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# The State of El Salvador: Human Rights and Violence in the Post War Era

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# **The State of El Salvador: Human Rights and Violence in the Post War Era**



Honors Thesis

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## **Abstract**

During the Salvadoran Civil War (1979-1992), the government of El Salvador knowingly used forms of political violence such as disappearances and torture against the political opposition and other innocent civilians, including women and children. With the signing of the Peace Accords in 1992, El Salvador has since transitioned from an authoritarian regime to a democracy. This project focuses on how the change in regime type influenced the level of repression and respect for human rights in El Salvador. The research analyzes two conflict resolution mechanisms, the Peace Accords and Truth Commission, and the implementation of democratic practices such as elections to understand how these mechanisms influenced the respect and protection of Salvadoran's physical security rights. The research shows that despite the introduction of democracy, violence remains prevalent in the form of criminal activity and people continue to fear for their personal security as they did during the war.

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## Introduction

With the assassination of Monsignor Oscar Romero on March 24, 1980, the country of El Salvador experienced a landmark moment in history when the political landscape changed, becoming extremely polarized and violent. The murder of Romero represented an attack on the marginalized because he was a leader and sympathizer of the oppressed, who were typically poor, uneducated peasants and those in opposition to the government. The Church appointed Romero to the position on February 23, 1977 with the hopes to placate the country with his conservative ideology. Romero aligned with a more conservative ideology at the beginning of his career, which pleased the government because they desired to have an ally within the Catholic Church. The archbishop is an influential and revered position, especially in a country where the majority is Catholic, so the government hoped to act through Romero to deter the oppressed from denouncing the government. After the death of a dear friend and priest, Rutilio Grande, Romero's views on the governmental repression changed; he became a voice of the voiceless and victims of repression that had been going on for years. Grande's death forced Romero to realize of how wrong and unjust the government was by committing human rights abuses. He became a beacon of hope for the poor because he continually denounced the violence and repression by the government, the injustices and suffering experienced by the oppressed, and lack of accountability for those committing grave human rights abuses. On his last sermon, Romero gave a passionate statement directed at the army and government. "We want the government to face the fact that reforms are valueless if they are to be carried out at the cost of so much blood. In the name of God, in the name of this suffering people whose cries rise to heaven more loudly each day, I implore you, I beg you, I order you in the name of God: stop the repression" (Romero 1980). The death squads subjected innocent people to unjust and arbitrary violence, Romero strived to persuade the government and army to wage peace instead. His attempt to dissuade the use of repressive tactics remained unanswered by the government.

The state continued to silence and murder innocent people with no definite end, despite the plea made by the Church to end the suffering. The threats and rumors about ending Romero's life only inspired him to denounce the repression and inequality more publically than before. As he witnessed how unjust and repressive the government behaved against its citizens, he changed his position and aligned himself with the oppressed. By changing his allegiance, he attempted to persuade the government and death squads to respect human dignity and stop the repression. The assassination of Romero reflects the severity and broader tensions that infected various actors of Salvadoran society such as, the government, the poor, and religious leaders. The government killed a beloved leader, who represented an important institution to the country and an important position in politics.

Even though El Salvador was predominantly Catholic during the war, the government had no fear ordering an assassination of a leader of the Church. The fact that the government could easily murder a religious figure speaks volumes to the extent to which the government used violence and repression to silence the opposition. However, the government subsequently created a martyr, uniting the oppressed to fight around a common cause: Romero's vision of peace and nonviolence. The oppressed were willing to risk their lives to fight for their voice in government because they were cognizant of the grave violations of their inherent human rights. The publicity of Romero's death proved to the oppressed that no one was safe from repression; repression was widespread and indiscriminate.

Romero's death invigorated the peasants with anger, which led to the official start of the civil war in El Salvador in 1979. The government reacted to the peasant's fighting by utilizing death squads to carry out grave human rights abuses such as torture, disappearances, and mass killings against innocent individuals for denouncing the government or suspicion of aligning with the left. Members of death squads in El Salvador typically were members of the military and were instrumental in perpetrating Crimes Against Humanity, such as torture and enforced disappearances and assassinations during the war. In retaliation, guerilla members of the

Farabundo Martí National Liberation Front (FMLN) perpetuated violence against the government and army in order to protect innocent rural community members. Violence and impunity escalated on all sides for twelve years; the people were scared for their lives due to the war and the continual abuse of human rights without accountability by the government.

After years of violence and egregious human rights abuses caused by the war, the international community intervened to end the armed conflict in El Salvador and implement democratic reform. The United Nations (UN) mediated a peace process between the two main actors of the conflict, the FMLN and the government of El Salvador. The Peace Agreement was signed on February 1, 1992 and enumerated numerous reforms aimed at transforming Salvadoran society from severely repressive to a democracy. Following the Peace Accords, the UN established a truth commission to investigate the Crimes Against Humanity that occurred during the war. The Salvadoran Truth Commission states, “the commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth” (United Nations 1992). The Commission’s purpose was to seek, discover, and publicize the truth in regards to the violence perpetrated by the FMLN and the government. The Truth Commission detailed the crimes, named who was culpable, and gave recommendations on how to restore justice for the victims and how to reform society in a democratic way. The Truth Commission supported goals of a democracy by protecting the wellbeing of individuals and recognizing the equal worth of each individual. Through those details, the commission validated people’s historical narratives on the suffering they experienced and helped to remove the sense of impunity since it is a public and published document. The Truth Commission aimed to deliver justice to the Salvadoran people by reconciling the nation and creating a culture of human rights, which supports democratic ideals.

One would assume that with the conflict resolution mechanisms and democratic reforms, the culture of El Salvador would be one that embraces human rights and discourages violence. Despite the progress of implementing democratic norms such as the right to open and fair

elections, there have been some shortcomings to the success of the transition. Violence remains prevalent in the country due to high levels of criminal activity and gang violence. According to the US Department of State, gang activities in prisons and juvenile facilities remain a grave problem (2013). In 2013, detention center facilities held 10,576 inmates who were current or former gang members because many of them lack sufficient economic and educational opportunities as a result of the war (US Department of State 2013). Many of these gang members were influenced by the violence of the armed conflict as they witness the impunity that exists around those who committed human rights abuses during the war, so they feel safe that punishment will not reach them either. Despite the levels of violence remaining in the country, the physical security of individuals has improved since the introduction of democracy, but has not sufficiently improved that Salvadorans do not fear for their safety. Therefore, depending on one's definition of success, the democratic transition can be seen as successful.

The Director of Field Operations and Technical Cooperation Division for the Office of the High Commissioner for Human Rights, states, "Twenty years after the signing of the Peace Agreements, El Salvador's democratic transition remains an example and an inspiration for other peoples suffering from violent conflict around the world" (Kompass 2012). The UN considers the peace process and democratic transition in El Salvador as a success. Yet, if one were to look at the daily lives of Salvadorans, the murder rates, and the inequality among the poor and wealthy and between men and women; one should question whether the lives of Salvadorans are improved in terms of physical integrity security. It is evident that the violence in El Salvador has transformed from one of political violence to criminal violence with the growth in violence among civilians and gang violence. One must consider how this change in the culture of violence has influenced Salvadorans lives. Although there has been a decrease in state repression, its important to examine if people still fear for their lives as they did during the war and what role the government plays in preserving or ignoring Salvadorans safety. One needs to understand the



relationship between the transition to democracy and how that change influences present day Salvadorans in regards to violence and the general violation of civil and political rights.

This paper analyzes the impact of the peace process in El Salvador to better understand how the transition to democracy affects state repression and influences the promotion of human rights after armed conflict. The first part of this paper provides a brief overview of the civil war in El Salvador so one can analyze the difference in respect towards human rights and violence during the war compared to the present day. Then, the paper explains the role and influence of two conflict resolution mechanisms that helped to end the armed conflict. First, the Peace Accords established many democratic reforms with the intent to end high levels of violence and impunity in the country. Second, the United Nations formulated the Salvadoran Truth Commission after the Peace Accords to further reconciliation and peace in the nation as a transitional justice mechanism. This research emphasizes the electoral reforms, which were required by the Peace Accords to transition El Salvador to a democracy. The electoral reforms were an integral facet of the democratic transition to implement free and fair elections, which help promote democratic norms and political rights. Then the paper analyzes qualitative data from interviews and scholarly sources as well as quantitative data to assess the current culture of human rights and violence in El Salvador. Finally, the paper concludes with findings of significant trends and shortcomings of the democratic transition of El Salvador.

This research is important to individuals and institutions that are interested in the process of instituting an effective democracy that strives to uphold human rights principles in a post-conflict region. The research seeks to understand the roles and relationship between the democratic transition and conflict resolution mechanisms and bringing about the protection of human rights and lessening repression. In addition, conflict resolution mechanisms continue to be used in war torn regions, and so it is necessary to analyze how and to what extent those mechanisms function to end conflict and promote the most basic civil and political rights is important. One can learn from history and possibly improve peace mediation and transitional

justice practices by analyzing the influence of those mechanisms. By studying the situation in El Salvador, one can see the impact of a peace process during a transition to democracy and better determine how and in what ways human rights promotion under a democratic regime influence levels of violence.

## **Methodology**

### Research Method

This research utilizes a mixed method approach including both qualitative and data collection. With such an approach, the research can be understood from multi-level perspectives and cultural influences. Framing the research with both statistical, theoretical, and first hand accounts provides supporting information to previous research on this topic. The principle method of the research is the qualitative analysis component, which involves studying previous scholarship on conflict resolution mechanisms, truth commissions, the relationship between democracy and state repression, and human rights in El Salvador. To complement this scholarship, I conducted interviews with local community women, human rights NGO leaders, and politicians to see how each individual experienced the war and how the transition has affected them personally. The quantitative component of this project analyzes existing data on levels and types of state repression and violence in El Salvador by studying the United States Department of State Country Reports and Amnesty International country reports.

For the majority of my research, I utilized scholarly sources to supplement the focus of my project. Cited within the research are authors whom are experts in the fields of human rights, democratic practices, Latin America, and conflict resolution mechanisms such as peace accords and truth commissions. Therefore, they were credible sources of information that allowed me to analyze past literature and synthesize the information in a new way. These scholarly sources were reliable sources of information because the sources were published academic journals or articles from known magazines or databases. After reading and compiling the main points of each source,

I compiled this information in a literature review to demonstrate how this research was previously studied. However, with my additional research, this project presents a new puzzle to understand the influence of conflict resolutions and democracy.

In addition to studying scholar's work and collecting data, I have visited El Salvador twice. By visiting the country, I experienced the culture, witnessed the political landscape of the country, and conversed with natives on a professional and conversational level. The first visit to El Salvador in 2013 exposed me to the horrors of the war and the impact the violence had on the country today. I met with NGO leaders to hear about gang violence, the challenges with migration, sweatshop conditions, and the efforts of mothers of the disappeared to hold the government accountable for its actions. In order to gain firsthand information for my research question, I traveled to San Salvador, El Salvador a second time to conduct semi-structured interviews with applicable people. These interviews were conducted from August 8 to August 14, 2014. Reading journal articles and other scholarly sources is helpful, but interviewing Salvadorans who experienced the civil war and transition, are a government official, or are working in the human rights realm provide different knowledge than a journal because they are living there. Individuals who experienced the transition to democracy and participate in society today received an email or phone call in order to recruit them as a subject for an interview. I selected specific human rights NGOs that participate in civil society such as CoMadres or ProBusqueda, which are organizations that work for recovering information on disappearances. Then, I conducted interviews with two government representatives, each one from a different political party in order to see the polarization within the political system and hear different perspectives. Lastly, I spoke with three women who are active in their rural community of Guarjila. By speaking with the rural community members, I was able to get a less formal and academic perspective on my inquiries, which proved to be important for my research because majority of the Salvadoran population lives in rural communities like theirs. All interview subjects previewed a set of questions that would help guide the individual to disclose their

experience during the war and transition and their viewpoints on the mechanisms used to end the conflict and promote democracy. (See Item A in the appendix for a list of the interview questions used). Each of these interviews helped to answer the research question regarding the impact of the conflict resolution mechanisms and democracy on levels of political violence and respect of physical integrity rights.

This project explores the influence that conflict resolution mechanisms and the democratic transition had on the level of civil and political rights protection, thus, making the independent variable state repression. To study this variable, the research examined practices that violated the civil and political rights of Salvadorans. These practices included enforced disappearances, torture, and mass killings. The dependent variable is the quality of democratic practices in El Salvador. In order to complete a statistical analysis, this project used variables and data obtained from existing data sets and public records. The United States Department of State Bureau of Democracy, Human Rights, and Labor compiles country reports on human rights practices each year. Amnesty International (AI) provides annual country reports including background information and reports on human rights records. Additionally, AI publishes human rights records on a variety of topics for different countries. One can select the human rights topic of interest to them and find a published report detailing the human rights condition in the country.

In order to explore the influence of democracy on levels of state repression and human rights protection, this study used the data obtained from AI and the Department of State and compared the statistics from 1977 to the post war period and from 1990 to the present day. The purpose of comparing the statistics period by period is to determine how the introduction of democratic practices influenced the levels of state repression. The official start of the Salvadoran Civil War occurred in 1979 after a coup, however, the events preceding the recognized start of the war included repression and fighting between the guerillas and the government. It is important to study the behavior of the government before 1979 and compare it to the behavior during and after the war to understand the influence democracy had on the country. I selected the 1977 because

Monsignor Romero became Archbishop of El Salvador, which influenced the political landscape of the country.

The data collected in this research was from credible sources, so it accurately sheds light on the research question. The data compiled was relevant to the study because each source contained statistics that supported the principle variables of the study. The limitations encountered in gathering the data derived from possibly not covering each human rights condition in El Salvador because of lack of resources and studies on those topics. A potential gap in the data could derive from only finding the different types of human rights abuses and conditions from using different sources online and government websites. Each source reported on different human rights conditions. Despite this, using various sources to study how repression has changed over the years rather than compilations of another researcher allowed me to analyze new information within the framework of my project.

## **History of Conflict**

El Salvador is geographically the smallest and most densely populated nation in Latin America. Despite its small size, the country has experienced a significant increase in violence since the 20<sup>th</sup> century, which can be attributed to a growth in socioeconomic inequality (Chavez 2004). The presence of political violence is rooted in the establishment of the liberal state during the 20<sup>th</sup> century under Rafael Zaldívar's presidency (1876-1885) (Chavez 2004). Becoming a liberal state required economic, political, and social reforms to reorganize society. President Zaldívar introduced coffee as a monoculture, which became a major cash crop for El Salvador during that time. Yet, only 2% of the population benefited from this profit, which created a disparity between the small powerful elite and the impoverished majority (Haggerty 1990). Zaldívar established other reforms such as the expropriation of indigenous lands and the creation of a coercive security force, which included a permanent army, police, and paramilitary forces.

Each reform had a lasting effect on the country by fostering a culture of violence within the military and civilians (Chavez 2004).

As socioeconomic tension and ethnic conflicts grew overtime, the ruling oligarchy responded with unmeasured repression and employed its dominance with coercive tactics. The government utilized state terror, terrorism, and enforced a national ideology based upon social exclusion, racism, and anti-communism to remain in political power (Chavez 2004). Exclusionary practices deprived majority of the population from their basic human needs, as the propertied elites were the only ones who benefitted from the privileges. The indigenous and mestizo cultures experienced racism in forms of institutional racial discrimination to human rights violations. Due to the extreme social inequities and repression, peasants formed the Central American Socialist Party in 1932, with an anti-government ideology (Chavez 2004). The Socialist Party aimed to overhaul the current government since the indigenous and peasant people endured human rights abuses, racism, and social inequality. Led by Farabundo Martí, supporters of the Socialist Party formed an uprising to fight for the recognition of their rights. Known as the 1932 Salvadoran peasant massacre or “La Matanza”, the government violently suppressed the uprising with the military carrying out an ethnocide against the Pipile people and other indigenous groups (Chavez 2004, Keogh 1982). Within six days, the army killed 30,000 innocent, civilian peasants due to the uprising (Keogh 1982). Moreover, the military arrested Martí and put him to death. The military subsequently took power over the country with the dictatorship of Maximiliano Hernández Martínez from 1931-1944 (Chavez 2004). The massacre in 1932 reinforced strong distrust and animosity among the peasants and indigenous towards the government, military, and elite. The state of El Salvador became heavily militarized, which created a cycle of normalized mass political violence.

By 1969, the power of the military grew once an armed conflict erupted between El Salvador and Honduras from disputes over immigration land reform laws. Although the conflict only lasted four days, the disruption of trade between both nations damaged the economy. The

peasants further felt the economic hardship and social exclusion as the prosperity of the economy diminished. Corruption increased as the government increased its military spending and purchases of arms to modernize the Salvadoran army (Haggerty 1988). At this time, it was evident that the concerns of the government were solely on strengthening the military in order to be perceived as a developed and legitimate nation.

However, the legitimacy of the government of El Salvador dwindled as the elections of 1977 were marred by blatant fraud and voter coercion by government sponsored paramilitary forces (Armstrong and Shenk 1982). General Carlos Humberto Romero, who represented the National Conciliation Party, defeated the Revolutionary Party of Democratic Unification. Before his inauguration, the popular movement led protests against the electoral fraud that were met by state repression. During President Romero's incumbency, the government suspended Salvadoran's right to civil liberties by implementing the systematic use of torture, death squads, enforced disappearances, and extrajudicial killings against the political opposition. Socorro Jurídico Cristiano, an individual who worked at the Christian Legal Assistance Aid Office in the Archbishop's office, documented in 1978 the killings of 687 civilians at the hands of government forces (Stanley 2006). In just two years, the number of documented killings increased to 1,796 as the government continued to repress any individual who denounced the government (Stanley 2006). As tensions mounted within the country, a coup occurred in October of 1979 to depose President General Romero. The Revolutionary Government Junta (JRG) gained power and enacted minor land reforms, nationalized certain industries, scheduled elections for February 1982, and disbanded ORDEN, a paramilitary death squad in 1979 (United Nations 1993). The JRG desired to project a populist image and as a result, these reforms faced strong resistance from the military and the elite. Since the military and wealthy elite controlled the state, the implementation of these measures was stalled. Protests from the left ensued as they continued to demand government recognition of the rights of the marginalized.

The cycle of repression and resistance established a culture of violence that permeated all sectors of Salvadoran society. Peaceful demonstrations were met with arbitrary violence and killings by the military. Disparities between the wealthy elites and poor deepened as the government continued to appease the rich minority to remain in political power. The utilization of terror and terrorism were methods commonly used to mediate social conflicts. Moreover, the state had a complete disregard of value and respect for human life. By 1980, the growth of social and ethnic struggles along with decades of authoritarian rule led to an increase in repression leading up to the start of the Salvadoran Civil War. The assassination of Archbishop Oscar Romero on March 24, 1980 ignited a period of mourning, but also an increased motivation to fight for justice and the cessation of repression. Government sanctioned violence increased as guerilla members responded with resistance and violence. The struggle to gain respect for the most fundamental human rights had begun as war waged in the country for twelve years.

## **Literature Review**

In order to mediate the armed conflict in El Salvador, the international community established two primary conflict resolution mechanisms, to drive the spread of democratic reforms and practices. The specific mechanisms that many scholars focus on are the Peace Accords and the Truth Commission. Both of those mechanisms instituted reforms and recommendations for Salvadoran society to transform into a democracy that established the rule of law, respect for basic civil and political rights, and other democratic principles such as free and fair elections. Open elections was one of the principle democratic reforms included in the Peace Accords because the international community and Salvadoran society recognized the important influence fair elections have on democracy and the exercise of other rights. Many scholars analyzed the influence free and fair elections have on the democracy and state repression in El Salvador. The following sections will discuss previous literature on the topics of the impact of the Peace Accords, the Salvadoran Truth Commission, and democracy and the democratic practice of



elections. In addition, each section includes major patterns, trends, and implications of the conflict resolution mechanisms and democratic transition.

### **Peace Accords: The Aims, Achievements, and Shortcomings**

The purpose of the Peace Accords was not only focused on the cessation of violence and armed conflict, but also to establish a democracy. A negotiated resolution to civil conflict was the preferred option to remedy the civil war in El Salvador. The Salvadoran government and its opposition, the FMLN, signed the peace accords after two years of negotiating the terms included in the document (Dodson and Jackson 1997). The Accords, as a mechanism were used to reaffirm that the purpose of the government was to “to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society”, which is aligned with the Geneva Agreement (United Nations General Assembly 1992). The Geneva Agreement of April 4, 1990, was a conversation and compromise between members of the FMLN and government of El Salvador. Each party promised that they were in support of all the terms of the peace process and were serious and good faith intention to bring an end to the conflict through peaceful means. Within the Peace Accords were nine chapters on problematizing the military behavior, police, political parties, and economic and social issues, among many others. It was necessary for the Accords to articulate how norms related to justice, human rights, and democracy should be diffused in order to reform the post conflict society.

Moreover, the UN “peace building sought to address the underlying causes of civil conflict and create ‘the political conditions for sustainable, democratic peace’” because remedying the root causes of conflict would prevent the state from reverting to the same repressive behavior (MacLeod, 2006, Lopez-Reyes 1997). The UN aimed to address the underlying causes of the war through the Peace Accords and work of the United Nations Observer Mission in El Salvador (ONUSAL), but not expected to resolve the socio-economic causes of the war (Studemeister 2001). One of the primary causes of the armed conflict in El

Salvador can be attributed to the economic and social exclusion and inequality present since around 1885 (Chavez 2004). For example, there were privileges for the propertied elite while the majority of the population suffered from a deprivation of their basic human needs. Beverley writes that for nearly a century, the so-called Fourteen Families dominated the land in El Salvador (1982). These families were the strongest in the region and owned the best land for the production of most important agriculture in El Salvador. By 1971, together, only six families owned as much as 80% of the land of rural populations (Beverley 1982). Therefore, it was necessary for the Peace Accords to include terms on how best to remedy the grave social and economic exclusion present in El Salvador to ensure a peaceful and democratic future.

One of the prerequisites for the democratic reunification of Salvadorian society is the sustained economic and social development of the country. At the same time, reunification of Salvadorian society and a growing degree of social cohesion are indispensable for fostering development. Hence, the set of agreements required to put a definitive end to the armed conflict in El Salvador must include certain minimum commitments to promote development for the benefit of all sectors of the population. (United Nations General Assembly 1992).

It was believed that fixing these issues would reunify the country under peace. Thus, the Peace Accords included a Land Transfer Program to benefit those directly involved and affected by the war (Studemeister 2001). Yet, this program only involved more than five percent of the national territory. The government was required to transfer land, write new legislation on a more unified agrarian code, and redistribute land in conflict zones. After the implementation of the land reforms, Salvadoran society continues to struggle in attempt to change the economic system based on severe unequal land distribution. Despite the struggle for equity, the fight occurs in the political battlefield rather than in armed conflict. It is evident that each of these efforts served to reform society into a more just and equal society unlike the periods leading up to the war.

Many scholars have found there to be a positive impact of the Peace Accords. It is evident that the accords ended the armed conflict in El Salvador, which remains the most important effect of the accords to most Salvadorans. However, other social, political, economic,

and legal reforms in society have taken place that demonstrates the positive impact of the accords. Judicial reforms were significant after the war in order to combat the overtly partisan judicial branch. An impartial National Council of the Judiciary generated nominations to the judiciary, and it was necessary to receive a two-thirds majority to ratify the judicial appointments (Stanley 2006). In the past, the majority party in the legislature ruled over the Supreme Court, which resulted in controlling the lower courts. Although the implementation of the judicial reforms took till 1994, the changes helped to remove incompetent and corrupt judges in the lower courts (Stanley 2006). Judicial performance has since improved considering the corruption and inefficiency of the courts during the war.

State reforms after the Peace Accords resulted in a decline in military involvement in the political system, some prosecutions of officers of various ranks who committed human rights violations during the war, and changes to the police force that made the force more transparent and accountable to the public (Stanley 2006). For example, the sole job of the military now is for national security and protecting sovereignty by watching the borders of El Salvador. The military is no longer involved in any political decisions and it is illegal for the military to interfere with political action. The purification of the military helped to bring the force under the control of the people (Lopez-Reyes 1997). This has proved to be a successful reform by removing the military from politics. For example, a presidential candidate for the most recent election demanded a recount of votes because he did not believe the results. He demanded that the army intervene in the election to deem the election invalid. Yet, the military refused to partake in his demands and reminded Salvadoran society that the military has no place in politics.

MacLeod (2006) wrote that the Salvadoran peace process can be considered a success because the country has evaded a relapse of political violence and faced heightened democratic participation because of the Chapultepec Accords. In addition, there has been no large-scale return to state repression or violence in more than five years after the removal of UN forces. The perception is that the government no longer utilizes political violence as a means to protect

interests and repress the majority. The country adopted this perception with the introduction of democracy and the diffusion of norms on the importance of human rights. The diffusion of human rights norms has been able to spread in post-war El Salvador due to the growth of civil society, democracy, and the presence of the National Council for the Defense of Human Rights (la Procuraduría para la Defensa de los Derechos Humanos, PDDH). The PDDH is an institutional body established by the Accords that monitors and investigates the behavior of state actors to hold them accountable to human rights norms and laws, ensure they are upholding their just duties, and receive complaints from victims about abuses. The PDDH was an ineffective position due to lack of human rights knowledge and a conciliatory approach until 1995 (Stanley 2006). Once a new procurator arrived in 1995, the office became more active with its investigations, which helped garner higher public approval than other government institutions (Stanley 2006, Dodson and Jackson 2004). As symbolic and important that this monitoring body is, it possesses some faults that impede the progress of human rights.

An additional positive impact of the Peace Accords was the transformation of political parties. The Accords mandated the creation of the FMLN as a political party rather than a leftist guerilla movement. Moreover, the Accords recognized the rights of former FMLN combatants to fully exercise their civil and political rights without any restrictions. The FMLN is a political party that resonates with the interests of the people because they were the ones defending the innocent during the war (Almeida 2009). This political party aligns more with Salvadoran social movements and those beliefs that support human rights than ARENA. It is important to recognize each reform that the branches of the government, state institutions, and civil society underwent as a result of the Peace Accords. It is evident that each reform contributed to the transformation of Salvadoran society to become more transparent, democratic, and accountable to the public.

While there are some apparent success stories, the Salvadoran government has not yet substantially implemented all of the provisions enumerated in the Peace Accords. For example, corruption remains within the government and elections, despite the reforms to combat the culture

of fraud practiced by the dominant classes. The level of corruption is not nearly as high as it was in the past, but it has not been eradicated completely. Holiday and Stanley (1993) provided some examples of shortcomings from the Peace Accords. Public insecurity has reached new highs in the 1990's when violent crime increased and the newly formed police force unable to control that level of crime. In 1997, crime levels peaked with death rates exceeding those seen during the years of the war (Stanley 2006). Despite the reforms to the National Civil Police, corruption and some abuse of power remain within the force. The United States Department of State cited that the Procuraduría para la Defensa de los Derechos Humanos (PDDH) received 58 complaints against PNC officials (US Department of State 2013). The PDDH also reported receiving 137 complaints of illegal detentions such as arbitrary arrest or detention by the PNC (United States Department of State 2013). Those levels of violence now have become a trend in El Salvador leaving the government and police force unable to control or stop the violence.

In addition, the Accords failed to integrate demobilized soldiers into society. Former soldiers, guerilla fighters, and death squad members were cast aside during the transition to peace, which led to an abundance of arms within the countryside and a restriction on their memories (Garibay 2007, Lopez-Reyes 1997). The abundance of arms can help to explain the rise in criminal violence after the war. The lack of recognition towards the memories of soldiers derives from the lack of emphasis on rehabilitating soldiers as victims as well. Majority of the emphasis of the Accords was on the future evolution of the fighting groups, rather than perceiving them as victims or witnesses to atrocities. Without rehabilitating or reintegrating these individuals into society, they are not able to participate in society, which will have social, economic, and political consequences. In conclusion, the Peace Accords led to significant reconstruction, reconciliation, and democratization in El Salvador despite the shortcomings.

### **Role of a Truth Commission**

The Peace Accords also mandated the establishment of a UN sponsored truth commission to attempt to reunite the country. A common instrument aimed to reconcile a nation after conflicts

are truth commissions. There are international and domestic truth commissions; the difference is the actor who sponsors the commission. Hayner stated commissions are “bodies set up to investigate a past history of violations of human rights in a particular country- which can include violations by the military or other government forces or armed opposition forces” (1997, 600). Through fact-finding, a country is able to create accurate record on past human rights abuses and debated government acts, which could be misplaced or re-written because people do not want the truth on past violence. These bodies are typically established during a point of political transition used to show the change of a country’s human rights record, to encourage national reconciliation, or to attain political legitimacy (Hayner 1997, Gairdner 1999). Truth commissions serve as an acknowledgment of the truth because the information helps to bring peace of mind to the public since the truth was denied during the armed conflict.

The Truth Commission in El Salvador was established in order to respond and investigate the gross and systematic human rights abuses during the Civil War. The UN granted the commission six months to document the extent of human rights abuses and violations of international humanitarian law. (Hayner 1997, Ensalaco 1994, Guadado 2012). This commission conducted many interviews with civilians to compile statistics on human rights abuses into the final report. The final report of the commission, named *From Madness to Hope: The 12-Year War in El Salvador*, details the systematic abuses against civilians by the armed forces, death squads, and the armed opposition. The armed forces and death squads in contrast to the armed opposition committed majority of the abuses described in the Commission. Moreover, the report points out the lack of an effective judicial system and proposes measures for reform. The Commission recommended legal, political, and administrative measures based upon the results of the investigation. “The recommendations which follow are intended to outline the basic prerequisites for this transition and to ensure that it leads to a democratic society in which the rule of law prevails and human rights are fully respected and guaranteed” (United Nations 1993, 173). Because of the investigation, the commission found that the rule of law was nonexistent; the three

branches of government were at the hands of the military that received no consequences; illegal armed groups were rampant, among many other issues that challenged the protection of human rights and promotion of peace in the country. However, the aim of the truth commission was not to alleviate the political, social, and economic inequities but rather publicize the atrocities of the war.

El Salvador founded their democracy on the truth commission with the belief of the right to truth (Panizza 1995). Since a truth commission's purpose is to investigate the truth about human rights abuses, many assert the right to truth as a human right. This new concept of a right is significant because it recognizes that people have the privilege to know what happened to their loved ones. For example, in the case of a disappearance, a family member of the disappeared can assert that they have the right know the whereabouts and fate of their family member as a form of justice. Also, to establish legal and moral accountability during a period of democratization, truth commissions are essential so the public can place their trust in the government again (Kaye 1997). By a government recognizing the right to truth, the public is able to place their trust in the government again. Furthermore, the government receives moral accountability by recognizing the right to truth because they accept they were in the wrong and the public has the right to know about it.

Before and during the war, there was a lack of legal accountability, impunity, unfair and unrestricted elections, and an ineffective judiciary. Some of those issues remain in the political system today, but the Truth Commission and Peace Accords attempt to reform those issues to allow Salvadorans to have a functioning and accountable government. The truth commission was also important because it engaged the public in truth finding and telling, which is essential to change how the public addresses and deals with conflict. Ensalaco stated that the purpose of the formation of the Truth Commission was "as a means to recover the truth about decades of political violence, and to recommend reforms aimed to prevent its recurrence" (1994, 656). In this way, the Commission serves as a deterrence for political violence by demonstrating the severe

effects that repression has on society. By listing statistics on the innocent victims who succumbed to the repression, society was able to see how many people were affected as a result of the repression, which helps instill a 'never again' attitude. Therefore, the commission argued that only upon the foundation of truth, could justice and national reconciliation be met. Has justice and reconciliation been delivered to the Salvadoran victims?

### **Positive Impacts of the Truth Commission**

The Salvadoran Truth Commission influenced society in many positive aspects. The commission had a positive effect on the judicial system and the coercive branch of the government by combating impunity and reforming police forces (Kaye 1997). The reforms regarding the police force were important because they created national civilian police force. The agreed upon terms were that one-third of its members would be civilians, one-third would be from the military, and another one-third from the guerillas. By including civilians, it proved to the people that the government was serious about creating a police force used for the people, not against them. Civilians included in the new police force, the National Civil Police, were not involved in any of the atrocities from the war. The public has been receptive to this change and many have positive experiences with the police unlike before the democratic peace transition.

Additionally, the truth commission made immense contributions to the cause of justice and for the protection and promotion of human rights through reparations, naming and shaming techniques, and reforming institutions to follow international and humanitarian law through human rights treaties (Ensalaco 1994). There were recommended economic and psychological reparations aimed to rehabilitate victims. The naming and shaming techniques of the Truth Commission helped to tarnish the reputation of former political and military leaders by associating them with the atrocities that occurred during the war. These individuals no longer received respect in society nor were able to hold high-level positions within the new government.

It is important to note that a commissions finding is not equivalent to pronouncements of criminal guilt (Nevins 2003). After the publication of the Truth Commission and transition to



democracy, the government of El Salvador became party to many human rights treaties, which aimed to modify the repressive behavior from the past. The commission helped foster a culture of human rights and instill human rights norms in El Salvador through encouraging the state to become party to principle human rights treaties. Some examples of these treaties include, the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Although these treaties are not a guarantee that a state will uphold the legally binding conditions set out in them, they prove that the government is at least acknowledging the principles enumerated in them, which would not have occurred under an authoritarian regime.

The mandates enumerated in the Truth Commission inspired hope in the people, but more importantly, it contained the aspirations and necessary steps for the Salvadoran transition to democracy. The official acknowledgement of the widespread abuses of the war was especially important for the Salvadoran people as well as the transition to democracy (Hayner 1997, Guardado 2012). Sikkink writes “it is difficult to build such a system while simultaneously ignoring recent gross violations of political and civil rights, and failing to hold past and present government officials accountable for those violations” (2011, 155). Therefore, acknowledgement of former human rights abuses is important to create a stable democracy, so people know that the injustice that occurred is not forgotten or ignored. Sustainable peace and democracy in the region is essential in order for increased respect of global human rights norms and enforcement of human rights law and humanitarian law. Two oppositional groups signing the Truth Commission acknowledges that the country wanted to reform and rebuild itself after the war by establishing justice and human rights at the forefront of the transition.

### **Negative Impacts of the Truth Commission**

Although there were many positive impacts of the Truth Commission, some negatives resulted. The Salvadoran Truth Commission, which was solely made up of international actors, had a different level of effectiveness and consequence than a national truth finding project

(Guardado 2012). Furthermore, Hayner (1997) stated that the Truth Commission was the first commission to be fully funded, sponsored, and staffed by the United Nations. There was an Ad Hoc Commission in place during the transition as well, which was made up of Salvadorans, and Guardado (2012) argued that the Ad Hoc Commission was more helpful for Salvadorans. Her evidence to support this claim is through the involvement of local actors, they were able to determine what was best for their country, which they know since those individuals are from El Salvador. The fact that the truth commission excluded the contributions from local actors proved to have a negative impact on the country because local actors played little role in deciding the political, social, and economic future of their country, which prevented complete reconciliation of the country (Guardado 2012). One such impact was when the international commissioners left the country, the commission's goals diminished because it left the job up to local actors. These local actors and leaders did not possess the same political leverage that the international actors did, so many recommendations have not been carried out.

Additionally, all of the recommendations have not been carried out yet because of the polarization in the political system. The political culture remains very politicized between the right and left ideologies; neither side wants to accept responsibility for actions during the war or be responsible for enacting the unfinished reparations (Guardado 2012, Kaye 1997). For example, the truth commission established forms of compensation for victims, but the government has yet to carry out those responsibilities. In addition, many guilty of committing those crimes and human rights abuses deny they did anything wrong (Kaye 1997). As a result, many victims have not received the truth and remain waiting until the government or civil society takes some action to uncover the truth about human rights abuses. This creates a culture of distrust between the government and the people of El Salvador because of the lack of inaction towards unjust actions, which was supposed to be modified from the Peace Accords and the recommendations in the Truth Commission. Therefore, scholars and Salvadorans question if the Truth Commission worked. Despite the Truth Commission validating the truth to victims and broader society

through the establishment of a public record and official memorial of the truth, the country is still suffering from impunity and economic oppression as well.

Furthermore, the commission excluded many cases of human rights abuses that occurred during the war. It is evident that the Commission investigated the most grave human rights abuses such as massacres, disappearances, and torture. It would not be possible for the commission to investigate every human rights abuse that occurred during the war, especially in a fair way. The commission had to ensure they investigated the army, death squads, and opposition equally so people could trust that the investigation was not biased towards one side (Guardado 2012). Yet, there was more evidence towards the actions of the death squads and army, which caused the perception of imbalance and incredibility in the Truth Commission. The incredibility of the Commission spread to the public because of the exclusion of many instances of rights violations. The commission was mandated to investigate “serious acts of violence” that followed a “systematic pattern of violence or ill-treatment”. The commission heard more than 22,000 cases from victims and witnesses of violence, but failed to bring all cases to attention (Hayner 1994, Ensalaco 1994). Due to the lack of coverage on all violations of human rights, some people felt as if the violation they suffered was not as grave as another. This created a perceived hierarchy of rights and instilled concern in the human rights activists.

There is much academic discourse challenging the effectiveness of truth commissions as a conflict resolution mechanism. Some scholars argue that truth commissions are effective conflict resolution mechanisms that provide a remedy to a state that experienced extended human rights abuses (Ensalaco 1994). It is a vehicle to recover the truth about periods of political violence and a way to prevent an atrocity from reoccurring by publishing the details of past human rights abuses. Society is able to learn from its history in order to deter a recurrence of similar violence in the future because commissions help to facilitate a break from former norms of violence (Hayner 1994, Guardado 2012).

Moreover, to establish legal and moral accountability during a period of democratization, truth commissions are essential so the public can place their trust in the government again (Kaye 1997). Without the government's recognition of past abuses, it may be difficult for the public to trust that the government will not utilize violence in the future. Hayner argued that the usage of truth commissions has increased over the years because of the success and attention of the El Salvador Truth Commission (1994). The Salvadoran Truth Commission received unprecedented attention, which helped make a truth commission a "known and attractive entity" (Hayner 1994). Acknowledging former abuses helps to reconcile the public with a shared understanding of the truth, which helps heal former wounds experienced during a war.

Others argued against the effectiveness of truth commissions for mediating conflict and restoring peace in a post-conflict region. Truth commissions are distinct from legal accountability, which are mechanisms such as human rights trials through prosecutions. The purpose of a truth commission is to identify the violators and the degree of abuses, not necessarily deliver justice as prosecutions can accomplish. It is important to note that a commission's finding is not equivalent to pronouncements of criminal guilt (Nevins 2003). It has been argued that justice and the desire for truth should be separated, so some argue "prosecute and punish vs. forgive and forget" (Sikkink 2011, 143). From this perspective, truth commissions are perceived as only a form of truth for victims, which hold no accountability for those who committed the human rights abuses. Yet, Hayner cautioned post conflict governments in investigating and publicizing the past for a couple reasons. First, leaving the past alone may be best because digging up the past can have negative consequences. In addition, there may be a lack of political interest within society because of more pressing national priorities or the availability of more desirable mechanisms than a truth commission (Hayner 2000). Truth commissions are part of the truth phase of conflict resolution whereas prosecutions are in the formal legality stage by bringing individuals to court (Hayner 1994, 605). Some believe that, "'reconciliation' sometimes became a euphemism for 'no trials'" (Sikkink 2011, 144). Therefore, many are in favor of prosecutions to

mediate conflict and hold important actors accountable rather than solely truth commissions to reconcile the nation<sup>1</sup>.

Another argument against utilizing a truth commission as a conflict resolution mechanism is that governments can choose to ignore them. Many truth commissions contain recommendations for the transitional government to implement in order to create a political culture that respects the rule of law and human rights. However, these recommendations are not legally binding on the government or enforced by the commission; they are solely recommendations. It is up to the newly established government to implement progressive ideas that challenged the previous political, economic, and social culture of the country. In some cases, there is a shortcoming from government's to recognize the material presented and take seriously the recommendations laid out in the report since they are voluntary and only address former abuses (Guardado 2012). After commissioners leave the country, it is up to the current government to put into action the recommendations from the commission. Many regimes can choose to ignore these recommendations for a couple reasons. First, some transitional democratic regimes are not stable enough to enforce the recommendations. The newly established government lacks political legitimacy and resources to do so (Guardado 2012).

There may be the presence of structural resistance to the political reforms from various actors because they do not want the norms regarding violence to change. In addition, the recommendations focus on the former human rights abuses rather than the present or ongoing abuses. The current government may not want to recognize the past abuses and accept responsibility for committing them because it could hinder its legitimacy. In sum, there are evident beneficial implications of the Salvadoran Truth Commission despite the scholarly debate centralized on the effectiveness and usage of truth commissions.

<sup>1</sup> There is much literature on this topic, but cannot be included in this research as it is beyond the scope of this project.

## Democracy and State Repression

After the Peace Accords were agreed upon in 1992, with the help of the international community, the Salvadoran government and society underwent many reforms in order to become a democratic country. The Peace Accords enumerated political, judicial, military, social, and economic reforms along with attempting to end impunity for human rights abuses (Stanley 2006). The international community takes pride in the success of implementing democratic ideals and practices in El Salvador for a variety of reasons. Lopez-Reyes (1997) wrote that some consider the work of the United Nations Observer Mission in El Salvador (ONUSAL) to be the most successful peace mission to date because of its efforts to end the military conflict, analyze the root causes of the war, and establishing a Truth Commission to deliver justice. Those conflict resolution mechanisms in turn created democratic reforms due to the belief that democracy would bring peace, security, and end the violence. Marina Ottaway called the process of responding with democratic reforms “democratic reconstructionism”, which has placed political democracy as a central role in remedying violent conflicts (2003). One example of a democratic reform is implementing electoral reforms to make the electoral process more free and fair for all citizens, which leads to a more transparent and less repressive society. It is important to critically look at the impact democracy has on state repression in El Salvador since ending the armed conflict was the primary goal of the Peace Accords. Thus, the focus of this research.

Democracy was established in El Salvador with the hopes of re-establishing the rule of law, creating a more equal society, respecting the rights of citizens, and responding to the demands of the people unlike before. At the backdrop of the democracy in El Salvador were the negotiated peace settlements to prove to politicians and citizens that it is possible to remedy conflict through diplomatic means (Lehoucq 2010). Some academics support that peace can be achieved through democracy by using an international relations framework. Under a liberal internationalist paradigm, peace is founded on market democracy and that the key to achieving peace is through democratic political structures (Lyons 2005). According to the International

Covenant on Civil and Political Rights (ICCPR), the minimum requirements for democracy are to have your voice heard in the political system, universal elections, and equal suffrage (United Nations General Assembly 1966). After the transition, the government of El Salvador instilled many democratic practices that align with the rights enumerated in the ICCPR.

How have the democratic reforms impact levels of state repression? Many scholars have analyzed this relationship and proposed a variety of theories to explain the relationship. Conventional thinking tells that democracies tend to uphold human rights norms and respect the rights of its citizens. Davenport and Armstrong (2004) discussed the democratic peace theory, which helps scholars study the impact that political democracy has on repression. Majority of studies find that democratic political institutions and activities decrease state repressive behavior. However, others such as Davenport (2007), Regan and Henderson (2002), Fein (1995) support the theory of “more murder in the middle”, which means that mixed and transitional regimes will be coercive because they apply autocratic and democratic principles to the behavior. There is a greater chance that states with intermediate levels of democracy, also known as semi-democracies, will repress. The inverted U relationship between form of government and political repression suggests that threats are the principle factors in political repression (Davenport 2007, Regan and Henderson 2002). According to the “more murder in the middle” theory, during the democratic transition in El Salvador, there would have been human rights abuses. There is evidence that abuses continued throughout the transition and after many of the reforms, but in a different manner than during the war (Call 2003). The change in abuses post civil war is explained further in a different section by analyzing the current state of violence and explanations for violence.

Davenport also supports threshold of domestic democratic peace, which means that if the level of democracy is below a certain level, it will not have a detectable impact on human rights violations, whereas above a certain level, democracy will negatively influence repression through a linear manner (Davenport and Armstrong 2004). Davenport also stated that there are

alternatives for peace besides a democratic model because other forms of government can possess similar characteristics as a democracy (Davenport 2007). Therefore, it is not necessary to have democratic regimes in place to respect human rights as long as the regime type shares similar values as a democracy.

Still, democracies are expected to lower state repression for a variety of reasons. Many political leaders find themselves in a cost analysis debate because they can be voted in or out of office depending on their behavior. The citizens have the power to determine who represents them in government, so they can remove someone's power if they are not upholding the democratic practices. Citizens have the power through elections to hold public officials accountable, which can impose the high political cost of losing political control (Richards 1999, Regan and Henderson 2002). Accountable rulers would not arbitrarily violate an individual's rights because of the fear of losing in the next round of elections. In addition, people in democracies tend to have similar social values, which allows diffusion of democratic and human rights norms to be accepted into society. Not only do norms influence individuals, but democratic institutions as well tend to be influenced by nonviolent and democratic norms. Systems such as checks and balances within democratic institutions support those norms, which help to make it difficult for democratic states to mobilize its institutions for repression (Regan and Henderson 2002).

Davenport (2007) presented an exception to the theory that more democratic practices lessen repression through "the law of coercive responsiveness". This law states that one of the most long-standing influences on state repression stems from political conflict because states are most likely to respond with repressive behavior under certain conditions. The inverted U relationship between form of government and political repression suggests that threats are the principle factors in political repression (Davenport 2007, Regan and Henderson 2002). He explains that states typically respond with repressive behavior when a threat exists against the political system, government personnel, economy or the livelihood of its citizens (Davenport



2007). A semi-democratic society does not have the adequate mechanisms for addressing or alleviating threats as highly democratic and autocratic societies do. Repression will be greater in those societies, but would be a last resort in democracies to remedy a threat. Therefore, one would assume that with the introduction of democracy in El Salvador, the state would approach threats in non-repressive manner. This research aims to understand if that relationship is applicable to the government of El Salvador.

### **Positive Effects of the Democratic Transition**

Democracy has led to some positive effects for Salvadorans. Since the transition to democracy, the political culture has changed to place the rule of law above the interests of individuals and political parties; enacted a system of checks and balances; and economic reforms to remove political control over economic decisions (Colburn, 2009, Dodson and Jackson 1997). In addition, a democratic regime led to the creation of a political landscape that respects human rights (Panizza 1995). The former political system controlled by the military proved to be no landscape friendly to respecting human rights. With the introduction of democracy, new political elements replaced the repressive ones in order to create a political culture more responsive to human rights (Panizza 1995). Civilians struggled for the respect of basic human rights during the military rule, so a regime that respects the most basic human rights was well received by the population. The country experienced many political, economic, and social changes during the 1990's-2000. The country operates under a neoliberal economy through privatization and IMF structural adjustment programs (SAPs). Yet, many human rights scholars do not see these policies as friendly to promoting and protecting human rights. Civil society has gained presence in the political system and works with members of the FMLN to form collectives. Each of those efforts would not be possible without the transition to democracy (Colburn 2009). Colburn (2009) also argued that El Salvador has proven to be a fine example of a recent democracy because the country fulfills its democratic duties through political competition, open elections, and strong institutions that guide the country in the proper direction.

### **Shortcomings of the Democratic Transition**

Although there has been much progress towards implementing peace and democracy through electoral reforms, scholars recognize other necessary steps to be made for El Salvador to fully implement democratic practices. There are many positive outcomes of the peace process such as electoral reforms, yet violence and corruption remains in the country. Lopez-Reyes (1997) asserted that violence continues to occur because of the current economic crisis, which relates to the unequal impact of SAPs and privatization. In addition, the lack of reintegration of veterans into a postwar society and an abundance of arms perpetuates the current level of violence (Lopez-Reyes 1997). Despite the newfound respect and freedoms, grave human rights abuses such as disappearances, killings, and torture occurred in a variety of regions even after a decade of democracy (Panizza 1995, Call 2003). Those abuses can be attributed to a weakness of the democratic institutions, social changes that influence relations with those institutions such as neoliberal economic policies and the changes in political culture (Panizza 1995). Panizza also recognized that recently formed democratic states tend to adopt a human rights discourse, but there is a large discrepancy between the political leaders promise to protect human rights and their complete respect in the region (1995).

### **Impact of Elections**

The impact of elections in post-conflict societies is disputed amongst scholars. Flores and Nooruddin wrote that some scholars assert that democracy advancement implicitly claims that elections function to make peace and soothe the political tensions present during the conflict (2011). Free and fair elections are expected to alleviate conflict because they allow citizens to freely exercise their political opinion and be represented by an individual they deem fit. However, other scholars argue that undeveloped or newly established political institutions cannot effectively handle the tensions that accompany early post conflict elections (Huntington 1968). Elections held in a transitioning society may incite further conflict instead of serving as an instrument of conflict resolution because a society has not reached a level of development capable

of holding free and fair elections. For example, an election winner can utilize their power to punish their enemies rather than respect their commitments to peace and democratic norms (Flores and Nooruddin 2011). This causes further distrust within a society because citizens feel as if the electoral process made no contribution or difference for promoting peace after transition. Without established democratic institutions, post-election repressive behavior is less likely to be deterred or stopped.

An additional critique centralizes on the relationship between human rights and national elections. Some scholars suggest that the presence of national elections is not enough to ensure democracy (Richards 1999, Taylor 1999). Richards suggested that states may utilize elections as a substation for democracy, which would harm victims of human rights abuses (1999). Elections are a democratic practice, but are not sufficient by themselves to ensure a government respects the rights of its citizens. Richards stated, “many elections are not at all representative of democratic organization, and thus...the mere presence of elections to produce the benefits of fully consolidated democracy” is unreasonable (652, 1999). Elections lack the full benefits of a democracy because they are not fully capable of forcing accountability on political leaders. Without accountability, a principal component of democratic protection is missing, which makes the presence of elections an unfit proxy for democracy (Richards 1999). For example, national elections were being held in El Salvador throughout the war, yet, repression, political persecution, and severe violations of civil and political rights existed because the citizens were unable to hold their leaders accountable. Elections were unable to prevent governmental institutions to protect human rights as can be seen during the Salvadoran Civil War.

There is scholarly work on the positive impact of elections. Flores and Nooruddin asserted that democracy advancement implicitly claims that an election functions to make peace and soothe the political tensions present during the conflict (2011). Free and fair elections are expected to alleviate conflict because they allow citizens to freely exercise their political opinion and be represented by an individual they deem fit. According Richards (1999), elections are

expected to help human rights promotion because they exhibit two essential democratic functions. First, elections provide the opportunity for citizen involvement in the political process. Moreover, elections offer a motive for elected political leaders to be accountable to their citizens. In order for a political system to be considered a democracy, the component of constituent political participation is required (Richards 1999). The mechanism in which citizens can participate in the process is through elections. Through elections, citizens are able to wield some political power over corrupt or repressive government officials because citizens would not knowingly grant political power to human rights abusers (Richards 1999). Before and during the war, corruption and fraud were commonplace throughout elections. A primary principle of democracy is the right to free and fair elections, so it was necessary for the Peace Accords to include reforms regarding the electoral system in El Salvador to attempt to combat corruption in elections. Two important concepts for a liberal democracy are majority rule to operate a political system with universal adult suffrage and the rule of law (Dodson and Jackson 1997). During the civil war, the rule of law was not present in the political system and many rural communities did not know they had the right to vote, so there was lack of political participation and government accountability to respond to the needs of the people.

Flores and Nooruddin suggested three criteria to follow in order to see the utmost success in a post-war election (2011). These authors assert that former democratic experience and institutions will strengthen post-conflict democratic institutions and elections because those societies already have democratic norms and practices established. Therefore, it is more difficult for a politician to cheat during an election, further violence in the state if they lose, or undermine democratic norms when they win (Flores and Nooruddin 2011). The first essential criteria, for a successful election, is having well-designed electoral organization, which includes honest electoral commissions to maintain a free and fair electoral process. Second, when civilians have control over the military and police, the likelihood of politicians resorting to violence before, during, or after an election is reduced because the public holds them accountable. Removing the

military from politics helps to ensure just electoral competition and removes fear amongst citizens that an election will result in further violence. Lastly, repression is less likely or reduced when there are constraints on the executive such as a nonpartisan judiciary and strong legislature (Flores and Nooruddin 2011). Although not a criterion, Flores and Nooruddin noted that when a peace agreement terminates an armed conflict, the recurrence of violence is less likely compared to military victories (2011). Therefore, there has been statistical evidence that demonstrates that elections in conjunction with democratization help to further peace building in a war torn society. The international response of “replacing ballots with bullets” has been effective for normalizing democratic practices in a former authoritarian regime, which can be seen in El Salvador. The stability and success of the electoral reforms in El Salvador support Flores and Nooruddin’s theory that previous democratic experience influences the success of elections in a post-war period.

When considering the political history of El Salvador, it is evident that elections existed, but were controlled, those who voted faced coercion to elect a certain political party, and the results manipulated. Yet, the fact that elections existed in a militaristic state helped for establishing electoral reforms after the conflict because the government, international community, and civil society were reforming a broken system rather than starting anew. Progress with the electoral reforms continues to be an ongoing process within El Salvador.

### **Elections and Levels of Repression**

There is a consensus amongst scholars who study the relationship between elections and repression that elections are key indicators whether or not sustainable peace and democracy will be possible (Lyons 2005, Davenport 1997). Furthermore, electoral processes are important to any government and democratic society because they serve as a stabilizing function and bring the people and government together as a collective identity (Davenport 1997). When people feel that their government is responsive to the will of the people, society remains more stable and peaceful because the government is demonstrating to the public that their demands are heard. Davenport

(1997) found that citizen's political freedoms increase as levels of procedural democracy are enhanced. Therefore, as more democratic practices are installed, citizens are free to exercise their rights without fear of prosecution or abuse from the government. Democracy opens up society to allow citizens to have more freedoms within the political sphere.

In regards to the relationship between elections and repression, Davenport (1997) and Lyons (2005) wrote that elections could potentially be used by the state to exercise repressive behavior. They state that elections directly influence citizens' politically relevant behavior because elections result in mobilization and communication, which the government can influence and control through political repression (Davenport 1997, Lyons 2005). Political repression surrounding an election is more likely to happen in a transitional or non-democratic government than a democracy because they may be seen as threatening rather than legitimizing (Davenport 1997). Therefore, a negative relationship exists between repression and national elections. When one important aspect of a democracy is restricted, it is more likely that the government will engage in additional repressive behavior (Davenport 1997).

Due to the importance of elections on political behavior and culture of a society, elections became a prominent factor in conflict resolution strategies. During the 1990's, many conflict resolution strategies included electoral reforms because elections fulfill an important role in supporting or deterring peace during the interim period between signing an accord and the installation of the postwar government (Lyons 2005). Elections aid a society by reconciling the country, accepting past human rights abuses, and developing an economy and stable peace, which is why they are utilized in conflict resolution mechanisms (Lyons 2005).

Before the electoral reforms, the political culture in El Salvador regarding elections was one of apathy. That attitude derived from the visible impunity and spoils system used to elect public officials to govern (Dodson and Jackson 1997). People felt as if their vote or voice went unheard by the people who were supposed to be representing them. After the reform, there was a demilitarization of politics, meaning that institutions and important political actors transformed

themselves alongside society during the democratic transition in order to preserve and promote peace (Lyons 2005). In order to demilitarize politics, it was essential that the military no longer were involved in the political sphere whether it is through coercion, corruption at elections, or threats directed at the public. El Salvador transformed from a military controlled state to become more democratic in its political landscape. The presidential election of 2009 was a historic election. In 2009, it was the first peaceful transfer of political power to a leftist political party in the history of El Salvador since becoming an independent state in 1821 (Almeida 2009, Colburn 2009).

Although there has been much progress towards implementing peace and democracy through electoral reforms, scholars recognize other necessary steps to be made for El Salvador to fully implement democratic practices. There are many positive outcomes of the peace process such as electoral reforms, yet violence and corruption remains in the country. Lopez-Reyes (1997) asserted that violence continues to occur because of the current economic crisis, lack of reintegration of veterans into a postwar society, and an abundance of arms.

### **State of Violence**

Throughout the civil war in El Salvador, political violence was rampant against civilians, guerilla members, and members of the state. The grave human rights abuses and increasing levels of violence necessitated a negotiated peace settlement in order to alleviate suffering. The international community, Salvadoran government, and the guerilla movement collaborated to remedy the violence and transition to a democracy. It is important to question the role violence played in the conflict and present day and determine the influence the peace process had on transforming the culture of violence in El Salvador since the country remains plagued with violence.

It is evident that the recommendations in the Peace Accords and Truth Commission helped to influence the levels of violence and the culture of violence in El Salvador. During the civil war, crimes against humanity such as disappearances, torture, and mass killings were

utilized by the guerillas and the Salvadoran military in order to instill terror in the people and preserve their own power. There has been dramatic decline in these types of human rights abuses from 1991 to 1995, but some abuses now have taken form of excessive or illegal use of force by the PNC (Call 2003). The abuses and violence have become more coercive and hidden than in the past because repressive police behavior would delegitimize the democracy. In order for a democracy to survive, justice and security are of utmost importance because crime is the primary threat to a democracy. Currently, crime is the single most important problem facing the country. Since the transition to democracy, peace has prevailed in regards to political repression, but crime rates are so high that the level of security for people is arguably no different than it was during the war. This phenomenon is further explained in the data analysis section of the project. The transition to a democracy has not remedied or lessened criminal behavior. For example, there was a 300 percent increase in crime between January and September of 1993 (Call 2003).

Some scholars attribute the change in type and levels of repression because of the employment of democratic principles (Davenport 2007, Lyons 2005). Davenport and Armstrong (2004) asserted the idea of the domestic democratic peace theory, which as explained before, states that democratic political institutions and activities decrease state repressive behavior. Due to changing regime type, state repression in El Salvador has decreased and the type of violence has changed.

### **Explanations for Violence**

There has been much research on why violence was prevalent during the civil war and continues to afflict the country. As stated before, the type of violence has transformed from political to social violence (Garibay 2007, Cruz 2011). These scholars explain social violence as violence not directly linked to the armed conflict or sponsored by the state. With the lack of reintegration of former combatants, it was difficult for these soldiers to create a collective identity established on their past experience (Garibay 2007). Garibay argued that in a context marked by an increase in social violence, it makes it more difficult for these ex combatants to create their



identity since their experience is structured by political violence (2007). Scholars believe the transformation of violence was caused by the delinquency and criminality of youth gangs, which are widespread and coercive in many Latin American countries now (Garibay 2007). Many turn to gangs because of social and economic factors because there are not many alternatives for employment or they are coerced into joining at a young age (Cruz 2011). Social and economic exclusion protect privileges for the elite and lead to higher levels of violence because people's needs are not met, as they should be. Social and economic exclusion was a root cause of the war. Lopez-Reyes (1997) asserted that the violence in present day El Salvador could be accounted for by the inequality imposed from colonialism and oligarchy of the 1930's. It is important to highlight the role gangs play in explaining violence in El Salvador, however, the presence of gangs and its role in causing violence is an issue so broad that this project cannot cover.

An additional explanation for violence that scholars argue for regards the history and current state of the political system. Historical and cultural processes that are associated with violence such as authoritarianism and state terror are an explanation for the current state of violence (Chavez 2004). For example, the patterns of violence in conflict resolution used by the state and coping with the war is exacerbated by social and economic exclusion, which in turn leads to an increase in social violence (Chavez 2004). Scholars also note that the FMLN, the leftist party, and ARENA, the right party, dominate the political scene. Each of these political parties employ ideologies and rhetoric of violence that they used during the war currently in politics (Garibay 2007). Cruz stated that violence continues to be a product of the state because security institutions have failed to be efficient, transparent and accountable (2011). In turn, that helps to perpetuate, tolerate, and possibly participate in the production of violence. Therefore, state institutions remain sources of violence despite implementing the rule of law and security reforms (Cruz 2011). Violence remains political, which proves that the presence of violence in the social realm can be attributed to the disconnect between the government and its people. It is

important to note that government institutions are not directly involved with the violence as they were in the past.

The culture of violence in El Salvador can also be explained by Salvadoran's attitudes and norms regarding violence. One scholar noted the term "perverse ethics of violence" in order to argue that because individuals rely on violence to solve conflicts (Chavez 2004). People have witnessed violence as an effective means to an end, so they deem violence acceptable. The "perverse ethics of violence" can be attributed to the use of political violence by the state in the past because that was the only conflict resolution mechanism people witnessed as being effective during the time. Chavez wrote that the culture of violence in El Salvador is one that the majority of Salvadorans accept the widespread use of violence despite violence prevention programs (2004). Majority of the population condones the use of violence because they deem violence an acceptable manner to deal with conflict. Although many scholars support the idea that the use of political violence influences people's acceptance of violence, others state that the passage of the amnesty law is another influential factor. The priority to reconcile the country overshadowed the need to address the rationale for violence (Garibay 2007). The amnesty law is not a healthy or suitable option for reforming society because it hinders the realization of justice for victims of human rights abuses. It demonstrates that the government is not willing to hold perpetrators of human rights violations accountable, so one can get away with violence.

Many of the explanations scholars propose to explain the violence during the war and post-conflict era are rooted in similar causes. Therefore, many of the political, economic, social, and cultural factors aid in explaining the prominence of violence in El Salvador today.

### **Contribution**

Based upon previous research on the topics of implementing democracy and respect for civil and political rights and lessening state repression through conflict resolution mechanisms, there is evidence that the political culture in El Salvador has changed to become more democratic.

There has been visible progress and commitment by the state of El Salvador to follow through with the recommended reforms to make society more just, safe, and suitable to live in.

Given what we know about the conflict and the peace process, I set out to answer a few questions that relate to this past research. What is the impact of the Truth Commission and the Peace Accords on state repression and protection of civil and political rights? How have democratic practices that were established during the peace process affected the culture of violence in El Salvador today? It is important to understand the impact those conflict resolution mechanisms had on society and the newly established democracy for a couple of reasons. First, violence remains in El Salvador and human rights continue to be violated; by researching how those mechanisms changed society we then can understand why violence and abuses continue despite being a democracy. Also, it is necessary to understand if the culture of violence today is any safer for Salvadorans given the end to the armed conflict. Even though the war has ended, violence is still very prevalent in society, so it is important to see how the current violence afflicts Salvadorans. Additionally, conflict resolution mechanisms such as those continue to be used in other areas of the world, so it is necessary to determine what impact those practices have on realizing their goals.

## **Data Analysis**

In this section of the project, I present the quantitative and qualitative data and analyze my findings. The data collected sheds light on the puzzle of this research concerning whether or not the introduction of democracy has led to an improvement in respecting the physical integrity rights and security of Salvadorans. Moreover, the data helps understand the research problem from a variety of perspectives by investigating major concepts such as democracy, elections, and the impacts of the Peace Accords and Salvadoran Truth Commission. After taking the findings into consideration, I garnered new insight on my research question that both support and challenge my hypotheses. The information collected from interviews, my personal experiences in

El Salvador, statistical data from country reports, and other governmental documents shed light on the research question by examining prominent patterns and themes at the system, state, and individual levels of analysis.

### **System Level of Analysis**

A system level of analysis examines external forces and constraints that the global system places on states, individuals, and non-state actors. This level of analysis is concerned with norms and other concepts such as the distribution of power or natural resources in terms of production and consumption. In this section, I analyze the global arms trade impact on violence in El Salvador and the impact of neoliberal economic policies.

The global arms trade helps to perpetuate human rights abuses and hinder the progress towards social, democratic development in Latin America (UNODC 2012). Although the global arms trade is an international problem, it influences the state of human rights and violence in El Salvador, since the arms trade flourished in the country during the Civil War. The repressive militaristic state of El Salvador before and during the war caused a proliferation of firearms due to accessibility and quantity of arms available to civilians and soldiers. After the introduction of democracy, authorities implemented voluntary gun amnesty programs in order to decrease the number of illicit firearms (Espinoza 2010). However, it was reported that the FMLN had undisclosed locations of hidden weapons throughout the country and Nicaragua after the gun amnesties (Laurance and Godnick 2000). As a result of the large amounts of weapons left uncollected, the government, the FMLN and ONUSAL estimated that around 360,000 military weapons were left in private hands (Laurance and Godnick 2000). Yet, after the implementation of these programs, 28,036 arms were destroyed from 2006 to 2008 (Espinoza 2010). While it is significant that close to 30,000 weapons were seized and destroyed during this time, it is evident that many combatants and guerillas continue to possess their war weapons. There is an abundance of arms in the countryside due to many former combatants being purged of their positions in the police or Salvadoran army. These weapons tend to be used to commit petty crimes or foster other

forms of criminal activity. According to the Organization of American States, in 2009, the homicide rate caused by firearms was 2,957 (2012). In addition, the homicide rate exceeds 50 per 100,000 inhabitants, which is one of the highest in the region (Lehoucq 2010). The cause of the majority of civilian casualties in modern conflicts is small arms (Shah 2013). The increase in accessibility of weapons of war from the arms trade has incited a new wave of criminal violence, which threatens peace and stability in the country.

In addition, the media also helps to further gun violence and trade through advertisements and propaganda. There are powerful gun distributor groups that have relationships with politicians and local media (Chavez 2004, FMLN representative, August 13, 2014). With this leverage, gun distributor groups are able to create the impression through media that firearms are essential to survive the state of insecurity (Chavez 2004). The militaristic and repressive state utilized violence as a mechanism of survival during the war to maintain power; therefore, citizens accept violence as an acceptable mechanism to handle the present insecurity in El Salvador. Therefore, the widespread use and acceptance of arms in El Salvador is related to the political culture and the consequences of the war. There is a dominant cultural attitude that favors the carrying and usage of firearms, which helps to further the spiral of violence and arms trade in El Salvador. With rising levels of insecurity in the state and region, citizens are prompted to purchase firearms to ensure safety. The state is unable to control the increasing instances of violence in order to protect its citizens, so guns are an appealing option to respond to the violence.

The global arms trade has many implications for perpetuating criminal violence in El Salvador. The growing availability of small arms in El Salvador is a primary factor in the increase of the number of violent conflicts. Moreover, the U.N. Department for Disarmament Affairs explains that small arms destabilize regions by prolonging or causing conflicts, undermining peace initiatives, worsening human rights abuses, and foster a “culture of violence” (Amnesty International, Oxfam, Iansa 2005). In 2001, the largest exporters of small arms were the U.S.,

Italy, Belgium, Germany, Russia, Brazil, and China (Amnesty International, Oxfam, Iansa 2005). Although the U.S., China, and Russia serve as permanent members of the UN Security Council, these states remain on the list for furthering the proliferation of small arms, which can cause gross human rights abuses. During the Salvadoran Civil War, the U.S. professionalized the Salvadoran military, with half a billion dollars in US military aid, by constructing training programs and donating weapons (Lehoucq 2010). The army obtained advanced helicopters and other weapons of war, which were used to commit grave human rights abuses. The US government no longer gives military aid to El Salvador as it did during the war, but the donated weapons and military training helped entrench militarization and violence for the post conflict era.

In attempt to implement global norms regarding firearms and the arms trade, El Salvador is party and signatory to multiple international and regional conventions. Many of these treaties are U.N. sponsored, which demonstrates the state's willingness to withdraw some sovereignty to participate in the global community and implement global norms. Recently, El Salvador became party to the Arms Trade Treaty (ATT) on 2 April 2014. This treaty regulates the global trade in conventional arms, which include small arms, battle tanks, aircrafts, and warships (United Nations Office for Disarmament Affairs 2014). The ATT recognizes that governments are principally responsible for providing security and protecting its citizens by observing the rule of law and assessing the risk of transferring arms. By implementing the ATT into its domestic laws, El Salvador is demonstrating its willingness to address the international arms trade and lack of regulation surrounding the trade. In a 2012 statement to the U.N. General Assembly, the ambassador of El Salvador to the U.N., Carlos Enrique Garcia Gonzalez, stated

“as a post-conflict country, which managed to sign the memorable peace agreements in January of 1992, we are faced, together with the other Central American countries, with major challenges that arise from the illicit trafficking of firearms, drug trafficking, human trafficking and illicit actions from juvenile gangs, which undoubtedly have proven and obvious links with transnational organized crime and endanger peace and democratic security of our sub region” (my translation).

The connection between the international arms trade and violence in El Salvador caused by gangs is evident through Garcia Gonzalez's statement. The state of El Salvador recognizes the dire need to respond to the increase in insecurity not only in El Salvador, but also the rest of the region. Therefore, the state has voluntarily agreed to the terms in the ATT in attempts to preserve democracy in the region. Garcia Gonzalez asserted that the government is actively promoting transparency and accountability in imports, exports, and transfer of conventional weapons (2012). However, El Salvador has failed to declare its small arms exports in one or more annual reports to the UN Small Arms Program (Gun Policy 2014). In more recent news, the United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) hosted an ATT implementation-training course in El Salvador from March 10-13, 2015 for the security sector in the area of arms control (UNLIREC 2014). This training included a series of field-based activities to seek advancement in the region for disarmament and nonproliferation.

El Salvador also adopted various treaties written by the Central American Integration System (SICA) and the Organization of American States (OAS), which signifies regional efforts to combat the global arms trade. Examples of such treaties are: the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Explosives, Ammunition and other Related Materials (CIFTA), and sponsored by the Central American Integration System is the Small Arms Control and the Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives, and other Related material. However, LeRoy stated that ownership of grenades is high and military assault rifles are common throughout society (2012). In addition, grenades serve as a multi-purpose weapon utilized to hold up buses and commit robberies (LeRoy 2012). Despite the numerous treaties and programs El Salvador participates in, gun violence is pervasive throughout the state and region due to the rise insecurity and accessibility of small arms from the arms trade. It is significant that the government of El Salvador is party to many international and regional conventions, but with the influence of the

accessibility of arms to respond to the insecurity, more institutional oversight and action is necessary to ensure nonviolence in the country.

Although the global arms trade attributes to increased levels of violence in El Salvador, neoliberal economic policies further social exclusion, which was a root cause of the civil war in the country. The introduction of neoliberal economic policies by the World Bank and the International Monetary Fund (IMF) tend to be reforms implemented during democratic reforms in order to promote economic development. Chavez asserted that there is a connection between social exclusion and social violence because many of these neoliberal economic policies deprive people of their basic needs and standard living conditions (2004). Furthermore, LeRoy stated that high levels of violence in the country are a product as well as a cause of increasing poverty, which is worsened by an abundant supply of arms (2012). It is evident that these policies are negatively affecting human rights progress and equality in El Salvador, which was an aim of the Peace Accords. Policies that the IMF and World Bank enforce hinder economic reforms that will help to restructure society to make it more equitable as they are attempting to do. Panizza explained,

“market economics, however, do not just favour the rule of law but also bring about the exclusion and marginalization of all those who do not have the necessary skills to adapt themselves to the market economy. Economic reform has been centered around the International Monetary Fund (IMF) sponsored policies of ‘structural adjustment’ (1995, 179).

Social exclusion in regards to opportunities and resources remains prevalent in today’s society since the Peace Accords failed to reform deep social and economic divisions. Poverty, social exclusion, and unemployment were economic issues at the root of the conflict. However, the Peace Accords failed to include significant economic reforms, so the need for economic peace was never addressed. The economic situation continues to influence violence in the country as marginalized groups and gang members remain in the vicious cycle of poverty. LeRoy wrote that there are many forms of violence in El Salvador, which are interconnected to the armed conflict.



“Economic desperation, arms supply, organized crime, gang violence, state sponsored violence, banditry, and domestic violence” each threaten the state of peace that the Peace Accords established in 1992 (LeRoy 2012). Therefore, the root causes of violence are interconnected and multifaceted, but are exacerbated by economic policies that harm the prosperity and rights of Salvadorans. In order for a more established and stable peace in the country, the economic situation needs to be addressed.

It is apparent that social inequity is one of the principle unresolved issues of El Salvador. The government of El Salvador started to introduce liberal economic policies at the beginning of the 20<sup>th</sup> century under President Zalvídar’s presidency. During the war and transition to democracy, international aid was common in order to support the introduction of democracy. According to the World Bank, the US loaned \$75 million to support the Salvadoran government’s 1989-94 Economic and Social Development Program. This program aimed to promote economic growth and poverty alleviation by liberalizing foreign trade, a pilot food-stamp program, better fiscal policies, amongst other reforms (The World Bank Latin America and the Caribbean Regional Office 1995). The food stamp program failed, but many of the other reforms for improving and liberalizing the economy were successful for the loans to continue. Currently, it is estimated that total poverty in El Salvador is 37.8% and unemployment is calculated at 59% (World Bank 2011, LeRoy 2012). Although the report detailed the economic reforms as positive and successful, one must question if those reforms helped to alleviate any poverty.

In addition, with the introduction of democracy, the state privatized resources such as telecommunications and electricity, which caused prices to increase on resources that formerly were easily accessible. The shift from the public to the private sector for providing resources remains at the foundation of the economic plans for development in El Salvador. The implementation of privatization was gradual, but the negative effects on the marginalized communities were immediate. For example, a woman from Guarjila explained that some houses

in her rural community still do not have electricity despite the development of the country's economy (August 9, 2014). Majority of individuals in the department of Chalatenango lack many resources and continue to live in poverty in contrast to individuals in San Salvador.

The attempt to privatize water in El Salvador serves as an example of how increased private sector involvement broadens rural inequity in the country. The process of privatizing water in El Salvador began in 1996, when the World Bank approved a \$24 million loan conditioned upon the privatization of the public sector infrastructure (Food and Water Watch 2012). An additional structural adjustment loan of \$52.5 billion was given to the government and in 2000, so the state water company raised water prices by 300% in preparation for eventual privatization (Food and Water Watch 2012). However, the privatization of water was never successful, but that does not mean the ARENA party is not pushing for privatization. Currently, around 90% of the natural water is contaminated and about half of the population drinks untreated water (Food and Water Watch 2012). Water in El Salvador remains contaminated due to the presence of the metallic mining industry, which follows neoliberal economic policies enforced by the IMF (SHARE 2011). Metallic mining will worsen the contamination of main water sources, which will also cause grave environmental changes in the biodiversity and ecosystem of El Salvador. Majority of Salvadorans do not have access to treated water because the cost of drinking water from ANDA, the public institution that set up municipal water companies, does not fall within their budget. Water from ANDA is cheaper than private companies, but still costs eleven to thirteen dollars a month. For those who can afford water from private companies, five-gallon containers of safe drinking water are delivered door to door. One Salvadoran detailed that her family used to pay for private water that cost seventy dollars a month (CRISPAZ employee August 10, 2014).

In addition, the Water and Sanitation Program (WSP) from the World Bank wrote that there is significant inequality between urban and rural areas with access to clean water (2013).

The WSP states that in 2010, over 740,000 Salvadorans lacked access to improved drinking water and 860,000 lacked access to improved sanitation; 76% and 54% of these individuals live in rural departments (2013). These individuals will travel to rivers or buy water from independent sellers due to lack of access to clean water. Many preventable conditions such as water born diseases contribute to serious illnesses and attribute to mortality rate of 6% for under-five years old (LeRoy 2012). It is evident that while the government and international organizations such as the IMF continue to push for privatization, the people of El Salvador continue to struggle for their most basic necessities.

Moreover, international and regional free trade agreements deepen the suffering of the poor in El Salvador. By signing free trade agreements, the Salvadoran government sought new trade opportunities with the US and other countries to bolster the economy under President Francisco Flores term in 2001 (US Department of State 2002). El Salvador is one of the four countries worldwide participating in the Partnership for Growth (PFG) initiative. This partnership aims to accelerate and sustain broad-based economic growth in “a more secure El Salvador” (USAID 2014). USAID believes that economic assistance aids in creating an improved business environment and an increase in the productivity of Small and Medium Enterprises (SMEs) in export markets (2014). After being selected for the Partnership, the government of El Salvador has progressed over the year to facilitate public-private partnerships. In doing so, the government hopes to catalyze private investment to create economic growth. In 2014, the President for Compact Operations and the Minister of Foreign Affairs signed a \$277 million compact with the Millennium Challenge Corporation, which is part of the PFG initiative. This compact is designed to improve the country’s competitiveness and productivity in global commerce from investments in infrastructure, education and regulatory reform (Embassy of the United States 2014). The compact aims to address the root causes of poverty and lack of employment opportunities by sparking private sector led growth. Yet, it is too soon to determine the effects of this agreement

towards education, economic growth, and addressing the root causes of poverty in El Salvador. However, it is evident that many international or regional trade agreements resulted in an increase the reliance of the Salvadoran's government on foreign loans, rather than investing in the Salvadoran people and local businesses. Without government attention and support for local businesses, economic resources and prosperity will be redirected out of the country to multinational corporations and neighboring countries. It is necessary that the government supports small businesses in order to prevent further economic marginalization and poverty in the country. By investing in Salvadorans and alleviating some poverty, levels of violence will decrease.

### **State Level of Analysis**

This perspective highlights change and continuity in governmental policies, programs, and reforms; the institutional and organizational culture of the military and the police, the influence of the political culture to understand how the reforms at the state level affect levels of violence and human rights protection.

After the signing of the Peace Accords in 1992, the government of El Salvador agreed to implement a variety of democratic policies, programs, and reforms in attempt to stop the armed conflict and authoritarianism. These democratic changes included the Truth Commission, Peace Accords, and electoral reforms. Without each conflict resolution mechanism and changes to the electoral system, the state would continue to operate under more corrupt, repressive, and unjust conditions. Still the question remains, were these reforms enough to protect human rights and lessen the levels of violence?

### **Governmental Policies, Programs, and Reforms**

The Truth Commission helped to lessen the state of violence in El Salvador by changing the perspectives of Salvadorans. The Commission created a sense of hope among Salvadorans; they believed the document itself might even help prevent future violence. They believed by

sharing their story of abuse, they could change the system. Those who suffered from the war hope that they will receive justice, as they believe the commission was a step in the right direction. In addition, the commission demonstrated to society a newfound sense of freedom by openly denouncing the abuses people suffered. The commission documented critical evidence that proved there had been a government policy of repression towards its people (Gairdner 1999). The commission proved that a systematic policy of repression existed towards populations of civilians and rural communities in attempt to cut off any possible means of support to the guerillas. Before the war, citizens did not have the freedom or right to information such as the detailed information the Commission provided on human rights abuses.

The government in part, censored and monitored access to information in order to prevent news about the systematic killings occurring to reach the U.S. During the war, the U.S. supported the political right through \$1.1 billion in military aid and \$3.2 billion in economic aid from 1980 to 1991 (Call 2003). The Salvadoran government feared that if the U.S. government became knowledgeable of the human rights abuses, the administration would no longer support the political right. The government also censored information because it desired a state of ignorance and discord amongst the country to prevent further mobilization of guerillas or church members. For example, the armed forces bombed radio stations that discussed Monsignor Romero, jammed phone signals in church offices, or bugged phones (González 2011). Now, there is a freedom of information law in place because the government has recognized the importance of access to information.

The information from the Truth Commission helped civil society organizations create a memorial wall in the Parque Cuscatlán that contains 30,000 names of victims killed during the Civil War. This wall remains unfinished, as there are more names to include as people continue to discover the fate of remaining loved ones. It is a symbol of the violence the people overcame, but also a symbol of solidarity to demonstrate how many Salvadorans the armed conflict encompassed and affected. According to SHARE, on November 2, the Day of the Dead,

individuals visit cemeteries to clean and place flowers on the gravesites of their loved ones (2010). However, many Salvadorans do not have a grave to visit since their family members were disappeared or murdered during the war and left in a “clandestine graveyard” or never found (SHARE 2010). The Truth Commission estimates that more than 5,500 individuals were victims of enforced disappearances while NGOs estimate that more than 8,000 disappearances occurred (1993, ProBusqueda official, August 12, 2014). In order to respect those loved ones, human rights organizations, such as SHARE, hold a ceremony at the Memorial Wall so families of the 5,500 victims can participate in Day of the Dead festivities.

Each of these practices by the government aims to invest in the survivors of the war in order to prevent future suffering of its people. The government is attempting to form a collective memory in honor of the victims of the war by offering reparation to victim’s families or constructing memorials in parks, highways, and buildings. These practices demonstrate significant changes from the former administrations by the emphasis in combating ignorance of the suffering of the people; alleviate poverty, and introducing steps towards restorative justice.

The Peace Accords were successful towards introducing democratic norms and ending the armed conflict. Compromises were made by each side in order to reconcile and reform society to become more democratic, accountable, and transparent. The lessening of political violence in El Salvador today is intrinsically linked to the Peace Accords, as the Accords were the mechanism that terminated the violence. The Peace Accords helped the army, government of El Salvador, and the FMLN guerillas realize respect for human life. During the war, the government did not respect that right by ordering massacres, burning villages, and disappearing individuals. Many rural community members never imagined that the fighting would ever stop. One woman stated that throughout the twelve-year civil war, it was her dream that the war would end. The Peace Accords were needed in order to make this dream become a reality.

The Peace Accords included provisions for electoral reforms to create fair and transparent elections for the future of El Salvador. The Salvadoran government has had functioning elections

since the country became a republic in 1841 and within the constitution, Salvadorans were granted the right to vote. However, the electoral process was authoritarian before the transition to democracy; the military and government maintained control of the outcome of elections. An ARENA representative I spoke with stated that democracy existed in El Salvador because the state operated elections like other democratic nations (August 13, 2014). Although these elections were controlled by the military, his perception of democracy was to equate the democratic practice of elections with the presence of democracy. Yet, freedom of expression, a fundamental aspect of a true democracy, was lacking in El Salvador before the Peace Accords. For example, one rural community commented on how supervisors at factories or fields would coerce or threaten workers to vote for a certain candidate (August 10, 2014). Without a source of income, rural community members would face increased poverty, so many felt obligated to listen to the orders of their boss rather than exercise the freedom to choose. In addition, the inability to effect political and social changes through elections was evident. There were grave problems of individuals being paid by a political party and using false identification documents in order to vote twice in an election. The electoral process in El Salvador was marked with blatant fraud, so the inclusion of revisions for a new electoral code was essential for the democratization of El Salvador.

### Electoral Reforms

The new electoral codes have had many positive impacts for lessening violence and implementing democracy. Each reform attempts to combat corruption in the electoral process and create more transparency in the government. There is a consensus between NGO leaders and Salvadorans that the electoral reforms have created a greater sense of trust amongst the government, civil society, and citizens in the electoral system. Some perceive an increased trust in the government as the greatest advancement since the establishment of democracy. As one individual from the Iniciativa Social para la Democracia (ISD, Social Initiative for Democracy) stated,

There is substantive progress towards democracy here in El Salvador. We cannot say that this is the same country as before. I have seen the change. There is tolerance between each political party and they have embraced the electoral reforms (ISD official, August 13, 2014)

Since the establishment of the republic of El Salvador, individuals were unable to trust the electoral process. With reforms to combat false identification documents and the presence of neutral election monitors helps to create an increased level of trust in the system unlike before. In addition, Salvadorans now have the right to vote for individual candidates for the Legislative Assembly, not just for a political party (ISD official, August 13, 2014, SHARE employee, August 11, 2014). Beforehand, electoral ballots contained each party's flag, which did not give a clear indication of who one was voting for. Now ballots contain the candidate's picture, name, and party affiliation (SHARE 2014). This reform changed public perception towards the electoral process since the judiciary aided in perpetuating corruption in the electoral process by keeping constituents ignorant on which candidate they were voting for.

In addition to the increased level of trust, electoral codes helped to reform the accessibility to participating in elections through residential voting changes. Before the reforms, there was only one voting center per municipality at either a school or park. This forced people in the rural communities to walk for three or four hours to exercise their right to vote. When comparing voter turnout rates during the war in contrast with after the electoral reforms, it is evident that many individuals did not exercise their right to vote due to the accessibility of voting centers. For example, the voter turnout rate was 54.7% (1989) in comparison to 46.16% (1994), which was two years after the signing of the Peace Accords (International Institute for Democracy and Electoral Assistance 2014). Although the percentage decreased from during the war in contrast to after the democratic transition, one must remember that electoral reforms and democratization were new concepts and practices in Salvadoran political culture. A corrupt electoral process became normalized in Salvadoran society throughout its political history; therefore, individuals were accustomed to distrusting the political process. It is evident that



changing individual behavior takes more time than changing laws as it is necessary for democratic practices and ideas to undergo a process of normalization. Salvadorans were unaccustomed to having faith in the electoral system and a government responsive to the people's demands. An increase in voter participation directly after the electoral reforms was expected, but fostering sustainable change in a newly democratic nation is a slow process. Twelve years after the Peace Accords, the voter turnout rate for the presidential election of 2014 was 60.17% with an increase in voter registration of 3,121,107 citizens from 1989 to 2014 (International Institute for Democracy and Electoral Assistance 2014). This reform established more voting centers in each municipality to ensure that all individuals have the opportunity to participate in their civic duty. Residential voting was a significant improvement to the past electoral system considering an estimated 42 percent of Salvadorans live in rural communities of departments.

Additionally, with the increase in Salvadorans living in the United States, absentee voting reforms have recently been implemented. It is necessary that Salvadorans have the opportunity to vote in the exterior through absentee voting programs since many sought refuge outside of El Salvador due to the violence plaguing the country. A representative from SHARE, U.S.-El Salvador solidarity organization, explained the importance of absentee voting and election monitoring. In the 2004 and 2009 presidential elections, U.S. officials released statements connecting immigration, foreign investment, and other policies to the results of the elections. She stated,

Throughout the 2004 elections, there were constantly messages broadcast in the media stating that if the FMLN were to win, the US was going to deport Salvadorans and make it harder for them to send remittances back to El Salvador. This message was transmitted persistently by the media, and greatly impacted voters' decisions because remittances account for approximately 18% of the country's GDP (SHARE employee, August 11, 2014).

Similar to U.S. support during the war to the political right, it appears that the U.S attempted to dissuade Salvadorans from voting for the FMLN to prevent a more revolutionary group from having political power. As of 2008, there were around 1.1 million Salvadoran immigrants living

in the U.S. compared to 94,447 during the civil war in 1980 (Terrazas 2010). Between 1970-1990, many Salvadorans fled their country due to the war and natural disasters. Despite the end of the war, Salvadorans continue to migrate due to family reunification, and high levels of criminal violence and poverty. Since many Salvadorans now reside in the U.S., the country depends upon remittances as a national source of income along with sugar, cotton, and coffee exports. According to the World Bank and Gammage, in 2010, El Salvador received \$3.6 billion in remittances, which made up over half of all export earnings and 18 percent GDP (2011, 2007). Election observers at SHARE and Committee in Solidarity with the People of El Salvador (CISPES) spearheaded a non-intervention campaign lobbying for the U.S. to release neutral statements towards Salvadoran elections. This campaign aimed to ensure Salvadorans were comfortable voting for their desired candidate, without any economic implications.

Moreover, the reforms established a functioning and respectful relationship between civil society and the government. In 1993, to consider the efforts and demands of NGOs, the government integrated five NGOs into the political environment to educate society about the new electoral reforms. Civil society is able to reach out to the public at the grassroots level and understand what the public needs. Each organization had different perspectives on the government and elections, which created plurality among the group. These organizations attempted to project this sense of plurality to society, so people realized you did not have to align with a specific party all the time. In 1996, these NGOs sought to modernize the electoral system with a series of other reforms. They wrote laws proposing for the establishment of an institutional observer to elections and closely monitor electoral records unlike in the past. These NGOs work closely with the Tribunal Suprema Electoral (TSE, The Supreme Electoral Tribunal), which aims to ensure Salvadoran society with effective administration of reliable, democratic electoral processes, promote a democratic civic culture, and effective electoral justice (TSE website). In the most recent presidential election of 2014, ARENA candidate Quijano challenged the new by

threatening involvement from the army and demanding a recount. The electoral system resisted the challenges by Quijano, which signifies improvement in the elections.

The elections in March 2014 were significant for the political future of El Salvador. This election followed the 2009 elections, which ended nearly twenty years of conservative rule. In the 2014, the media and the citizens had high expectations for the election in February and March since the previous presidential election was peaceful. Sanchez Cerén, the FMLN party candidate and former guerilla commander during the war, attained the leading votes in the elections on February 2, yet, not the majority of votes sufficient to win. Then, each candidate competed in a second round of elections with Sanchez Cerén receiving 50.11% of the vote compared to 49.89% for Norman Quijano, the ARENA candidate (Wilkinson 2014). The political right refused to accept the defeat and tensions remained high after the runoff vote that declared Sanchez Cerén the new president. As a result of the loss, the ARENA party accused the FMLN of fraud, claimed Sanchez Cerén's victory as "illegitimate", and denounced the TSE as biased against the ARENA party for the "chavista" dictatorship (Wilkinson 2014). Quijano further stated, "they will not rob us of this victory; we will fight, if necessary, with our lives" and that the army was ready "to make democracy" (SHARE 2014, Flores 2014). The armed forces responded that would say out of the dispute and trust the final say of the TSE. It is evident that some individuals continue to rely upon violence rather than democratic means to resolve political disputes. The fact that the military refused to become involved speaks volumes to the changes in organizational culture of the army.

#### Institutional and Organizational Culture of the Police and Military

The Peace Accords not only reformed the election system but also the institutional and organizational culture of the Salvadoran Army and the National Civil Police. These reforms have helped to deter violence in El Salvador and increase respect towards physical security and integrity rights of Salvadorans. The Peace Accords included many provisions to reform the armed forces to ensure peace, an understanding of human rights, and accountability to the public. It was

essential that the Peace Accords included provisions to demobilize the military and guerilla forces after the cease-fire because these security forces operated under a military rule. The Peace Accords aimed to demilitarize society and the state by force reduction, mission redefinition, and removing individuals in the military directly responsible for human rights violations during the war (Studemeister 2001). Therefore, between January 1992 and February 1993, the size of the military decreased from 63,175 to 31,000 members and the demobilization of specific units such as those charged with public security and intelligence such as death squads (Studemeister 2001). These units were re-established under civilian control to ensure the military abided by its new mission and guidelines. During the war, each security force was a tool of the state to help perpetuate violence and human rights abuses against innocent civilians, so reforms were necessary for human rights protection.

Reforming the institutional culture of the military became a priority in order to implement democratic security principles, respect human rights, and stop systematic killings by agents of the state (Chavez 2004). Lopez-Reyes explained that democratic security principles are now normalized in Latin American countries by shifting the practice of security in four ways. First, military security must shift to the security of the people (Lopez-Reyes 1997). Second, defensive security must be replaced with cooperative security (Chavez 2004). Third, preventive security must replace the former security to ward off threats (Lopez-Reyes 1997). Lastly, security based upon territory and the sovereignty of the state ought to shift to security of the population (Lopez-Reyes 1997). Each of these principles challenges the previous role the military and other security forces fulfilled, but also follows mandates from the Peace Accords. Democratic security signifies,

The security of the totality of individuals in a society is that which is based on the respect of the lives of all the individuals and of their liberty, and in addition, it guarantees conditions for a satisfactory life for the individual and his family in matters of work, education, livelihood and health (Lopez-Reyes 1997)

These principles are normalized within society with the signing of the Treaty on Democratic Security in 1995. It is believed that this treaty has the potential to reform the culture of violence to one of peace. However, Lopez-Reyes wrote that it is up to the constituents to demand government compliance with the treaty (1997). Therefore, the effectiveness of this treaty is still in its infancy because the army and police of El Salvador need to understand and support the practice of democratic security. In addition, complete democratic security will not be realized until the economic inequality and needs of the marginalized communities are addressed because many Salvadorans continue to live substandard lives.

With the introduction of democracy, the Peace Accords mandated that the army no longer play a role in politics to alleviate state repression, coercion, and corruption. With this reform, the army now focuses on protecting the sovereignty of the state. The army monitors state borders, any disputes that challenge the sovereignty of the state, and occasionally polices urban communities for violence due to gangs and security issues. As was shown in the 2014 presidential election, the army no longer settles political issues and recognizes its new role for the state. The army does not operate on laws that mandate repression against the political opposition since the armed forces no longer participate in politics.

The armed forces operate under a culture of human rights education and democratic principles to ensure security in the region. Many individuals shared personal stories about how violent the military was during the Civil War. A common theme amongst Salvadorans was that people felt terrorized and terrified by the army during the war. One individual stated that the army believed any civilian was an enemy; so seeing a soldier forced his body to shake because they would “beat you up or worse” (Viento del Espíritu employee, August 1, 2014). Rural community members explained that Guarjila was a constant target during the war. Soldiers would come into their village and burn houses and crops to prevent any survival by removing resources from the community. Moreover, individuals were forced out of Guarjila to refugee camps or the mountains because soldiers would massacre the town if people were present.

Currently, many Salvadorans perceive an improvement in the armed forces behavior. One Salvadoran man who escaped to the U.S. during the Civil War explained his confusion and fear during his interaction with the army when he returned to El Salvador a couple years ago. He stated that when he lived in El Salvador, he participated in a revolutionary group during the 1970's that mobilized people to denounce the government and make public political statements. Due to his involvement in a revolutionary group, his name was on a black list and the army followed him while he travelled or taught at school and even visited his house. Once he returned to the country after the war, he began his travel to see his family at night when his car got a flat tire. During the war, if an individual were on the side of the road at night, a military member or policeman would beat you up or take your money. However, that night he explained that the soldier who helped him was nicer than any policeman that he had interacted with in the U.S. The soldier helped him with directions and fix the broken tire with a friendly and helpful attitude.

The relationship and behavior of the Salvadoran Army towards the church has also improved significantly since the signing of the Peace Accords. With the organizational and institutional changes of the police and military, the relationship between the church and armed forces greatly improved in contrast to during the war. According to individuals featured in *El Cielo Abierto*, "it was a crime to walk around with a Bible. People would shout at us church women 'communists'" (2011). The army had a certain punishments for church sympathizers; they could face kidnapping, torture, or death. One nun stated that a death squad murdered her sister during the war, yet it is still difficult to grasp with the loss. In addition, a death squad was responsible for the infamous murder of six Jesuit priests and the housekeeper and her daughter at the Central American University (UCA) in 1989. After the Civil War, the Catholic Church is not as polarized, as it is not as progressive or involved in politics as during the war. The Church participated in the creation of the truth commission and played a small role in the formation of the Peace Accords. Despite the opposition the Church faced during the war, it continues to advocate for nonviolence and denounce any type of violence. The Catholic Church recognizes the efforts

of the police to maintain security, but is heavily involved in rehabilitating gang members and offering programs to current gang members (Dudley 2013). Although the Church faced persecution for denouncing government sponsored violence and discrimination towards the poor, it has become active again in the political and social sphere. This demonstrates an establishment of freedom of expression and new openness in Salvadoran society.

However, there are some shortcomings to the army's behavior of fully recognizing and respecting Salvadoran's rights. A rural community member explained how in 1997, the army had interest in her sister and her sister's husband due to suspicions of their participation in a revolutionary group. Uniformed men entered their home in 1997 and killed both of them in cold blood, despite the establishment of freedom of expression and assembly. In addition, an individual at Tutela Legal heard a story that three children were disappeared by soldiers in July 2014 in San Martín (August 12, 2014). Therefore, there are evident human rights abuses occurring by the state security forces despite the reforms of the institutional and organizational culture of the army. These abuses are not systematic as during the war, but the existence of continued repressive behavior signifies a shortcoming in the transition for peace.

The Peace Accords also required reforms of the police since the police force participated in committing abuses during the war. The National Civilian Police (PNC), supervised by the Ministry of Justice and Public Security, is responsible for preserving public security (United States Department of State 2013). The Peace Accords ensured that with the collapse of their discredited army, the new police force would be the guarantors of internal order (Costa 2001). The PNC and military conduct patrols together, but the military personnel that assist the PNC do not have arrest authority. President Funes authorized military involvement in police duties through May 2014 (US Department of State 2013). At the foundation of the civilian police force is the importance of public security and respect for the physical integrity rights of citizens. The reforms understood that the service of the police is to protect its citizens, so they are able to exercise their rights and liberties in a democracy. In addition to respecting citizen rights, the new

police function recognized that they are charged with fighting crime efficiently in order to establish peace and stability (Costa 2001). In order for members of the police to understand the duties of their role, members of the PNC receive “human rights awareness training” by the Salvadoran Institute for the Development of Women, the Human Rights Institute of the University of Central America, and the Inter-American Institute of Human Rights (US Department of State 2013).

In order to effectively approach the growing crime rate and violence in El Salvador, the police generally have a humanitarian attitude towards citizens. An FMLN representative explained how the police now operate 70 offices around the city of San Salvador in order to foster relationships with the communities of citizens. The thought is by interacting with the people, the police will learn who the real criminals are. Moreover, the police can learn how they can best serve the communities by establishing relationships of trust and loyalty with the people. Due to these new offices, the opinion of many Salvadorans has shifted to trusting police officials and feeling comfortable calling upon them in a time of emergency. The reformed political sphere alongside the reforms of police behavior has created an overall amicable environment between the Salvadoran people and the police.

Despite the change in organizational culture, there is evidence of remaining abuse by the police. According to the Human Rights Ombudsman, the police continue to commit human rights abuses. During an interview, an individual asserted that as an institution, the police violate human rights the most in contrast to the military. However, it is evident that there is a modification in how they use violence. For example, the police will not openly utilize violence or force against a protest or march as they did in the past. Nidia Díaz, a former FMLN commander who was imprisoned and tortured by the Salvadoran army during the war, but also one of the signers to the Chapultepec Peace Accords, explained the accomplishment of establishing civil and political rights. In an interview, she explained, “today we have a tool, which is to make proposals, to have dialogue, to be critical, to build public opinion, to protest, and to take the streets. In other words,



no one can kill us, disappear us, nor exile us for our ideas and our proposals” (Portillo-Gonzales 2012, 56). However, there are reports and complaints that the police continue to use force, torture, and disappearances, but at a much lesser degree than during the war. The Department of State reported that in 2013, authorities failed to maintain effective control over the security forces, isolated unlawful killings and cruel treatment by security forces, some restrictions on freedom of speech and press, and harsh or life-threatening prison conditions (US Department of State 2013). There were no accounts of extrajudicial killings, but the Ombudsman for Human Rights (PDDH) received 15 complaints of unlawful killings committed by the military, police, or other public officials (US Department of State 2013). Moreover, the PDDH received 89 complaints of torture or cruel, inhumane, or degrading treatment or punishment perpetrated by public officials (US Department of State 2013). This complaint involved 58 PNC officials and 13 members of the armed forces. The abuses are not to the same degree or occur as frequently as twenty years ago during the war, but abuses are still present. The Ministry of Defense claims it investigated each case against members of the armed forces, but has yet to release any public records on the results of the investigations. The system is not expected to be perfect, yet these continual human rights abuses reflect shortcomings of the democratic transition to rid the state of repressive tactics.

Due to the increase presence and violence of gangs, the police have modified its behavior towards gang members. The police will rarely enter into a gang’s territory because they have fear of what will happen to them. Yet, the residents who live in those communities are under continual threat by drug dealers or gangs who exercise territorial control (Chavez 2004). If a policeman were to face a gang member, police are willing to use violence against gang members if necessary. Repressive tactics are occasionally used against gangs and young people in accordance with the *Mano Dura* (Iron Fist) policies. These laws legalize repressive behavior towards criminals because the violence and crime caused by gangs challenges democracy. In 2003, the anti-gang *Mano Dura* strategy was implemented and calls for the immediate imprisonment of

gang members, without significant proof of gang involvement (Hume 2007). This legislation was led by the political right to respond to increasing levels of crime, fear, and violence. Hume argued that the *Mano Dura* strategy reflects a predicament within El Salvador's democracy by legalizing the use of force rather than political alternatives (2007). Within Salvadoran society, youth gangs are a major concern by feeding the vicious cycle of violence. Gangs perpetuate fear and insecurity, but with policies such as the *Mano Dura*, "fear and chaos become legitimizing agents for increased repression and continuation of authoritarian measures" (Hume 2007). The current administration has ideas on how to approach and control the gang problem, but does not necessarily have the resources to make sustainable change with gangs. The problem is rooted in the structures of society and lasting effects of the war, which will take time to alleviate. Therefore, the state continues to implement laws that legalize behavior that reflect the repressive tactics used during the war.

In addition, there is harassment directed at youth. One individual stated, "to be young isn't a crime", but it is treated that way based upon the laws. The harassment from police comes in forms of: asking for IDs, taking pictures of groups of young men no matter the situation, or beating them up. Some youth face accusations of being involved in a gang, so they are put in prison based upon false accusations. According to the US Department of State, the PDDH received 137 complaints of illegal detentions by the PNC in 2013. Many times these individuals are linked to a social movement or human rights organization instead of a gang, but still face those accusations and unlawful detention.

Moreover, different degrees of corruption continue to exist within the PNC and the Salvadoran army. With the culture of impunity in El Salvador, many policemen or soldiers were never punished for their crimes during the war. Some policemen have relationships with prisoners or gang members and they create a criminal group. Moreover, an individual stated in an interview that about twelve years ago, the Tribunal would capture people possessing cocaine or other drugs

with the intent to bring it to the US (Tutela Legal employee, August 12, 2014). The Tribunal would lose the file and the police would steal the drugs or ask for money if you needed a favor. Thus, further perpetuating criminal activity, drug trafficking, and a system of favors.

In conclusion, the changes to the institutional and organizational culture of the police and the armed forces of El Salvador were essential for the democratization of the state. The new role each security force fulfills has proven successful towards de-militarizing politics in El Salvador.

However, Costa wrote,

The survival of the security forces actually became a cause of insecurity, not only because of the corruption and criminal activity of many of their members but because of the inefficiencies thus created in the whole body. Citizens' rights aside, corruption and crime undermine peace and democracy, and are not the best features of a force that needs to inspire trust in the public it is meant to protect (21, 2001)

Costa argued that the security forces reflect the legacy of authoritarianism because legislative reforms fail to address the setbacks of corruption, arbitrary violence, and possible criminal activity amongst members of the police (2001). These behaviors further the state of insecurity and impunity in El Salvador and points to the inefficiency in these forces for serving the public. Yet, the aims of the Peace Accords can be considered a success in the eyes of many because the size of the army was reduced, politics became demilitarized, and democratic practices are functioning. Organizational and institutional reform does not occur in a vacuum, but rather in the context of the political culture.

### Political Culture

The political culture of El Salvador also influences the levels of violence and respect towards human rights. During President Cristiani's presidency, he passed the amnesty law in 1993, which has implications on the levels of violence. Five days after the commission issued the Truth Commission for El Salvador, the Legislative Assembly of El Salvador approved the amnesty law that covers all the violent and human rights abuses during the war. The Cristiani administration aligns with the ARENA party. Since the end of the war, the ARENA party has

traditionally followed and implemented a “forgive and forget” mentality regarding human rights abuses. These political leaders believed the best way to reconcile the country would be to move past the abuses rather than hold those accountable for human rights abuses committed during the war.

I spoke with an FMLN representative, who was a former guerilla combatant, who stated that the FMLN is recognizing and accepting the role the government and guerillas played during the armed conflict unlike ARENA. The FMLN party operates under a revised forgive and forget mentality by implementing a culture of forgiveness rather than ignoring the injustices. During the war, he was a student and participated in demonstrations. After his arrest at a peaceful demonstration, he eventually faced torture in prison. One day at the FMLN office, he encountered a deputy who worked for the army as a chief in the prison where he was tortured. After many years, this deputy recognized him and apologized to the FMLN representative since he was the mastermind of the torture plans. He responded by saying, “I pardon you; lets work together for the future of this country. That is something from the past and I don’t have any anger towards him because he is trying to do good things for this country. This attitude is part of the FMLN’s effort for peace and human rights” (FMLN representative, August 13, 2014). The FMLN attempts to reintegrate former soldiers with this culture of forgiveness by showing those soldiers the FMLN is no longer their enemy. They argue that these individuals were at the dispense of the state, therefore used as a tool to commit grave human rights abuses to disempower the people. The FMLN utilizes this new approach to a forgive and forget mentality by reconciling groups of people who were former enemies to come together for a better future for El Salvador. Garibay (2007) discussed the importance of reintegrating former combatants into society and proved how the lack of rehabilitating these individuals resulted in grave consequences for society. For example, a critical issue ignored by the transition was the control of arms, especially war weapons that remained in private hands. Costa asserted, in addition to a high number of demobilized men, there are thousands of war weapons in the hands of civilians, the existing

security crisis will be all the more violent and lethal (2001). It is evident the FMLN has since realized the connection between the reintegration of ex-combatants and violence, as this political party is reaching out to that community with services and forgiveness.

Despite the efforts of the FMLN to reform the government ideology, the amnesty law controls judicial decisions and causes injustice. There is a division amongst Salvadorans on the law because it remains highly politicized. ARENA perceives the law as reconciling the nation whereas others view it as a grave injustice to victims, making the lives lost in the war appear insignificant in the sake of 'reconciliation'. Those personally affected by the war feel as if nothing has changed since the end of the war because the government neglects their need for justice. In order for the Amnesty Law to be repealed, the Supreme Court must declare the law unconstitutional. However, with the political pressure that the court receives from each political party, it is unlikely that the law will ever be repealed. During one interview, an individual stated that he believes the amnesty law erases everything that was done from the Commission and all of its possibilities for the future (Tutela Legal Employee, August 12, 2014). Many victims and NGO leaders assert that the Amnesty Law limits the full potential of the Truth Commission since the courts are not able to utilize the report to try cases during the war. One such example that demonstrates the strength of the forgive and forget mentality is the assassination of Monsignor Oscar Romero.

Although the Cristiani government was not directly involved in the assassination, the party has ties to the killing of Monsignor Oscar Romero. The assassin's identity has not been officially identified, but Roberto D'Aubuisson, the founder of the ARENA political party and major of a death squad, is a notorious suspect and recognized in the Truth Commission as giving the orders to kill. The political culture of the time of Monsignor Romero's assassination was polarized between the supporters of the government in contrast with supporters of the church and Romero's cause, which were seen as communist. Newspapers released articles or pamphlets stating "help your country, kill the Archbishop" and "the armed forces should begin to oil their

weapons” (González, 2011). There was a systematic campaign to subvert Romero for denouncing repression and injustices by calling him “Oscar Marxnolfo Romero” (González 2011). As his popularity grew amongst the guerillas, peasants, and church supporters, the government feared the movement Romero was creating. Therefore on March 24, 1980, a trained assassin murdered Monsignor Romero during a homily denouncing the violence caused by the guerillas and armed forces.

In 2010, former military captain and chief of security for D’Aubuisson, Alvaro Saravia, confessed to participating in the assassination by driving the assassin to the chapel and paying the individual (O’Connor 2010). The day after Romero’s homily demanding the army to stop the repression, Saravia received a phone call from D’Aubuisson commanding him to “take care of it” (O’Connor 2010). According to Saravia, the assassin has never been found and remains in the country somewhere. At the grassroots level, many Salvadorans desire to see the assassin held accountable for murdering their beloved leader. There are many murals painted on walls or buildings throughout San Salvador and rural departments of the country that say “Romero vive en el pueblo” (Romero lives in the people), which follow his famous saying in a homily, “si me matan, resucitaré en el pueblo Salvadoreño” (If you kill me, I will rise again in the Salvadoran people). However, at the institutional level, many recognize the injustice in the situation, but make no efforts to further investigate or try individuals in court because the strength of the amnesty law. Therefore, the impunity in El Salvador reaches cases such as the assassination of Romero, which disheartens everyday Salvadorans that justice will never be delivered to them.

After the war, Salvadorans were left with an acceptance of impunity, which permeates across society. According to Chavez, the Salvadoran state legitimized impunity with the amnesty law, which demonstrated to war victims and war ravaged communities that the state is refusing to prosecute any crimes against humanity during the war (2004). The legitimization of impunity also demonstrated the state’s refusal to incorporate the Truth Commission’s recommendations, which lessens the hope of majority of the Salvadoran people. The international community expected the

government to utilize the findings from the commission to punish the guilty. However, since majority of the recommendations within the commission were not enforced, many Salvadorans believed the climate of repression would continue as it did before (Guardado 2012). The adoption and implementation of democratic ideals has progressed in El Salvador since regime change, yet, government accountability remains nonexistent. Guardado explained that the lack of government accountability can be attributed to how truth commissions function (2012). A truth commission investigates abuses rather than encouraging judicial action, which sometimes removes the human rights violations from the sphere of the court (Guardado 2012).

In addition, it is evident that the acceptance of impunity permeates all populations of Salvadoran society. One rural community member stated, “many people do not know much about what happened or care about what happened.” Due to the normalization of impunity, many Salvadorans have little knowledge on the abuses of the war in rural communities and have no desire to learn about them. For example, a woman who worked at the hostel I stayed at asked me what I was doing in El Salvador. I explained the purpose of my research and she responded that she does not care about the implications of the transition to democracy. There was a complete lack of interest and knowledge on the subject.

On the other hand, I spoke with a group of women who work for CoMadres, an NGO that is dedicated to remembering, honoring, and fighting for the justice of victims of the war. Each of these women felt the consequences of impunity and work to repeal the amnesty law in the sake of justice of the victims of the war. These women recognize they were lucky to have survived the war, yet desire justice and accountability in the new system of government. Despite the adversity and violence these women have faced, they remain hopeful for the future of human rights in El Salvador. In conclusion, the culture of impunity prevents the full realization of human rights in Salvadoran society.

Furthermore, this mentality ignores the culture of violence that occurs today, which is intrinsically linked to the armed conflict. There is an evident violent culture present in El

Salvador because violent behavior has become normalized to Salvadorans. Chavez, explained that “the cycles of state repression and popular resistance or rebellion consolidated a cultural pattern that mediated class and ethnic conflicts with violence” (32, 2004). A cyclical pattern of violence permeates Salvadoran society through an acceptance of violent norms from historical and cultural processes such as authoritarianism and political violence (Chavez 2004). The patterns of violence relate to the war because continued social and economic exclusion have fostered increased post-war violence. Youth violence, domestic violence, and organized violence are internalized in Salvadoran society. People are accustomed to criminal activity and speak nonchalantly about everyday violence occurrences. For example, one individual described how minor traffic accidents tend to result in guns being drawn because people are habituated to utilizing violence as a response. Many Salvadorans do not think twice about the barbarity and escalation of violence present in this situation because it is accepted.

Violence in El Salvador has changed from being exercised by the government to civilians through criminal activity or gang involvement. Practicing violence through organized crime began as a way to protect and unite the Latino communities who fled violence for refuge in Los Angeles, United States (Viento del Espíritu employee, August 1, 2014). In order to be an organized and unified collective, they created gangs. The infamous, transnational gang, MS-13 originated in Los Angeles by Salvadorans and other immigrants, but now wages violence in El Salvador since many members faced deportation from the U.S. government. Barrio 18 is the second largest street gang in El Salvador, which causes constant bloodshed between them and MS-13 (Dudley 2013). Gang membership and popularity grew, as economic opportunities were scarce in El Salvador. Gang popularity was strong after the Peace Accords because family members involuntarily abandoned many of their children from the violence of the war. Therefore, these children lacked family association and other opportunities, so becoming a gang member was a viable option. There has been an increased push for governmental social and economic programs for gang members by civil society in order to better integrate them into Salvadoran life



away from criminal activities (Dudley 2013). The progress towards these programs has been stagnant, as the problem and nature of gang violence is difficult to.

The cultures of impunity and violence directly influence the integration of a human rights culture in El Salvador. Through a legalist perspective and international law, the government is responsible for protecting and respecting all human rights through laws and institutional policies or norms. Salvadoran people have been demanding government accountability and respect for human rights for decades. Yet, human rights norms are a new institutional idea in El Salvador since the transition to democracy and increased pressure from international actors demanding the state to uphold human rights. At times, Salvadoran society remains highly politicized concerning the concept and practice of human rights. Many elites continue to associate human rights as a leftist idea, which prevents the government from implementing laws or programs that protect human rights. However, for the majority of the population, human rights are an accepted and welcomed idea. One NGO leader stated that the mentality regarding human rights has changed to be seen as essential for the country because majority of the population fought for respect of their rights during the war. Meanwhile, others perceive human rights from a retributive justice perspective and argue for the District Attorney to convict human rights abusers. No matter which perspective an individual has on human rights, there is a consensus that there are many human rights issues that need improvement in order for human rights norms to be fully realized.

The implementation and respect for global human rights treaties and norms furthers and strengthens the democracy in El Salvador. However, the human rights movement remains a newly accepted idea in the country, so progress remains. Many NGO leaders agree that the state needs to ratify international human rights covenants and treaties in order to change the internal behavior of the state. The culture of impunity prevents the full realization of human rights in Salvadoran society. Many NGO officials believe that those treaties could help fight impunity for human rights abusers since the amnesty law prevents human rights abusers from being held accountable. For example, the laws against enforced disappearances are not strongly enforced.

Enforced disappearances do not happen as they did during the war, but there is little support for CPED. A human rights activist at ProBusqueda stated, many Salvadorans wish that the punishment for enforced disappearances would be proportional to the crime because they are “permanent crimes”, meaning they have significant lasting effects on society (August 13, 2014). Furthermore, no Salvadoran has been brought to court to be tried for a disappearance. While it is significant that individuals have been named responsible for causing such atrocities, society desires those responsible to be punished. An individual at Tutela Legal explained, retributive justice will not be possible as long as the amnesty law is in place because the court follows the principle of “corpus delicti”, which means the body must be presented as evidence to prove an enforced disappearance (August 12, 2014). Without the body as proof, a judge cannot consider the crime a disappearance. Therefore, few investigations occur since it is an impossible crime to legally prove.

The two principle political parties in El Salvador, the FMLN and ARENA, approach human rights in different ways. The FMLN platform works to ensure human rights are at the foundation of every government institution and policy. The FMLN representative stated that the party supports the universal idea of human rights, that “human rights for everybody” and once that is enforced, the FMLN dream will be fulfilled. In order to promote human rights, the representative explained the broad reforms the party is committed to implementing. The ARENA party member I spoke with associated many of these ideas with leftist, revolutionary political leaders such as Fidel Castro or predicted El Salvador would become another Venezuela.

In conclusion, the political culture of the state of El Salvador, the culture of impunity, and human rights culture or lack thereof each affect the levels of violence. The forgive-and-forget mentality that influences the political culture challenges the progress made by the Peace Accords and Truth Commission. This mentality furthers a state of impunity that existed during the war, which perpetuates criminal violence or as scholars call it “social violence” (Garibay 2007, Chavez 2004). Many perpetrators of violence and gang members feel invisible from the law

because the history of the judicial system and operation of the police is one of impunity.

Therefore, violence remains prevalent in Salvadoran society as very few human rights abusers were held accountable during the war and other crimes continue to be dismissed. Moreover, the human rights culture has improved significantly on an institutional level from the introduction of democracy, the presence of the rule of law, and reforms of the security forces. However, at the grassroots level, many community members and NGO leaders desire further improvements towards realizing human rights.

### **Individual Level of Analysis**

In this section, I examine the perception gap that exists among the rural, urban, and elites of El Salvador and how the marginalized population during the war such as women continues to be marginalized despite the progress and reforms in the country.

One of the root causes of the conflict in El Salvador is attributed to the engrained social inequities between economic classes. Despite the many political, judicial, and electoral reforms, many of the economic problems persist in Salvadoran society. During the peace process, the FMLN movement desired economic changes, but the UN and the right political party rejected these reforms (Weinberg 1997). Vertical mobility in Salvadoran society is limited because social and economic exclusionary practices continue to oppress the marginalized communities as they did since 1932. Many economic elites participated in the transition for peace; therefore, desiring to keep some of the oligarchic features of agriculture and the economy present. For example, the Peace Accords established a Land Transfer Program to benefit those directly involved in and affected by the war. However, this program only involved around five percent of the national territory, majority of which did not include the most fertile lands (Weinberg 1997). Therefore, land distribution inequality remains with the elite benefitting from fertile land, as they did before and during the war. With the lack of economic reforms during the transition period, the importance of socioeconomic status continues to be systemic and embedded in Salvadoran society.

First, the elites, who typically are in political power, believe there are no more necessary reforms because they benefited from a lack of economic reforms. Justice is determined by those in power, not the vulnerable or marginalized who are impacted by the laws. These same elites had influence during the democratic transition, which allowed them to create mandates that favored the elites of society. Grenier and Daudelin wrote that political exchanges that benefit the elites are inevitable during a phase of democratization and peace (1995). These authors make this assertion because typically international cooperation and involvement plays an important role during a transition to democracy. Therefore, elites are pursuing their peers to recognize each other's representativeness (Grenier and Daudelin 1995). Furthermore,

They tend to overlook ordinary men and women who are mobilized and demobilized, represented and finally dismissed. But more importantly, as this article suggests, elites are favoured because *they* mobilize the resources. Hence, they can 'buy' the new resources generated by the peace process (Grenier and Daudelin 1995).

There will never be economic justice in El Salvador as long as social programs benefitting the most marginalized Salvadorans are approved by the Legislative Assembly, which is predominantly held by the ARENA party. Without government programs and protection, rural community members will continue to be marginalized by the same economic conditions they endured a century ago.

There are evident disparities between the wealthy elite and rural community members. Many rural individuals do not have equal access to healthcare, job opportunities or education. An employee at Tutela Legal explained that some poor individuals have to wait hours or days for simple procedures or doctor's visits (August 12, 2014). Many poverty stricken individuals face difficulties paying for insurance and good quality doctors, so they tend to lack the human right of access to standard medical care. However, in 2009, the government of El Salvador launched a health reform to achieve universal health coverage, which is part of the country's National Development Plan for the 2009-2014 period. This new health policy redesigned the healthcare

system to reclaim health as a duty of the state and views it as a fundamental human right (World Health Organization 2014).

In addition, teenage pregnancy, sexually transmitted diseases, and HIV/AIDS are more common in rural areas than urban or wealthy areas of the country (Amnesty International 2014). Yet, these areas have inadequate access to health services. The Ministry of Public Health and Social Assistance (MSPAS) provides eighty percent of the health services for the population in El Salvador (Globalsurance 2013). Due to the large population the National Health Service (NHS) serves, the health services are inadequate and under-developed in comparison to private health providers. The Salvadoran Social Security Institute (ISSS) provides fifteen percent meanwhile the teachers' social security system covers two percent and the private sector covers the other three percent (Globalsurance 2013). Large portions of Salvadorans do not have access to ISSS because many Salvadorans are self employed, unemployed, small business workers or agricultural workers. Many of these individuals live in low-income areas, the rural regions of the country, so they have to access healthcare through NHS.

Access to education is an additional divide present in Salvadoran society. Historically, the quality of the education system at the primary and secondary levels continues to face challenges. USAID detailed three challenges in education. First, there is a poor education quality, which results in an increased number of youth leaving school without basic skills (USAID 2015). Second, there is a limited access and inequity for disadvantaged groups such as urban and rural poor for education (USAID 2015). Lastly, many unemployed youth are highly susceptible to gangs, crime, and poverty, which prevent them from attending school (USAID 2015). The average level of education is now at sixth grade, which is an improvement from the Civil War. For example, two women from Guarjila I spoke with had to leave school by second grade and the other by fourth grade to provide help in the household (August 9, 2014). However, when children lack an education, they limit their potential for full development. Access to education is a human right that is enshrined in Article 26 of the Universal Declaration of Human Rights, so this right

follows international human rights norms. Furthermore, progress in education is necessary for development in El Salvador, which would help alleviate poverty. Education will help create a better-educated and competitive workforce that will contribute to the development of the country's economy (USAID 2015).

In addition, many rural communities remain ignorant of their rights or the history of the conflict despite the introduction to democracy. Some individuals in rural communities are not educated on whether or not women have the right to vote or even what it means to be a democracy. A few women I spoke with at Guarjila and CoMadres, asserted that they did not have the right to vote during the war, as their ballot would be invalid (August 9, 2014, August 13, 2014). Some women believed this to be true because many rural community women lacked an education. Women did have the right to vote during the war, however, the electoral process was dangerous during this time for women and rural communities. In addition, some rural individuals are kept ignorant of the information collected for the Truth Commission. Some individuals continue to believe the war propaganda that the guerillas were at fault for the violence and human rights abuses during the war (Tutela Legal Employee, August 12, 2014). Therefore, they believe that the government and military remained innocent and uninvolved during the war. It is important to note that during the war, many urban areas were ignorant of massacres and refugee camps in rural departments of the country. Therefore, a disconnect of ignorance between urban and rural departments of the country is not a new phenomenon in the country. This lack of general knowledge perpetuates the stereotype that rural community members are uneducated and unsophisticated in contrast to other Salvadorans. The presence of ignorance further embeds a disparity and a perception gap amongst social classes.

Therefore, a perception gap exists on the extent to which progress has been made towards reforming a more fair and equitable society. The perception gap further divides society based upon socioeconomic status, which hinders progress towards improving relations among the elite, middle class, and rural communities. The Economic Commission for Latin America and the

Caribbean (ECLAC), Latinobarómetro, and the Spanish International Cooperation Agency for Development (AECID) wrote that perceptions of socio-economic disparities continually vary depending on social class, which highlights an absence of agreement concerning inequalities in society (2010). This lack of agreement of public perception also reflects the persistent tension linked with social class. The elite remain privileged and unaffected by violence, so they perceive the transition as a success. Yet, economic inequality remains a grave problem in El Salvador, as social exclusion perpetuates violence in the country as it did during the war. The lack of education and the presence of systematic economic disparities speak volumes to whether or not the reforms of the democratic transition responded to the need of economic, social, and cultural rights protection and promotion.

Furthermore, women, a marginalized group, continue to feel the lasting effects of the war through various forms of inequality and oppression. These members of society are continually hurt by the action or inaction of the government because their living conditions and educational and employment opportunities has not significantly improved since the end of the war. Although there have been significant reforms to society after the war, many rural women community members, do not feel as if their livelihood has improved. “We all fought together for a better life, more dignity in order to live, but some say we are even worse off now than we were before” (Woman from Guarjila, August 9, 2014). Many of the marginalized community members migrated out of the country during the war with the threat of violence from the army or death squads. A similar exodus is occurring in present day, but as a result of the increased levels of insecurity and gang presence in the region. Children are fleeing violence in El Salvador to seek peace and stability in the U.S. just as families sought refuge in Honduras during the war. In addition, education levels remain low, employment opportunities scarce, and discrimination persists within the norms and laws of society.

During the war, Salvadoran women experienced physical and emotional hardships from losing loved ones. Families were torn apart as death squads massacred towns; males in families

left to fight in the war; soldiers used rape as a weapon of war to break down communities and dehumanize the women; and many family members were disappeared by the armed forces to leave the women always hoping for their return. When I spoke with three women from Guarjila, they detailed the difficulties they faced during the war. Each woman's family fled El Salvador for a refugee camp in Honduras throughout the 1980's to escape the violence. Moreover, the conditions women endured in rural communities during the war were underdeveloped and substandard. Food and resources were scarce since the army traveled through towns to burn and destroy any opportunity to live. One rural community member remembers how the community ate bark from a papaya tree because the people were desperate for nourishment (August 9, 2014). An evident abuse of all human rights existed during the war in order to dehumanize the people and lessen their chances of survival.

The institutional and system reforms were beneficial for transitioning to a democracy, but reforms to improve the rights of women were excluded. Although political violence has stopped since the war, many women feel the lasting effects of the war more so than other marginalized groups of society. Men and women endure and survive conflict in different ways; yet, this difference was not taken into consideration during the peace process. The needs and rights of Salvadoran women were not a consideration in the Peace Accords, but rather the male politicians, diplomats, soldiers, and guerillas created the negotiated peace agreement. Women feel the effects of the war from exclusion from the political sphere, discriminatory policies, and gender based violence.

Introducing democracy to the political sphere has had many positive implications for Salvadoran society since the end of the war. Yet, there have been some evident shortcomings of the political reforms towards including women in political decisions. The Salvadoran Constitution recognizes all persons as equal before the law. Therefore, to uphold civil and political rights, no limitations can be established based on nationality, race, sex or religion. Although the Constitution mandates equality before the law, gender inequality continues to negatively



influence women's participation in the political environment. For example, many women felt that despite voting in elections, their voice remains unheard and disrespected by their political leaders. There is a sense of exclusion as women are not able to participate fully and equally in politics as men are. In El Salvador,

From 2003 to 2012, the number of female mayors in El Salvador increased from 15 to 28, representing 11 per cent of the total number of municipal councils. In the legislature, from 2009 to 2012, political participation by women increased by 8 per cent, resulting in 23 members of a total of 84. This proved to be an historic milestone in that by 2012 female parliamentarians constituted 27 per cent of the legislature (United Nations Development Programme 2014)

The political participation of Salvadoran women is in its infancy, but it is important to recognize the marginal progress made since the end of the Civil War. In addition, there are now more registered women voters (2,608,806, 53.11% population) than male voters (2,302,866, 46.89%) (Tribunal Suprema Electoral 2015). The increase of political participation by women is significant because many women were unaware of their right to vote before and during the war. A woman from Guarjila shared her memories of voting during and after the war. "My father would be able to vote, but I remember my mother not voting. They said her vote would be invalid. I feel that is a success of the democracy that women have the right to vote and the same rights as men. Now, we can have our own way of thinking and conscience" (August 9, 2014). Although women technically were equal before Salvadoran law, the political culture, gender roles, and marginalization prevented political equality. Many women are no longer as ignorant about their rights, as they were during the war because they desire to fully participate in politics as men do.

An increase in women political leaders is a positive change, yet not significant enough for women to have equal access to political power as men. Therefore, there continues to be an unequal representation of women political leaders in the government. Yet, this trend of exclusion in political positions does not solely affect El Salvador. Many nations such as the United States have few women serving in high up political positions. Women continue to face adversity within politics, as it has been sphere traditionally dominated by men in a patriarchal society. However,

women are integral to community development and approaching politics in a different manner than men, which could be helpful for reconciling a nation.

The growth of a violent culture lessens physical security for women. First, some women fear that since some FMLN and ARENA party members participated in the war and were accustomed to taking the lives of others, that that mentality will influence how a politician approaches politics. For example, the people respect and support the new President Sanchez Cerén, but he was a former commander for the guerilla movement during the war. In addition, President Funes desired to appoint a former military commander to the position of General of the PNC (Viento del Espíritu Employee, August 1, 2014). One must critically analyze the behavior of political leaders to determine what lens these leaders are operating under. With the transition to democracy, there is an increase in political accountability since civilians have more authority in politics than in the past (Portillo-Gonzales 2012). However, much of the civilian authority resides within men. Therefore, the opinion of women in politics tends to be disregarded as unimportant despite their legitimate concerns about current political leaders ties to violence.

Furthermore, women fear for their life as they did during the war, but for different reasons now as the violence has transformed to criminal violence. First, domestic violence and crimes against women are prevalent even though violence and discrimination are illegal in El Salvador. The US Department of State reported as of August 28, there were 4,826 cases of alleged sexual assault crimes, yet only 392 convictions throughout the year (2013). Moreover, the PNC reported 1,904 cases of domestic violence, but these cases were not effectively prosecuted as well (US Department of State 2013). Rape and domestic abuse cases are perceived as socially acceptable and are typically underreported. It is evident that gender based violence cases are abundant in El Salvador, yet few perpetrators serve time. There are a few explanations for this behavior and impunity around violence against women cases. One may argue that cultural factors such as the machismo behavior and attitude further the discrimination and hierarchy in society. Within a machismo culture, women are perceived as subordinate to men in regards to value and

knowledge. Therefore, women will not report a rape from fear of reprisal or cultural pressures. Along with a machismo attitude, gender inequality is deeply entrenched in society, so if a woman does not fulfill her gender role she is dishonored and can be targeted by society (US Department of State 2013). Violence against women may be a backlash against those women who are empowered and have transitioned away from traditional gender roles. In addition, the stigma around rape convinces many women to not report the incident for fear of shame. Lastly, there are not sufficient resources to try every case that is presented to the court. Many domestic abuse and rape cases are forgotten, turned away, or rarely reported because the court does not have the capability to review the amount of cases that exist.

Second, the presence of gangs is a daily threat to their livelihood. Although gang violence is different than state sponsored violence, the fear and repercussions of the violence reflect each other. During the war, women faced rape as a weapon of war, torture, brutal beatings, and enforced disappearances. With gang violence on the rise since the transition to democracy, many women state that they are afraid to leave their house during the day. These women fear the crime or violence perpetuated by gangs because innocent lives have been taken by criminal activity. Gang members further sexual violence against women that reflects the violence they faced during the war. Arce wrote that there has been a dramatic increase in women and girls seeking asylum in the United States after being kidnapped or raped (2014). With the evolution of gang warfare, rape is commonly used as a weapon in order to assert male dominance and express violent tendencies learned during the war. Silvia Juarez, a lawyer with the Gender Violence Observatory explains, “all of the gang members victimize women. All of the cliques behave this way. If there are 60,000 or 70,000 gangsters, imagine how many women they have abused” (Arce 2014). Many victims of gang violence are found in clandestine cemeteries, with many women in a common grave just like during the war. As with domestic abuse cases, these rape cases are silenced due to gang control and influence in the country and a history of impunity in the justice system.

Third, women face discriminatory laws that hinder the realization of equality before the law. Amnesty International writes that there is a hidden war being waged in El Salvador, one that does not involve weapons or soldiers, but results in death, disability, and incarceration (Shetty 2014). It is a war waged against innocent women and girls. A recent Amnesty International report details how a reform to the abortion law sixteen years ago criminalized abortion in all circumstances. This change makes El Salvador one of the strictest countries in regards to abortion laws. Women and girls cannot access an abortion if carrying on with their pregnancy will kill them, if the fetus will not survive, or if a young girl was impregnated from rape. In addition, the report found that women who had miscarriages have been charged with aggravated homicide (Amnesty International 2014). This charge can bring a sentence of up to fifty years in prison even though women have no control over miscarriages. The report provides numerous personal narratives of the implications of the total abortion ban for women and girls. For example, a thirteen-year-old girl became suicidal after she was raped by gang members and became pregnant (Amnesty International 2014). For pregnant females aged ten to nineteen, suicide accounts for 57 percent of the deaths (Amnesty International 2014). In El Salvador, 32 percent of all pregnancies are adolescents, which is the highest rate of teenage pregnancy in the region. Therefore, many of these adolescents face the stigmas of teen pregnancy and mental illness. Salvadoran women and girls experience social ostracism due to the total abortion ban. Lack of respect for the rights of women and girls on these issues furthers discrimination and creates a systematic denial of human rights.

Through policies such as the abortion ban, it is evident that the country is far from the commitment to justice for all. Despite the country has made towards advancing women's human rights, there is a pressing need for protection of sexual and reproductive rights. Amnesty International believes that the total abortion ban is a form of torture, violates a woman's right to life, health, privacy, and non-discrimination (Shetty 2014). Women are forced to seek unsafe and secret abortions, which tends to put their lives and health at risk. These discriminatory laws

subject women to unsafe conditions, unnecessary incarceration, and continually abuse their human rights.

Besides gender-based violence and discriminatory laws, women experience inequality and exploitation regarding their employment. Women are employed by *maquilas*, which are foreign owned manufacturing factories in a free trade zone where the company does not have to pay certain taxes on materials and goods. Many *maquilas* hire women for textile production, but subject the women to difficult working conditions, long hours, and little pay. In a 2007 report by the CEDAW Committee, the maquiladora industry was responsible for a widespread denial of women's labor rights. The report cites some of the violations as lack of access to social security and maternity benefits, poor working conditions, and exposure to violence and sexual harassment. Although neoliberal economic policies established multinational corporations in El Salvador for economic growth, these policies further subject women to exploitation and labor rights violations.

In conclusion, the lack of respect and inclusion for women's rights during the transition to peace resulted in continued discrimination, oppression, and violence against women. The establishment of democracy has helped improve the political participation of women, yet, equality before the law has evident shortcomings. The presence of a total abortion ban and criminalization of miscarriages denies a woman her sexual and reproductive rights. Important reforms for legislation that protects women's rights and normalization of equality are necessary to prevent violence against women and discrimination.

## **Conclusion**

During the Salvadoran Civil War (1979-1992), the government of El Salvador and the revolutionary guerilla group committed a series of systematic and intentional crimes against humanity and human rights abuses. In its attempt to preserve its absolute control and authority, the government of El Salvador utilized repressive tactics and discriminatory policies aimed at disempowering the peasants and political opposition. The guerilla group desired an establishment

of democracy and basic human rights protection, as they had been a marginalized group since the establishment of the authoritarian regime. After the signing of the Peace Accords in 1992, the implementation of democratic reforms and practices began with the establishment of transparent elections and reforms within the police, military, and judicial sector. In 1993, the UN sponsored the Commission on the Truth for El Salvador, which investigated the crimes against humanity committed by the guerillas and army during the war. This commission served as a transitional justice mechanism to validate the historical narratives of suffering of the Salvadoran people. Despite the significant democratic reforms, international support, and official end of the armed conflict, violence continues to threaten the security of Salvadorans. One would assume that with the introduction of democracy, there would be a decreased level of intrastate violence and increase in respect for physical integrity rights. However, many marginalized Salvadorans continue to fear for their physical security as they did during the war because, as this paper demonstrates, democratic processes and institutions do not necessarily impact attitudes and behaviors that constitute long-held beliefs and perceptions of a political culture that historically supports violence rather than political discourse. To implement democratic and human rights norms in a society that was unaccustomed to those ideas and practices necessitates time in order for sustainable change. The cultural attitude of Salvadorans towards violence and the political culture that continues to perpetuate impunity negatively influences the physical integrity rights of Salvadorans. Moreover, the economic situation in El Salvador influences the levels of violence, which increase the state of insecurity in the country. Therefore, the current social, economic, and political conditions challenge the state of violence and human rights in the post war era.

After the democratic transition, the government of El Salvador became party to numerous UN sponsored human rights treaties. This participation at the international level through human rights treaties and norms is important and beneficial for the state of El Salvador because it demonstrates the state's willingness to protect human rights. However, it is essential that Salvadoran governmental institutions adopt and abide by democratic values and practices to

respond to the growing insecurity in the country by furthering human rights protection. Becoming signatory or party to human rights treaties increases the legitimacy and reputation of the state, but El Salvador must prove its dedication to the human rights movement by creating and passing laws and programs that support human rights at national and sub-national levels.

Moreover, the government must have the ability to implement global human rights norms, but at a national level. Therefore, it is necessary that governmental institutions reshape these norms to apply to the local context and issues the state faces. However, applying global norms created by Western states and institutions such as the UN can be difficult in a Latin American country that is facing high levels of poverty and violence. For the most part, the Salvadoran culture is open to the human rights language, as peasants and the political opposition have historically called upon human rights protection from the government. It is evident that a disconnect exists between the rhetoric from the UN and the reality at the regional level. Many Salvadorans that work in the human rights related field discussed the shortcomings of the governmental institutions to completely implement the UN treaties. These individuals explained that with political opposition from the ARENA party and a lack of resources, the promotion of human rights is not always on the forefront of politics. Some individuals went as far to say that there has been little progress towards the realization and protection of human rights in El Salvador.

Furthermore, the information collected during the investigations for the Truth Commission created the foundation for transitional justice. Yet, with the approval of Amnesty Law by the Cristiani administration in 1993, those who committed human rights abuses during the war are protected from prosecution. The Amnesty Law leaves the legacy of impunity unchallenged that was present in El Salvador during and after the war. Panizza asserted that amnesty laws have been regarded as failures for the human rights movement and harmful for the legacy of newly established democratic governments (1995). An amnesty law can erode the legitimacy of a new government by violating the rule of law and equality before the law; two

fundamental aspects to democracy. Without sufficient and effective legal punishment for those culpable of human rights abuses, survivors of the war will continue to feel the lasting effects from the war.

In addition, the law prevents the realization of justice for victims of the war. The lack of justice for victims and survivors of the war creates a culture of impunity that hinders the progress of the transition for peace in the country. Many Salvadorans wait for the day when the whereabouts of their loved one will be known or when the government acknowledges their suffering. However, some scholars argue that an amnesty law helps remedy a conflict and deliver justice, but in a different way than prosecution. Gairdner argued that a truth commission can be utilized to remove human rights violations out of the arena of judicial action, especially when accompanied by an amnesty law (1999). Additionally, without an amnesty law, human rights abusers would not be comfortable admitting to their culpability in the atrocities they caused. With the protection of an amnesty, reconciliation may be possible for the victims through the right to truth (Hayner 2004, Panizza 1995, Sikkink 2011). Even with the presence of the amnesty law in El Salvador, many former government and military officials continue to deny their role in the human rights violations of the war. Therefore, a high level of unaccountability exists within governmental structures and on the individual level. The high level of impunity that remains unchallenged perpetuates violence in the country, as criminals witness human rights abusers remain “innocent”. Those who committed human rights abuses will never be held criminally responsible for their actions, which dishearten Salvadorans and deter the effectiveness of the Truth Commission. Truth-telling is an important step towards accountability, but is not a replacement for justice. This lack of accountability negatively influences Salvadoran’s perception on the efficacy of the judicial system and indirectly perpetuates violence, as criminals believe they can get away with petty crimes since human rights abusers received no admonishment or punishment.



Additionally, economic injustice continues to marginalize many Salvadorans, as the democratic transition did not address establishing economic peace. The Peace Accords included numerous revisions to democratize El Salvador, yet, failed to address the need of economic reforms. One of the root causes of the conflict in the country can be attributed to the economic disparity caused by discriminatory laws written by the elites. As inequality grew from these laws, the marginalized community demanded justice through democratic means. However, when the government ignored the pleas for democracy, the public and government resorted to violence to foster social change. With the introduction of neoliberal economic policies and the presence of MNCs after the transition to democracy, the further entrenchment of poverty in Salvadoran society deepened the preexisting inequalities. Privatization resulted in an increased price for previously public resources, which broadened the divide between the privileged and marginalized communities. Many manufacturing and farm workers endure labor rights violations, but have no other means of employment. Children are forced to leave school at a young age in order to provide for their family rather than receive the education they deserve. As children face economic hardships at a young age, the allure of organized crime and gang involvement increases. Women feel the lasting effects of the war unlike other groups of society, as they face exploitation in the workplace, social subordination from the machismo culture and gender roles, and violence against women cases have increased. Social division and disparities between socioeconomic classes prevents peace among all Salvadorans, as the marginalized groups face the continued economic struggles. Therefore, the social violence and poverty Salvadorans experience are linked to the preconditions of the civil war and the shortcoming of the Peace Accords to mediate economic equality.

Lastly, the physical integrity rights of Salvadorans remains threatened as it did during the war, as violence has shifted from political to criminal violence. The introduction of democracy removed violence from the political sphere, but has not resulted in a lessening of insecurity in the country. With the provisions from the Peace Accords that mandated reforms of the police and

military organizational culture, the utilization of repression in the political sphere has lessened. Democratic practices such as elections are no longer as corrupt or coercive as in the past due to the removal of military involvement with the police. Elections have become more transparent and fair for all Salvadorans, which can be attributed to the reforms in the Peace Accords. Yet, violence remains pervasive in the country due to the growing popularity of gangs, the cultural attitudes towards weapons, and increased accessibility to firearms. With a lack of economic opportunities and the growing insecurity in the region, gangs have become an outlet of survival or opportunity for participation in society (Dudley 2013).

The normalization of relying on weapons as ends to a means derives from the history of militaristic regimes in the country. The public witnessed the government utilizing violence to alleviate conflicts or remain in control; therefore, the Salvadoran people became accustomed to responding to conflicts with violence. To respond to the growing insecurity attributed to gangs, the government granted security forces, such as the police and military, the right to violate the physical integrity rights and civil rights of gang members and suspected youth. It is evident through policies such as *Mano Dura* that the state continues to legalize certain forms of repressive behavior in attempt to deter crime and violence in the country. However, this reliance on repression demonstrates that the introduction of democratic values and practices did not necessarily result in an increase in respect for physical integrity rights. These tactics further delegitimize the democracy in El Salvador and demonstrated continued state reliance on violence rather than political discourse. Under the current FMLN administration, the government aims to promote human rights language and practices to follow democratic expectations, but the presence of gang and criminal violence threatens the normalization of human rights, as the security forces continue to commit abuses against the Salvadoran people.

Although the Salvadoran democratic transition and peace process is deemed a success, there are evident shortcomings and areas needing improvement to truly establish justice and peace in the country. As Monsignor Romero stated, “Peace is not the product of terror or fear.

Peace is not the silence of cemeteries. Peace is not the silent result of violent repression. Peace is the generous, tranquil contribution of all, to the good of all. Peace is dynamism. Peace is generosity. It is right and it is duty". The state of El Salvador has made significant achievements towards promoting a human rights culture and democratic practices and values. However, a true sense of peace has yet to be achieved. The realization of peace is hindered by continued economic inequalities, insecurity from rising levels of criminal violence, lack of accountability and justice for victims of the war, and continued marginalization of women in the political, labor, and domestic sphere.

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## Appendix

### Interview Questions

#### Personal Background Information

1. In what ways has your life changed when the government of El Salvador transitioned from a military controlled state to a democracy?
2. What political changes have you seen take place since the war ended?

#### Experience on Democratic Tools

1. The transition to democracy reportedly resulted in a decrease in state repression and violence compared to the state's behavior during the Civil War. Have you seen a decrease in violence in the country since becoming a democracy?
  - a. Have you witnessed a change in the type of violence since the transition to democracy?
2. What qualities of a democracy, if any, do you believe help limit state repression?
3. Do you believe that the government does not utilize repressive tactics like during the war?

#### Experience on Government Practices and Human Rights

1. What are some mechanisms the country uses to protect human rights? Were those mechanisms established once the country changed to a democracy?
2. Does the judicial system have the ability to hold the people who commit abuses accountable?

#### Impact of the Truth Commission, Peace Accords, and Elections

1. What do you see as the impact that the Truth Commission has on the country? The Peace Accords?
2. Have you seen an evolution in the way the country conducts and responds to elections since the transition to democracy?
  - a. What experiences have you had with elections?
3. What impact do elections have on the democracy in El Salvador?