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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

El Salvador

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

Report by El Salvador concerning the recommendations made by States during the universal periodic review (UPR) at the seventh session of the United Nations Human Rights Council, 8–19 February 2010

1. El Salvador expresses its appreciation of the interest shown by the international community in the progress of human rights in El Salvador and thanks the States and non-governmental organizations that participated, through their representatives, in an interactive dialogue on El Salvador's report under the universal periodic review (UPR) in February 2010. A total of 118 recommendations were made, of which 78 were accepted and 40 were submitted to a consultation process for consideration by various State institutions.

Recommendations on which consultations were held

2. With regard to the signing and ratifying of the most important human rights treaties (recommendations Nos. 1–19, 23 and 26–39), El Salvador accepts these recommendations, in view of their relevance to the promotion of human rights and fundamental freedoms in El Salvador and their compatibility with El Salvador's commitment to comply with the rules established by international human rights law.

3. It should be pointed out that, in order to ratify the various treaties that have been recommended, El Salvador will engage in a multisectoral internal consultation process, with the participation of civil society, in order to promote a debate on the compatibility of each international instrument under consideration with the various provisions of the Constitution of El Salvador. This process will take place prior to referral to the Legislative Assembly for each ratification and will give more substance to the relevant legislative debates, thus creating conditions for effective implementation when ratification is completed.

4. With regard to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), El Salvador would like to inform the Human Rights Council that it signed the Protocol on 4 April 2001 and the instrument was referred to the Legislative Assembly in April 2010. It can therefore not be said that El Salvador has rejected the recommendation.

5. That said, however, El Salvador will not conceal from the Council that there has been strong domestic opposition from various quarters to the ratification of the Protocol. In that connection, the Government would like to make it clear that, as with the other treaties whose ratification has been recommended, it will act in accordance with the system of powers established by the Constitution. The Legislative Assembly will thus make the final decision on ratification, having studied with all due care all the arguments and counter-arguments put forward with regard to the Protocol, so as to be clear about the implications of ratification. As we have said, this procedure will have to be applied to all the other treaties on which El Salvador has made a commitment.

6. The situation with regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is that it was signed in September 2009 and is currently undergoing domestic procedures for ratification.

7. With regard to the recommendations on the rights of the child and the adolescent, action is currently under way to ensure the provision of the resources required to guarantee the implementation of the effective implementation of the Comprehensive Act on the Protection of Children and Adolescents (recommendation No. 20). As for the recommendation on raising to 18 the minimum age for marriage (recommendations Nos. 32

and 33), it should be pointed out that to be below 18 years of age is regarded as an impediment to marriage under current family legislation. As for defining forced marriage as a crime, domestic legislation includes forced marriage as one element of the criminal offence of trafficking in persons. The Government undertakes, however, to take steps to ensure compliance with the recommendation.

8. With regard to the right to education, and specifically as concerns improving the conditions of access to secondary education, especially in rural areas (recommendation No. 32), the current Government has undertaken to provide the resources necessary to improve the quality of both primary and secondary education at the national level, including in rural areas. The recommendation is thus accepted.

9. With regard to the recommendation to eliminate discriminatory practices and attitudes affecting various groups, including women, lesbian, gay, bisexual and transgender people and people with HIV/AIDS (recommendation No. 22), El Salvador is giving active consideration to accepting the recommendation, since the position of the current Government is to be inclusive of sectors that have historically been excluded and discriminated against.

10. Action has been initiated jointly with civil society with a view to progressively eliminating discrimination against the sectors of the population referred to and others that are no less important.

11. The Sexual Diversity Directorate was set up in May 2010 with the aim of promoting inclusive public policies that will benefit lesbian, gay, bisexual and transgender people. For the same purpose of eliminating the practice and conduct of intolerance and discrimination on the grounds of sexual orientation, the Constitutional President of the Republic approved, also in May, Executive Decree No. 56, which sets out “Provisions for the avoidance of all forms of discrimination in the civil service on the grounds of gender identity and/or sexual orientation”. This demonstrates the State’s full commitment to ensuring respect and safeguards for the human rights of lesbian, gay, bisexual and transgender people.

12. El Salvador also accepts the proposal that it should ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (recommendation No. 39).

13. It has also been decided to accept the recommendation that El Salvador should conduct a national campaign for the universal provision of identity documents (recommendation No. 21) and the first steps to that end have already been taken.

14. El Salvador has decided to accept the recommendations on reducing the duration of preventive detention, improving prison conditions and reducing overcrowding (recommendations Nos. 28, 30 and 31).

15. In relation to the right to health, El Salvador accepts the recommendations (recommendations Nos. 34 and 35) that it should “study the possibility” of consolidating the national health system, “including through public-private partnerships” and that such a system should be based on equity and accessibility, with the aim, among others, of reducing the maternal mortality rate. In that connection, we should point out that the current Health Policy 2009–2014 is designed to strengthen the national health system comprehensively by providing the whole population with effective care and equal access. Education and sexual and reproductive health (recommendation No. 36), with a particular focus on adult women and adolescents, and the prevention of maternal mortality, should be seen in that context.

16. El Salvador finds acceptable recommendation No. 29 on criminal investigations that respect human rights and the promotion of judicial procedures that respect the law and human rights standards.

17. With regard to bringing the laws on migration into line with international standards, the Government is willing to comply with this recommendation (recommendation No. 40) in the interests of promoting the human rights of migrants.

18. With regard to the continuation of the national plan for land management (recommendation No. 38), it has been decided to accept the recommendation.

19. We are glad to say that, as recommended (recommendation No. 37), the Government will promote a full and participatory national dialogue, involving the various social sectors and relevant public bodies, on the right of women to reproductive health and on the implications of restrictive abortion laws.

20. With regard to the recommendations of the Working Group on Enforced or Involuntary Disappearances, made in 2007 (recommendation No. 27), the State has changed its position on enforced disappearance and has publicly acknowledged the existence of such practices, which violated human rights, during the armed conflict. It has also acknowledged the direct or indirect participation of State agents in such disappearances, particularly the armed forces and public security agencies. For this reason, the national commission for reparation for victims of human rights violations that occurred in the context of the armed conflict was recently established. It is an inter-institutional body that will make proposals for inclusion in the Presidential Programme for reparation for the victims of serious human rights violations associated with the conflict, which will meet international standards on reparations. An important element of the work of the national commission that should be highlighted is the opening up of dialogue and the participation of organizations representing the victims. The State will therefore take into consideration the recommendations of the Working Group on Enforced or Involuntary Disappearances with a view to developing, as far as the country's constitutional framework will permit, the establishment of the necessary coordination procedures, both with regard to the Working Group and organizations representing the victims.

21. As for the recommendation relating to the report on El Salvador by the Committee against Torture in 2009 (recommendation No. 28), the situation is that the Government is in the process of considering and discussing the report and its recommendations with a view to implementing them in accordance with the areas of competence of the various State bodies.

22. El Salvador undertakes to continue to work on the promotion of human rights and supports the aims of the universal periodic review mechanism in order that human rights may be respected and guaranteed in every country.
