

# EL SALVADOR

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## Republic of El Salvador

Head of state and government: **Salvador Sánchez Cerén** (replaced **Carlos Mauricio Funes Cartagena** in June)

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**The total abortion ban remained in place and the implementation of legislation to combat violence against women was still weak. Impunity for human rights violations committed during the 1980-1992 armed conflict persisted, despite some steps to combat it.**

## BACKGROUND

President Sánchez Cerén of the Farabundo Martí National Liberation Front took office.

Violent crime rose sharply. Official sources recorded 1,857 homicides in the first six months of 2014; the figure for the same period in 2013 was 1,048. The rise was thought to be due to the reported collapse of a truce between rival criminal gangs.

In June, the Legislative Assembly ratified amendments to the Constitution formally recognizing Indigenous Peoples' rights and the state's obligations to uphold them.

The ratifications of key international agreements, including ILO Convention No. 169 on Indigenous and Tribal Peoples, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture, the International Convention against enforced disappearance and the Inter-American Convention on Forced Disappearance of Persons, were still pending at the end of the year.

During consideration of El Salvador's human rights record under the UN Universal Periodic Review in October 2014, states called on El Salvador to ratify these international agreements. Several states also recommended that El Salvador decriminalize abortion and make safe abortion available, particularly in cases where the life or health

of the woman was at risk or when the pregnancy was the result of incest or rape. Two states also recommended that women incarcerated for undergoing abortion or having a miscarriage be released. El Salvador responded that it would examine these recommendations and provide a response at the next session of the Human Rights Council in 2015.

## WOMEN'S RIGHTS

Between January and September, the police reported 216 killings of women, compared with 215 for the whole of 2013.<sup>1</sup> This indicated that violence against women was once more on the increase following a period of sustained decrease since 2011. Despite some welcome progress in the implementation of the 2012 Special Comprehensive Law for a Life Free from Violence for Women, few cases of killings were prosecuted as the gender-based crime of femicide.

A unified database recording violence against women, provided for in the 2012 Special Law, was still not operational and only one state shelter for women fleeing violent partners was in place at the end of 2014.

In its 2014 report to the UN on the progress of the Millennium Development Goals, the government acknowledged that the total abortion ban was hampering efforts to reduce maternal mortality. Despite this, the total ban on abortion remained in place at the end of 2014. The state also acknowledged that "socio-cultural" and economic factors, lack of access to contraceptives and the prevalence of violence against women and girls were all impeding the achievement of the Goals.

In December 2013, human rights organizations presented a petition to the Inter-American Commission on Human Rights against the state for the grave human rights violations suffered by a 22-year-old woman known as "Beatriz". Beatriz, who suffers from lupus, had been refused an abortion despite the imminent risk to her life and

the knowledge that the fetus, which lacked part of its brain and skull, could not survive outside the womb. Two months after she first requested the medical treatment she needed, and after 23 weeks of pregnancy, Beatriz was given a caesarean. The fetus survived just a few hours.

In April, after exhausting other legal avenues, the Citizens Group for the Decriminalization of Therapeutic, Ethical and Eugenic Abortion presented a petition for a state pardon on behalf of 17 women, who were incarcerated on pregnancy-related grounds. They were serving sentences of up to 40 years in prison for aggravated homicide, having been initially charged with having had an abortion. Their cases raised serious concerns regarding the right to non-discrimination, as well as the rights to due process and fair trial, including the right to effective legal defence. The cases remained pending at the end of 2014; Congress was awaiting recommendations from the Supreme Court of Justice before issuing its decision.

## IMPUNITY

The 1993 Amnesty Law, which for over two decades has ensured impunity for those responsible for human rights violations during the 1980-1992 conflict, remained in place.

Tutela Legal, the Catholic Archbishopric's human rights office, was shut down without warning in September 2013. There were serious concerns that its extensive archive of evidence relating to unresolved human rights cases dating back to the internal armed conflict might not be preserved. Survivors and relatives of the victims submitted a habeas corpus challenge to get access to the files; the case was pending before the Supreme Court at the end of 2014.

The office of the human rights organization Pro-Búsqueda, which works to find children who were the victims of enforced disappearance during the conflict years, was raided by three armed men in November 2013. During the raid, three staff members were held captive while information was set

on fire and computers containing sensitive information on cases were stolen. The stolen computers contained information on three cases of enforced disappearance that were before the Supreme Court. Days before the attack, military officials accused of involvement in the disappearances failed to attend a hearing in one of the cases.<sup>2</sup>

At end of 2013, the Attorney General's Office reopened the investigation into the 1981 El Mozote massacre in which more than 700 civilians, including children and elderly people, were tortured and killed by the military in the village of El Mozote and nearby hamlets over a three-day period. The investigation was continuing at the end of 2014.

In October 2013, the authorities issued a decree establishing a reparations programme for survivors who suffered human rights violations during the conflict.

In February 2014, the Supreme Court ordered that an investigation be reopened into the San Francisco Angulo massacre in which 45 people, mostly women and children, were killed, allegedly by members of the army, in 1981. The investigation was continuing at the end of the year.

In August, 32 years after the events, the state finally acknowledged the 1982 El Calabozo massacre, in which more than 200 people were killed by the army. However, no one had been brought to justice for the crime by the end of 2014.

In October, in its ruling in the case of *Rochac Hernandez et al. v. El Salvador*, the Inter-American Court of Human Rights found the state responsible for failing to investigate the enforced disappearance of five children between 1980 and 1982 in the context of military counter-insurgency operations during the conflict.

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1. On the brink of death: Violence against women and the abortion ban in El Salvador (AMR 29/003/2014)  
[www.amnesty.org/en/library/info/AMR29/003/2014/en](http://www.amnesty.org/en/library/info/AMR29/003/2014/en)

# EQUATORIAL GUINEA

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## Republic of Equatorial Guinea

Head of state and government: **Teodoro Obiang Nguema Mbasogo**

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**Nine prisoners were executed in January shortly before a temporary moratorium on the death penalty was declared. Detainees and prisoners were routinely tortured. Several political opponents were arbitrarily arrested and held incommunicado for long periods without charge, including one man abducted from a neighbouring country by Equatorial Guinea security forces in December 2013. Military courts were used to try civilians.**

## BACKGROUND

In February President Obiang signed a decree establishing a temporary moratorium on the death penalty, apparently to secure full membership of the Community of Portuguese-speaking Countries. Equatorial Guinea was granted full membership in July at the organization's summit in Dili, East Timor.

In May, the UN Human Rights Council, under its Universal Periodic Review process, examined the human rights situation in Equatorial Guinea and made a number of recommendations. The government accepted most recommendations in principle, but rejected those urging ratification of the Rome Statute of the International Criminal Court.

In October, President Obiang decreed a general amnesty for all those convicted or indicted for political crimes. This was

one of the demands made by opposition political parties for their participation in a national dialogue in November. However, no prisoners were released and President Obiang stated that all convicted prisoners had been convicted of common crimes. In November, three independent opposition parties withdrew from the national dialogue on the basis that their demands, including the release of prisoners, had not been met.

## DEATH PENALTY

Nine men convicted of murder were executed in late January, 13 days before the establishment of a temporary moratorium on the death penalty. This was the highest number of people known to have been executed in any one year over the past two decades, and the first known executions since 2010.<sup>1</sup>

## TORTURE AND OTHER ILL-TREATMENT

Torture by the security forces continued with impunity. Detainees and prisoners were also subjected to other forms of cruel, inhuman or degrading treatment. Many were held incommunicado for long periods without charge or trial and denied adequate medical treatment.

Cipriano Nguema Mba, a refugee in Belgium since 2012, was abducted by Equatorial Guinea security personnel in December 2013 while visiting relatives in Nigeria. He was taken clandestinely to the National Security Headquarters in Malabo, where he was tortured. His ankles and elbows were tied together behind his back and he was then suspended from a metal bar and his whole body was beaten with batons. He was held incommunicado throughout the year.

Roberto Berardi, an Italian businessman in partnership with President Obiang's eldest son Teodoro "Teodorín" Nguema Obiang in a civil construction company, was beaten and tortured on several occasions since his arrest in January 2013, first in Bata police station and subsequently in Bata prison. On one occasion, in January 2014, he was