

# **El Salvador 2024 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in El Salvador during the year. Reports of gang violence remained at a historic low under the state of exception as mass arrests suppressed gang activity.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who committed human rights abuses.

## **Section 1. Life**

### **a. Extrajudicial Killings**

The government reported a significant decline in widespread killings by criminal gangs. The government and observers widely attributed the decrease to the government's policies under the state of exception, declared in March 2022 and extended monthly.

There were several reports the government or its agents committed arbitrary or unlawful killings during the year.

Under the state of exception, which had to be renewed monthly, security forces were empowered to arrest anyone suspected of belonging to a gang

or providing support to gangs. As a result, thousands of suspects were detained.

Some suspects died in prison prior to conviction or completing their sentences. On July 8, the minister of justice and public security stated there had been 115 deaths in prison since the state of exception began in March 2022. As of August 16, the Office of the Ombudsperson for Human Rights reported it was investigating eight deaths in prison.

## **b. Coercion in Population Control**

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

## **Section 2. Liberty**

### **a. Freedom of the Press**

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Journalists, media and civil society organizations, and opposition figures criticized the government's online harassment of critics and rhetoric towards journalists.

## **Physical Attacks, Imprisonment, and Pressure**

As of August, the Association of Journalists of El Salvador's (APES) Center for Monitoring Attacks on Journalists reported five acts of online intimidation against journalists committed by government officials and three instances in which government officials issued threats of legal action against journalists.

### **b. Worker Rights**

#### **Freedom of Association and Collective Bargaining**

The law provided for the right of most workers to form and join independent unions, in certain workplaces to bargain collectively, and the right to strike after a lengthy regulated process. However, there were reports of unions experiencing delays in processing their credentials with the Ministry of Labor. Without credentials, unions could not engage in collective bargaining or participate in tripartite entities that governed worker-related issues. If the Ministry of Labor denied a union's certification, the law prohibited any attempt to organize for up to six months following the denial.

The law prohibited antiunion discrimination, and workers were protected from firing or demotion for union organizing activity. If fired during this time, they could submit cases to court for reinstatement. Members of the military, judges, and high-level public officers could not form or join unions.

Workers in private security firms could not form or join unions. The labor code did not cover public-sector workers and municipal workers, whose wages and terms of employment were regulated by law. Only citizens could serve on unions' executive committees. The labor code also barred individuals from holding membership in more than one trade union. Unions had to meet certain requirements to register, including having a minimum of 35 members.

Collective bargaining was regulated by law. Unions representing fewer than 51 percent of the workers in an enterprise did not have the right to bargain, even on behalf of their own members. Provisions of the law allowed either party to a collective bargaining agreement, under some conditions, to seek to change its provisions after one year in force. Employees of most public institutions did not have the right to bargain collectively.

The law contained several procedures for conducting a legal strike. The law did not recognize the right to strike for public and municipal employees or for workers in essential services. The law did not specify which services met this definition, and courts therefore applied this provision on a case-by-case basis. The law required 30 percent of all workers in an enterprise support a strike for it to be legal and that 51 percent support the strike before all workers were bound by the decision to strike. Unions could strike only to obtain or modify a collective bargaining agreement or to protect the common professional interests of the workers. Unions were required to

engage in negotiation, mediation, and arbitration processes before striking, although many unions often skipped or expedited these steps. Workers at times engaged in strikes that did not meet legal requirements. The law provided no way for workers to appeal a government decision declaring a strike illegal.

The government enforced less penalties for violations of collective bargaining rights than in some other areas, such as civil rights violations. Judicial procedures were subject to delays and appeals.

As of June, the country faced six active complaints before the International Labor Organization for alleged freedom of association violations.

## **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acceptable Work Conditions**

### **Wage and Hour Laws**

The law provided for a minimum wage for all sectors, to be set by the government. The minimum wage varied by sector; all were above poverty income levels. The law set a maximum normal workweek of 44 hours – limited to no more than six days per week and to no more than eight hours per day – but allowed overtime, which was to be paid at double the usual

hourly wage. The law mandated full-time employees receive pay for an eight-hour day of rest in addition to the 44-hour normal workweek. The law prohibited compulsory overtime for all workers other than domestic employees, such as maids and gardeners, who were obligated to work on holidays if their employer made this request. In such cases, they were entitled to double pay.

### **Occupational Safety and Health**

The Ministry of Labor set and enforced occupational safety and health (OSH) standards, and the standards were appropriate for the main industries. The law established a tripartite committee to review the standards. The law required employers to take steps to meet OSH requirements in the workplace, including providing proper equipment and training and a violence-free environment. The law promoted occupational safety awareness, training, and worker participation in OSH matters.

Workers could legally remove themselves from situations that endangered health or safety without jeopardy to their employment.

### **Wage, Hour, and OSH Enforcement**

The Ministry of Labor, which was responsible for enforcement, did not adequately enforce wage, hour, or OSH laws. Penalties were less than those for similar crimes, such as fraud or negligence, and were rarely applied against violators. Some companies reportedly found it more cost-effective

to pay fines than comply with the law.

Inspectors had the authority to initiate unannounced inspections. The Ministry of Labor reported inspections were scheduled according to an Inspections Directorate work plan or to investigate complaints, and labor inspectors carried out labor inspections with no advance notice. There were, however, reports of an insufficient number of labor inspectors.

The Ministry of Labor received complaints regarding failure to pay overtime, minimum wage violations, unpaid salaries, and the illegal withholding of benefits, including social security and pension funds. Reports of overtime and wage violations occurred in several sectors. According to the ministry, employers in the agricultural sector routinely violated the laws requiring annual bonuses, vacation days, and rest days. Women in domestic service reportedly faced mistreatment and sexual harassment. Workers in the textile industry reportedly experienced violations of wage, hour, and safety laws.

The informal sector represented almost 75 percent of the economy. The government did not enforce labor laws in this sector.

## **c. Disappearance and Abduction**

### **Disappearance**

The International Committee of the Red Cross and the Public Defender's

Office reported that sufficient mechanisms existed to allow most citizens to locate their detained family members. There were reports of enforced disappearances by or on behalf of government authorities. The Office of the Ombudsperson for Human Rights received eight complaints regarding the lack of information on detainees under the state of exception.

### **Prolonged Detention without Charges**

The constitution prohibited arbitrary arrests, and the law provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The state of exception, itself a legal mechanism, increased the number of days an individual could be held in detention before being formally charged.

In August, the Presidential Commission for Human Rights and Freedom of Expression reported the government did not maintain statistics on the number of refused release orders and stated that in most cases, individuals were not released because they were the subject of more than one pending legal case.

### **d. Violations in Religious Freedom**

See the Department of State's annual *International Religious Freedom* Report at <https://www.state.gov/religiousfreedomreport/>.



## **e. Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Section 3. Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibited such practices, and the government reported and investigated complaints of violations.

There were some complaints of mistreatment by police and members of the armed forces. As of August 16, the PNC registered two complaints of torture, 47 complaints of "violated bodily integrity," 53 complaints of mistreatment, 34 complaints of physical abuse, and three complaints of assault and discrimination committed by police officers. The PNC referred 171 complaints to the Attorney General's Office, disciplined 14 police officers, and dismissed 12 police officers. Ten victims registered complaints with the Office of the Ombudsperson for Human Rights, alleging torture or cruel and inhuman punishment at the hands of PNC officers, and one victim registered a complaint of the same treatment committed by members of the armed forces. As of August, the National Council for Early Childhood, Childhood, and Adolescence received one complaint of abuse committed by

police or prison guards in its juvenile detention centers and reported the case was under investigation.

As of August 16, the PNC registered 23 complaints of sexual abuse, 19 complaints of violence against women, and four complaints of abuse of children allegedly committed by police. In June, the government reported the Office of the Inspector General of Public Security was investigating 66 cases of alleged rights violations perpetrated by public security forces during the state of exception, including three violations of the right to life, 11 violations of personal liberty, and nine violations of personal security. The same report noted the Office of the Attorney General initiated 19 investigations into alleged abuses of force during the state of exception.

## **b. Protection of Children**

### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

### **Child Marriage**

The legal minimum age for marriage was 18. The law banned child marriage to prevent child abusers from avoiding imprisonment by marrying their underage victims, and the law likewise banned exceptions to child marriage in cases where the child was pregnant. The government enforced the law

effectively.

### **c. Protection to Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

#### **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees, but the law had regulatory and operational gaps. The legal framework required persons with international protection needs to file their claim within five days of entering the country and asylum seekers to renew their status every 30 days.

#### **Resettlement**

The government naturalized seven refugees during the year, the first time authorities had done so.

### **d. Acts of Antisemitism and Antisemitic Incitement**

The Jewish community totaled between 100 and 300 persons. There were no reports of antisemitic incidents.