (functioned from 20 February 1991 to 1 February 1998 on the basis of the voluntary selling and buying of land).

589. The Libertad y Progreso Institute was created as a decentralized agency of the Office of the President of the Republic by Executive Decree No. 16 dated 26 February 1991, published in the *Diario Oficial* of 27 February 1991. This Institute's main purpose is to furnish the Government with technical assistance to improve the public services and to render them and popular participation in the adoption of official decisions more effective. It is concerned chiefly with mobilizing resources for the award of land titles and streamlining the registration process for the benefit of the poor.

590. Article 102 of the Constitution prescribes economic freedom in all matters not prejudicial to the interest of society; this provision offered the main justification for the adoption of the Leasehold Act,⁴⁴ which applies inter alia to the leasing and sub-leasing of residential property and establishes the regulations governing the contractual relationship between the lessor and the

⁴⁴ Legislative Decree No. 2591 dated 18 February 1958, published in the *Diario Oficial*, No. 35, vol. 178, of 20 February 1958. This decree has been amended by: (1) Legislative Decree No. 2822 dated 31 March 1959, published in the *Diario Oficial*, No. 64, vol. 183, of 10 April 1959; (2) Legislative Decree No. 69 dated 18 January 1961, published in the *Diario oficial*, No. 15, vol. 190, of 23 January 1961; (3) Legislative Decree No. 80 dated 20 March 1961, published in the *Diario Oficial*, No. 58, vol. 190, of 23 March 1961; (4) Legislative Decree No. 524 dated 4 December 1967, published in the *Diario Oficial*, No. 231, vol. 217, of 15 December 1967; (5) Legislative Decree No. 576 dated 4 December 1969, published in the *Diario Oficial*, No. 233, vol. 255, of 15 December 1969; (6) Legislative Decree No. 624 dated 30 May 1974, published in the *Diario Oficial*, No. 109, vol. 243, of 13 April 1974; (7) Legislative Decree No. 399 dated 10 November 1977, published in the *Diario Oficial*, No. 219, vol. 257, of 25 November 1977; (8) Legislative Decree No. 286 dated 18 July 1989, published in the *Diario Oficial*, No. 140, vol. 304, of 28 July 1989; and (9) Legislative Decree No. 641 dated 29 November 1990, published in the *Diario Oficial*, No. 286, vol. 309, of 20 December 1990.

lessee, the termination of leases, the legal procedure for settlement of disputes arising in connection with the application of the Act, and the remedies available to the parties.

591. Another piece of legislation is the Decree on special provisions for satisfying the housing needs of the population following the tragic earthquake on 13 January 2001,⁴⁵ which provided relief for the people affected by the earthquake in connection with the fulfilment of contracts relating to premises used for housing, commerce, and professional and industrial services concluded before 13 January 2001.

592. Title XXVI of the Civil Code sets out the regulations governing leases, including general rules on leasehold contracts, the obligations of the parties, the expiry of leases, and the expropriation of leased property, together with specific rules on the leasing of houses and rural land.

593. The Immovable Property (Apartments) Act was adopted pursuant to article 119 of the Constitution in view of the need to establish in El Salvador the “horizontal ownership” system, under which the various floors of a building and the various apartments into which a floor is divided may belong to different persons, who hold in community the land on which the building stands. The purpose of this Act is to encourage housing construction by both public agencies and private enterprise. It therefore contains general provisions on the construction of buildings, the rights of their inhabitants and owners and the restrictions on those rights, the obligations of owners to each other, and the management and maintenance of the building’s common facilities, as well as rules on compulsory joint tenure and exceptions thereto.

594. Article 223 of the Pensions Savings Scheme (SAP) provides that pension fund administrators must invest a minimum proportion of their funds’ assets in instruments issued by the Social Housing Fund (FSV). This proportion starts at 30 per cent for the first year (1998) and declines in steps to 10 per cent in the fifteenth year, thus ensuring an increasing source of funds for housing finance.

595. The FONAVIPO and FSV Acts have already been discussed in this report. However, it must be pointed out that in January 2002 amendments to the FSV Act were tabled in the Legislative Assembly in order to reassert the essential purpose of this State lending institution and to strengthen it to continue performing its function of helping Salvadoran workers to acquire housing.

596. The amendments are concerned chiefly with: (a) the granting of direct subsidies to workers for housing purposes; (b) tackling the housing problem by increasing the number of rental properties; (c) adoption of a system of financial accounting; and (d) bringing the Act into line with more modern legislation such as the Pensions Savings Scheme, the Public Contracts and Procurement Act, the Public Finance (Administration) Act, the Banking Act, and the Court of Audit Act.

597. The Urban Development and Construction Act and its Regulations on the subdivision of land and housing estates is implemented by the Department of Housing and Urban Development

⁴⁵ Legislative Decree No. 315 dated 22 February 2001, published in the *Diario Oficial*, No. 47, vol. 350, of 6 March 2001.

as a means of regulating housing development throughout the country. From the outset its aim has been to establish the basic rules governing urban development.

598. The purpose of the Regulations on the Management of Urban Development and Construction is provide auxiliary instruments for the control of urban development and construction, the structure of urban settlements and land use, the subdivision of land into building plots, community and public facilities, the roads system and infrastructure and services, the minimum rules on the physical and social safety of buildings, and the procedures for obtaining permits for subdivision and/or construction in the municipalities of the Metropolitan Area of San Salvador (AMSS). The AMSS consists of the municipalities of Antiguo Cuscatlán, Apopa, Ayutuxtepeque, Cuscatancingo, Delgado, Ilopango, Mejicanos, Nejapa, Nueva San Salvador, San Marcos, San Martín, San Salvador and Soyapango.

599. The Regulations on the Structural Safety of Buildings (Executive Decree No. 105, published in the *Diario Oficial* of 30 October 1996) prescribe minimum standards for the structural safety of buildings in order to provide coordinated and consistent guidance for future urban development, improve the structural design of buildings, and introduce suitable mechanisms for ensuring compliance with the minimum standards with respect both to new buildings and to the modification, repair or demolition of existing ones. These Regulations have provided the basis for the formulation of specific standards for the design and construction of housing, the quality-control of building materials, the design of concrete work, and the stability of embankments, as well as technical standards for earthquake and wind resistance.

600. Article 3 of the Constitution establishes the principle of the equality of all persons before the law and in the exercise of civil rights; no restriction of such rights on the basis of differences of nationality, race, sex or religion is permissible.

601. With regard to equality before the law, the Constitutional Chamber ruled as follows in its decision of 14 December 1995 in Unconstitutionality Proceedings 17-95:

“Like most other fundamental rights, the right to equal treatment is not an absolute right; the Legislature must therefore determine both the criterion for its assessment and the circumstances constituting unequal legal treatment (...); what the Constitution prohibits - by virtue of the right to equality before the law - is unequal treatment on insufficient grounds, arbitrary differentiation (...); the Salvadoran Constitution prohibits arbitrary differentiation for which no reasonable grounds can be found; differentiation which arises from the nature of the situation or which, at least, is comprehensible in concrete terms (...); under the Salvadoran Constitution the right to equality before the law must therefore be understood in terms of a requirement of reasonable grounds for differentiation.”

602. With regard to the scope of the principle of equality in the application of the law by the courts, the Constitutional Chamber also ruled, in its decision of 26 August 1998 in *Amparo* Proceedings 317-97:

“... all citizens possess the subjective right to obtain equal treatment; this [principle] imposes obligations and restrictions on the public authorities with respect to the exercise this right and requires that identical situations shall be treated identically in terms of their legal consequences, with the result that a jurisdictional organ may not, in substantially similar cases, arbitrarily modify the meaning of its precedents, except when a case is

sufficiently different from the precedents as to furnish sufficient and reasonable grounds for such modification. In the event of unequal decisions handed down by a plurality of organs, the jurisprudence of the jurisdictional organs must establish the necessary uniformity in the application of the law, in the interest of legal certainty. It may therefore be concluded that the right to equality has two constitutional aspects: (a) equality before the law; and (b) equality in the application of the law. From the first aspect, in identical cases the consequences must be the same, and any arbitrary or subjective differentiation must be avoided. From the second, applying [chiefly] to the courts, judicial decisions must be consistent in their analysis of similar cases even when a case is heard by different jurisdictional organs and they must not allow the same legal precept to be applied in identical cases on a clearly unequal basis.”

603. The Human Immunodeficiency Virus (Prevention and Control) Act⁴⁶ provides that the State, in conjunction with public and private organizations, shall encourage and support the establishment of hostels and assistance centres for young children, adolescents and old people infected with HIV/AIDS who have no close relatives or guardians or no homes, as the case may be, and provide them with an adequate diet, medical care, psychological support and any other welfare service. The guiding principle of this assistance is non-discrimination, for such persons have the right not to suffer discrimination or stigmatization because of their illness; the State must also address the impairment of their rights with respect to their pay, allowances and working conditions as a result of their condition, as well as to the possibility of their acquiring a home through the Social Housing Fund (FSV). The aim of the Act is to prevent, control and regulate the treatment of HIV infection, establish the obligations of persons carrying the virus, and define in general terms the national policy for the comprehensive treatment of HIV/AIDS, while always protecting the personal and social rights of infected persons.

604. The FSV Act, which provides that the purpose of the Fund is to help to solve the housing problems of workers by furnishing them with adequate means to acquire comfortable, hygienic and secure homes and that provisions of the Act apply to all employers and workers regardless of the type of labour relationship and the mode of remuneration..

605. Article 40 of the FONAVIPO Act provides that the housing subsidy shall be a one-off, direct and transparent payment and not involve any element of discrimination on the ground of political opinion, race, sex or religion.

606. The Leasehold Act provides that leases and subleases may be terminated by voluntary agreement of the parties or by a court order specifying the reasons for the termination. The law prescribes the procedure to be followed when it is necessary to take legal action to terminate the contract between landlord and tenant and regain possession of the leased property.

607. Here the Act protects the tenant, for it is very difficult to secure repossession. It prescribes penalties to be imposed on a landlord who brings forward false grounds for repossession or fails to observe the period fixed in accordance with the Act for the tenancy of the property. The Act also includes provisions on the non-extinction of the leasehold contract on the death of the tenant, for it is understood that the contract will remain in force for his or her heirs or, when there are no

⁴⁶ Legislative Decree No. 588 dated 24 October 2001, published in the *Diario Oficial*, No. 222, vol. 353, of 23 November 2001. The Act has been amended once, by Legislative Decree No. 1016 dated 10 October 2002, published in the *Diario Oficial*, No. 211, vol. 357, of 11 November 2002.

acknowledged heirs, for the legal spouse, common-law spouse, or ascendant or descendant relatives who had lived with the tenant in the property. The same applies in the event of the death of the landlord or if the landlord transfers the property, in return for payment or free of charge, for it is understood that the persons acquiring the property in such circumstances succeed to the landlord's rights and obligations and must comply with the conditions of the lease even when the contract was not made in writing; they may terminate the contract only in the cases specified by law.

608. There is no record of any amendment to legislation which may be in conflict with the right to housing; moreover, the Constitution imposes on the State the obligation to ensure that the largest possible number of Salvadoran families own their homes. In any event, the amendments to domestic legislation have been designed to foster the exercise of this right, as may be seen from the extracts cited in earlier paragraphs.

609. The only case in which this situation might arise is when, in the course of legal proceedings, a property is ordered to be sold at public auction; in such a case the rules established in the Code of Civil Procedure and the Banking Act would have to be followed; these rules depart in some respects from the general law.

610. Decree No. 16 dated 16 February 1991, published in the *Diario Oficial* of 27 February of that year, states in paragraph (c) (iii) that the Libertad y Progreso Institute shall procure and provide resources for conferring title to property and streamline the registration process by means of social-interest projects to help poor inhabitants of slums and other marginal areas (art. 3 (b)).

611. This Institute was equipped with the legal powers and institutional framework for facilitating the rapid, efficient and legally certain recognition of the property rights of thousands of families, which could thus take a new direction in their self-development. This was a response to the wish of thousands of Salvadorans to own their own property. The various programmes succeeded in attaining the objective of expanding access to ownership for the poor.

612. Decree No. 17, which established the "El Salvador, Land of Owners" programme in order to provide a rapid, legal and low-cost solution to the problem of the marginality and legal uncertainty in which thousands of families are living in slums, developing communities and illegal or "pirate" settlements. This programme's aim is to make it easier for participants to acquire a plot of land under the financing schemes established for this purpose, or for them to obtain title to the plots which they already possess by means of short and simple procedures for the entry of their properties in the Register of Immovable Property.

613. Legislative Decree No. 961 dated 5 February 1997, a transitional instrument for streamlining the formalities for the subdivision of rural properties under the Land Transfer Programme, establishes legal procedures for the swift and simple completion of the formalities of the judicial and extra-judicial subdivision of rural properties transferred under this Programme.

614. Legislative Decree No. 20 dated 9 April 1997, creating the programme to establish legal certainty of title to rural properties (PROSEGUIR), helped to solve the difficulty presented by those participants in the Land Transfer Programme who did not wish to continue a joint tenancy arrangement with respect to the property transferred to them.

615. Legislative Decree 253 dated 17 March 1998, a transitional instrument on the appropriation and transfer of the unused railway land between the stations of Santa Lucía (Department of Santa

Ana) and Ahuachapán (Department of Ahuachapán), with the exception of Santa Lucía station itself and its forecourt, to the families and institutions occupying this land, facilitated the appropriation of the buildings owned by the State and managed by FENADESAL or CEPA which were no longer needed for railway operations; this section of the line between Santa Ana and Ahuachapán is known as RAMAL C, District No. 2. This decree also prescribes the procedures for allocation of the land, currently occupied by some 1,700 families living in 14 communities, some of which were established 30 years ago.

616. Legislative Decree 254 dated 17 March 1998, a special piece of legislation on the transfer and legal status of the section of the old San Martín highway (Department of San Salvador) to the persons living there. The aim was to establish procedures for the transfer or award of title to the abandoned section of highway occupied by the Los Olivos community, Calle Vieja sector, Nuevo Amanecer, located in La Palma canton, San Martín, San Salvador.

617. Legislative Decree No. 344 dated 2 July 1998, a special piece of legislation on the legal status of old rights of way declared abandoned and no longer in public use, with a view to the transfer of ownership of the land to the poor families occupying it, established the procedure for legalization of the status of the land specified in the decree which was no longer in public use in the Departments of Ahuachapán, Santa Ana, Sonsonante, La Libertad, San Salvador, La Paz, Cabañas and Usulután as a result of the repositioning of a highway or road by the competent authority and which had been occupied by poor families peacefully and without interruption for at least three years.

618. Legislative Decree No. 805 dated 17 December 1999, a special piece of legislation on the legal status of old rights of way declared abandoned and no longer in public use with a view to the transfer of ownership of the land to the poor families occupying it, established the procedure for legalization of the status of the land specified in the decree which was no longer in public use in the Departments of San Salvador, Sonsonante, La Libertad, La Paz and Cuscatlán as a result of the repositioning of a highway or road by the competent authority and which had been occupied by poor families peacefully and without interruption for at least three years.

619. Legislative Decree No. 818 dated 13 January 2000, a special piece of legislation on the legal status of old rights of way declared abandoned and no longer in public use with a view to the transfer of ownership of the land to poor families, established the procedure for legalization of the status of the land specified in the decree which was no longer in use in the Departments of Sonsonante, San Vicente and La Libertad as a result of the repositioning of a highway or road by the competent authority and which had been occupied by poor families peacefully and without interruption for at least three years.

620. Legislative Decrees Nos. 446 and 447 dated 14 June 2001, special pieces of legislation on families rendered homeless by the recent earthquakes and provided with permanent housing from funds accruing from national and international donations, municipalities or private sources, which regulate the award of title to the family property in question, a benefit accorded by preference to families headed by a single mother or a widowed, divorced or separated woman or by elderly persons. Housing units constructed on individual plots, by either private or public entities, under the reconstruction programme following the 2001 earthquakes, are regarded in law as family properties for the use of the parents and children who live in the same household, regardless of the status of the matrimonial union.

621. Legislative Decree No. 800 dated 5 April 2002, transitional legislation to streamline the formalities for the legalization of ownership or occupancy for the benefit of persons affected by the earthquakes in January and February 2001, which establishes legal procedures for the simple and speedy completion of the formalities necessary to ensure legal certainty with respect to the right of ownership or occupancy for the benefit of these persons.

622. Legislative Decree 1076 dated 27 November 2002, special transitional legislation on the delimitation of the right of ownership or occupancy in the case of property subject to compulsory joint tenure, which ensures the accurate identification of such property and establishes a legal procedure enabling the holder of a joint-tenure right to a property to identify, establish, separate and register the part or parts of the property to which he or she is entitled, with a view to ensuring the necessary legal certainty with respect to individual rights of ownership or occupancy.

623. Article 12 of the Environment Act (Decree 233 dated 2 March 1998) provides that the Ministry of the Environment and Natural Resources must ensure that the environmental dimension is included in all national, regional and local policies, plans and programmes on land development and management.

624. The following criteria must be taken into account for this purpose: (a) the economic value of the natural resources, including the environmental services which such resources may provide, in the light of the nature and character of the ecosystem in question; (b) the environmental characteristics of the site and its ecosystems, including its natural and cultural resources, and in particular the natural vocation and potential uses of the land, taking the watershed as the basic unit for land planning; (c) imbalances caused by human settlements, development activities and other human activities and by natural phenomena; and (d) the need for a balance between human settlements, development activities, demographic factors and environmental conservation measures (Environment Act, art. 14).

625. Decree No. 96 dated 14 September 2001 created the National Land Studies Service (SNET) as a decentralized body with technical and financial autonomy reporting to the Ministry of the Environment and Natural Resources.

626. The main objective of SNET is to help to reduce and prevent the risk of disasters; it therefore has competence to carry out research and studies into the phenomena, processes and dynamics of nature, the environment and society directly or indirectly linked to the occurrence of disasters and the consequent economic, social and environmental losses and damage.

627. The functions and responsibilities of the SNET include: (a) to carry out scientific research and specialized studies for measures connected with risk reduction and prevention with regard to disasters, development activities and land planning; (b) to operate meteorological, hydrological, seismological, volcanological and geotechnical procedures and ensure the uninterrupted and systematic monitoring of the phenomena in question for forecasting and early-warning purposes; (c) to verify and disseminate efficiently and in good time to the authorities and the general population information concerning threats and hazardous situations whose magnitude and extent may lead to losses and damage; and (d) to assess the probable extent of the impact of such threats and the nature of the expected losses and damage.

628. The Ministry of Public Health and Social Welfare, in conjunction with the Pan American Health Organization, sponsored in June 2000 the inauguration of the National Centre for Health in

the Home as a fundamental instrument for the promotion of good health. Good housing is a basic element of good health and provides the substratum underpinning the family relations and the interfaces with the physical, chemical and social environments which determine most of the risks to health. The most important factors for the preservation of good health in the home are connected with basic sanitation: supply of safe water in sufficient quantities; means of the hygienic disposal of human wastes; arrangements for the removal of household wastes; and safe food.

629. An inter-institutional network has been proposed as an educational tool to be used in connection with the promotion and construction of healthy housing, with a view to securing a substantial improvement in the people's health and quality of life and encouraging measures to prevent ailments originating in the home.

630. The Government, through the Department of Housing and Urban Development, acts as the lead agency in the housing sector, promoting and facilitating solutions to the housing problems of Salvadorans, in particular the most vulnerable population groups. It uses housing policy as a means of helping the groups not catered for by the market or the private sector.

631. The Government provides subsidies for the lowest-income families through three bodies: (a) the Libertad y Progreso Institute is a decentralized body providing assistance for low-income families to acquire legal title to housing plots; it helps an average of 3,000 families a year; (b) the National Public Housing Fund (FONAVIPO) is a second-rank decentralized financial institution which grants direct subsidies and loans to families whose employment is in the informal sector; it helps an average of 4,000 families a year; and (c) and the Social Housing Fund (FSV) is a front-rank financial institution which grants loans at subsidized rates to low-income families in the informal sector; it helps an average of 11,500 families a year.

632. All these measures are carried out in conjunction with NGOs, private businesses, the international community, grass-roots development organizations, and other governmental agencies. All entities which build housing or provide related services are free to participate, and under the social projects the lowest-income families receive a direct subsidy to facilitate the acquisition of housing.

633. The private sector builds an average of 4,000 housing units a year with finance from the private banking system. This source provides some housing for the middle- and low-income groups with FSV support in the shape of loans at subsidized interest rates.

634. The Government is pursuing through FONAVIPO a strategy of having projects implemented by private enterprises on the basis of public bidding. A total of 5,031 permanent housing units were built in 2001, and 5,331 families benefited from the installation of basic services.

635. The international community is one of the main sources of funds for housing construction and related works.

636. The Social Investment Fund for Local Development (FISDL) has carried out a number of projects with the support of international sources of financing:

Source	Number of projects					
	1995	1996	1997	1998	1999	2000
Inter-American Development Bank	1 211	480	296	36	99	279
Government of El Salvador	81	1	183	144	69	234
National Reconstruction Programme (PRN)	0	0	0	0	0	0
Japan	0	0	24	17	0	16
UNICEF/PRN	0	0	0	6	0	0
KFW (Germany)	145	356	72	51	7	138
Other resources (donations)	1	0	41	0	2	0
PROCHALETE/IFAD	0	0	0	0	14	16
Municipalities in Action (Co. 0897)	0	0	0	0	15	0
Reinforcement of municipalities/IDA	0	0	1 016	0	0	21
Spanish Agency for International Cooperation	0	0	9	0	1	8
Central American Bank for Economic Integration	95	40	368	403	921	448
FINET	0	0	0	0	0	14
Chamber of Trade	0	0	0	0	0	15
National Security Council	0	0	0	0	0	19
European Union (ALA)	0	1	0	0	0	0
Total	1 533	878	2 009	657	1 128	1 208

Source: Social Investment Fund for Local Development (FISDL).

637. Following the earthquakes in January and February 2001 El Salvador received non-reimbursable assistance and international loans in an amount of approximately \$54 million from the Central American Bank for Economic Integration, the Inter-American Development Bank and friendly countries.

638. The NGOs generally offer technical assistance with self-build housing. They are involved both in the construction of small new units (an average of 2,100 a year) and in the improvement of existing housing (an average of 2,500 units a year), on the basis of active grass-roots participation in the building projects.

639. The recent history of housing construction for families with monthly incomes of less than two minimum wages provides a good illustration of the housing supply in El Salvador. The figures for 2000 show strong participation by the governmental sector in terms of the provision of housing loans. The following are the figures for the main sources of credit: FSV - 61 per cent; commercial banks - 24 per cent; and FONAVIPO - nine per cent.⁴⁷

640. These figures point to the leading role played by the Government in providing sources of housing finance to enable people experiencing difficulty with such finance to obtain loans and to

⁴⁷ The figures take into account home-improvement loans, except in the cases of FSV and commercial banks, when only long-term financing is included. In the case of FONAVIPO, only its two basic programmes (loans and subsidies) are taken into consideration; rebuilding loans are disregarded.

help rural families to improve or acquire a home. These activities, like others, are funded from the own resources of the lending institution and the subsidies granted to families to stimulate the demand. According to official records, more than 200,000 families benefited under one or other of the Government's housing programmes during the reporting period.

(a) The National Public Housing Fund (FONAVIPO)

641. In the market model of the social economy private enterprise plays a dominant role in the execution of housing projects. The institutions authorized to act as intermediaries in the FONAVIPO loans programme include workers' banks, loan funds, cooperative organizations, construction enterprises, and conventional financial institutions. The mode of execution of such projects is for FONAVIPO to extend short-term credit to the financial intermediary, from which the builders request funding. In some cases the intermediary itself (which may be a private institution or an NGO) carries out a building project with its own funds and applies to FONAVIPO only for the subsidy component and the loan. The end users are required to put down the usual deposit.

642. FONAVIPO has several lines of credit available to authorized institutions, so that the users are able to obtain finance for different types of housing project: (1) improvement or construction; (2) purchase of plots for housing construction; (3) housing construction projects; (4) contribution (loan)/subsidy mode; and (5) purchase of existing housing.

643. Through FONAVIPO the State monitors the works when the contractual arrangement so requires, i.e. when the financial institution entrusts the execution of the works to the private sector on a keys-in-hand basis.

644. The FONAVIPO subsidies and loans programme for the development of new settlements benefited 55,983 families in the period 1992-2001. The contributions (subsidies) programme helped 46,010 families to acquire ownership of their homes or a building plot.

Subsidy programme and loan programme

<i>Year</i>	<i>Contributions*</i>	<i>Families</i>	<i>Loans</i>	<i>Families</i>
	<i>(Dollars)</i>			
1995	8 684.0	6 403	11 920.00	9 223
1996	9 200.0	6 229	9 790.00	9 262
1997	9 944.0	6 220	9 942.00	8 160
1998	9 040.0	3 883	12 148.00	7 776
1999	1 059.0	1 523	10 150.00	3 803
2000	4 400.0	3 665	2 149.00	2 156
2001	2 914.0	3 065	13 449.00	5 235
2002	2 369.0	3 078	16 281.00	5 820
Total	47 334.0	34 066	85 779.00	51 428

* Subsidies granted to poor families with incomes of under two minimum wages (\$288 a month).

645. To sum up, the following assertions may be made: firstly, that families who own their own homes generate the dynamics of self-employment and micro-credit for the immediate start-up of productive work, especially when the driving force is a woman; secondly, that the consequent opportunities for social integration in communities (such as the opportunities which FONAVIPO has been providing) make a significant contribution to poverty-reduction and social solidarity; and, thirdly, that the new credit opportunities offered by commercial banks will help to produce housing developments which deliver a different and significantly better quality of life for Salvadoran families.

(b) The Social Housing Fund (FSV)

646. The following are main methods used by FSV for facilitating lending to the formal sector of middle- and low-income families: (a) extension of the lending infrastructure to meet the demand; (b) expansion of the coverage; (c) special measures to stimulate demand; (d) reduction of interest rates; (e) extension of opening hours for clients; (f) service on the Internet; and (g) other measures.

647. **Extension of the lending infrastructure to meet the demand.** A project to stimulate the provision of mortgages by the country's financial and real estate sector was started up in 1995 to boost lending under agreements signed with the system's six banks. Under this arrangement the loans are made on the same terms as those offered by FSV as mortgages in favour of the lenders and, once registered, they are sold to FSV, which acquires liability in respect of the capital balance, interest and insurance. In the period 1995-2002 FSV acquired 24,689 mortgages for a total of \$246.8 million.

648. **Expansion of the coverage.** In 1998, following the adoption of the Pensions Savings Scheme Act, workers in the private sector, who until then had been served by FSV, were brought under arrangements for public-sector workers, increasing the target market by 25 per cent and extending the potential lending coverage to more than 580,000 members of the Pensions Savings Scheme (SAP). At the same time, changes were made in the lending policy which had a positive impact on the real capacity of the potential users to obtain loans, in both public and private sectors.

649. **Special measures to stimulate demand.** Agreements were signed in September 1999 with 10 banks, 10 construction companies and FONAVIPO under an emergency plan for the financing of social housing for a period of 16 months, thus giving formal effect to important solidarity pacts entered into under the "Solidarity Alliance" of the Government's Programme through FSV, the Banking Association of El Salvador, and the Salvadoran Chamber of Industry and Construction. Between September 1999 and December 2000 finance was provided for 15,105 loans for new housing units in a total of \$154.4 million.

650. **Reduction of interest rates.** Following the entry into force of the Monetary Integration Act, on 15 December 2000 interest rates were cut by three points, from nine to six per cent, for workers buying new homes costing up to \$14,285.71. This cut applied to the rates on existing and future loans. It helped to improve access to credit, especially for lower-income workers.

651. **Extension of opening hours for clients.** The opening hours are now 7 a.m. to 7 p.m. without interruption, Monday to Saturday, at 17 multi-service windows at the central office. This represents a substantial increase in the hours of service, from 44 to 72 hours a week.

652. **Service on the Internet.** The FSV web site provides information on lending requirements, housing supply, pre-qualification, status of loan applications, etc., with a view to facilitating and streamlining the loan formalities.

653. **Other measures.** The introduction of the following additional measures was finalized following the second National Encounter of Private Business: (1) consideration for loan purposes of the incomes of other family members and common-law spouses when the applicant cannot satisfy the capacity-to-pay requirements; (2) availability of financing for all formal-sector workers without any maximum-income restrictions; (3) consideration of additional family income from overtime working, commissions and bonuses up to a limit of 100 per cent, provided that such payments are received on a regular basis; (4) authorization for a renewable period of six months from January 2002 of the granting of a second loan for the purchase of a second new home, provided that the applicant's capacity to pay so allows and is sufficient to satisfy the general conditions for such loans.

654. Any worker may apply for a loan when he or she meets the requirements of the rules of the lending institutions and their lending policy; lending policy is reviewed periodically in the light of the cost of resources and the country's macroeconomic situation, with a view to making credit permanently available to workers. Pursuant to the FSV Act, the loans are granted on soft terms, especially with respect to duration, interest rates, deposits, non-charging of commission, etc.

655. As required by article 7 of the FSV Act, in the pursuit of its objectives FSV does everything possible to provide workers with comfortable, hygienic and safe homes, using its resources chiefly for loans for the purchase, construction, repair, extension or improvement of housing, as well as for the purchase of land for the construction of housing and installation of drinking water and sanitation services, and for the refinancing of loans contracted for any of the purposes specified in its lending policy.⁴⁸

656. The FSV strategy is focused on obtaining sufficient resources to meet the demand for loans; such resources come from: (a) workers' and employers' contributions up to April 1998; (b) bond issues; and (c) portfolio income.

657. The following table shows the amounts recorded under these headings.

Social Housing Fund Sources of financial resources, 1995 to June 2002
(millions of dollars)

Source	1995		1996		1997		1998		1999		2000		2001		2002*	
	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%
Contributions	29.6	41.3	32.7	34.7	34.1	31.8	14.7	9.2	0.5	0.2	0.4	0.2	0	0.0	0.0	0.0
Bond issues	0.0	0.0	0.0	0.0	0.0	0.0	52.6	32.8	61.5	27.7	133.8	57.4	76	45.0	51.0	50.1
Portfolio income	40.0	56.0	59.6	63.2	67.4	62.9	75.7	47.2	19.6	35.9	92.3	39.6	86.9	51.5	47.4	46.6
Other sources	1.9	2.7	2.0	2.1	5.7	5.3	17.5	10.9	80.2	36.2	6.5	2.8	5.9	3.5	3.3	3.2
Total	71.5	100.0	94.3	100	107.2	100	160.5	100	221.8	100	233.0	100	168.0	100	101.7	100

* Up to June 2002.

Source: Budget execution report.

⁴⁸ See the annex "Lending policy in El Salvador".

658. Portfolio income and bond issues currently provide 97.3 per cent of resources and constitute a secure, permanent and sufficient source of funds to satisfy the demand for loans on a sustainable basis under the lending arrangements established in the FSV Act. The investment of these resources in the period 1995 to June 2002 is shown in the following table.

Loans granted by FSV, 1995-2002

	1995	1996	1997	1998	1999	2000	2001	2002
Total loans	9 056	8 770	9 953	13 754	15,982	12 904	11 807	5 011

659. In all, 77,705 loans were granted for a total of \$669.1 million, representing 40.59 per cent of all loans granted by FSV during its lifetime to date (1973 to June 2002) and 60.60 per cent of the total amount lent (\$1,105.1 million) to almost one million Salvadorans.

(c) The Department of Housing and Urban Development

660. This Department executes the new organized settlements programme, which is concerned with the transformation of the most vulnerable communities with the lowest incomes, following the decision to improve their living conditions with support from the Government, either by moving them from their existing high-risk locations to more development-friendly sites. Almost 45,000 families were relocated to safer sites between 1995 and 2002, and a start was made on the provision of housing for them under the Department's human settlements programme.

New organized settlements programme, 1995-2002 –Municipal plots programme

<i>Year</i>	<i>Departments</i>	<i>Municipalities</i>	<i>Projects</i>	<i>Families</i>	<i>Amount</i>
1995	10	24	34	3 725	7 977 100.00
1996	12	40	40	4 226	9 999 500.00
1997	12	39	45	4 614	9 268 500.00
1998	12	38	44	7 248	13 691 186.00
1999	9	18	19	2 482	9 413 140.00

Human settlements programme

<i>Year</i>	<i>Departments</i>	<i>Municipalities</i>	<i>Projects</i>	<i>Families</i>	<i>Amount allocated (dollars)</i>
2000	10	35	48	3 643	1 239 108.76
2001	9	39	46	9 366	1 100 680.31
2002	12	34	41	9 567	2 100 260.00

(d) The Libertad y Progreso Institute (ILP)

661. This Institute is responsible for the legal assessment of beneficiaries of Legislative Decree No. 800 with a view to exempting them from payment of registration fees and speeding up legal formalities, etc. It is also responsible for dealing with legal questions such title to land, transfer of inherited property, subdivisions, etc., for the beneficiaries which it certifies as qualified. These services are furnished to beneficiaries free of charge until the issuance of their title, duly entered in the Register of Immovable Property.

662. The Institute's most important work relates to the organization, coordination and management of the "El Salvador, Land of Owners" programme", the ILP/FONAVIPO Legalization Agreement, and the "Legal certainty: earthquake component" programme.

663. The basic purpose of the "El Salvador, Land of Owners" programme is to provide legal certainty by awarding title on a individual basis and swiftly, efficiently and safely to the plots occupied by thousands of poor families in marginalized areas, "pirate" settlements, unauthorized communities, etc., and entering the titles in the Public Land Register. Title has been awarded to 1,629 families living in 37 communities in eight of the country's departments. On the basis that an average family has five members, this programme has helped 8,145 Salvadorans to become authentic and legitimate owners.

664. In order to encourage use of the Institution's legalization services and ensure that more people enjoy their benefits, a campaign of personal visits to the town halls of the country's 262 municipalities was initiated in 2003 with a view to presenting the "El Salvador, Land of Owners" programme and explaining the benefits available free of charge to poor persons living in collectivities on land owned by the municipality, a private landlord or the Government whose situation the local authority has been unable to legalize owing to lack of funds. To date, visits have been made to 232 town halls, many of which are already sending in documents on collectivities interested in legalizing their land tenure. A large proportion of the funds used by the Institute for legalization purposes come from financing granted by the Inter-American Development Bank.

665. The Institute signed an agreement (the ILP/FONAVIPO Agreement) with FONAVIPO, with a view to pooling their efforts, in the light of the work coordinated by the Department of Housing and Urban Development, to legalize the status of all the settlements which had benefited under the Institute's programme of subsidies for housing construction for persons with incomes of less than two minimum wages. The hope is to legalize the status of the homes of more than a thousand families.

666. The aim of the "Legal certainty: earthquake component" programme is to provide legal certainty of tenure for persons affected by the earthquakes in January and February 2001 who benefited from housing provided from external funds donated by the United States Agency for International Development (USAID). This programme ran from June 2001 to July 2003. The first goal was to assess the qualification under the legislation of 30,000 beneficiaries of the reconstruction programme, and the second was to legalize the tenure of some 11,000 beneficiaries without title by providing them with duly registered title deeds.

667. With a view to providing housing for the largest possible number of families, the programme is operating in the departments most seriously affected by the earthquakes: Cuscatlán,

La Paz, San Vicente and Usulután (over 80 per cent) and La Libertad, Sonsonante and Ahuachapán. But the total population assisted is distributed among 146 municipalities in all 14 of the country's departments. Some 46,000 have received governmental assistance with the legalization of their tenure of their plots under the Institute's programmes.

(e) The Social Investment Fund for Local Development (FISDL)

668. Ever since its inception FISDL has enjoyed firm support and technical and financial assistance from the Inter-American Development Bank (IDB), KFW (Germany), the Central American Bank for Economic Integration (CABEI), UNDP, USAID and UNICEF, as well as assistance from friendly countries such as Spain and Japan and from the European Union.

669. It was found necessary and helpful to boost the participation of local authorities, for as well as enhancing their own development efforts this made their knowledge of the most urgent needs of their communities available to FISDL; it is moreover an obligation of State institutions, stated expressly in the Constitution of the Republic, to collaborate with the municipalities in the execution of their development plans. The Government's "New Alliance" programme stresses that the people must shoulder a share of the responsibility in the quest to secure their welfare and advancement by means of a common effort involving all the parties.

670. FISDL takes a leading role in the Solidarity Alliance and it created an advisory group drawing its members from among the principal actors in local development; this group formulated the national local development strategy as a dynamic and participatory process which, like the Solidarity Alliance, is structured around the pillars of decentralization and participation by the people; it provides a means of pooling efforts in the quest for progress and improvement of the people's quality of life, integrating the work of governmental and non-governmental organizations and private enterprise to drive the local development process forward. FISDL acts as promotor and regulator in both areas of activity. Its first concrete step was to transfer the management of the project cycle to the 262 municipalities and their communities, identifying and ranking the needs, supervizing project formulation, execution and monitoring, and ensuring that the communities eventually take over their maintenance. The projects executed by FISDL in the period 1995-2000 are summarized in the following table.

<i>Sector</i>	<i>Number of projects</i>					
	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>
Education	1,096	569	555	457	195	303
Health	36	19	6	82	10	25
Drinking water	49	68	121	38	45	87
Sanitation	38	1	28	16	10	26
Environment	164	0	0	0	0	0
Nutrition	13	9	2	0	0	3
Electrification	110	75	211	14	242	242
Social welfare (nurseries)	3	0	0	1	0	0

Sector	Number of projects					
	1995	1996	1997	1998	1999	2000
Grass-roots training	24	136	275	45	0	30
Access roads	0	0	630	0	580	489
Others	0	1	181	4	46	3
Total	1 533	878	2 009	657	1 128	1 208

671. FISDL has also drafted a bill on the leasing of property with an option to buy; the aim is to encourage long-term leases in order to increase the opportunities for families to acquire homes.

672. There are plans for the review and subsequent amendment of the legislation on property ownership in the form of apartments in buildings (condominiums), with a view to providing a further option for families seeking adequate housing.

673. Pursuant to Decree No. 254 dated 14 January 2001 on the declaration of states of public emergency, the FSV Board of Management offered for sale on soft terms 323 *manzanas* [one *manzana* = 0.6 hectares] of the areas of land known as Las Vertientes and Guayacán in Tonacatepeque, Department of San Salvador, for housing developments for persons affected by the earthquakes and for residents of high-risk zones.

674. There is a proposal to establish an urban renewal programme consisting of the recycling of public and private buildings and properties which are underused, in order to make use of the existing infrastructure and develop macro-projects for the benefit of urban areas.

675. Under the General National Budget Act, the public works branch is allocated 0.06 per cent of the budget under the heading of support for social development (housing sector); the Government is also negotiating international loans to be used, in conjunction with funds from the nation's general financial resources, to help low- and middle-income families which wish to improve or buy their homes under the various housing programmes.

676. The programmes implemented with financial support from the international community are aimed chiefly at families with incomes of less than two minimum wages a month (\$288) but may include families with incomes of up to four minimum wages.

677. The Government is about to initiate a housing programme (Housing ES0087) funded from the nation's general financial resources and an IDB loan. The plan is to invest \$95 million under this programme to provide financial support for low-income families which are in the process of upgrading their housing; the programme will grant direct subsidies to families which lost their homes as a result of the earthquakes in January and February 2001, as well as promoting land-improvement and other measures which will increase the supply of housing and eventually the number of Salvadorans with adequate housing. The Government has made a commitment to allocate over \$20 million a year under this programme to help to meet the housing needs of Salvadorans.

678. This programme has three subprogrammes: (a) the formal housing market (secondary mortgage market, and expansion of FSV); (b) the informal housing market (programme for the

improvement of marginal urban districts; reconstruction programme; reinforcement of the Department of Housing and Urban Development; legalization of land tenure; the building-plots market); and (c) the municipality of San Salvador.

679. This programme is currently before the Legislative Assembly for ratification; the IBD loan (No. 1379/OC-ES - Housing Programme) has been approved and covers in its first phase the institutional strengthening of FSV and the start-up of a housing programme using direct subsidies to encourage use of FSV.

680. The Libertad y Progreso Institute will play a very important role in this IBD-funded housing programme under the auspices of the Department of Housing and Urban Development as coordinator; among other commitments, the Institute has undertaken to complete the award of title to 20,000 properties for an equal number of families over a period of four years. This contribution is designed to provide legal certainty with respect to the tenure of the properties and will make a positive impact on the economic circumstances of the beneficiaries. The work done so far has been concentrated on compliance with the preconditions for the disbursement of the loan, a process which has almost been completed: all that remains is for the loan to be approved by the Legislative Assembly.

681. Negotiations are also being conducted with the Swedish International Development Cooperation Agency (ASDI) concerning a donation of earthquake-relief funds under the El Salvador reconstruction and transformation project. ASDI is to contribute \$4 million, the Government of El Salvador \$2.1 million, the town halls \$1.3 million, and the beneficiaries \$636,581, for a total of \$7.9 million. The project envisages the execution of programmes for the construction of new organized settlements, housing construction, purchase, rehabilitation and improvements, the installation of infrastructure for basic services, and a technical assistance component to be handled by NGOs working in the community.

682. The programme of support for the reconstruction of El Salvador financed by the European Union derives from the Specific Financing Agreement (SLV/B7-3100/01/073) signed on 25 October 2001 and will be implemented in its entirety by FISDL over a three-year period from March 2002 to March 2005.

683. The programme's overall objective is to contribute to the reconstruction and prevention processes and to enhance the quality of life of the people affected by the earthquakes. The specific objective is to restore the housing and social development indices to their pre-earthquakes levels, and then to improve them, in the municipalities covered by the programme, with the emphasis on grass-roots participation in local development and reduction of environmental vulnerability to natural disasters.

684. The programme covers all the municipalities in the Departments of La Paz and Cuscatlán and seven in the Department of San Vicente (San Lorenzo, San Cayetano Istepeque, Santo Domingo, Verapaz, Tepetitán, San Sebastián and Guadalupe). The total investment is 32 million euros, with the European Union contributing 25 million and El Salvador a counterpart of seven million.

685. The programme has three components: (a) construction of 5,454 housing units on former sites and in new formal settlements; (b) construction of basic infrastructure (drinking water and

sanitation systems); and (c) construction of social and community infrastructure (public primary schools, health and technical assistance posts).

686. The following are the conditions laid down in the Agreement for qualification for assistance under the housing component: (a) the applicant families must have been affected by the earthquakes; (b) their incomes must be less than two minimum wages; and (c) they must live in a municipality covered by the programme.

687. The Department of Housing and Urban Development is promoting the improvement of land management, working in particular with associations of municipalities but sometimes with individual municipalities; the proposals include a physical-space strategy with regard to human settlements on rural land. The aim is to encourage the creation of a system of rural service centres with a view to bringing together houses, shops, green recreational areas, social facilities, schools, etc., around the centres in an orderly manner. The primary target is clusters of dwellings in the municipalities' rural areas, followed by the urban areas.

688. This strategy seeks to make the public investments of local authorities consistent with those of the Government, and the ultimate objective, to be attained gradually, is to eliminate the concepts of housing developments scattered haphazardly over the whole country, of micro-regions and/or of the individual territory of a specific municipality.

689. Following the earthquakes in 2001 the Department of Housing, in conjunction with the municipality of Acajutla, Department of Sonsonante, and the private sector, brought forward an urban development proposal for the construction of new development zones in an orderly and controlled manner; this proposal also called for the physical improvement of existing development infrastructure installed without reference to the urban planning and construction legislation the regulations in force. The proposal included the acquisition of land for the benefit of families living in high-risk zones, remote areas, etc.

690. Under the first phase of the urban renewal programme FSV will sell to FONAVIPO clients 1,350 specific properties owned by FSV for an equal number of families in the formal and informal sectors. This programme will offer two advantages: (1) beneficiaries may choose to purchase a property under one of the FONAVIPO lending programmes and (2) the price will be determined by the condition of the property. The aim will be to ensure, as far as possible, that the properties are identified by municipalities or urban development corporations or administrations, so that other State institutions, including the Department itself and the National Civil Police, and private enterprise will be involved in the implementation of the urban renewal programme.

691. The recent changes in housing policy are designed to make it easier for Salvadorans to purchase adequate housing.

Paragraph 45 of the guidelines

692. This paragraph has been addressed earlier in the report.

Paragraph 46 of the guidelines

693. This paragraph has been addressed earlier in the report.

L. ARTICLE 12

Paragraph 47 of the guidelines

694. The country's epidemiological profile, taking the primary causes of illness as the point of reference, remains more or less steady. In fact, in comparison with 1994 and 2001 the primary causes, with slight variations, are virtually the same: for example, respiratory infections and gastro-intestinal problems, including amoebiasis, remain the principal causes. Anxiety attacks were among the top ten causes and in 2001 they moved to sixth place as result of the two earthquakes. Among the chronic degenerative diseases, hypertension disorders have entered the list.

695. According to the National Family Health Survey (FESAL), in the period 1988-1993 the infant mortality rate was 41 per 1,000 live births and the death rate of children aged under five years was 52 per 1,000. In the period 1993-1998 these rates declined significantly to 35 and 43 per 1,000.

696. The maternal mortality rate also declined, from 158 per 100,000 live births in 1988-1993 to 120 per 100,000 in 1993-1998.⁴⁹

697. In 1999 the principal causes of illness among children aged under one year were acute respiratory infections, diarrhoea, bronchitis, skin diseases, and pneumonia and bronchopneumonia. In the one-to-four age group the principal causes were respiratory infections, intestinal parasitism, diarrhoea and acute bronchitis. The principal causes in the five-to-nine age group were acute respiratory infections, intestinal parasitism, acute bronchitis, diarrhoea, infections of the urinary tract, skin diseases, etc.

698. With regard to the mental health of persons disabled as a result of the armed conflict, the Fund for the Care of Persons Injured or Disabled in the Armed Conflict conducted a study of a sample of 490 persons from the municipalities of El Paisnal, Aguijares, Guazapa, Tonacatepeque and Nejapa. The sample included beneficiaries of the Fund and members of the general public, for control purposes; structured interviews were conducted between August and December 2000. The survey revealed mental health problems such as post-traumatic stress, anxiety, depression, alcoholism, and psychosis. Estimates of the incidence of these disorders indicate that most of them occur at similar levels among the beneficiaries and the general public.

699. With a view to improving the mental health of its beneficiaries the Fund has been operating since 1998 a programme on mental health and resumption of productive work. Health surveys are conducted under this programme in order to determine the type and degree of the mental problems and the behaviour which they induce in the patients and, in the light of these findings, to formulate the necessary measures.

700. Health-risk maps and resource maps, produced basically by community health workers, are used to identify a community's principal mental health problems and the resources available for dealing with them.

⁴⁹ *Health in the Americas*, vol.2. PAHO, Scientific and Technical Publication No. 587, 2002, chapter on El Salvador.

701. This work is made possible by coordination with the health authorities in the basic integrated health systems. Analysis of the maps is followed by the proposal of responses to the mental health problems identified in the communities.

Paragraph 48 of the guidelines

702. The formulation of health plans is accorded special importance in the “New Alliance” Economic and Social Development Plan, in particular in its “Solidarity Alliance” component.

703. In this context, the Ministry of Public Health and Social Welfare, which is the lead agency for health matters, prepared a strategic institutional development plan, which sets out the priority elements for the analysis of the country’s health situation and identifies on this basis the strategic objectives, measures and activities and the officials responsible for them and prepares the ground for subsequent strategic plans for the people’s health. The Ministry also formulated the tactical/operational plans.

704. It is made clear in all the Ministry’s plans that primary health care is the fundamental means of securing good health, and in this connection the Ministry specifies the basic integrated health systems as the principal vehicles for the decentralization of the management of health services with inter-sectoral support and community participation.

705. Major social programmes have been carried out with community participation, including the Healthy Schools and Health in the Community programmes, which have proved of particular benefit to mothers and children in all communities.

706. Opening hours have been extended in 88 health units, which now open from 7 a.m. to 7 p.m. (some of them are also open on Saturdays, Sundays and public holidays) to provide medical services, including treatment of childhood ailments, making it possible for parents to bring their children in outside their own working hours.

707. The number of consultations increased from 2.4 million in 1994 to 6.9 million in 1999.

708. In 1994 the Ministry had 378 health establishments; by 2000 this figure had increased to 610, broken down as follows: 30 hospitals, 357 health units, 171 health posts, and 52 rural nutrition posts. In 1994 there were 11 dispensaries; there are now 151.

709. Since 1995, 15 health establishments were upgraded to the status of general hospital following the provision of equipment and human resources for general medicine, surgery, paediatrics, and gynaecology/obstetrics.

710. Priority has been given to the provision of treatment at the primary level in the rural health posts through the establishment of rural nutrition posts and improvement of the national network of health units. There are currently 58 rural nutrition posts (up from 52 in 2000) providing improved treatment for underweight children.

711. There are currently 126 health units with laboratory and dental services.

712. Treatment procedures were speeded up and the coverage improved by the purchase of 138 new vehicles, distributed among all the departments, at a cost of 65.3 million colones.

Paragraph 49 of the guidelines

713. According to the preliminary data available, national expenditure on health as a proportion of GDP was eight per cent in 2000, while public expenditure represented 3.61 per cent of GDP. Public spending on health as a proportion of total public spending was 20.9 per cent.

Paragraph 50 of the guidelines

714. The national infant mortality rate fell over the past 10 years: the estimated rate for all children in the period 1993-1998, according to figures from the 1998 National Family Health Survey (FESAL), was 35 per 1,000 live births, and for under-fives 43 per 1,000.

715. The infant mortality rate for births in institutions also showed a clear decline: 33 per 1,000 live births in 1994, 17.9 in 1999, and 15.9 in 2001.

716. The neonatal mortality rate was 14 per 1,000 live births in the period 1993-1998; the commonest causes of death were specific respiratory disorders, asphyxia, and specific infections. The boy/girl ratio was 1.3 to 1. In the case of children aged under 12 months, the principal causes of death in 1999 were transmissible illnesses (influenza and pneumonia, diarrhoea, and gastro-enteritis caused by infection) and perinatal infections. The principal causes in the one-to-four age group were transmissible illnesses (influenza and pneumonia, diarrhoea, gastro-enteritis caused by infection, and streptococcal septicaemia).

717. In 2000 the Ministry began to record the mortality and morbidity rates of children in the five-to-nine age group. The main causes of death in hospital in that year were haemorrhagic dengue, pneumonia and bronchopneumonia, cranio-cerebral traumatism, septicaemia, malign cerebral neoplasias, Hodgkin's lymphoma, AIDS, etc. There are no disaggregations by sex or by urban/rural location for these groups.

718. One relevant figure is that, while in 1988 31.7 per cent of under-fives suffered from chronic malnutrition, the rate had fallen to 22.8 per cent by 1998.

719. The National Water Supply and Sewerage Administration was established in 1961 to take over responsibility for most of the country's water supply and sewerage systems. Its mission is to provide and help to provide uninterrupted supplies of water fit for human consumption in the quantities required by the population and to ensure the treatment of waste water, thus maintaining the ecological balance of the water services.

Access to drinking water and sewerage services; water quality

720. Where the coverage is concerned, the following figures have been recorded on the access of urban and rural dwellers to drinking water and sanitation services.

	<i>Population served (No. of inhabitants)*</i>	<i>Population coverage (percentages)</i>
Urban drinking water	3 228 535	92.1
Rural drinking water	1 033 500	31.4
Total drinking water		62.3
Urban sanitation	3 003 370	88.1
Rural sanitation	1 730 900	52.6
Total sanitation		70.7

* The parameter for persons connected to the supply is five persons per service (1992). The coverage figures relate to persons with access to the drinking water and sanitation services provided by ANDA and other services managed by local operators under contracts relating mainly to the installed infrastructure delivering the services.

The quality of water supplies is maintained by means of physical and chemical treatment to ensure that the water is fit for human consumption. A total of 5,210 bacteriological analyses and 1,444 physical/chemical analyses were made country-wide in 2003. In 90.3 per cent of the cases the bacteriological analyses produced results consistent with the standards set by the Ministry, the Regional Coordinating Committee of Drinking Water and Sanitation Institutions for Central America and the Caribbean, WHO and PAHO; and 69.1 of the physical/chemical analyses met those standards.

721. Eighty per cent of the water entering a household is converted into waste water, which is removed into a sewerage system or a septic tank. This service is provided by ANDA through a purpose-built sewerage system. In addition to the sewerage-removal service there is also a national total of 16 treatment plants for removing undesirable matter from waste water by means of pre-treatment, primary treatment, secondary or biological treatment, and advanced or tertiary treatment.

722. According to Health Ministry data, more than 90 per cent of the country's children now have vaccination protection: there have been no reports of poliomyelitis since 1990, of measles since 1996, or of neonatal tetanus since 1997.

723. The National Biological Centre built in 1998 has helped to ensure the quality and effectiveness of the biological agents used in vaccines.

724. Hepatitis B and German measles were included in the national vaccination schedule in 1999.

725. The pentavalent vaccine was introduced in 2002 to protect children against the five diseases: diphtheria, tetanus, pertussis, hepatitis B (which were already covered but separately) and haemophilus influenza (newly introduced). The advantage is that all five vaccines are now available jointly in a single biological product.

726. According to FESAL findings, the immunization rate (full schedule of vaccinations) increased over the past five years in respect of six diseases (tuberculosis, diphtheria, tetanus, pertussis, polio and measles). The total coverage reached 75.3 per cent in the period 1988-1993

and 78.5 per cent in 1993-1998. In terms of location, the urban coverage varied slightly in both periods between 78.7 and 78.6 per cent, while in rural areas the coverage ranged from 72.7 to 78.4 per cent.

727. In the case of DPT vaccine (diphtheria, pertussis, tetanus), the average for all groups is 85 per cent. The urban average is 84.9 and the rural 85.1 per cent. The overall average for polio vaccine is 84.9 per cent (urban 85.2 and rural 84.7 per cent), while for measles vaccine the overall rate is 86.4 per cent (urban 86.6 and rural 86.2 per cent) (FESAL, 1998).

Life expectancy in El Salvador (years)

<i>Category</i>	<i>1995-2000</i>	<i>2000-2002</i>
Male	66.5	67.7
Female	72.5	73.7
Urban	72.3	73.1
Rural	66.0	67.4

Source: DIGESTYK 1995. Population forecast 1995-2005.
Life expectancy is not reported by socio-economic group.

728. The coverage of antenatal checks in an institution by trained personnel is 51 per cent. Forty-two per cent of births are attended in an institution by trained personnel, and the maternal mortality rate in institutions is 62 per 100,000 live births.

Antenatal registration in an institution

<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
23 634	25 683	32 004	29 285
(24.5%)	(23.3%)	(32.7%)	(32.0%)

Births attended in an institution

<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
26 240	23 317	20 413	19 988
(32.1%)	(30.1%)	(27.1%)	(29.2%)

729. Statistics on the main health problems of adolescents have been produced since 1999.

Adolescent maternal mortality rate

<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
9	18	6	7
(29.0%)	(32,7%)	(12.7%)	(8 %)

Paragraph 51 of the guidelines

730. The Ministry of Public Health and Social Welfare posited and was assigned the commitment to drive forward institutional modernization as the basis of the reform of the health system, to adapt the organization and management of its component parts at all levels, and to carry out a restructuring plan which included the separation of the functions of leadership, regulation and service provision.

731. Workshops have been held to review the standards and responsibilities pertaining to the management of environmental health and the regulation of epidemiological monitoring.

732. A report was sent to WHO concerning the health code bill, which is still in the process of adoption; the Organ and Tissue Transplants Act was adopted, and adoption of its corresponding regulations is imminent.

733. A new model of integrated health care was designed; it is built around integrated care programmes containing specific components on the promotion, protection and restoration of health which require close grass-roots involvement. This new model is being applied by means of a new service-provision mechanism: the basic integrated health systems.

734. The health system managers have not only introduced a model of male health care but have also improved the implementation of the community-based rehabilitation strategy. The National Policy on Women (PNM) adopted in 1997 contained a chapter on adolescent females, and the new PNM (2000-2004) also has a chapter on that topic.

735. In 1999 the Ministry created the Integrated Adolescent Health Care Administration consisting of a multidisciplinary team which formulated a national programme on integrated health care for adolescents under ministerial resolution No. 310 dated 4 April 2001. It also updated the standards for such care under ministerial resolution No. 389 dated 24 September 2002.

736. November 2001 saw the introduction of a national policy on the integrated health care of children and adolescents; with support from the Government Programme's Solidarity Alliance the Ministry has concentrated its action on providing effective access to the health services, identifying children and adolescents as a priority group.

737. The proposal on the comprehensive reform of the health system is designed to guarantee, as a first step, the provision of essential health services to the marginalized rural and urban populations.

738. One aim is to expand the coverage of the adolescent population by the basic health services.

Numbers of consultations

1999	2000	2001	2002
402 778	443 377	449 989	503 316
(5.4%)	(5.4%)	(5.5%)	(6.1%)

739. Other measures adopted include: (a) formulation of standards for the treatment, control and prevention of dengue (Health Ministry, March 2002); (b) proposal on technical standards on air quality; (c) technical proposal on emissions from fixed sources; (d) programme on the monitoring of water quality (supported by PAHO, UNICEF and COSUDE); (e) adoption of a mandatory standard for bottled water (June 2002); (f) adoption of the Environment Act (March 1998); (g) adoption of arrangements for environmental assessment, issue of licences, and environmental auditing (Environment Ministry); (h) adoption of the Special Regulations on Waste Water (Environment Ministry, May 2000); (i) adoption of the Special Regulations on Hazardous Substances, Residues and Wastes (Environment Ministry, May 2000); (j) adoption of the Special Regulations on Solid Wastes (Environment Ministry, May 2000); (k) introduction of measures for the safe disposal of infectious wastes in a number of the hospitals run by the Health Ministry and the Salvadoran Social Security Institute and in some private hospitals (June 1999); and (l) incorporation in the integrated health care programmes of specific measures to improve occupational health.

740. The recently established National Intersectoral Commission on Occupational Health and Safety is implementing specific measures to improve the occupational health and safety of Salvadoran workers.

741. There are also plans for intersectoral projects to be executed in conjunction with PAHO on the creation of healthy working conditions in the in-bond assembly sector (*maquilas*) and the formulation and application of health standards for persons working in this sector.

742. Greater efforts are being made in the context of the Solidarity Alliance to encourage local participation and the decentralization of the central management of and access to the basic health services by means of: (a) the initial measures for the reform of the health sector, aimed at the establishment of a fair, efficient and participatory national system; (b) decentralization measures and introduction of market incentives in the provision of health services; (c) promotion of local health projects; (d) disease-prevention, basic and environmental-hygiene measures to encourage the organized and sustained participation by communities and local authorities; (e) improvement of health monitoring and treatment of health problems by means of: (1) creation of the Office for Epidemiological Monitoring and Control in the Health Ministry; (2) introduction of a system for monitoring external injuries; and (3) training of human resources in epidemiology at the basic, first-degree and second-degree levels; (f) tackling epidemic diseases in coordination with other agencies and the community; (g) implementation of programmes for the prevention of communicable diseases; (h) consolidation of the eradication of poliomyelitis and measles; and (i) investigation and prompt treatment of imported cases of measles.

743. The Old Age (Integrated Care) Act (published in the *Diario Oficial*, No. 164, vol. 356, of 5 September 2002) provides that medical care for the elderly shall be free, thus facilitating their access to health care programmes and reaffirming their right to free health treatment (art. 10).

744. The Administration for the Treatment of Adult Males has produced a national plan for the prevention and control of chronic illnesses and for their proper treatment, with a view to preventing complications and reducing deaths from chronic illnesses. It has also produced a national plan for the prevention and control of tobacco addiction, the main objective of which is to inform the public about the harmful effects of tobacco and reduce the incidence of disease caused by tobacco use.

745. The recently created National Commission on the Treatment of Persons Suffering from Chronic Kidney Disease is designing a national strategy to improve the coverage and quality of the treatment of such persons.

Paragraph 52 of the guidelines

746. Article 10 of the Old Persons (Integrated Care) Act prescribes the provision of care for the elderly free of charge, thus facilitating their access to health care programmes and reinforcing their right to free health treatment.

Paragraphs 53 and 54 of the guidelines

747. Since 2000 the Health Ministry has been addressing the following questions in an effort to reduce the incidence of early pregnancy: (a) training for parents in matters of sexual and reproductive health, principles and values; (b) training for young adolescents in matters of sexual and reproductive health, principles and values; and (c) collaboration with human resources training institutions and the Ministry of Education with a view to incorporating topics of sexual and reproductive health, principles and values in the curricula.

M. ARTICLES 13 AND 14

Paragraph 56 of the guidelines

748. Article 55 of the Constitution states:

“Education has the following purposes: to secure the integrated development of the personality in its spiritual, moral and social dimensions; to contribute to the constitution of a more prosperous, just and humane democratic society; to inculcate respect for human rights and the fulfilment of the associated duties; to combat any spirit of intolerance or hatred; to promote understanding of the national reality and identification with the values of Salvadoran nationality; and to foster the unity of the Central American people.

Parents have a preferential right to choose the education which their children receive.”

749. Article 56 goes on to state:

“All the inhabitants of the Republic have the right and the duty to receive nursery and primary education to train them to live as useful citizens. The State shall attend to the establishment of special education schools. Nursery, primary and special education shall be free when provided by the State.”

750. Article 58 provides that:

“No educational establishment may refuse to admit pupils or students on the ground of the nature of the marital union of their parents or guardians or on social, religious, racial or political grounds.”

751. The General Education Act contains the following provisions to give effect to articles 55, 56 and 58 of the Constitution:

“Article 18. Nursery education shall normally last for three years, and the components of its curriculum shall foster the integrated development of pupils aged four to six years with involvement of the family, the school and the community.”

“Article 20. Primary education shall normally consist of nine years of schooling in grades 1 to 9 and shall be divided into three cycles, each of three years, with normal entry at age six. Primary education shall be compulsory and free when provided by the State.”

752. Secondary education in El Salvador has two streams: general baccalaureate and technical/vocational baccalaureate. The technical/vocation course involves some degree of specialization.

753. Public secondary education is not free but it is subsidized by the State.

754. Chapter IV, article 37, of the Higher Education Act states:

“Students in higher education enjoy all rights and they shall be provided with the relevant services of an academic, cultural, artistic and cultural nature and shall be required to fulfil the obligations established by the present Act and the statutes and regulations of the institutes of higher education.

Students in higher education, if of insufficient economic resources, may enjoy the benefit of the financial assistance programmes provided by individual institutions or by the State, in accordance with the conditions prescribed in the regulations of the present Act.

No student shall be refused admission on the ground of race, sex, nationality, religion, or the nature of the marital union of his or her parents or guardians or by reason of social, economic or political differences.

Students enjoy the right of association to defend their student rights.”

755. The approximate annual cost per pupil in higher technical education is equivalent to \$443.20 and in university education to \$529.56.

756. Higher education is not free.

757. The Ministry of Education provides fundamental education by means of literacy programmes, evening and adult schools, evening tertiary cycles, and occupational training - all requiring the attendance of the student; it also provides for distance learning for the tertiary cycle

and the general baccalaureate. These programmes constitute a system ranging from primary education to vocational training and secondary education.

758. These arrangements are intended to satisfy the needs of young people and adults who did not enrol in the ordinary education system or who dropped out for some reason.

759. Literacy programmes and fundamental education for adults constitute a significant component of the education system and receive support ranging from financial incentives to assistance by volunteers. Previously this work was done only by social workers but now enjoys the support of persons who already have a certain level of education or learning; it has been very important in rural communities and marginalized urban areas, for it provides a livelihood for persons with little or no economic capacity.

760. Another positive effect of the support given to the education of such young people and adults may be seen in the system of distance learning; in particular, this mode has been used to advantage by large numbers of women to complete their secondary education, as well as by persons who dropped out of the ordinary system for some reason.

761. One important measure for reducing the illiteracy rate was the strengthening of inter-institutional coordination and the general acceptance of this task by governmental and non-governmental organizations, churches, universities, and private bodies. This strategy provided the basis for the formulation of specific measures for the advancement of the intramural and extramural education programmes for young people and adults.

762. All of the cycles at the nursery and primary levels proceed in a step-by-step sequence. The provision of scholarships does not begin until the secondary level since public primary education is free.

763. The provision of fellowships for higher education is addressed in the Resources Accruing from the Privatization of the National Telecommunications Corporation (Special Fund) Act (this Corporation was a State agency managing telecommunications). The Act introduced arrangements for the provision of fellowships for higher education. The aim of this system is to enhance the specialized training of the human resources which the country requires to meet its development needs; it encourages and rewards the educational efforts and academic excellence of Salvadorans by providing full or partial funding of undergraduate and postgraduate studies both in El Salvador and abroad.

Paragraph 57 of the guidelines

764. Despite all the efforts made, certain factors persist which affect the dynamics of the education system but are beyond its control, in particular in the education of young persons and adults. One of these factors is the high drop-out rate caused by the following difficulties: (a) cultural problems (machismo, lack of family support); (b) inadequate promotion of the education programmes due to lack of resources; (c) the geographical dispersal of some of the target groups, which renders systematic control and monitoring difficult; (d) dangerous places of education (student gangs, crime, poor electric lighting); (f) seasonal farm work; (g) extreme poverty; (h) migration; (i) health problems (poor eyesight); and (j) scant awareness of the problems resulting from illiteracy or inadequate schooling.

765. The Government is considering the introduction of programmes, and the strengthening of existing ones, to facilitate access to education by the poorest population groups. To this end it has taken the following substantive measures: (a) formulation of different educational models to cater for persons who work, older persons, teenage mothers, persons living in remote areas or in communities with a low population density, and other groups of persons with specific needs; (b) increasing the enrolment and retention rates by providing subsidies on request; and (c) reinforcement and institutionalization of the Healthy Schools programme.

766. The following operational measures have been carried out in this area: (a) conclusion of agreements for the implementation of measures coordinated by the Ministry of Education to cater for specific groups; (b) continuation of the special educational services offered in the garrisons of the armed forces; (c) measures to meet the needs of mature students under an accelerated education programme in phase I of the reform project; (d) increase in the number of distance-learning units in the light of the targets attained by the World Bank loans project for secondary education; (e) measures to cater for young people and adults in marginalized rural and urban areas under the adult literacy programme; and (f) design and implementation of programmes to encourage enrolment and discourage drop-outs by providing subsidies on request.

Paragraph 58 of the guidelines

767. There was a steady decline in illiteracy between 1990, when the rate was 24.5 per cent, and 2003, when it stood at 13 per cent.⁵⁰

768. A total of 1,337,980 illiterate persons learned to read and write between 1990 and 2002 under the literacy programmes, the accelerated fundamental education courses for adults, the distance-learning arrangements, and occupational training programmes.⁵¹

769. In 2002 a total of 219,342 children enrolled in nursery schools,⁵² 1, 274,810 for primary education,⁵³ and 158,137 for secondary education.⁵⁴

770. In 2002 the drop-out rates in the ninth grade of primary education were 0.55 per cent for boys and 0.54 per cent girls.⁵⁵

771. In 2002 the total number of pupils of both sexes graduating from primary schools was 1,118,046.⁵⁶ A total of 24,652 students (11,549 boys and 13,103 girls) graduated from secondary schools in 2002 having completed the third year of the baccalaureate course.⁵⁷

⁵⁰ See the annex "Decline of illiteracy among young people and adults".

⁵¹ See the annex "Coverage of the education programmes for adults and young people aged over 15".

⁵² See the annex "Total enrolment in nursery education by department, 1996-2002".

⁵³ See the annex "Total enrolment in primary education by department, 1996-2002".

⁵⁴ See the annex "Total enrolment in secondary education by department, 1996-2002".

⁵⁵ See the annex "Drop-out rates in primary education by grade and sex, 1996-2002".

⁵⁶ See the annex "Pupils graduating from primary schools (both sexes) by department and grade, 2000".

⁵⁷ See the annex "Students graduating from secondary schools (both sexes) by department and grade, 2000".

772. The initial stage (seven months on average) of accelerated primary education for adults takes place in literacy circles. The teachers are male and female literacy volunteers having an average education standard of ninth grade; they teach a group of 10 to 20 students in each circle. The standard reached is equivalent to the first level of accelerated primary education for young people and adults; this stage covers social and environmental topics, language and mathematics.

773. The next stages of accelerated primary education for adults require attendance at a school providing this mode of education, which will usually be staffed by teachers from the day schools of the ordinary system working 10 hours a week, teaching 20 to 30 students at the first, second and third levels of primary education and taking two grades per school year.

774. The tertiary cycle in evening school caters for people who work during the day; the courses are taught by teachers paid from public funds.

775. The purpose of occupational training is to equip needy young people and adults with partial qualifications in occupations in which there is a ready supply of jobs, so that they can secure productive employment. Each course has 20 to 30 students.

776. The distance-learning programme was established to provide opportunities for continuing education in the third cycle of primary education and the general baccalaureate for young people and adults who did not complete their education in the ordinary system and have not got the time to attend classes every day. It takes the form of self-education modules divided into learning units which can be studied wherever convenient; the chief responsibility is borne by the student, who has to study by himself at home or at work.

777. All these programmes are aimed at persons who left the education system for some reason. They have helped to improve the educational standards of such persons.

778. The funds allocated to literacy training from the public budget increased every year since 1998:

<i>Year</i>	<i>Amount (dollars)</i>
1998	2 251 675.43
1999	2 251 675.43
2000	3 427 361.00
2001	3 184 821.00
2002	4 853 681.00

779. Among the achievements and positive effects, attention is drawn to the steady improvement of inter-institutional collaboration in the provision of intramural and extramural education for adults, from literacy programmes to the general baccalaureate.

780. El Salvador has also won credibility both at home and abroad: the implementation of the Literacy Programme of El Salvador has served as a model for other countries of Central America, South America and the Caribbean.

781. At the national level, civil society and governmental and non-governmental organizations have pooled their efforts to achieve a steady reduction in illiteracy rates and improve the educational standards of young people and adults; they have also been successful securing priority for the literacy activities, which have been established on a systematic basis.

782. Institutional policies have provided new mechanisms for helping young people and adults in marginalized rural and urban areas, prisons and rehabilitation centres, military institutions, and churches of various denominations. Outstanding progress has also been made in bringing women into the education process.

783. However, there have been several difficulties or negative effects: in social terms, the persistence of a number of cultural factors which influence the rates of female drop-out and absenteeism. Moreover, people often give priority to other basic family needs.

784. In financial terms, one of the main problems is that, although a budget allocation is made, it is insufficient to satisfy the overall demand for education, so that attention has to be concentrated on selected areas.

785. In operational terms, there have been problems with monitoring and follow-up activities, which are under-funded and insufficient to evaluate all the measures.

786. In educational terms, the lack of monitoring and follow-up limits the amount of technical assistance which can be furnished in the learning process. In addition, the most remote areas, especially rural locations, do not always have suitably qualified human resources for educational purposes.

Paragraph 59 of the guidelines

787. The education budget increased steadily during the reporting period from \$160,638,711 (14.7 per cent of the general national budget) in 1994 to \$484,485,705 (19.5 per cent) in 2003.⁵⁸

788. The education system has four levels: nursery, primary, secondary and higher.

789. Nursery education, which is the first level of formal education, is compulsory and free. It includes curriculum components which foster the harmonious and integrated development of children aged four to six. It lasts for three years: the first two years constitute an introduction to school, while the third focuses on preparations for serious learning.

790. In the nursery system the child is perceived as a complete human being emerging in a specific social and cultural environment, with growth and development needs which must all be attended to by the joint ministrations of school and community. Nursery education is based on generally accepted theories of child development and on the specific characteristics of the Salvadoran context, as well as taking the economic, social and cultural circumstances of the family into account.

⁵⁸ See the annex "Evolution of El Salvador's education budget".

791. The nursery education system is of great importance as a support for children's development, in particular the development of the children who are most disadvantaged in social terms, for it provides a fundamental support for children, teachers and the family, so that they are able to deal with greater certainty and potential success with primary education.

792. Primary education is compulsory and free and constitutes the cement of a permanent process of learning and human development. It provides responses to the basic educational needs, both general (universal) and particular (of individuals in their social, economic and cultural context); both responses are designed to enhance the quality of life of individuals and their communities.

793. Primary education stresses the development of the intellectual habits and skills required for continuous learning rather than the mere acquisition of information. It fosters the development of the personality and of basic values with a view to personal and social fulfilment and sense of identity.

794. Primary education is divided into three cycles of increasing complexity spread over nine years:

- The first cycle is concerned chiefly with the processes of development and equips pupils with the means to advance with confidence through the education system. It fosters the basic mental and psychomotor skills, creativity, a sense of identity, and individual and community values, and it equips children with the tools of reading and writing and elementary arithmetic which will facilitate their education.
- The second cycle provides guidance for children as they begin to come to grips with the relations of social and cultural life; to this end the teaching has a social emphasis. It encourages the formation of the skills, habits and attitudes introduced in the first cycle through teaching of greater intellectual difficulty which calls for more concentration and rigour, independent thinking, and an ability to work together with others.
- The third cycle consolidates the children's cultural integration and stresses the formation of values and the development of skills and methods of work to facilitate the building up of useful and relevant knowledge and its creative application. The teaching is backed up by vocational guidance throughout the educational process, with a view to identifying technical, artistic and vocational aptitudes in the light of the children's skills, attitudes and interests.

795. Secondary education follows on from primary education, initiating vocational training and preparing the way to the system's higher levels. It focuses on the development of: (a) general knowledge and knowledge of the humanities and sciences for education's sake and as a preparation for the continuation of studies at a higher level; (b) technical/vocational knowledge as a means of training for employment and the exercise of responsibility in the employment sphere; and (c) the social knowledge which will enable children to live as citizens aware of their rights and duties in a democratic society and equipped with the basic skills to participate in research and production activities and the creation of material and cultural goods.

796. Higher education is the culmination of the national education system and caters to the highest aspirations of scientific, humanistic and technical training within the context of formal education. By its very nature it is a source of guidance for the nation's life in all its spheres as it confronts the challenges posed by a society undergoing constant change.

797. The purpose of higher education is to furnish vocational training in all subjects in order to contribute to economic, social and cultural development and growth through the application of science and technology for improvement of the people's quality of life; thus, its mission is to foster in future professionals the creativity and the problem-solving skills to cope with the needs of Salvadoran society in a context of sustainable development founded on human and democratic values.

798. From this perspective, teaching, research and social influence - the three basic functions of higher education - are integrated with each other in order to produce professionals with the capacity to think and act in terms of the needs of development and social change. In accordance with the Higher Education Act, this level embraces technical education and university education.

799. The purpose of technical education is to produce creative professionals capable of finding practical and appropriate solutions to society's many different problems, with a view to securing technological self-sufficiency and the sustainable development of the national economy.

800. Technical education equips professionals to work in the technical and technological fields to satisfy the requirements of the production sector: (a) it trains core personnel equipped to design, develop and introduce the new products, techniques, applications and operational approaches essential to the dynamics of the production system in a scientific/technical field which integrates theory and practice; (b) it facilitates the mastery of the specific processes of a given subject, with emphasis on practical uses and applications.

801. Because of their linkage to the country's production activities, the technical courses are focused on the development needs of the production sector. The specialized teaching provides a sound interdisciplinary scientific training, with an emphasis on permanent updating to keep abreast of the rapid progress in this field.

802. University education is focused on academic training and on research but includes the field of technological development. It encourages the systematic acquisition of general knowledge and academic work in the disciplines which must provide the basis for social and cultural change in El Salvador and seeks to extend the frontiers of knowledge by means of basic and applied research.

803. University education is by its nature more general in terms of the range of the knowledge imparted, its intellectual rigour and epistemological approach, and the analysis and synthesis of knowledge. It includes undergraduate and postgraduate studies designed to produce professionals equipped to develop and disseminate science, culture and technology. The emphasis of postgraduate work is on the development and application of knowledge in the light of the country's demands and expectations. This work contributes to cultural change.

804. The functions of the higher-education institutions are research, teaching and social influence, which are integrated with each other in order to secure the coherence of curriculum development at this level.

805. Special education has a broad scope, for it caters for all persons who, owing to their physical, mental or socio-cultural circumstances, require some degree of special support within or outside the ordinary education system.

806. Recognition of the right of all persons to education means that the ordinary education institutions must prepare themselves and build up their capacity, from the conceptual and technical standpoints, to accept and cater for persons with special educational needs. This entails a responsibility to provide quality education for the whole range of pupils at all the levels and in all the modalities of the education system.

807. The World Conference on Education for All (Jomtien, Thailand, 1990), the World Summit for Children (New York, 1990) and the World Conference held in Salamanca in 1994 on special educational needs in terms of access and quality provided a framework for the special-education cause and introduced the concept of catering for special educational needs.

808. The efforts made in this area have been designed to equip the ordinary system with the technical and methodological knowledge available in this mode of education in order that it may offer relevant responses to the diversity of its pupils' needs and make a qualitative leap forward by eliminating one-sided medical, sociological or rehabilitative approaches and implanting an interdisciplinary approach to teaching which can cope with this diversity.

809. The introduction of the concept of special educational needs expanded the concept of basic educational needs. The new concept makes manifest, at all the levels and in all the modalities of the national education system, the requirement for special education to be transformed into a technical teaching tool in the hands of the ordinary education system, which will then be able to offer a relevant response to the diversity of its pupils' needs.

810. Adult education is one mechanism which can contribute to the implementation of social, economic and political programmes and to democratic development. In view of the diversity of the areas of intervention, the services are provided in different forms, and the curriculum is tailored to the objective of catering in a flexible and relevant manner for the young people and adults who have not had access to the ordinary education system for some reason.

811. In the light of the needs and aspirations of its target population, adult education does not follow the usual calendar of the school year but operates under flexible arrangements which can be adjusted to take account of its students' time constraints. The teaching takes full account of the circumstances of the persons who enrol for this kind of education; it is structured around their basic educational needs and helps them to succeed and move on from what they are to what they ought to be. The curriculum is based on the students as individuals and as a community, and adult education is transformed into a social, participatory and mutually supportive process.

812. The education offered in this modality includes several formal and informal options (literacy; primary and secondary education, distance learning and occupational training), with emphasis on continuity of education.

813. Literacy courses constitute the first level of adult primary education and correspond to the first and second grades of ordinary primary education. The courses require attendance and cover reading and writing, elementary arithmetic, and social and cultural subjects. These latter subjects address four areas: (a) Our families (focus on personal and family identity, human relations, and

national and cultural identity); (b) Our basic needs (focus on health in the community and at work); (c) Improving democracy by building peace (focus on human rights and their relationship to democratic principles and equity as the cornerstones of peace); and (d) Population and democracy in El Salvador (focus on population growth, sustainable development, and El Salvador's geographical location in Central America).

814. This curriculum is designed: (a) to promote literacy as a principal means of satisfying the basic educational needs of adults, especially needs connected with productive work and grass-roots development; (b) to consolidate skills, attitudes and values in order to encourage people to continue with their education and enhance the part they play as individuals, members of a family and community, workers and citizens.

815. Adult primary education has four levels, each corresponding to levels of ordinary primary education: first level - grades 1 and 2; second level - grades 3 and 4; third level - grades 5 and 6; and fourth level - grades 7, 8 and 9.

816. The first three levels require attendance, and each lasts for one year. The third level uses distance-learning and is known as the Extramural Primary Education Programme (PREBAD).

817. The PREBAD subjects are language, English, social studies, mathematics, science, and health and environment; the focus is on major social problems.

818. The methods of teaching the general baccalaureate at the secondary level are adapted to the distance-learning mode; the curriculum has three components: (a) basic training, which is structured around the content of the science and humanities subjects; in addition to their academic elements, these subjects include time for practical work, applications and creativity; (b) applied training, which includes a set of integrated multidisciplinary activities in the form of problem-solving and study assignments, as well as seminars and projects on the country's problems.

819. Occupational training is an informal option requiring attendance; it includes initial occupational training for young people and adults with a view to their finding jobs in specific technical and production occupations or services. The curriculum has two components: occupational training and supplementary training.

820. The occupational training takes three forms: (i) technical skills and tool use, which furnishes the knowledge and skills to perform the various tasks and operations of each occupation; (ii) elementary academic training, which includes basic mathematics and language relating to the occupation and necessary to efficient performance; and (iii) education in the humanities, which encourages positive values and attitudes for oneself and with respect to others in the workplace, whether in public or private enterprises, domestic work or cooperative activities.

821. Supplementary training takes two forms: (i) vocational guidance, which furnishes the knowledge and tools for successful job applications and job performance in enterprises; and (ii) advice on how to run a micro-enterprise, which supplies the necessary knowledge and skills and guidance as to the basic procedures for setting up one's own business or micro-enterprise on a partnership basis.

822. For purposes of the construction, repair and refitting of schools the Ministry of Education has a National Directorate for Infrastructure Design and Supervision, whose chief function is to satisfy the educational infrastructure needs of schools, in particular new ones.

823. According to the Ministry's guidelines, schools should be no more than three kilometres apart. This rule is applied flexibly with regard to the construction of a school at a closer distance when two communities are separated by a risk zone such as a river, ravine or highway or some other hazard.

Paragraph 60 of the guidelines

824. The coverage of secondary education is 49.35 per cent for boys and 50.65 per cent for girls.⁵⁹ There are 414 public secondary schools, six of them exclusively for girls (0.01 per cent) and the other 408 co-educational.

825. The cumulative enrolment at the different levels of education between 2000 and 2002 totalled 12,800 (5,760 boys and 7,040 girls). In that same period a cumulative total of 7,095 boys and 5,805 girls attended alternative classrooms.

826. It is estimated that the total enrolment in the various adult education programmes (intramural and extramural) is 48 per cent male and 52 per cent female. In higher education, the student population totalled 109,946 in 2001, 54.16 per cent female and 45.84 per cent male.

827. The institutional policies are designed to ensure that the education programmes for young people and adults are accessible to the most vulnerable and disadvantaged population groups, such as prison inmates, minors subject to rehabilitation measures, children of market stall-holders, teenage mothers, and the marginalized rural and urban population in general.

828. The Ministry shares the responsibility for implementing national policies for the elderly⁶⁰ with other social agencies, notably the National Secretariat for the Family.

829. The following activities are carried on in the sphere of education for the elderly: for the purposes of primary education, retired teachers have been recruited to teach some subjects; committees of young people have been set up to encourage the elderly to join in recreational activities which will enhance their self-esteem; mass-media campaigns are carried out to promote the maintenance of daily activities and a normal ageing process; courses are held on the avoidance of harmful habits; components on values and care with respect to the elderly are included in the programmes of schools for parents; inter-generational programmes have been established in schools, child-welfare centres and the community under which elderly persons provide services as volunteers; there are arrangements for collaboration with institutions of secondary and higher education which contribute to the care of the elderly under the social service in question; encouragement is given to the establishment of handicrafts courses, in conjunction with cultural, educational and vocational training institutions; students graduating from humanities courses are given encouragement and guidance to persuade them to conduct

⁵⁹ See the annexes "Total enrolment in secondary education by department, 1996-2002" and "Total enrolment in nursery education by department, 1996-2002".

⁶⁰ See the annex "Guiding principles of the National Policy on Care of the Elderly".

research as part of their postgraduate studies on programmes for the care of the elderly run by governmental or non-governmental organizations and to submit recommendations; inter-generational programmes have been established in schools, child-welfare centres and community literacy circles in which elderly persons provide services as volunteers (five per cent of the persons providing literacy training (out of a total of 6,000) are of the third age, mostly retired teachers); and elderly persons in rural areas and socially disadvantaged communities are encouraged to join in literacy activities as students (such persons constitute 15 per cent of the total enrolment in literacy programmes).

830. To sum up, the elderly are encouraged to involve themselves in education either as providers for young people and adults or as beneficiaries of education programmes; they are also encouraged to offer their services as instructors in vocational training courses or to use such programmes themselves to acquire a skill which will help them to improve their current living conditions.

831. The Community-Based Education Programme (EDUCO) was introduced in 1991 to cater for poor rural children; its aim is to increase the education coverage at the nursery and primary levels for communities which lack access to the education services owing to their remote rural location and poverty. This programme is based locally on the Community Association for Education, a parents' organization which, in addition to managing day-to-day operations, is responsible for recruiting teachers and implementing various other measures to support their children's education.

832. The State is responsible for ensuring that persons with disabilities enjoy the fundamental freedoms and the rights to education health, culture, economic well-being and social justice and for coordinating measures to provide comprehensive care and equality of opportunity for such persons, as well as taking the lead in the formulation of policies, plans and programmes, determining the priority topics, financing the care services for the poor, approving the regulations, and monitoring the quality of the services. With a view to greater efficiency and effectiveness, the State is gradually to disengage itself from the administration of establishments which can be run by private organizations or foundations.

833. The following are the lead agencies for each specialized area of public care services: (a) the Ministry of Public Health and Social Welfare (prevention, early diagnosis, and physical, mental and psychological care and rehabilitation); (b) the Ministry of Education (schools and vocational training); (c) the Ministry of Labour and Social Security (occupational rehabilitation and job placement); and (d) the Ministry of Public Works (elimination of obstacles in streets and buildings and on means of transport, etc.).

834. Voluntary NGOs (Association of Persons with Disabilities and of Families of Persons with Disabilities), other NGOs delivering promotional and support services, and religious and trade-union organizations cooperate with the bodies providing the management and leadership of measures of prevention, early diagnosis and prompt referral, integrated rehabilitation, education, employment, etc. They also support measures of primary prevention and social, economic and legal protection. The measures are coordinated by the National Council on the Integrated Care of the Disabled (CONAIPD) and are subject to review and approval.

835. The role of private-sector NGOs, such as private foundations and other actors, is extremely important for the personal development and social integration of persons with disabilities, who

have many different needs, for the capacity of the State to provide funding and services is limited. It is therefore important to increase the contribution of such organizations to the funding and provision of integrated care services.

836. With regard to children with physical and mental disabilities, the year 2000 saw the adoption of a national policy and the Disabled Persons (Equality of Opportunity) Act, which are based on these principles: (a) integration of disabled persons; (b) equality of opportunity; and (c) promotion of independence and advocacy by the disabled in the solution of their own problems.

837. The principle of integration means that disabled persons must not be isolated from their communities. They are entitled to live, study, work and enjoy their leisure time in the same way as the other members of the community. As far as possible, therefore, the integrated care services must be furnished under the same conditions as obtain for the rest of the population.

838. Equality of opportunity implies establishing comparable conditions by means of support services to compensate for any lack of ability and the elimination of obstacles which restrict or exclude persons with disabilities from access to or enjoyment of the goods and services available in society at large and in their communities in particular,

839. The promotion of independence and advocacy by the disabled in the solution of their problems means making a break with schemes and measures based on over-protective care, for they generate over-dependence and passivity. The new policy of integration encourages the active and direct involvement of disabled persons in decisions and measures affecting them and it promotes their increased individual and collective advocacy in the settlement of disputes and the solution of their own problems.

840. The education of children with disabilities is designed to cater for their specific learning needs in an environment entailing the least possible segregation. There are 37,868 children with special educational needs, and 35,574 of them are able to attend ordinary schools with the aid of the following support services: 646 classrooms adapted for special education; 50 psychological units; 38 speech-therapy units; 550 integrated schools; and 19 rural special-education units and literacy circles. For the purposes of this special education, work has been done on awareness-raising and training and technical assistance for teachers, head teachers and parents.

841. The following measures cater for the diversity of pupil needs in the classroom: (a) awareness-raising for head teachers and teachers in ordinary schools; (b) refresher workshops for teachers in ordinary schools; (c) technical assistance and monitoring of disabled children in integrated schools; and (d) training for the teachers of the various special-education services.

842. Printed and other aids have been produced: technical and administrative operating handbooks for the various special-education services; policies and rules for the education of children with special needs; rules for the education of deaf children; methods of dealing with problems of voice production, speech and language; handbook on integrated education; module on how to cope with different educational needs; handbook for special-education schools on job placement; planning tools and advice on classroom assessment of progress for special-education schools; training of sign-language interpreters; guidance for teachers on how to deal with learning difficulties; guidance for teachers in schools for the deaf; guidance for interpreters helping children with the intramural baccalaureate; provision of hearing aids for children with hearing

problems; provision of wheelchairs for students in integrated schools; and provision of books for the psychological units.

843. The following progress has been made in this area: extension of the coverage in marginalized rural and urban areas to ensure access to education for everyone with special needs; diversification of education in line with the needs; admission of deaf students to the baccalaureate course; and establishment of literacy circles for deaf students.

844. The education system makes no distinction as to nationality with respect immigrant children or the children of foreigners who come to El Salvador to work even when a candidate for enrolment is the child of an immigrant without papers. They may continue their studies, subject to the following formalities: (a) they may submit to the Accreditation Unit of the Ministry of Education certificates of their schooling in their country of origin; or (b) if they cannot produce such certificates, they may take a test to establish their education level.

845. The formal education system admits children of indigenous minorities without distinction.

846. El Salvador offers the following fellowships: (a) "President of the Republic" fellowships; (b) "Doctor José Antonio Rodríguez Porth" fellowships; and (c) fellowships funded by the Government (under the budget of the Ministry of Education).

847. "President of the Republic" fellowships are awarded to the 56 students achieving the best results in the general baccalaureate in public secondary schools who are from poor backgrounds and wish to continue their studies. The fellowship consists of 7,800 colones (\$891.42) a year for each student disbursed in two-monthly instalments of 1,300 colones (\$149.57) for the duration of the period of study up to a maximum of five and a half years, plus a certificate of merit. These fellowships were instituted in 1990 by Executive Decree No. 36 dated 30 May 1990.

848. "Doctor José Antonio Rodríguez Porth" fellowships are awarded to the 28 students achieving the best results in the baccalaureate on the conclusion of their secondary schooling who are from poor backgrounds and wish to continue their studies: three are awarded to the three students coming first in the general baccalaureate and the others to students taking the technical/vocational baccalaureate; the fellowship consists of 7,800 colones (\$891.42) for each student disbursed in two-monthly instalments of 1,300 colones (\$148.57) for the duration of the period of study up to a maximum of five and a half years, plus a certificate of merit. These fellowships were first awarded in 1989, in accordance with Executive Decree No. 7 dated 25 August 1989.

849. The chief purpose of the fellowships funded by the Government is to facilitate access to secondary education for children of limited financial resources but high academic achievement from marginalized rural and urban areas who complete the third cycle of primary education. They have been awarded since 1999.

Fellowships programme for secondary education

Year	Recipients		Total fellowships
	Girls	Boys	
1999	498	592	1 000
2000	747	703	1 450
2001	468	432	900
2002	448	394	842
2003	251	243	494

850. The following factors also facilitate access to primary education: (a) the education is totally free; (b) school uniforms are not required; and (c) the Healthy Schools programme, which covers the basic health, education, food, nutrition and infrastructure needs of children attending public schools in marginalized rural and urban areas.

851. The mother tongue (Spanish) is used in the education system.

852. The National Council for Culture and the Arts provides teaching in the Nahuatl language in two schools in Nahuizalco, Department of Sonsonate, under the auspices of the Nahuizalco House of Culture. Inter-cultural school encounters have been instituted as means of getting to know the indigenous community *in situ* and listening to Nahuatl-speakers. Santo Domingo de Guzmán, Department of Sonsonate, has been designated the most suitable community for this purpose as it has the largest number of Nahuatl-speakers.

853. At least two workshops have been held, in Sonsonate and Santo Domingo de Guzmán, on means of saving the Nahuatl language; the aim is to raise awareness and obtain the support of indigenous leaders to facilitate the implementation of and grass-roots participation in a pilot project; this undertaking has the support of Don Bosco University, which will provide a team of experts in language-rescue.

Paragraph 61 of the guidelines

854. In the context of the reforms to upgrade the quality of the education system, the Ministry's current managers stress the need to upgrade teaching standards in order to improve the services provided for children and young people in all the country's education establishments and to add value, preferably by ensuring that teachers keep abreast of the latest developments and are motivated and committed to their important task.

855. In 2001 the Ministry began to make major changes in its technical approach with regard to head teachers and teachers by introducing a decentralized system of professional development involving a radical shift away from the traditional modes of centralized training towards a system based on the requirements of training and constant updating.

856. On average, teachers earn about \$500 a month.

857. For the purposes of local school administration, funds are to be transferred to the Community Association for Education, the Catholic Schools Education Council and the Schools Management Board for implementation of the professional development plan for all teachers at the nursery and primary levels. In the case of multi-level and similar schools, funds will be transferred only in respect of nursery and primary staff.

858. The transfers for the professional development system for nursery and primary teachers will be funded under an IBRD loan agreement (No. 4320-ES, first phase) by an allocation of \$2.3 million in respect of 5,000 head teachers and 35,000 teachers in the public sector in rural and urban areas throughout the country. These funds will be used for the following purposes: hiring of outside professional services; purchase of specialized books and teaching materials; and operating costs. The introduction of the new system is designed to enhance the skills needed by heads, deputy heads and classroom teachers for the effective performance of their duties.

859. The technical assistance will include study circles, free courses, workshops to review teaching practices, congresses, etc.

860. Funds have been earmarked to provide incentives for teachers in the shape of classroom assistants, fellowships, rural-area supplements, performance bonuses, and salary increases at all levels.

Paragraph 62 of the guidelines

861. A new school may be opened on the initiative of a local community, a governmental or non-governmental organization, a municipality, or an international agency.

862. The Accreditation Unit was created to facilitate the accreditation of schools, which is its main function.

863. A community wishing to open a public or private school must submit the following documents: (a) an application form giving full particulars of the proposal; (b) a certificate of inspection of the site and roads and compliance with the zoning regulations, which may be obtained from the Planning Office of the Metropolitan Area of San Salvador or from an agency designated by the local town hall; (c) the curriculum vitae of every teacher (with a photocopy of his or her tax-identification number) listing personal details, educational qualifications and work experience, with supporting documents; (d) a timetable for each grade and an indication of the academic burden of its curriculum; (e) the school's internal regulations (rights and duties of pupils, teachers and parents); (f) an inventory listing the furniture and equipment, teaching materials, library resources, etc., all of which must be located within the school; (g) an operating plan (introduction, general and specific goals, targets, activities, resources, annual calendar, etc., to give an idea of the school's mission); (h) an infrastructure plan indicating the administration area (offices of the head teacher, secretary, etc.), the classrooms (which must provide a space measuring 1.30 by 2 metres for each pupil), the natural ventilation and lighting, the lavatories (separate ones for each sex and two for every 30 to 40 pupils); and (i) a sketch map showing the school's location in the district.

Paragraph 63 of the guidelines

864. The reporting period has not seen any changes in national policies or laws negatively affecting the right to education; on the contrary, the laws have been improved and new ones have been enacted to cope with the diversity of the demand.

Paragraph 64 of the guidelines

865. Cooperation agencies in the field of education support the strengthening of specific aspects of the system with a view to improving the quality of education and extending the coverage, with greater emphasis on rural areas and gender equity. They are active in particular in the following areas: adult literacy; educational assessment; production of statistical reports; curriculum development; teacher training; programmes for working children; and programmes for young people with problems of social integration.

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Paragraph 66 of the guidelines

866. The National Council for Culture and the Arts (CONCULTURA) was established in 1991 as a decentralized agency of the Ministry of Education by Executive Decree No. 55 dated 20 September 1991, published in the *Diario Oficial*, No. 206, vol. 313, of 4 November of that year. The main function of CONCULTURA is to study, preserve, promote and disseminate culture and appreciation of the arts. Its offices carry out activities connected with the arts and the promotion of culture, as well as working for the protection, preservation and wider enjoyment of the cultural heritage.

867. A programme on the transfer of funds to cultural NGOs⁶¹ was introduced in 1995 in an effort to boost popular participation and the number and quality of facilities for the development and enjoyment of culture. This move produced good results in terms of the decentralization of cultural activities and the support given to bodies and communities responsible for the protection, preservation and promotion of culture and the arts.

868. To date, at least 38 cultural NGOs have received funds from CONCULTURA and have taken part in the diffusion and development of Salvadoran culture. The implementation of the transfer programme has improved the effectiveness of the implementation of cultural projects under governmental supervision.

869. The transfer programme has facilitated the sharing of responsibilities between the Government and cultural NGOs in pursuit of broader cultural objectives. It has also extended the coverage both geographically and in terms of the range of the social strata and the diversity of the bodies involved in the national cultural effort.

⁶¹ See the annex "Cultural NGOs benefiting under the CONCULTURA programme on the transfer of funds".

Annual budget of the culture sector

<i>Year</i>	<i>Amount in colones</i>	<i>Amount in dollars</i>
1991	31 534 500.00	3 603 942.86
1992	39 962 690.00	4 567 164.57
1993	54 215 910.00	6 196 104.00
1994	46 281 880.00	5 289 357.71
1995	87 598 810.00	10 011 293.00
1996	108 461 400.00	12 395 589.00
1997	90 947 775.00	10 394 031.00
1998	93 751 170.00	10 714 419.00
1999	97 828 845.00	11 180 439.00
2000	109 283 494.00	12 489 542.00
2001	119 353 500.00	13 640 400.00
2002	107 730 000.00	12 312 000.00

870. In the period 1995-2002 the CONCULRURA infrastructure consisted of houses of culture, committees for the support of houses of culture, public libraries, recreation, education and culture parks, museums, etc.

871. The network of houses of culture is responsible for encouraging popular participation in cultural activities. It currently consists of 154 units located throughout the country and one located abroad, in Los Angeles, California. There are houses of culture in all 14 of the country's departments: 10 in Santa Ana; eight in Ahuachapán; 12 in Sonsonante; eight in La Libertad; 19 in San Salvador; 13 in Chalatenango, six in Cuscatlán; 15 in La Paz; eight in San Vicente; seven in Cabañas; 12 in Usulután; 13 in San Miguel; 11 in La Union; and 12 in Morazán.

872. The houses of culture are responsible for safeguarding community traditions and customs. They are places where the people can come to enjoy various cultural events. Their activities include cultural exhibitions, training courses in the arts, competitions, formation of groups of performers, artistic performances, folklore festivals, support for popular arts in the community, etc.

873. In the emergency situation caused by the earthquakes which struck the country in 2001 the houses of culture carried out emergency psychological-support programmes for the victims in the camps which were established, aiming in particular at children and the elderly.

874. Every house of culture is supported by a committee made up of members of the local communities. These committees must have legal personality in order to operate and must sign an agreement with CONCULTURA on the management of funds. They have a minimum of seven members, five elected at a general meeting (chairman, vice-chairman, deputy secretary, treasurer and deputy treasurer). The posts of general coordinator and secretary go automatically without an election to the director and activities organizer respectively of the house of culture in question.

875. The support committees are the chief authority for the administration of the funds allocated; they must ensure that the projects contained in the local plans are implemented with an eye to the rational use of resources and work to increase the involvement and participation of the various sectors of the community.

876. One of the purposes of the public library system is to provide information services and cultural-extension activities. There are currently 13 public libraries, located in 11 of the country's 14 departments.

877. The National Library of El Salvador was founded in 1870 and officially inaugurated in 1888. Its building was destroyed by an earthquake in 1986. In 1993 it moved to its present building in the centre of the national capital. The National Library is seeking to provide new technologies for the information services to satisfy users' demands and facilitate universal access to the national information system; it is also concerned with the preservation of the collections by ensuring their safe use in properly controlled air-conditioned premises. It helps to reinforce the nation's cultural identity by collecting, preserving and providing access to its bibliographical heritage as a means of facilitating research and the dissemination of information to encourage the national effort to enhance the social, economic and educational standards of the Salvadoran people.

878. There is also a library and newspaper archive of anthropology and history in the Doctor David J. Guzmán National Museum of Anthropology. It contains a specialized collection dating back to 1847 of works on anthropology, history, archaeology, linguistics, ethnology and ethnography and a collection of journalistic materials consisting of periodicals, bulletins, reviews, reports, guides and theses.

879. The recreation, education and culture parks in the metropolitan area of San Salvador include the National Zoological Park, the Saburo Hirao Park, the Children's Play Park, and the Family Park; these parks are places for families and their function is to provide opportunities for recreation and education and to preserve fauna and flora. With regard to sports, great efforts have been made to improve the infrastructure and improve facilities for Salvadoran athletes.⁶²

880. El Salvador has a network of nine museums: one anthropological, three archaeological, one historical, two regional (one in the east and one in the west of the country) and a cultural/educational television museum.⁶³

⁶² See the annex "Sports activities".

⁶³ See the annex "Museum network of El Salvador".

Statistics on individual visits to national museums, 1995-2001

<i>Museum</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>Total por museo</i>
Tazumal Archaeological Museum	118 845	86 080	85 250	13 335	6 748	-	35 093	345 351
Joya de Cerén Museum	102 332	63 635	36 376	45 354	25 090	28 681	14 111	315 579
Eastern Region Museum	19 328	15 017	17 238	12 564	11 251	34 642	8 725	118 765
San Andrés Archaeological Museum	*	*	55 573	1 908	124 581	70 022	74 530	326 614
Guzmán National Museum of Anthropology	**	**	**	**	**	2 359	6 504	8 863
Annual total	240 505	164 732	194 437	73 161	167 670	135 704	138 963	1 115 172

* Closed for improvements.

** Closed for reconstruction.

881. El Salvador has four national theatres: the National Theatre of San Salvador; and the Presidente, San Miguel and Santa Ana theatres.

882. The National Centre for the Arts (CENAR) is located in the national capital. It is a teaching institution, providing artistic activities and free courses in various artistic disciplines (painting, sculpture, music, theatre). The Morena Celarié National Dance School is part of CENAR and provides regular courses in classical, modern and traditional dance.

883. The National Exhibition Hall in the capital puts on exhibitions of paintings and sculptures by artists widely recognized in the art world.

884. CONCULTURA maintains harmonious relations of cooperation with the private sector with regard to cultural activities. The private bodies with which it has been working include the cultural centres of the country's three universities (Central American, Technological and Doctor José Matías Delgado), the cultural centres of two accredited embassies (Mexico and Spain), the Centre for Brazilian Studies, the Salvadoran Cultural Centre, the Tin Marín Children's Museum, and the Alliance Française of El Salvador.

885. The Government has allocated funds for the development of the cultural infrastructure. There are facilities for research, recreation, production, promotion and dissemination of the various expressions of culture. In 1999 and 2002 CONCULTURA carried out directly in these areas 30 investment projects for building, rebuilding, maintenance and development of the cultural services infrastructure for a total amount of five million dollars.⁶⁴

886. CONCULTURA has created special units for the promotion of cultural identity: the Indigenous Affairs Unit; the Unit for Coordination of the Popular Arts; the Office for the

⁶⁴ See the annex "Cultural infrastructure investment projects".

Inventory and Registration of Cultural Property; the Publications and Printing Office; and the Handicrafts Promotion Unit.

887. The operational policy of the Indigenous Affairs Unit (1995) is to recognize and support El Salvador's indigenous population and organizations, enhance its sense of identity, and provide training and support for this population, and to contribute to a regional development plan.

888. The Unit is currently working on the production of the Indigenous Profile, a multisectoral undertaking of representatives of several Government portfolios (Education, Foreign Affairs, Environment and Natural Resources, Public Health and Social Welfare, Agriculture and Livestock) and representatives of indigenous organizations coordinated by CONCULTURA and funded by the World Bank. This undertaking is a major achievement in the promotion of the identity of El Salvador's indigenous community.

889. The purpose of compiling this Indigenous Profile is to obtain systematic, valid and reliable information to serve as a frame of reference for the various governmental agencies and indigenous and other organizations and enable them to initiate strategic measures for the benefit of the indigenous peoples and help to solve their problems.

890. The Unit for Coordination of the Popular Arts (2002) operates as a facilitator for the development of popular arts and culture. It is currently carrying out work in the field, collecting examples of artistic expression in the communities themselves.

891. The Office for Inventory and Registration of Cultural Property is concerned with the identification, cataloguing, valuation, authentication, protection and monitoring of El Salvador's cultural property. It has produced an inventory of cultural property and compiled a photographic archive of the archaeological, historical and ethnographic collections owned by the State.

892. It 1998 it produced a registration handbook and a form for the registration of immovable and movable cultural property (known as RI and RM respectively).

893. The register of cultural property has the following categories: cultural property (seven); historic areas (one); historic sites (five), archaeological monuments (six); historical centres (one); national monuments (nine); and historic national monuments (43).

894. Under the Special Cultural Heritage (Protection) Act and its Regulations,⁶⁵ all the property registered by the Office is deemed cultural property. Chapter 1, article 2, of the Act states:

“For the purposes of this Act, property which has been expressly recognized as such by the Ministry shall be deemed cultural property, be it of an anthropological, palaeontological, archaeological, prehistorical, historical, ethnographic, religious, artistic, technical, scientific, philosophical, bibliographical or documentary nature.”

895. The publishing policy of the Office of Publications and Printing includes the publishing of books connected with the promotion of the Salvadoran cultural identity, for example: the *Library*

⁶⁵ Published in the *Diario Oficial*, No. 68. Vol. 331, of 15 April 1996.

Collection of Salvadoran History and other books on history; the *Basic Library of Salvadoran Literature*; and several biographies of Salvadoran writers.⁶⁶

896. As part of its work of safeguarding the identity of the Salvadoran people, CONCULTURA has given its support to the Catholic Church for the restoration of churches damaged by the earthquakes in January and February 2001.⁶⁷

897. The purpose of the Handicrafts Promotion Unit is to encourage handicrafts production as part of the country's heritage. The Unit carries on a number of activities at the national level to create opportunities for the distribution and marketing of the work of the country's artisans.⁶⁸

898. The activities carried out by CONCULTURA in conjunction with indigenous organizations to promote awareness and enjoyment of the cultural heritage of national ethnic groups and minorities include ethno-linguistic conferences, a project on inter-cultural education, and workshops.

899. Five ethno-linguistic conferences have been held to date (in 1992, 1993, 1994, 1996 and 2001) with the following aims: to promote the Nahuatl language, which is regarded as cultural property; (b) to offer opportunities for exchanges between indigenous organizations and communities and governmental, scientific and academic figures and agencies and the general public with a view to enhancing mutual understanding; and (c) to reinforce national and international cooperation to solve the problems of the indigenous groups relating to human rights, the environment, development, education, and health.

900. Under the project on inter-cultural education 13 workshops have been held in the interior of the country in collaboration with indigenous organizations and with the support of indigenous teachers from Guatemala and of the Directorate-General for Bilingual Inter-cultural Education.

901. A number of national workshops were held in 2001: three in the Department of Sonsonate in conjunction with the Association for the Coordination of Indigenous Communities of El Salvador; two in conjunction with the Sihuatl Indigenous Association; two in conjunction with the Kakawira de Cacaopera Indigenous Association in the Department of Morazán; one in the House of Culture in Victoria, Department of Cabañas; and five led by the indigenous teacher Eugenio Valencia Hernández in the community of San Pedro Puxtla, Department of Ahuachapán.

902. A forum on indigenous peoples and biological diversity was held in 2002 as an event to publicize the Convention on Biological Diversity and the Meso-American Biological Corridor.

903. The first National Encounter of Indigenous Women was held in 2002 under the programme of support for indigenous women. This encounter provided a picture of the social, cultural and economic aspects of the lives of El Salvador's indigenous women. It resulted in the formation of the Council of Indigenous Women, which will follow-up on the encounter by carrying out local development projects for the benefit of their communities.

⁶⁶ See the annex "Publications of the Office of Publications and Printing of CONCULTURA".

⁶⁷ See the annex "Churches restored with CONCULTURA support".

⁶⁸ See the annex "Opportunities for the marketing of handicrafts".

904. The Education Ministry's Department of Television Education was set up in 1964 under Agreement No. 162 of 4 November of that year; it runs a State television channel called Educational Television. Educational Television became part of CONCULTURA in 1991 and its name was changed to Educational and Cultural Television (Channel 10).

905. Channel 10 has carried on the work of social communication, promoting the rescue, preservation and consolidation of the Salvadoran cultural identity by producing and transmitting programmes with an educational and cultural content.

906. Channel 10's programming is built around television pieces on formal and informal education, technological advances, child and family training, sports, and various expressions of the arts and culture, all designed to promote Salvadoran traditions and the people's health. It has regular hours of transmission: Monday to Friday from 8 a.m. to 11 p.m., and from 11 a.m. to 11 p.m. at the weekend.

907. In addition to the national output, programmes are also broadcast by the Ibero-American Association for Educational Television, of which Channel 10 is a member, and by DW (Germany) and EDUSAT (Mexico), with which transmission-rights agreements have been concluded.

908. Twenty-five per cent of Channel 10's local productions are concerned with the dissemination and promotion of Salvadoran culture: (a) Cultural Panorama News Bulletin, which provides information about cultural and artistic events taking place in El Salvador; (b) Cultural Debate, which deals with various topics connected with the arts, literature, the professions, history, daily life, etc.; (c) Critics' World, which discusses persons, works, ideas, events and institutions connected with the country's cultural life, with a view to encouraging critical thinking; and (d) Documentary, a special historical/cultural programme broadcasting videos on events and persons who have made history in El Salvador and drawing attention to natural resources and their benefits.

909. Channel 10 currently has two transmitters (1Kv and 10 Kv antenna power), one installed on San Salvador volcano and the other on Cerro Cachío de Ahuachapán, which cover approximately 70 per cent of the country.

910. The discovery of the archaeological site of Joya de Cerén in 1979 opened up new perspectives for the understanding of the groups which inhabited the periphery of the area of Meso-American culture in the classical pre-Hispanic period. This site is located in the north-west of the country in the valley of Zapotitán in the district and municipality of San Juan Opico, Department of La Libertad.

911. The site is currently covers five hectares divided into two large zones: the restricted zone or archaeological reserve, and the public zone or archaeological park. The five seasons of archaeological digs conducted to date have revealed 18 structures: 10 of them have been fully excavated, and excavation work is proceeding on a further four.

912. The ongoing scientific work has uncovered innumerable archaeological structures and domestic and ritual artefacts which have been preserved virtually intact owing to the properties of the earth in which they were found.

913. In view of its importance and unique characteristics, the site was declared a national monument by the Legislative Assembly in 1989 and entered in the UNESCO World Heritage List in 1993.

914. CONCULTURA has been working since 1997 on a management and conservation plan for Joya de Cerén; one of the first steps was to hold a seminar with international participation and UNESCO support to establish guidelines and criteria. In 1999 the Getty Conservation Institute furnished extensive assistance, under the Maya Initiative, with the preparation of the management plan for the site.

915. The choice of a project of this kind met the concern of both CONCULTURA and the Getty Conservation Institute to introduce a plan to serve as a model for the management of El Salvador's cultural heritage and to underpin future policies and measures for the preservation of the cultural heritage and of archaeological sites in general.

916. The Joya de Cerén⁶⁹ management plan covers all activities at the site, from research to preservation and presentation, as well as matters of publicity, promotion, education and administration, with a view to preserving the site and its cultural significance.

917. The freedom of artistic creation and performance is recognized as part of the right to culture prescribed in article 53 of the Constitution, which states: "The right to education and culture is inherent in the human person; in consequence, it is a fundamental obligation and purpose of the State to preserve, promote and ensure the exercise of this right."

918. The freedom of artistic creation and performance is also guaranteed in article 103.2 of the Constitution, which "recognizes intellectual and artistic property, for the time and in the manner specified by law". The secondary legislation on this topic includes the Special Cultural Property (Preservation) Act and its Regulations.

919. The chief objective of the Intellectual Property (Promotion and Protection) Act⁷⁰ is to ensure adequate and effective protection of intellectual property rights by laying the foundations for their promotion and protection. Intellectual property includes literary, artistic, scientific and industrial property.

920. The mission of the Intellectual Property Office of the National Registration Council is to protect intellectual property rights by maintaining, in accordance with national and international legislation, a register of patents, trade marks and other distinguishing marks, a register of deeds and contracts concerning authorship and related rights, and a depositary of artistic and literary works.

921. CONCULTURA has institutions dedicated to the teaching of the arts and it supports private initiatives in this area under the programme on the transfer of funds.

922. The National Centre for the Arts holds teaching workshops on the plastic arts, music and theatre; the Morena Celarié National Dance School runs classes for various levels of classical,

⁶⁹ See the annex "Joya de Cerén management plan".

⁷⁰ Legislative Decree No. 604 dated 15 July 1993.

modern and traditional dance; the Youth Symphony Orchestra is managed by the Pro Arte Foundation of El Salvador with a CONCULTURA subsidy; the School for the Arts in San Esteban Caterina is managed by the Arts Foundation; and the Teaching Workshop in Suchitoto holds workshops on bricklaying, carpentry, iron work and electrical work for young people employed in the preservation of the buildings of the cultural heritage. Eighty-five students, including two women, are currently attending these workshops.

923. University courses on subjects connected with culture and the arts are available as follows: (a) the University of El Salvador (State-run) offers degree courses in the plastic and other arts; (b) the Doctor José Matías Delgado University offers degree courses in graphic design, environmental design and handicrafts design; (c) the Doctor José Simeón Cañas Central American University offers degree courses in the arts; and (d) the University of Technology offers degree courses in anthropology, archaeology and history. In addition, CONCULTURA has signed technical cooperation agreements with the University of Technology and Albert Einstein University.

924. The National Prize for Culture is awarded by the Government through CONCULTURA to Salvadorans whose work is of paramount importance to the country. It is awarded in the categories of the arts and the cultural heritage. This award of this prize is regulated by the National Prize for Culture Act⁷¹ and its Regulations.⁷² The Prize consists of a diploma of honour, a gold medal, and a sum of money equal to 25 minimum wages. It is presented in Presidential Palace by the President of the Republic.

925. The Prize has been awarded in recent years both to individuals and to legal persons: (a) the master potter César Sermeño, in the plastic arts category, 1994; (b) the writer Francisco Andrés Escobar, in literature, 1995; (c) the painter Camilo Minero, in plastic arts, 1996; (d) the film director Alejandro Cotto, in cultural heritage, 1997; (e) the musician Esteban Servellón, in music, 1998; (f) the director and actress Dora de Ayala, in theatre, 1999; (g) the master craftsman Ángel Mendoza Alvarado, in popular arts, 2000; (i) the Santa Ana Cultural Heritage Association, in cultural heritage, 2001; and (j) the dancer José Raúl Flores Zelayandía, in traditional dance, 2002.

926. The Floral Games are literary competitions held in the houses of culture of the departmental chief towns throughout the country. They are held as part of the patron saint festival of each locality. Competitors may submit entries in the following literary genres: short story, novel, poetry, and drama. These competitions were established in 1968 under Decree No. 652, article 1 of which states: "Floral Games shall be held annually in the cities of Santa Ana and San Miguel and in the chief towns of the country's other departments."

927. The competitions are run by a national organizing committee consisting of officials of CONCULTURA. Article 9 of the Floral Games Regulations, published in 1996, states: "The Floral Games shall be open only to native-born Salvadorans aged over 18 years."

928. CONCULTURA manages other activities for the conservation, development and diffusion of culture, including three annual festivals: (a) the Festival for Peace, held from 16 to 31 January

⁷¹ Legislative Decree No. 876, published in the *Diario Oficial*, No. 20, vol. 298, of 29 January 1988.

⁷² Legislative Decree No. 22, published in the *Diario Oficial*, No.57, vol. 322, of 22 March 1994.

under the auspices of the CONCULTURA Office for the Promotion of a Culture of Peace;⁷³ the International Festival of Children's Theatre; and (c) the Central American Theatre Festival. It also manages a number of annual seasons: (1) the Symphony Orchestra of El Salvador, with the participation of invited international musicians; (2) the National Choir; and (3) the Christmas season of the National Dance School.

929. The Joya de Cerén archaeological park and the Doctor David J. Guzmán National Museum of Anthropology have access ramps for persons with mobility problems.

930. The National Library has a Braille Room holding more than 600 titles in Braille for the use of blind persons, including scientific and literary works, and laws and codes of the Republic. It also has a special electronics team and voluntary instructors to assist users.

931. The House of Culture for the Blind has been in operation since 1998 under a cooperation agreement between CONCULTURA and the El Salvador Association for the Blind, providing services for the blind throughout the country. It works in collaboration with and enjoys the support of organizations concerned with the situation of blind women, the human rights of the blind, rehabilitation, vocational training and employment, and education and sports for the blind. It also works to prevent blindness.

932. The activities of the House of Culture for the Blind include: (a) cultural get-togethers; (b) research on topics affecting the blind; eco-culture excursions; (d) poetry and story-telling competitions; (e) music and computer training sessions in Braille for parents of blind persons (literacy and development).

933. It also holds events to commemorate Latin American Braille Day (5 January), the anniversary of the House of Culture (26 February), National Blind Persons' Day (1 March); White Stick Day (15 October) and International Disabled Persons' Day (3 December). And among the services which it provides, attention may be drawn to its library of texts in bold print and (basic) Braille, its audio-recordings of works of fact and fiction, its support services for reading, writing, drawing and musical fingering, and its academic support and counselling services for working in Braille and transcribing texts into Braille.

934. Old people enjoy free admission to public recreational parks and archaeological sites and the parks and sites managed by CONCULTURA (Children's Play Park; Saburo Hiraio Park; National Zoological Park; Tazumal Archaeological Park; Joya de Cerén Archaeological Park; and Casa Blanca Archaeological Park). Nor do old people pay for admission to concerts given by the National Symphony Orchestra during its annual season.

935. As already mentioned, work is currently proceeding on the Indigenous Profile with support from the World Bank and in conjunction with indigenous organizations, with a view to establishing guidelines for the social and cultural programmes for the indigenous community.

936. The State has no sex-disaggregated statistics on the indigenous population, and one of the first recommendations to result from the Profile is for preparations to be made for a national census of this population.

⁷³ See the annex "Festival for Peace".

937. Since there has been much intermarriage in El Salvador, it is difficult to identify the indigenous population, which has also lost almost all trace of its ancestral languages (Nahuatl, Lenca and Cacaopera) as well as other external distinguishing marks such as traditional dress.⁷⁴

Paragraph 67 of the guidelines

938. The National Science and Technology Council (CONACYT) was established by Legislative Decree No. 287, published in the *Diario Oficial* of 10 August 1992. The Council's purpose is to formulate and direct national policy for the advancement of science and technology for the country's economic and social development.

939. CONACYT is currently carrying out the following programmes: (a) management of national and international financial resources and technical assistance in support of the implementation of the national programme for the development science and technology; (b) installation of the necessary infrastructure for the establishment of a national system for technological innovation; (c) promotion of measures to extend the frontiers of knowledge by training scientists and technical experts and by providing for education, further training, and the diffusion of science and technology tailored to the requirements of the country's economic and social development; (d) leadership and coordination of the implementation of measures and policies relating to standardization, metrology, and quality control and certification; and (d) promotion and monitoring of quality and productivity.

940. The Natural History Museum conducts research on the country's fauna and flora, and puts on permanent, temporary and travelling exhibitions based on the official curricula of the various levels of education. These exhibitions range from the teaching aspects of the interpretation of nature to specialized topics and the diffusion of science.

941. The Museum keeps the inventories of wildlife up to date by means of cooperation agreements with public bodies such as the Ministry of the Environment and Natural Resources, NGOs, community development associations, universities and independent researchers.

942. As well as acting as custodian, it is also responsible for the compilation, inventory and maintenance of the national biological diversity collection kept in its storage facilities; this collection consists of: (a) petrological material, including a variety of rocks and minerals found in El Salvador; (b) palaeontological material, including three big groups of fossils: plant palaeontology (samples of fossilized plants); invertebrate palaeontology (samples of marine animals and of insects); and vertebrate palaeontology; (c) malacological material (marine and terrestrial invertebrates); (d) entomological material (samples of insects of all the orders); (e) ichthyological material (samples of fish); (f) herpetological material (samples of amphibians and reptiles of all the orders); (g) mastozoological material (skins and skulls of native mammals); (h) ornithological material (bird skins, nests and eggs); and (i) botanical material in three big groups: carpological (samples of fruits and seeds); xyological (samples of tree trunks); and general botanical.

943. The CONACYT Prize for the diffusion of science and technology was instituted in order to encourage journalistic activities which extend the frontiers of knowledge. It has been awarded

⁷⁴ See the annex "Principal concentrations of indigenous population in El Salvador".

since 2001 to mark sustained efforts to diffuse and popularize information about science and/or technology through the mass media and the work of producers of material on science and/or technology in relation to El Salvador.

944. CONACYT/ITCA/FEPADE⁷⁵ awards the National Press Prize for Science and Technology to mark sustained efforts by press, radio and television journalists and to encourage media managers to popularize scientific and technological subjects by making them easily accessible to society at large.

945. The periodical *El Salvador Ciencia y Tecnología*, the official organ of CONACYT published since 1999, deals with two main topics: scientific and technological development; and standardization, metrology and quality certification.

946. The CONCULTURA National Directorate for the Cultural Heritage, with support from the Spanish Agency for International Cooperation, has published a number of scientific research papers, including: (a) "Archaeological exploration of Ciudad Vieja, El Salvador" by William Fowler and Roberto Gallardo; (b) "The evolution of the ancient Nahuatl civilization: the Pipil-Nicarao of Central America" by William Fowler; (c) "Iron production at Metapán" by José Antonio Fernández; (d) "Chalatenango, urban history" (monograph) by Hugo de Burgos; (e) "Sonsonante, urban history" (monograph) by Hugo de Burgos; and "San Salvador, urban history" (monograph) by América Rodríguez.

947. El Salvador has bilateral cooperation agreements with countries of more advanced scientific development, which help to promote the transfer of technology.

948. The Framework Agreement of the Ibero-American Programme on Science and Technology for Development (CYTED) has played an important role since 1999⁷⁶ by helping to keep the scientific and technological knowledge of Salvadoran researchers up to date; this has facilitated technical innovation in the production sector through the involvement of enterprises from different countries under the IBEROEKA mechanism of the CYTED Programme.

949. A number of national seminars have been held, with the technical and financial support of outside bodies, in order to secure the transfer of knowledge to as many people as possible.⁷⁷

950. A course entitled "Science, Technology, Society + Innovation" (CTS+I) was set up, in conjunction with 14 participating universities and two institutes of technical education, in order to enhance the awareness and improve the capacity of the academic sector with respect to the production and diffusion of science and technology with a view to innovation with popular participation.

951. The CTS+I course ran from September 2000 to May 2001; it consisted of six in-house seminar modules and telematic activities conducted by Ibero-American experts from the Organization of Ibero-American States; 74 Salvadoran professionals took the course.

⁷⁵ See the annex "CONACYT prizes for the diffusion of science and technology".

⁷⁶ See the annex "Participation of Salvadorans in CYTED events: scholarships taken up abroad".

⁷⁷ See the annex "CYTED courses, forums and workshops held in El Salvador".

952. The RedHUCyT project, supported by the Organization of American States (OAS), established links between three universities, a ministry, a research centre and a professional association with a view to obtaining and generating information on science and technology over the Internet. The institutions benefiting under phase III of the project were Albert Einstein University, the Catholic Universidad de Occidente, the Universidad de Oriente, the National Centre for Agricultural and Forestry Technology, the National Directorate for Higher Education of the Ministry of Education, and the Salvadoran Association of Engineers and Architects.

953. A directory of support services for scientific and technological innovation in medium-sized and small enterprises in El Salvador was compiled in December 1999 with assistance from OAS and the Commission for the Scientific and Technological Development of Central America and Panama (CTCAP); it is available at <http://www.conacyt.gob.sv>. This web site has pages on: (a) general technical assistance; (b) specialized academic training; (c) information and dissemination; (d) research; (e) measurement; (f) trials and testing.

954. The CONACYT Technological Information Centre is responsible for the management of the secretariat of SVNet (the national Internet authority); in 1996 it initiated the registration of subdomains. By September 2002 it had registered 5,919 new SVNet subdomains, which were already in operation under the EL Salvador top level (.sv).

955. The CONACYT information infrastructure improved steadily from June 1998, when the internet gateway had a communication channel capacity of 64 Mb/second, to October 2001, when the capacity was 384 Mb/second and the physical structure of the internal gateway network had also been improved. This has enhanced the quality and reliability of the services for the transfer of scientific and technological information to external users.

956. The web site of the Virtual Information Standards Centre of Central America and Panama went on line in November 1999 (www.InfoQcentral.org.sv and www.infoq.org.sv); it contains on-line information on compilations of Salvadoran technical standards and regulations, and ISO and Codex Alimentarius documents. Both pages were produced as part of the project on the integrated regional system of standards, metrology and quality accreditation under the auspices of CTCAP.

957. The information about CONACYT activities is constantly updated, as is the scientific and technological information on the web pages (www.conacyt.gob.sv and www.infocyt.gob.sv) to provide guidance for the country's production sectors.

958. Training has been given to 960 members of trade unions and universities and public and hospital employees by means of talks on Internet services and the uses and benefits of information technology.

959. One of the chief objectives of the National Standards System is to provide technical support for the activities envisaged in the free-trade agreements which El Salvador has signed with other countries. The production sectors collaborated on the development of this system with a view to establishing the official benchmark technical standards required for the standardization of the quality of the products and services involved in the free-trade activities.

960. The steps taken to improve the National System include: (a) establishment of the Central American Commission on Harmonization of Technical Regulations; (b) coordination of the work

of technical standardization committees; (c) standardization of technical regulations in the Central American region; (d) adoption of international standards (500 UNE standards); and (e) diffusion of technical standards to enterprises.

Paragraph 68 of the guidelines

961. The Books Act has been in force in El Salvador since 1994; its purpose is to protect the intellectual, moral and material rights of authors by ensuring compliance with national legislation and international agreements and regulations.

962. The Special Cultural Heritage (Protection) Act and its Regulations are concerned with the rescue, study, preservation, promotion, development, diffusion and valuation, under the auspices of the Ministry of Education, of El Salvador's cultural heritage. In this connection, items of artistic merit, such as paintings, sculptures, recordings, and original artistic assemblages and montages in any material, are also regarded as cultural property. In addition, the Ministry may deem dance productions and theatre and literary works to be part of the nation's cultural heritage.

963. One of the policies of the Office of Publications and Printing is to ensure the payment of consolidated royalties by concluding with its authors a contract stating the number of copies which the author agrees that the Office should publish and the amount of the royalty. Authors are also provided with a guide on the registration of their unpublished works and a registration form, as required by the Intellectual Property Registry.

Paragraph 69 of the guidelines

964. The *Revista Cultura*, published by CONCULTURA, is designed to promote the production of works of literature in El Salvador and elsewhere in Latin America; it also runs articles on topics of cultural research.

Paragraph 70 of the guidelines

965. Four framework agreements have been signed with foreign institutions: agreements on technical and scientific cooperation between the National Science and Technology Council and the Republic of Peru, LATU (Uruguay), SWISSCONTACT/PROEMPRESA, and Spain's Standardization and Certification Association.

966. Five framework agreements have been concluded with Salvadoran universities: the Evangelical University, Alberto Masferrer University, the Polytechnical University, Albert Einstein University, and Francisco Gavidia University.

967. Three framework agreements have been concluded with business and professional associations and trade unions: the Salvadoran Industrial Association, the Salvadoran Association of Engineers and Architects, and the Federation of Engineers and Architects.

968. Two framework agreements have been concluded with other public institutions: the National Commission on Micro-Enterprises and Small Businesses, and the National Public Housing Fund.

969. Three multilateral agreements have been signed, including a specific agreement with 11 universities, two institutes of higher education and the Organization of Ibero-American States concerning the course on science, technology, society + innovation (CTS+I) (university network of El Salvador).
970. A specific agreement has been signed with the Salvadoran Foundation for the Construction of Small Housing Units for the implementation of a pilot plan on house-construction technology under the CYTED programme.
971. Nine specific agreements have been concluded with business associations, support agencies and universities concerning the IDB/FOMIN project on quality control and food safety in small and medium-sized enterprises.
972. Cooperation is being maintained or increased with other institutions such as the Directorate-General for Consumer Protection (DPC) of the Ministry of the Economy.
973. An agreement on joint activities has been signed by CONACYT and DPC for the application of the metrological controls provided for in the CONACYT Act and the DPC Act. The first specific work programme is on the verification of shop scales, currently under implementation; the next one will be on the verification of the gross and net volume of pre-packaged goods.
974. As mentioned earlier, CONCULTURA has a programme on the transfer of funds to non-profit private organizations and foundations.
975. The proposal for the establishment of a national system for science, technology and innovation has been circulated; it concerns the scientific, technological, financial and production sectors.
976. Instruments have been drafted to facilitate the organization of the science and technology sectors of the proposed national system with a view to innovation in agriculture and forestry in order to stimulate academic interest in the production of and diffusion of scientific and technological knowledge for use in the process of innovation with popular participation.
977. A proposal was made to the National Centre for Agricultural and Forestry Technology (CENTA) in 2000 on the application of the national system to promote innovation in agriculture and forestry.
978. Regulations on a national network of science and technology researchers were proposed in 2000 for application to the thematic networks, and a web site (<http://www.redisal.org.sv>) was established in December 2001 to make the network's database available on the Internet; this database has sections on registration (including a form), researchers, thematic networks, and institutions.
979. A database list of 158 Salvadoran researchers was created in 2001. Modern technology was identified which can be used to support the country's economic development. Logistical support was furnished for the distance-learning course on basic cellular and molecular biology of the University of Chile, with assistance from OAS and CTCAP (1999); 14 Salvadoran professionals were involved in this undertaking.

980. A document was produced on “Elements of future biotechnology to boost the economic development of agro-industry in El Salvador”; it identifies state-of-art technology which can support the country’s economic development. It covers the life-cycle of information technology, emerging technology (biotechnology and nanotechnology), the role of biotechnology in the bio-economy century, and its potential contribution to the transformation of the country’s agriculture and livestock sectors.

981. Information has been disseminated, in the shape of presentations made to various forums, conferences and workshops and to institutions, about the foundations, applications and future development of biotechnology, nanotechnology and the information sciences as a basis for analysis of their potential role in the country’s technological development.⁷⁸

982. An agreement was concluded with the Ibero-American Programme on Science and Technology for Development (CYTED, CENTA and CONACYT-1999) on a capacity-building project entitled “Strengthening of the capacity of the National Centre for Agricultural and Forestry Technology with respect to biotechnology”, to which the Spanish Agency for International Cooperation (AECI) contributed \$50,000. Project execution was completed in October 2001.

983. The second phase of this project was negotiated with AECI, which granted CENTA \$50,000 for implementation of the second phase between February 2002 and February 2004.

Paragraph 71 of the guidelines

984. The Inter-institutional Committee on International Humanitarian Law in El Salvador (CIDIH-ES) was created in 1997.⁷⁹ Its permanent secretariat is located in the Ministry of Foreign Affairs. Its chief objective is to advise the Government on measures for the application and diffusion of the international human rights agreements and protocols and on emerging national and international legislation in this area, in order to fulfil the commitments acquired under international humanitarian law, in particular the provisions of the Geneva Conventions and the Additional Protocols of 1977.

985. On 29 March 2001 El Salvador ratified the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. The Inter-institutional Committee is endeavouring to produce regulations on the State’s obligation to guarantee the rights of persons involved in international and other armed conflicts. It is working inter alia on the application of the 1954 Convention. One of the first steps taken in this connection was to initiate the marking of the country’s cultural property in 2001, beginning with the Joya de Cerén archaeological site, listed as a World Heritage Site.

986. CONCULTURA promotes a number of artistic activities organized directly by artists or with the collaboration of embassies accredited to El Salvador. These activities include the Festival for Peace (with the participation of musicians, actors, dancers, writers, etc.), the

⁷⁸ See the annex “Conferences on the applications and future development of biotechnology”.

⁷⁹ By Executive Decree No. 118 dated 4 November 1997, published in the *Diario Oficial*, No. 215, vol. 337, of 18 November of that year.

International Children's Theatre Festival, the Central American Theatre Festival, the Symphony Orchestra season, etc.

987. The first workshop to combat illicit trafficking in movable cultural property was held in 2000, with support from the Swedish International Development Cooperation Agency (ASDI). The second workshop was also supported by ASDI, joined by the Italian Police, France's international police (INTERPOL-France) and representatives of UNESCO.

988. Forty items of cultural property from the National Archaeological Collection of El Salvador went on show in the temporary exhibition "The Mayas" held in Venice in 1998 and subsequently in Mexico City in 1999.

989. The Ciudad Vieja project and the project on the inventory of immovable cultural property are being executed with assistance from AECI.

990. The National Directorate for the Cultural Heritage (a CONCULTURA agency) enjoys technical and scientific support from the Governments of Mexico, Colombia, Japan and Argentina.

991. A project on reactivation of the indigo industry is supported by the Government of Japan.

Paragraph 72 of the guidelines

992. There are no laws or policies negatively affecting the rights enshrined in article 15.

Paragraphs 73 and 74 of the guidelines

993. Bilateral cooperation and assistance received from regional and international bodies have played an important role in the implementation of projects relating to science, technology and culture under specific programmes - on library equipment, to give just one example.⁸⁰

994. International cooperation projects have been formulated and submitted to the relevant agencies in order to continue to move scientific and technological development forward.⁸¹

⁸⁰ See the annexes "International cooperation" and "Projects executed with international assistance".

⁸¹ See the annex "Negotiation of international cooperation projects to support science and technology".