



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined eighteenth and nineteenth periodic
reports submitted by El Salvador in 2018 under
article 9 of the Convention^{*}, ^{**}**

[Date received: 13 June 2018]

* The present document is being issued without formal editing.
** The annexes may be consulted at the secretariat.



Glossary

ISDEMU	Salvadoran Institute for the Advancement of Women
ISTA	Salvadoran Agrarian Reform Institute
LGBTI	Lesbian, gay, bisexual, transgender and intersex
ILO	International Labour Organization
PDDH	Office of the Human Rights Advocate
SECULTURA	Secretariat for Culture of the Office of the President, now the Ministry of Culture
SETEPLAN	Technical and Planning Secretariat of the Office of the President

I. Introduction

1. The Government of El Salvador hereby submits its eighteenth and nineteenth periodic reports on the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with article 9 (1) of the Convention, and pursuant to the Committee's recommendation in paragraph 31 of document CERD/C/SLV/CO/16-17.
2. This report has been drawn up in accordance with the instructions provided in the compilation of guidelines on the form and the content of reports to be submitted by States parties to the international human rights treaties of 3 June 2009 (HRI/GEN/2/Rev.6). The Committee's concluding observations regarding the implementation of the Convention by El Salvador and contained in document CERD/C/SLV/CO/16-17 have also been taken into consideration.
3. The information is the result of the work of an inter-agency team coordinated by the then-Secretariat for Culture of the Office of the President, now the Ministry of Culture (SECULTURA), the lead entity in this field, and the Ministry of Foreign Affairs. The team comprised the following institutions: Technical and Planning Secretariat of the Office of the President (SETEPLAN), Ministry of Health, Ministry of Education, Ministry of Labour and Social Security, Ministry of Agriculture and Livestock, Office of the Deputy Minister of Housing and Urban Development, Directorate General for Migration and Alien Affairs, Directorate General of Statistics and Censuses, Supreme Court of Justice, Office of the Attorney General of the Republic (*Fiscalía General de la República*), Office of the Human Rights Advocate (PDDH), National Civil Police, Salvadoran Institute for the Advancement of Women (ISDEMU), Salvadoran Agrarian Reform Institute (ISTA), Social Housing Fund, Social Investment Fund for Local Development, National Records Centre, National Public Housing Fund of El Salvador and Property Legalization Institute.
4. In 2014, under a legislative decree amending article 63 of the Constitution, El Salvador recognized the existence of indigenous peoples in Salvadoran territory, laying the groundwork for laws, plans and public policies.¹
5. Objective No. 8 of the Five-Year Development Plan 2014–2019, entitled “A Productive, Educated and Safe El Salvador”, calls for promoting culture as a right, contributing to the cohesion, identity and transformative force of society. Its action lines include the promotion of the rights of indigenous peoples, for which it designates SECULTURA as lead entity.
6. The General Culture Act was adopted in 2016 to promote the enjoyment of human rights and fundamental freedoms of indigenous peoples. The Act on the Promotion, Protection and Development of the National Handicrafts Sector was passed in October 2016 to promote and develop that sector, which includes persons of indigenous origin.
7. Six municipal ordinances have been passed around the country, five of them in Nahuatl territory and one in Lenca territory, to guarantee the rights of indigenous communities in the territories where they are heavily concentrated.
8. In fulfilment of those commitments, the current Government has established a policy of full recognition of its human rights obligations under international instruments, including the State's obligation to align domestic legislation with international law.
9. In 2017, the President of the Republic, Professor Salvador Sánchez Cerén, approved the Public Policy for the Indigenous Peoples of El Salvador, in keeping with the Constitution, the Culture Act and the National Action Plan for Indigenous Peoples, following up on the commitment undertaken at the World Conference on Indigenous Peoples. The two instruments lay the groundwork for institutional action in that area and are about to be officially launched.

¹ Official Gazette No. 112, vol. No. 403. Decree No. 707. Legislative Assembly. June 2014.

10. The core document was updated in 2016 in the framework of the presentation of the country's fifth and sixth report on the Convention on the Rights of the Child, in line with the observation contained in paragraph 31 of document CERD/C/SLV/CO/16-17.

Article 1

Definition of racial discrimination

11. Article 3 of the Constitution establishes the general principle of equality and non-discrimination as follows: "All persons are equal before the law. The enjoyment of civil rights shall not be subject to restrictions based on differences of nationality, race, sex or religion."

12. As the Constitution is the supreme law guiding the rest of the domestic legal system, all secondary laws must give effect to the constitutional principles, so it is important to stress that in 2014, El Salvador ratified the Reform Agreement on article 63 of the Constitution, which states that "El Salvador recognizes the indigenous peoples and shall adopt policies to preserve and develop their ethnic and cultural identity, world view, values and spirituality."²

13. In August 2016, the Legislative Assembly approved the Culture Act, chapter 3, article 30 of which refers to the right of non-discrimination, defining it as follows: "The State shall guarantee the indigenous peoples their freedom, equality, dignity and right to live free from any discrimination based on ethnicity, sex, religion, customs, language or any other status."³

14. In addition, six municipal ordinances have been promulgated at the local level, including the Municipal Ordinance of Panchimalco⁴ (see annex I), article 5 of which refers to protection against racial discrimination, defined as any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life, as enshrined in the Convention on the Elimination of All Forms of Racial Discrimination.

Article 2

A. Legal framework and general policies to eliminate racial discrimination

15. Social inclusion is one of the priority strategies of the Five-Year Development Plan 2014–2019, which is intended to "eradicate discriminatory social and institutional practices that deny, limit, prevent or impair the dignity of individuals and their right to equal opportunities and treatment".⁵ The plan focuses inter alia on reducing levels of inequality on the grounds of ethnicity.

16. The information requested for this section is contained in the core document of the Republic of El Salvador, updated in 2017, as part of the preparation of the country's fifth and sixth reports on the implementation of the Convention on the Rights of the Child.

² Decree No. 707. Official Gazette No. 112. Vol. No. 403. Date of publication: 19 June 2014. Legislative Assembly.

³ Culture Act. Legislative Assembly. Decree No. 442. Official Gazette No. 412, vol. No. 159. Date: 30 August 2016.

⁴ Municipal Ordinance on the rights of the indigenous communities of Panchimalco. Official Gazette vol. No. 407, No. 61. April 2015.

⁵ The Five-Year Development Plan 2014–2019, entitled "A productive, educated and safe El Salvador". P. 31.

B. Legislative, judicial, administrative or other measures

17. El Salvador has adopted several laws over the past five years on the promotion and protection of rights, including the following: the Culture Act; the Act on Social Development and Protection; the Act on the Promotion, Protection and Development of the National Handicrafts Sector; the Act on Equality, Equity and Eradication of Discrimination against Women; the Special Comprehensive Act on a Violence-Free Life for Women; the Policy on Criminal Prosecution; the ISTA Policy on Gender Equality and Non-Discrimination; and six municipal ordinances for indigenous communities. Two bills are currently before the Legislative Assembly: the Transitional Act on the Regularization of Migration of People of Central American Origin, and the Act on the Rights of Indigenous Peoples, which is intended to establish a legal framework for the recognition and respect of indigenous peoples and to set up an indigenous council that will enable the peoples to organize themselves and to work in accordance with their world view and spirituality.

18. El Salvador is endowed with a system of civil rights and liberties consisting of the Public Legal Service (Attorney General's Office, Counsel General's Office and PDDH), the judiciary and the Ministry of Justice and Public Security, which promote the application of the principle of non-discrimination.

19. Domestic legislation has made progress since the constitutional reform of 2014, which recognizes the existence of indigenous peoples.

20. Under article 8 (9) of Section II of the Police Discipline Act, on serious offences, the National Civil Police provides for the punishment of police personnel who "act in a clearly discriminatory manner on the basis of gender, creed or race". The Office of the Inspector General for Public Safety of the National Civil Police investigates any harm done to individuals, including their right to non-discrimination, honour, equality, life, health, etc. The Office also has a Human Trafficking Investigation Department, whose units investigate all crimes against any national or foreign persons (indigenous persons, migrants and people of African descent).

C. National institution or agency responsible for combating racial discrimination

21. SECULTURA is the lead entity for promoting the rights of indigenous peoples through the harmonization of domestic laws with international standards concerning indigenous peoples. The Secretariat also oversees the preservation, promotion and dissemination of culture, advancing cultural policies and proposing various forms of research, training in the arts, support for popular culture, and safeguarding, restoring and disseminating the nation's cultural heritage, while also contributing to the elimination of discrimination against indigenous peoples.

22. There are a number of government institutions that carry out the administration of justice, mentioned in paragraph 18 of this report.

23. Protection from violations of constitutionally recognized rights, such as the right to equality and non-discrimination, may be secured through *amparo* proceedings brought before the Constitutional Affairs Division of the Supreme Court of Justice.

D. Special measures taken in the social, economic, cultural and other fields

24. The Committee urges the State party to continue to implement social inclusion and identity-sensitive development policies designed to reduce inequality and poverty, and to strengthen indigenous peoples' and Afro-descendants' enjoyment of their economic, social and cultural rights with a view to eliminating the structural discrimination that is rooted in the country's history. It recommends that the State party adopt special measures or take affirmative action to break the link between poverty and racism, in accordance with the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention.

25. The Government's Five-Year Development Plan 2014–2019 laid out a set of comprehensive social protection systems that are based on respect for human rights and the principles of universality, sustainability, equality, inclusion, shared responsibility, solidarity and equity, and that also include creating the opportunities necessary for families and individuals in vulnerable situations to improve their well-being and quality of life. The plan calls for support for priority population groups and for helping to close the gaps in access to services and the development opportunities of populations that have historically been excluded, including indigenous populations.

26. The Social Development and Protection Act was adopted in April 2014. It contains a national plan on social development, protection and inclusion 2014–2019, through which support programmes have been implemented for persons in situations of poverty, vulnerability, exclusion and discrimination. The objective is “to protect people from the various risks and challenges they face throughout their life cycle and to reduce the conditions that create vulnerability: disease, poverty, hunger and malnutrition, sudden loss of income, lack of access to quality public services, the breakdown of family or community ties, disability, and domestic and gender violence”.⁶

27. The poverty eradication strategy was drawn up in June 2017 under Executive Decree No. 28 as one of the Government's social policy instruments pursuant to the Social Development and Protection Act. It combines a number of inter-agency and intersectoral actions intended to guarantee the conditions for economic, social and cultural rights, create sustainable livelihoods and enhance capacities to reduce vulnerability.⁷

28. The central Government, in conjunction with the relevant institutions, has implemented social programmes to eradicate poverty and improve the quality of life of people residing in the poorest municipalities, namely: (a) the Urban and Rural Community Solidarity Programme, which has helped to improve the overall living conditions of families and persons living in situations of poverty and social exclusion in the 100 poorest rural municipalities, and in urban settlements with extremely high insecurity; (b) the universal basic pension; (c) basic social infrastructure, which has reduced the gap in access to crucial basic services for municipalities in situations of poverty; (d) integrated early childhood services; (e) access to, and improvement of, housing, by providing families living in poverty with access to credit and facilitating the acquisition of adequate housing; and (f) access to comprehensive health care, with universal coverage. These programmes, along with the programmes on Young People with Everything and Temporary Income Support, completed in 2016, and those on A Boy, a Girl, a Computer, Women's City, School Kit, School Meals, and Family Farming and Young People's Employability, are in line with the Sustainable Development Goals contained in the 2030 Agenda for Sustainable Development.

29. Several efforts have been made to implement social inclusion policies, such as the National Health Policy for 2015–2019 of the Ministry of Health, of which the fundamental principles are equity and universality of access to medical services; services that are free of charge; an intersectoral and transparent approach; community organization; and social participation. The policy is described in detail in this report.

30. The Social Housing Fund has made equity and non-discrimination two of the guiding principles for its granting of housing loans, in keeping with its ethical conduct manual.

31. The Committee reminds the State party of the urgent need for disaggregated information that makes it possible to develop public policies and programmes geared to the population's needs and to assess the impact of the implementation of the Convention on those groups in Salvadoran society which are protected under the Convention. The Committee also requests that, in keeping with the harmonized guidelines on reporting (HRI/GEN.2/Rev.6, chap. I), the State party include disaggregated statistics in its next report. The Social Development and Protection Act was adopted in April 2014. The Office

⁶ The Five-Year Development Plan 2014–2019, entitled “A productive, educated and safe El Salvador”. P. 3.

⁷ Executive Decree No. 28, published in Official Gazette No. 106, vol. No. 415 of 9 June 2017.

of the President, through the coordinating body of the National Social Development, Protection and Inclusion System, established a technical advisory body, in conjunction with the Directorate General of Statistics and Censuses, which has drafted a methodological proposal for measuring poverty and inequality, based on 20 indicators grouped under the headings of education, housing conditions, labour and social security, health care, basic services, food security, and quality of habitat. The Directorate General is the national body that compiles poverty indicators.

32. El Salvador began the national measurement of multidimensional poverty in 2014 to improve the formulation of public policy and assess the country's social progress, while also undertaking traditional income-based poverty measurement. This measurement is based on indicators of five types of deprivation: (i) education; (ii) housing conditions; (iii) labour and social security; (iv) health care, basic services and food security; and (v) quality of habitat (SETEPLAN-MINEC, DIGESTYC 2015).

33. SETEPLAN coordinates the central register of social programme participants, which is a social policy management tool for registering, identifying and categorizing potential or current beneficiaries of social protection. One of the register's variables on the indigenous population appears in a questionnaire, and is obtained from their declaratory answers to the question, "Do you feel that you belong to an indigenous people or culture?" If the answer is affirmative, a choice must be made from the following options: Lenca, Kakawira (Cacaopera), Nahuatl-Pipil, people of African descent, and other ("please specify"). The questionnaire may be consulted at <http://rup.proteccionsocial.gob.sv/Archivos/documentos/CaracterizacionPoblacionRUP.pdf>. The follow-up and monitoring subsystem of the Five-Year Plan draws on indicators on the fulfilment of commitments made to the indigenous population: http://190.5.135.86/KPI/es/0/BSS/Home/Kbscdash_Show?persp=%20%20%20%204.

34. With regard to the recommendation concerning preparations for the 2017 census, the Committee urges the State party to take the shortcomings of the 2007 population census into account and, bearing in mind the principle of self-identification, to upgrade its census methodology in close cooperation with the United Nations and the country's indigenous peoples and communities of African descent. It also stresses the importance of ensuring that indigenous peoples and the population of African descent are involved in the relevant stages of the census process, including the preparatory stage and the implementation of the census itself. It recommends that initiatives, such as awareness-raising campaigns, be undertaken to engender a climate of trust among indigenous peoples and people of African descent before the census is conducted and to ensure that persons who identify as indigenous persons or as persons of African descent will feel free to express their identity.

35. The Directorate General of Statistics and Censuses has initiated the preparatory phase for the seventh population and sixth housing census. It has held consultations with indigenous peoples' organizations to define the content of the census, and in May 2018 it held broader consultations with indigenous organizations on the content of the questionnaire. The Public Policy for Indigenous Peoples provides for a population census to be undertaken. The National Action Plan for Indigenous Peoples will seek to upgrade the census methodology, bearing in mind the principle of self-identification and the development of an awareness-raising campaign prior to the census.

36. As mentioned in paragraph 34, SETEPLAN, along with other State institutions, has different registers of the indigenous population depending on their purpose, such as the single register for social programme participants, which to date has registered 6,635 persons, including 3,252 men and 3,383 women (<http://rup.proteccionsocial.gob.sv/Archivos/documentos/CaracterizacionPoblacionRUP.pdf> and <http://rup.proteccionsocial.gob.sv/principal.aspx>).

37. The Ministry of Health has incorporated the indigenous peoples variable into the family record tool for compiling data and identifying the social determinants of health at the community level, and there is a national observatory of the education system at the Ministry, which registers students from the indigenous population.

38. The Directorate General for Agricultural Economy and SECULTURA have identified producers in the sample of producers in the multi-purpose national agricultural

survey (ENAPM 2016) who consider themselves indigenous. Of the 4,270 producers identified, only 113 (2.6 per cent) said that they belonged to an indigenous people. Among the indigenous peoples mentioned in the survey, 70.8 per cent identified themselves as Nahuatl; 15.9 per cent as Lenca; and 2.7 per cent as Pipil.

39. With regard to the recommendation to redouble efforts to ensure that people of African descent are able to enjoy their economic, social and cultural rights, and to adopt a plan for the ethnic recognition and visibility of such people, taking into account general recommendation No. 34 of 2011, on racial discrimination, a proposal has been submitted to the Legislative Assembly to amend article 63 (2) of the Constitution so as to include the recognition of the existence of the population of African descent as part of the cultural diversity of El Salvador. The Cinema and Audiovisual Directorate of SECULTURA has produced a documentary entitled “Piezas de Indias: Africanos en El Salvador” (“Pieces of the Indies: Africans in El Salvador”), which explores the African heritage of the population.

40. Contrary to the nationalist construct of a homogeneous country, the above findings establish the ethnic and cultural plurality of El Salvador, raising the profile of the African heritage and of any communities that identify themselves as being of African origin.

Article 3 Apartheid

41. As stated in the previous report, there is no system comparable to the apartheid regime in El Salvador.

Article 4 Prohibition and punishment of discriminatory activities

A. Legislative, judicial, administrative and other measures to eradicate racial discrimination

42. As previously reported, articles 292 and 246 of the Criminal Code provide for sanctions in cases of discrimination on the grounds of race or origin. In 2015, the Legislative Assembly adopted amendments to articles 129 and 155 of the Criminal Code. Article 129 stipulates that manslaughter motivated by racial, ethnic, religious or political hatred, or committed on the grounds of gender, gender identity and expression, or sexual orientation, shall be regarded as aggravated homicide and shall result in raising the prison sentence from 30 to 60 years. The second amendment is to article 155, in which the legal character of aggravated threat motivated by racial, ethnic, religious or political hatred is extended to include gender identity and expression or sexual orientation.

B. National legislation specifically prohibiting racial discrimination

43. Article 3 of the Constitution, which enshrines the right to equality and non-discrimination, constitutes the basis for the prohibition of discrimination in any form, including, and specifically, based on race.

44. With regard to measures taken to counter discriminatory or racist platforms, there are no organized or other propaganda activities in the country which promote and incite racial discrimination. Were such conduct to occur, article 292 of the Criminal Code would apply.

45. With respect to general recommendations No. 15 of 1993, on article 4 of the Convention, and No. 35 of 2013, on combating racist hate speech, the Committee recommends that the State party harmonize the provisions relating to the offence of racial discrimination under article 4 of the Convention and take measures to raise awareness about racial discrimination and encourage intercultural dialogue, thereby helping to combat racial stereotypes and all forms of discrimination.

46. El Salvador reports that progress has been made with regard to the right to equality and non-discrimination in line with the amendment to article 63 of the Constitution. In August 2016, pursuant to Legislative Decree No. 442, the Legislative Assembly approved the Culture Act, article 30 of which, on the right to non-discrimination, states that “the State shall guarantee indigenous peoples their freedom, equality, dignity and their right to live free from any discrimination based on ethnicity, sex, religion, customs, language or any other status”. Under article 11, on respect for indigenous peoples’ rights, and article 12, on equality of cultures, any form of discrimination on cultural grounds is prohibited. The six previously mentioned municipal ordinances also contribute to combating racist hatred.

47. SECULTURA is implementing a programme to sensitize the population to the rights of indigenous peoples, including traditional ethnic culture, ethnic violence, recognition of cultural practices (medicine, world view, handicrafts, among others), recognition of indigenous rights, etc. The diploma course for young indigenous leaders, supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO), was introduced in 2015 to reinforce the values of identity, research, ancestral knowledge and intergenerational dialogue.

C. Information on decisions of national courts, statistical data on complaints and convictions relating to acts of racial discrimination

48. According to the Supreme Court of Justice, as at December 2017 a search for open or concluded cases involving complaints of racial discrimination turned up no such records in courts located near the settlements of indigenous peoples.

Article 5 (1) Information grouped under particular rights

A. Right to equal treatment before the tribunals and all other organs administering justice

49. The justice system of El Salvador provides the same guarantees to all persons facing a criminal, civil or administrative proceeding before different courts or tribunals. In line with the principle of equality underpinning criminal law, the victims, without any distinction, are apprised of their guaranteed entitlement to information on their rights in the framework of criminal proceedings. Accordingly, legal assistance entails the obligation to keep them informed, starting with the possibility of associating themselves with the criminal proceedings and up to conclusion and any appeals, so that the counsel is aware of all elements necessary for making appropriate decisions with a view to obtaining damages.

50. The Supreme Court of Justice enforces the Constitution, the law and the regulations within its powers, as outlined in article 182 of the Constitution and further specified in secondary legislation. The Supreme Court and the other courts are responsible for providing all persons with access to justice as broadly and freely as possible, without any discrimination based on gender, race, social or economic status, nationality or age.

51. The judiciary has 556 courts at the national level, including magistrate’s courts, courts of first instance and chambers, for dealing with any type of complaint (on various matters); there are also courts that, depending on the matter, can hear specific or specialized types of complaints.⁸ Each and every court is required to hear complaints or appeals from all persons wishing to have access to justice, regardless of their race.

⁸ There are 22 family courts, 9 labour courts, 26 civil courts, 46 criminal first-instance courts, 21 criminal trial courts, 3 children’s and adolescents’ courts, 20 juvenile courts (for under-age offenders), 11 civil and commercial courts, 6 specialized courts (for complex offences and cases of organized crime), 6 general courts (for any type of case), and the Supreme Court, comprising four chambers which hear, respectively, administrative, civil, criminal and constitutional cases.

52. Beginning in July 2017, the courts and specialized chamber for a violence-free life for women were established pursuant to Decree No. 286 of 25 February 2016. That chamber will have three specialized investigating courts and three trial courts for a violence- and discrimination-free life for women, located in San Salvador, Santa Ana and San Miguel, and a specialized chamber in San Salvador, which will have national jurisdiction. As at August 2017, only one investigating court and one trial court were operating. The creation of a specialized jurisdiction for women will have a positive impact on indigenous women.

53. In accordance with the competence and powers granted by the Constitution, judicial officials are required to implement the Constitution, signed and ratified international instruments, and the secondary legislation embodied in the various codes, as any discrimination based on a person's race is prohibited.

54. The Attorney General's Office has a Policy on Criminal Prosecution, under which a mechanism is established for dealing with crime against persons in special conditions of vulnerability (girls, boys, adolescents, women in situations of domestic or gender-based violence, persons with disabilities, older persons, migrants, indigenous peoples, and lesbians, gays, bisexuals, transgender and intersex (LGBTI) people who are victims of crimes because of their status, without prejudice to members of other groups that may be considered vulnerable). Article 25 provides that in cases of victims in special conditions of vulnerability, auxiliary agents shall ensure their access to justice, as well as the restoration and restitution of their rights, especially in the psychological and social areas, and with respect to property, and shall also avoid their becoming victims again during any acts of investigation or prosecution by providing timely access to institutional services or by referral, ensuring the enjoyment of their rights under primary and secondary legislation, including international legal, common and specialized instruments.

B. The right to security of person and protection by the State against violence or bodily harm

55. The Attorney General's Office has 19 decentralized prosecutors' offices at the national level, which conduct investigations into allegations that are filed individually or collectively, including those relating to racial discrimination or other forms of violence. The judiciary also has 556 courts at the national level to attend to persons wishing to file a complaint and to have access to justice regardless of race and on an equal basis with others.

56. Helpdesks have been set up for the promotion and dissemination of the rights of women in 106 schools in 35 priority municipalities of the Safe El Salvador Plan; they cover a total population of 11,074, including 6,548 women and 4,526 men.

57. ISDEMU has provided support and technical assistance to municipal councils in drafting municipal plans for preventing and addressing violence against women. These actions are undertaken through the following projects: (1) Odontological Federation of Central America and Panama: "Improvement of care centres for the territorial management of equality and social prevention of domestic violence in 11 Urban Community Solidarity municipalities"; and (2) B.A.1. Central American Security Strategy: "Prevention of violence against women in Central America".

58. A series of training and awareness-raising programmes have also been conducted for the prevention of violence against women, including the member institutions of the Special Technical Commission. These institutions are running campaigns for the prevention of violence against women through information technologies, social networks and institutional communication resources, which allows for greater coverage and dissemination of messages and less use of financial resources. For detailed information on the campaigns for

awareness-raising and prevention of violence against women, see table 24 of the Report on the Situation of Violence against Women in El Salvador 2017.⁹

C. Political rights

59. The Committee's general recommendation No. 23 of 1997 urges the development of practical mechanisms to ensure the participation of indigenous peoples through representatives elected by their organizations for the adoption of decisions that may affect them. It also recommends the development of practical mechanisms to implement the right to prior, free and informed consultation in a manner that respects the consent of the peoples and communities concerned and guarantees the systematic implementation in good faith of those consultations.

60. The preparation of the Five-Year Development Plan 2014–2019 required extensive consultations involving the indigenous population. The Directorate of State Territorialization of SETEPLAN also held consultations to update the master plan for the Eastern Region, which brought together representatives of indigenous Lenca and Kakawira associations.

61. SECULTURA in 2010 created the Multisectoral Bureau of Indigenous Peoples, in which several State institutions participated, with a view to initiating actions, programmes and public policies to promote the progressive restitution of indigenous peoples' rights.

62. Since the presidential elections of 2014, PDDH has been running an indigenous elections observatory on the household vote in the Department of Sonsonate, in the municipalities of Nahuizalco, Santo Domingo de Guzmán, Izalco and San Antonio del Monte.

63. The right to consultation is prescribed in article 32 of the Culture Act, which stipulates that the "State shall establish the means to ensure the participation of indigenous peoples in decisions on matters affecting their rights".¹⁰ Moreover, the Public Policy for Indigenous Peoples considers indigenous empowerment necessary through leadership training and organization in order for them to gain access to public positions. Strategy No. 5 on citizens' participation, representation and access to public office provides for the establishment of mechanisms for the representation of indigenous peoples at the national, departmental, municipal and international levels.

64. The above-mentioned municipal ordinances also reaffirm the indigenous right to consultation. This includes the Panchimalco Ordinance, article 22 of which provides for free, prior and informed consultation with regard to any action that affects the interests of the indigenous community.

D. Other civil rights

65. With regard to the right to freedom of movement and residence within the borders of the State; the right to leave any country, including one's own, and to return to one's country; and the right to nationality, their treatment in domestic legislation was described in the country's sixteenth and seventeenth report.

66. The Government of El Salvador is the guarantor of the existence and use of public spaces to promote cultural exchange and social organization, as laid out in article 22 of the Culture Act.

67. The National Registry of Natural Persons has carried out a series of activities to identify the municipalities with the highest rate of underreporting and implement programmes to provide better services to indigenous peoples, including identity fairs, the

⁹ ISDEMU. Report on the Status and Situation of Violence against Women in El Salvador 2017. Available at: http://www.isdemu.gob.sv/index.php?option=com_phocadownload&view=category&id=137%3Ainformes-nacionales-de-violencia-contra-las-mujeres&Itemid=234&lang=es.

¹⁰ Decree No. 442. Culture Act. Legislative Assembly. August 2016.

identity and identification project in Central America's Northern Triangle (National Registry of Natural Persons-Organization of American States) and the plan for the identification of children and adolescents in border areas (National Registry of Natural Persons-Inter-American Development Bank).

68. Thanks to these activities it has been possible to identify and provide support in cases involving identity and identification, for example, the cases of Zaldaña Park, Izalco and Conchagua (see annex II).

69. As regards measures taken to ensure that certain non-citizen groups are not discriminated against in terms of access to citizenship or naturalization, the Aliens' Department of the Directorate General for Migration and Alien Affairs is responsible for assisting aliens in connection with the various services that they request as tourists, residents or applicants for naturalization.

70. On the specific situation of permanent residents and measures adopted to reduce the number of cases of stateless persons, the application of different standards of treatment for granting citizenship to non-citizens married to citizens (women and men), and the right to own property both in their own name and jointly, no reforms have been reported regarding the procedures outlined in the country's sixteenth and seventeenth report.

71. The right to marriage and to choice of spouse was covered in the previous report. However, with respect to the reporting period, article 20 (F) of the Ordinance of Panchimalco enshrines the freedom of indigenous women to choose their "partner freely and without any pressure, or to decide not to have a partner".¹¹

72. Similarly, in August 2017, the Legislative Assembly approved the amendment to the Family Code on the prohibition of marriage between minors or children and adults. It abolished article 14 (2), which allowed minors under 18 years of age to marry "if they are of the age of puberty and have had a child together or if the girl is pregnant". The amendment is intended to promote the protection of and respect for the rights of girls and adolescents.

73. The Public Policy for Indigenous Peoples considers land ownership and prioritizes the implementation of collective land tenure systems, the establishment of mechanisms for access to collective lands, and legal assistance for guaranteeing land ownership to indigenous peoples. Article 1 of the Culture Act provides for the production of "new knowledge based on their ancestral wisdom and contemporary cultural heritage".¹² Article 10 enshrines the right to intellectual property, holding that copyright is unique, not time-barred and inalienable and that it covers faculties of an abstract, intellectual and moral order.

74. The National Action Plan for Indigenous Peoples considers the guarantee of the legal protection of land for indigenous peoples, as well as their access to and ownership of land, from the perspective of their world view and the community. The Ordinance of Panchimalco provides for the protection and assistance required for the use of land, and in article 13 it calls for the preservation, protection and promotion of the scientific, medicinal and agricultural knowledge of the indigenous community.

75. Intellectual property rights relating to handicrafts are protected under article 32 of the Act on the Promotion, Protection and Development of the Handicrafts Sector, which states that "the National Commission on Microenterprises and Small Businesses, in keeping with its legal competences, shall be supported through the National Records Centre in protecting the intellectual property rights of craftspeople. Through the National Records Centre, it shall provide technical and legal assistance to craftspeople in managing geographical indication, collective marks and other indicators of intellectual property that enable them to provide greater added value to handicrafts".

76. The purpose of the Act establishing special rules for land owned by cooperative, communal and community campesino associations and beneficiaries of agrarian reform is to guarantee the legal certainty of land ownership; article 2 of the Act establishes the

¹¹ Municipal Ordinance on the rights of the indigenous communities of Panchimalco. Official Gazette No. 61, vol. No. 407. April 2015. P. 10.

¹² Decree No. 442. Culture Act. Legislative Assembly. August 2016. P. 4.

irreversibility of the transfer of land to cooperatives, communal associations and other beneficiaries of agrarian reform.

77. Legislation on the right to inherit, as set forth in article 22 of the Constitution; on the right to freedom of thought, conscience and religion, enshrined in article 6; and on the right to religiousness or religion, in article 25 of the Constitution, which states that “the free exercise of all religions shall be guaranteed”, and in article 45 bis of the Migration Act, which establishes that the Ministry of the Interior shall grant permanent resident status to Catholic priests and monks, as indicated in the country’s sixteenth and seventeenth report.

78. Pursuant to article 45 of the Culture Act, the Government of El Salvador, in coordination with local governments and the institutions responsible for cultural matters, “shall endeavour to facilitate the spiritual or religious expressions of indigenous peoples, especially with regard to their spiritual ancestral practices, which involves the protection of holy places and the organization and celebration of spiritual cults, whether syncretistic or indigenous”.

79. The Panchimalco ordinance provides that the municipality, in coordination with the indigenous community, shall protect that community’s religious or spiritual expressions and holy places. The Public Policy for the Indigenous Peoples of El Salvador establishes measures to protect their holy places.

80. The right to freedom of opinion and expression and the right of assembly and association are enshrined in the Constitution and were outlined in the country’s sixteenth and seventeenth report.

E. Economic, social and cultural rights

The right to work

81. The Five-Year Development Plan 2014–2019 prioritizes the stimulation of productive employment through a model of sustained, equitable, inclusive growth that generates decent work. Implementing this mandate has involved a number of steps, such as the new national policy on decent work for the period 2017–2030, launched by the President of the Republic in September 2017, which includes a social inclusion approach.

82. With regard to the right to work, the Committee reiterates its recommendation (CERD/C/SLV/CO/14-15, para. 15) that the State party take the necessary steps to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). It also encourages the State party to develop, in consultation with indigenous peoples, a legal framework for the recognition and protection of the rights of indigenous peoples.

83. The Government of El Salvador is aware that the Convention in question is an international obligation and that its observance is owed to the indigenous population; it is accordingly being studied with a view to ratification.

84. Although ILO Convention No. 169 has not been ratified, the State has made progress in the harmonization of laws with the United Nations Declaration on the Rights of Indigenous Peoples, which was drafted in consultation with indigenous representatives and communities. This progress includes the amendment to article 63 of the Constitution, the Act on the Promotion, Protection and Development of the Handicrafts Sector and the Culture Act, all of which were adopted in 2016, along with the six municipal ordinances on the rights of indigenous communities.

85. In addition, as part of the National Action Plan for Indigenous Peoples, an impact plan may be developed to ratify ILO Convention No. 169, which would include training sessions on the subject.

86. The Ministry of Labour and Social Security has implemented inspection plans 2013–2015 focusing on preventing and combating discrimination in employment on ethnic, gender and disability grounds through the Special Unit on the Prevention of Discrimination in Employment of the Directorate General of Labour Inspection.

87. As part of its efforts to formulate policies with the full participation of indigenous peoples, the Ministry of Agriculture and Livestock has implemented the Rural Territorial Competitiveness Programme of the firm Amanecer Rural, the Ministry and the International Fund for Agricultural Development (IFAD) in order to generate jobs and income and to ensure food security for the families of small rural producers by increasing and diversifying production and access to competitive markets.

The programme has undertaken the following activities for the indigenous population:

- Two projects in the handicrafts chain (ACPAHUI and ACOLGUA);
- Three food security projects for improved Creole chickens (ACPAPONAP, ACPA El Buen Amor and ASEINKA-Kakawiras);
- An Aljibes social infrastructure project (APOCOP-Santa Catarina Masahuat);
- An environmental project for soil and water conservation (APOCOP-Santa Catarina Masahuat);
- Two institution-building projects (ACPA TeotTinemi Tan and Craftswomen of Pushtan);
- The Act on the Promotion, Protection and Development of the Handicrafts Sector, which is intended to protect and develop the sector with an emphasis on the indigenous population, strengthening the entrepreneurial capacities of craftspeople and safeguarding traditions and ancestral knowledge, as well as to promote cultural expressions that generate a national identity, all with a view to spurring the integration and participation of the handicrafts sector in domestic and international markets.

88. The Public Policy for the Indigenous Peoples of El Salvador calls for actions in this area, such as the promotion of participatory mechanisms for the formulation, implementation and evaluation of labour policies and programmes that respect the indigenous world view; the promotion of labour rights; “encouraging vocational training for the productive integration of indigenous people that meets the needs of the labour market”; and advising indigenous communities on the development of cultural tourism.¹³

89. The Ordinance of Panchimalco calls for the municipality, along with the Ministry of Labour and Social Security, to develop programmes for protecting the labour rights (fair access to work and decent working conditions) of members of the indigenous community.

The right to form and join trade unions

90. Articles 7 and 47 of the Constitution, and the labour laws, provide for freedom of association and allow workers and employers to join and form trade unions. This right is further enshrined in article 204 of the Labour Code, with respect to freedom of association: “The following have the right of free association to defend their common economic and social interests by forming professional associations or trade unions, without any distinction based on nationality, sex, race, religious beliefs or political opinions: (a) employers and workers in the private sector; (b) workers in autonomous public institutions. (7) It is prohibited to be a member of more than one trade union.”

91. With regard to the right to form and join trade unions, the Ministry of Labour and Social Security, through the National Department of Social Organizations of the Directorate General of Labour, has drawn on the records of the Trade Union Association of Indigenous Salvadoran Farming Peoples (ASPAIS) for the period covered by this report. This association, like the four associations mentioned in the country’s third and fourth report, has been clearly identified as an indigenous population since its creation.

The right to housing

92. Considering that housing is a fundamental right, the Government of El Salvador, through the competent institutions, formalized the National Policy on Housing and Habitat

¹³ Public Policy for the Indigenous Peoples of El Salvador. 2017. Pp. 33–34.

and drafted a housing and habitat bill with the participation of civil society and the private sector. The National Action Plan for the Implementation of the New Urban Agenda was launched in October 2017.

93. The basic implementing regulations of the Social Fund for Housing, as the lead agency on the question, provide that requirements and policies regulating access to housing or related support should not contain any elements conducive to discrimination based on political views, race, gender or religion. In the Fund's ethical conduct handbook, equity is laid down as one of the fundamental principles for the granting of housing loans in an effort to ensure that there is no preferential or discriminatory treatment of current or potential clients.

94. The Fund granted 7,855 loans for US\$ 146.5 million, benefiting 7,855 families and more than 32,990 individuals. During the first year of the present Government, a 20.4-per cent increase in number, and 28.3-per cent increase in value, were reported. The Neighbourhood Housing Programme, which has helped 235 individuals through loans of US\$ 8.69 million, has been implemented within this framework. The Office of the Deputy Minister of Housing and Urban Development executed the programme for the reduction of vulnerability in precarious urban settlements in the San Salvador metropolitan area, which has helped 18,621 families to improve their quality of life through phased interventions in their housing and habitat.

95. The People's National Housing Fund of El Salvador covered 2,587 families with an investment of US\$ 12,193,328.98 in 2017. The development of housing projects was followed by the sale of 441 social housing units to families, financed by loans from the Social Fund for Housing, and reduced the housing shortage by 3.5 per cent through apartment renovations, the construction of housing for persons affected by natural phenomena or in an emergency situation, and the renovation of informal urban settlements.

96. The Public Policy for the Indigenous Peoples of El Salvador is intended to promote special programmes and projects for housing and habitat renewal, as well as to create an indigenous region (which reportedly now has a project profile).

97. The National Action Plan for Indigenous Peoples is intended to foster the implementation of the housing programme and all its basic services, in a culturally appropriate manner that meets the needs of indigenous communities.

98. ISTA, in conjunction with the Land Transfer and Legal Certainty Programme, delivered 65,163 property deeds to campesinos, including 26,212 women and 38,951 men, between June 2009 and May 2017.

99. In April 2014, the Act establishing special rules for land owned by cooperative, communal and community campesino associations and beneficiaries of agrarian reform was amended, resulting in the delivery of property deeds considered to be indivisible and family property.

100. During the period 2014–2017, the Property Legalization Institute provided 8,966 families with legal certainty about the property in which they were living through the issuance of property deeds. Some 67 per cent of the deeds were registered in the names of female heads of household, while 33 per cent were registered to men. The beneficiary families are part of communities and in situ projects and are the inhabitants of old streets in disuse and former railway lines. The Institute undertook 27,536 field studies for legalizing housing lots, which involved feasibility studies (social, environmental, registration, land survey) for the legalization of lots for low-income families. It also provided 10,954 individual services, consisting of topographical measurements and drawings required for approving the legalization of such lots. This was achieved thanks to a government investment of over US\$ 5 million and the conclusion of agreements with other institutions.

The right to public health, medical care, social security and social services

101. In the health field, El Salvador has implemented the National Health Policy 2015–2019, intended to guarantee the right to health in line with a social model for promoting disease prevention, treatment and rehabilitation. The Ministry of Health and the Social Investment Fund for Local Development jointly implement the Communities in Solidarity

Programme, which undertakes health interventions; redesign, expansion and modernization of the collection and updating of family records, including a new field on the self-identification of indigenous peoples; and outfitting the community units that attend to the families of the beneficiary municipalities.

102. In response to the Committee's recommendation, the Government of El Salvador is pleased to announce the National Policy on Intercultural Health, which has now been formulated and is in the process of being approved. The Ministry of Health, as the lead agency in the health sector, is prioritizing the development of a national policy for indigenous peoples.

103. This policy is based on an intercultural approach, with a focus on indigenous peoples in the national health system, ensuring their right to health as a part of healthcare promotion, education, prevention and rehabilitation, drawing attention to and harmonizing ancestral knowledge in an effective, efficient and sensitive manner.

104. The Ministry of Health, through the primary health-care services and the Office for the Right to Health, has made efforts to register the indigenous population using family records, the data of which have been uploaded into the computerized family record system, one of the modules of the central health data system. Some 5.41 per cent (31,199) of families identify themselves as indigenous peoples, and of that proportion, 62.4 per cent identify themselves as Lenca and 32.1 per cent as Nahuatl-Pipil. The number and percentage of families belonging to indigenous peoples are identified in each community family health team, by department (see Annex III).

105. With a view to enhancing the health care administered to indigenous communities, a programme of outreach visits was conducted in 2017 by the Ministry of Health with the support of SECULTURA. The visits, which were made to six municipalities, involved liaising with organizations and local communities, in the presence of health-care staff. The purpose was to inquire about health issues, the use of natural medicine and the health care provided by health personnel to indigenous groups. The following municipalities were visited: Nahuizalco, Tacuba, Suchitoto, Santo Domingo de Guzmán, Cuisnahuat and Guatajiagua. Junior doctors received training on intercultural health from the Ministry of Health in 2017, with the support of SECULTURA.

106. The Public Policy for Indigenous Peoples and the National Action Plan for Indigenous Peoples, which were brought into line with the National Policy on Intercultural Health, are intended to mainstream health in the Western system, within the framework of ancestral knowledge. The municipal ordinances call for the municipality to develop an "intercultural physical and mental health policy in the indigenous community", respecting the community's traditional medicine practices.¹⁴

The right to education and training

107. El Salvador has made it a priority to guarantee the right to education, which is essential for human development and for doing away with the inequalities in society, as reflected in goal No. 2 of the Five-Year Development Plan 2014–2019 and its action line on "progressive improvement of the quality of education". The Socio-educational Plan (2010–2019) and the National Plan for Education 2014–2019 were drafted along similar lines. Their objective is to achieve quality education with social inclusion and equity, through the following programmes: (1) inclusive education, (2) early childhood, (2) literacy and basic education for young people and adults, (3) food and school health, (4) "a glass of milk", (5) recreation and sports, art and culture, and (6) the programme for the development of relevant and meaningful curricula and apprenticeships.

108. The Committee recommends the redoubling of efforts to reduce the gap between educational achievement rates in urban and rural areas and to facilitate access to culturally appropriate health services in both urban and rural areas. It also recommends the assessment of existing education and health programmes, with the participation of indigenous peoples and communities of African descent, as well as the development of

¹⁴ Municipal Ordinance on the rights of the indigenous communities of Panchimalco. Official Gazette No. 61, vol. No. 407. April 2015. P. 12.

intercultural education and health programmes, with the active participation of, and consultation with, indigenous peoples and communities of African descent.

109. The Ministry of Education is implementing the Comprehensive Inclusive Full-time School System Programme, based on an inclusive approach that gives children and young people equitable learning opportunities without any distinction.

110. The programme has resulted in “a significant increase in the availability of inclusive education, focused on building skills and integrating schools, families and territories through the application of the inclusive full-time school model in 3,818 schools, the operation of 172 comprehensive systems and the existence of 214 schools with extended hours, reaching more than 829,000 students with an investment of US\$ 10.1 million”.¹⁵

111. According to the National Observatory of the Education System, 23,614 students belonging to the indigenous population were registered to attend public school in 2016, with attendance recorded in 157 schools.

112. In an effort to develop the national policy and operating plan on school socialization and the reduction of external social risks from an intercultural perspective, visits and interviews were organized with indigenous communities located in some of the country’s departments in order to learn more about their practices with respect to socialization and ancestral knowledge.

113. The goal of offering an education programme from an intercultural perspective that promotes *el buen vivir* (good living, good life) is also part of the Public Policy for the Indigenous Peoples of El Salvador, and the national curriculum includes indigenous ancestral knowledge at the different levels of education. Creating an intercultural education system is another goal of the National Action Plan for Indigenous Peoples.

The right to equal participation in cultural activities

114. The Culture Act defines the right to culture as inherent in the human person. Article 29 further provides that ethnic minorities have the right to practise their cultural traditions and customs, and that this includes the right to maintain and protect tangible and intangible cultural expressions.

115. El Salvador seeks to promote cultural development in which all sectors of society are included and participate, respecting the diversity of cultures and cultural expressions and fostering knowledge and mutual respect. Opportunities have been created to generate and draw on new dynamics in the cultural sphere. Special attention has been given during the period covered by the report to strengthening the cultural and artistic initiatives and events of indigenous peoples nationwide from an intercultural perspective, creating institutional conditions that add to the public’s knowledge of this legacy.

116. The SECULTURA Department for Indigenous Peoples, as the expert State body in this area, promotes the rights of indigenous peoples. It has focused on three areas: pursuit of legal recognition, implementation of activities and projects with State actors, and implementation of actions to promote the cultural expressions of indigenous peoples.

II. Information concerning relevant groups of victims or potential victims of racial discrimination

A. Persons under the jurisdiction of the State and groups protected under the Convention

Refugees and displaced persons

117. Refugees are defined by El Salvador as persons who, owing to well-founded fears of being persecuted for reasons of race, ethnicity, gender, religion or belief, nationality, membership of a particular social group or political opinion, are outside the country of their

¹⁵ High-level Political Forum on Sustainable Development. July 2017. P. 26.

nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country.

118. The same applies to persons who, not having a nationality and being outside their country of habitual residence, owing to well-founded fears of being persecuted for reasons of race, ethnicity, gender, religion or belief, membership of a particular social group or political opinion, are unable or, owing to such fear, unwilling to return to it, and who have fled their country of origin because their life, safety or freedom has been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order.

Non-citizens, including immigrants, refugees, asylum seekers and stateless persons

119. The Committee recommends that the State party take measures to ensure full compliance with article 3 of the Constitution and article 12 of the Aliens Act, and, municipal autonomy notwithstanding, ensure that all public, national and local authorities and institutions act in accordance with the obligation not to discriminate and adopt public policies aimed at eliminating racial discrimination. The State party is pleased to report that the State party, and specifically the Directorate General for Migration and Alien Affairs, is working on the draft Special Act on Migration and Aliens, which prohibits restrictions based on differences of race, sex, language, religion, sexual orientation, gender identity, migration status, political belief or other status. With this Act, foreigners shall enjoy the same rights and guarantees as nationals under the terms laid down in the Constitution, conventions and treaties in force in El Salvador and other laws and shall be subject to the same obligations, except for those on which limitations are established.

120. The Directorate General, together with the Ministry of Justice and Public Security, has drafted a transitional bill on the regularization of migration of people of Central American origin, which is currently before the Legislative Assembly. The bill lays down the requirements and procedures which may be invoked by persons of Central American origin who are residing in the country in an irregular migratory situation, or with refugee status, in requesting permanent residence or Salvadoran citizenship.

121. The Directorate General signed an inter-agency cooperation agreement with the Ministry of Labour and Social Security in August 2017, which sets out the mechanisms for coordination and cooperation between the two parties for granting temporary residence and work permits to foreign migrants working in El Salvador. Temporary residence will enable migrant workers to enjoy the benefits of law and to avoid the abuse of their labour and universal rights.

122. Yet another initiative is the Comprehensive Programme for the Integration of the Salvadoran Returnee Population, which has allowed Salvadorans to be reintegrated into society. The Ministry of Foreign Affairs has drawn up an inter-agency action plan with the Ministry of Economic Affairs and the export and investment promotion agency of El Salvador to promote investment and business among Salvadorans abroad as potential investors in the country.

123. With regard to deportation, the law states that in no case may aliens be deported or returned to a country, regardless of whether or not it is their country of origin, if in that country their right to life or personal freedom is in danger of being violated because of their race, nationality, religion, social status or political opinions.

Women

124. Various public policies of the Salvadoran Government are aimed at creating a more inclusive, equitable and prosperous society based on solidarity and providing opportunities for all citizens to have a good life, while also acknowledging the differences and special needs of vulnerable population groups, such as women and indigenous peoples.

125. Significant progress has been made thanks to the design and implementation of municipal plans for the prevention of violence against women, which ensure that municipalities have a tool for unification that commits all actors, sectors and institutions to

acting in a coordinated manner, thereby preventing violence against women, pursuant to article 29 of the Special Comprehensive Act on a Violence-Free Life for Women.

126. In addition to these efforts, SETEPLAN has worked specifically on strengthening gender analysis in the 96 indicators on the outcomes and results of the Social Plan. Based on those indicators, action has been taken to reduce gender inequalities in the Salvadoran population, especially among the most vulnerable groups.

127. The Committee recommended in 2000 that the State party take into account its general recommendation No. 25 on gender-related dimensions of racial discrimination and that it include the gender perspective in all policies and strategies to counter racial discrimination as a way of addressing the many forms of discrimination that affect, in particular, indigenous women and those of African descent. It also recommended that the State party compile disaggregated statistics on this subject. One of the cross-cutting themes of the Five-Year Development Plan 2014–2019 is gender equality, strengthening institutions and management to promote and monitor equality and non-discrimination on the grounds of gender. The adoption of comprehensive national legislation has been promoted and inter-agency coordination established.

128. The Public Policy for the Indigenous Peoples of El Salvador, in keeping with the country's history and with the indigenous world view, emphasizes the gender perspective as a cross-cutting theme in each strategy, paying heed to the principles of equality, equity and non-discrimination. The policy proposes the creation of a consultative council of indigenous women to promote the gender approach to indigenous women in all government bodies. It also calls for a special programme for the promotion and protection of the rights of indigenous women.

129. Similarly, the National Action Plan for Indigenous Peoples promotes the participation of women in decision-making forums that help formulate and implement policies, ordinances, programmes and projects. Another proposal is to create a land transfer programme to ensure that indigenous women receive property deeds.

130. Municipal ordinances, such as the Ordinance of Panchimalco in its article 20, stipulate that “the municipality shall promote public policies to guarantee the individual and social rights of indigenous women, especially with regard to their sexual and reproductive rights in accordance with their beliefs about life and health maintenance”.¹⁶

131. As part of efforts to strengthen women's citizenship, ISDEMU created advisory and social oversight councils to encourage local women's participation as citizens based on their status and position, with a view to influencing decision-making and ensuring that decisions take account of their demand for, and fulfilment of, their rights. Women leaders with indigenous roots, especially in the departments of Morazán and Sonsonate, take part in these councils.

132. The Act on Equality, Equity and Elimination of Discrimination against Women lays out the guidelines on the formulation of institutional policies on equality and non-discrimination, the creation of institutional gender units and municipal guidelines on equality. Pursuant to that legislation, 59 gender units have been created in institutions of the three branches of government.

133. Policies have also been instituted, including the ISTA institutional policy on gender equality and non-discrimination, which promotes the empowerment of rural and indigenous women, equal access to land under equal conditions, and support for various agricultural development projects, with specialized and differentiated care being provided in accordance with the specific needs and circumstances of women, especially those living in conditions of vulnerability or risk.

134. In 2016, the Institute launched a study on “The right to land and economic empowerment of rural women in El Salvador”, which shows the progress made by rural and indigenous women in terms of empowerment and access to land. As part of the programme on expanding economic opportunities for rural women entrepreneurs in Latin America, an

¹⁶ Municipal Ordinance on the rights of the indigenous community of Panchimalco. Official Gazette No. 61, vol. No. 307, April 2015. P. 10.

analysis was conducted of national and international legislation in order to propose a procedure for approving and adopting a policy on rural, indigenous and campesino women in El Salvador 2018–2030, which is now being drafted. The policy is expected to contain strategic lines to promote the social, economic, political, environmental and cultural development of indigenous women.

135. PDDH in July 2016 approved the Institutional Policy on Gender Equality 2015–2020 in order to guide and bring coherence to mainstreaming the gender perspective in institutional management and in the promotion and protection of human rights. The National Civil Police also has a policy on gender equality and equity, which will be developed at a later stage.

136. The Government of El Salvador has conducted a series of activities and actions to empower indigenous women:

- SETECULTURA held forums and events to promote the empowerment of indigenous women, both in San Salvador and in indigenous territories, including: the 2016 meeting on women and rights, at the National Museum of Anthropology; the role of indigenous women and rights, in Salcotitán; and the 2017 meeting of women from the west in Santa Catarina Masahuat, the latter in coordination with the firm Amanecer Rural. A number of talks and demonstrations were also held in various State institutions.
- SECULTURA and the Secretariat for Social Inclusion organized a meeting of older women in Nahuizalco to discuss their problems and identify action lines to improve their health through food security programmes and medical and geriatric workshops.
- A forum on “Challenges for indigenous women in the implementation of the National Action Plan for the Indigenous Peoples of El Salvador” in September 2017.
- In October 2017, ISDEMU held a workshop with indigenous, campesino and rural women, which disseminated the recommendations made by the Committee on the Elimination of Discrimination Against Women on the eighth and ninth country report.
- A forum on “Indigenous women and Mother Earth on the path to a good life”, to honour their hard work as human rights defenders and to recognize and respect those rights.
- PDDH is holding several meetings with indigenous women in order to integrate them progressively into the network of defenders of women’s human rights, so that they can exercise their rights and involve other State bodies when those rights are violated.
- ISDEMU has created mobile helpdesks, which are staffed once a month in community health units, providing information on such issues as women’s rights and the prevention of violence. This activity has taken place in the municipalities of Cacaopera, Chilanga and Guatajiagua, Department of Morazán, all with a large indigenous population, and in the Honduras border area (Lenca communities). The Institute also manages its Information Centre for Equality, which displays indicators on the status of women compiled and monitored by different government institutions, including the Ministry of Health, the Ministry of Education and the Directorate General of Statistics and Censuses.¹⁷
- The Women’s City Programme, coordinated by the Secretariat for Social Inclusion, has guaranteed the fundamental rights of Salvadoran women by bringing comprehensive specialized services under the same roof, in a holistic and integrated manner, with five modules: (1) economic autonomy, (2) addressing gender violence, (3) territorial management and knowledge, (4) sexual and reproductive health, and (5) childcare. The programme has set aside a safe and pleasant area for the children of programme beneficiaries. It currently has six operating centres, in the cities of

¹⁷ See: www.infoingualdad-isdemu.gob.sv.

Colón and San Martín and in the departments of Usulután, Santa Ana, San Miguel and Morazán.

B. Racial discrimination based on sex, gender, religion and low socio-economic status

137. Article 25 of the Constitution provides as follows: “The free exercise of all religions is guaranteed”. The Culture Act, the Public Policy for Indigenous Peoples and the various municipal ordinances are all intended to protect the spiritual or religious expressions of indigenous peoples, especially with regard to spiritual ancestral practices and holy places.

138. One of the strategies of the Five-Year Development Plan 2014–2019 is for social inclusion to eradicate discriminatory social and institutional practices that deny, limit, impede or impair the dignity of persons and their right to equal opportunities and treatment. The plan will also focus on reducing levels of inequality based on gender and sexual orientation, age, ethnicity, disability, national origin and other characteristics.

139. In keeping with the principle of equality and in fulfilment of its national and international obligations, the Government undertakes specific actions on behalf of priority population groups: women, indigenous peoples and the LGBTI population.

140. Some 56 gender units and policies have been set up in public institutions of the three branches of government; of these, 22 have policies on equality and 29 have equality plans, 25 have institutional gender committees and 35 have specific budgets for actions that contribute to gender equality. Some 224 of the country’s 262 municipalities have municipal units for women.

141. The Government of El Salvador, specifically the National Civil Police, has a policy on gender equality and equity, and one of the action lines of the Action Plan 2015–2017 is the elimination of discrimination on the grounds of gender and sexual orientation. Work has been done with the LGBTI community to update protocols for action and for receiving complaints with a view to improving the service. The number of citizen services offices and women’s units, which offer specialized care for women victims of violence, has been increased.

142. Furthermore, the ISTA Institutional Policy of Gender Equality and Non-discrimination guarantees equal opportunities, conditions and treatment for groups that are discriminated against, as well as specialized and differentiated care according to the specific needs and circumstances of each population group, especially those in a condition of vulnerability or risk.

143. The Institute of Forensic Medicine, as part of its overall policy and its expert and administrative policy, recognizes, respects and protects diversity of sexual orientation, identity and/or real or perceived gender identity and/or expression, as well as bodily diversity. It is making significant efforts and is working to amend the different types of protocols.

Article 6

A. Legislative, judicial, administrative and other measures to eradicate racial discrimination or incitement thereto

144. With respect to the Committee’s recommendation (document CERD/C/SLV/CO/14-15, para. 18) on the repeal of the Amnesty Act of 1993 and the implementation of the decisions of the Inter-American human rights system to adopt a programme of reparation and material compensation for the victims, thus creating a climate of trust that will enable the indigenous peoples to express their identity without fear, in July 2016, the Constitutional Division of the Supreme Court of Justice made a general and binding declaration as to the unconstitutionality of the Amnesty Act and ordered the investigation of grave human rights violations that took place during the internal armed conflict.

145. The Government of El Salvador is thus obliged to make full reparation, inter alia, to the families of the victims of the Las Hojas massacre, which took place on 22 February 1983. The executive branch highlighted the process of reparation for the victims of grave human rights violations in the context of the internal armed conflict under way since 2009, in compliance with decisions of the Inter-American Court of Human Rights and as part of the voluntary commitments of the Government.

146. One year after the decision, on 19 July 2017, the Constitutional Division held a public oversight hearing, to which not only the Legislative Assembly, as the authority concerned in the constitutional process, but also the Attorney General's Office, PDDH, the Office of the President of the Republic, the Ministry of Finance and the petitioners were convened. During the hearing, the Division addressed aspects of the formulation of the new legislation which it had requested of the Legislative Assembly and other legislative measures, such as the establishment by law of measures for reparation to victims.¹⁸

147. The Attorney General's Office announced the establishment of a special unit for the investigation of cases associated with the internal armed conflict, whose prosecutors would receive specialized training with the support of the regional office of the Office of the United Nations High Commissioner for Human Rights.¹⁹ ²⁰ It also announced that the new criminal prosecution policy would cover vulnerable groups, such as victims of the internal armed conflict.

B. Measures taken to protect and guarantee the rights of victims of racial discrimination

148. Under criminal law, the State guarantees the rights and protection of victims pursuant to the Code of Criminal Procedure, article 106 of which sets forth explicitly the rights of victims. In particular, paragraph (2) of that article lays down the victims' right "to be informed of their rights and assisted by a lawyer of the Office of the Attorney General or by a special representative thereof, as appropriate". This was discussed in the previous report.

149. The Committee recommends that the State party implement information campaigns, in particular among the most vulnerable segments of the population, on human rights, especially on the right to non-discrimination, and on the available legal remedies. The Committee also draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. More specifically, it reminds the State party of its obligation to facilitate access to justice, provide legal information and advice to victims and guarantee access to services so that migrants and members of indigenous peoples and communities of African descent can file individual or collective complaints.

¹⁸ The Legislative Assembly shall, within a reasonable period: (i) regulate the means of ensuring access to public information on the facts and circumstances surrounding the crimes against humanity and war crimes constituting grave violations of international humanitarian law that occurred during the armed conflict and have been attributed to both sides; (ii) make adequate resources available to respond to the demands of the victims and members of their families and of Salvadoran society with respect to investigations, prosecution, establishing the truth and punishing those responsible for the crimes against humanity and war crimes constituting grave violations of international humanitarian law that occurred during the armed conflict and have been attributed to both sides; and (iii) consider comprehensive measures for reparation to victims as necessary to guarantee their satisfaction, compensation and claims, as well as measures to avert the recurrence of crimes against humanity and war crimes constituting grave violations of international humanitarian law.

¹⁹ According to preliminary data, 139 cases associated with armed conflict are on file with the Attorney General's Office, 32 of which were included in the report of the Commission on the Truth for El Salvador.

²⁰ This unit has its own funds and resources from the regular budget of the Attorney General's Office and reports to that Office and the Deputy Attorney General. It is composed of a coordinator and three prosecutors who are knowledgeable about investigations and human rights. It has a work plan for carrying out its duties, the implementation of which is supported by the human rights unit and the various Attorney General's Offices that hear cases of human rights violations which occurred in the context of the internal armed conflict.

150. Article 3 of the Constitution guarantees that all persons are equal before the law, and states that the enjoyment of civil rights shall not be subject to restrictions based on differences of nationality, race, sex or religion. This explains why there are no data on the numbers of indigenous persons or those of African descent in the criminal justice system.

151. Accordingly, and in keeping with the concept of legal equality, indigenous peoples in El Salvador are included in the general population. Thus, where the rights protected by criminal law are breached or violated, it is the duty of the Attorney General's Office to protect the rights of indigenous persons.

152. To that end, the Attorney General's Office has 19 offices at the national level whose complaints desks and duty prosecutors are available 365 days a year to assist anyone wishing to submit individual or collective complaints.

153. El Salvador, in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, must respect all migrant workers and members of their families within the territory and guarantee them the rights provided for in the Convention without distinction of any kind.

154. Because there are a significant number of Central Americans in the country as migrant workers in an irregular situation, who require protection of their rights, the Directorate General for Migration and Alien Affairs, by way of helping to ensure that migrants have access to services for migrants, has drafted a transitional bill on the regularization of migration of people of Central American origin, which lays down the requirements and procedures that may be invoked by Central Americans residing in El Salvador in an irregular migratory situation, or with refugee status, in requesting permanent residence or Salvadoran nationality by birth. This bill is currently before the Legislative Assembly.

155. With respect to the cost and complexity of the judicial process, the constitutional principle of legal assistance exists in the national legal system, as article 181 of the Constitution stipulates that "justice shall be free".²¹

156. As regards the right to free legal aid, article 194 (II) (2) of the Constitution provides as follows: "The Counsel General of the Republic shall be responsible for: ... 2. providing legal aid to persons of limited financial means, and legal representation in the defence of their freedom and their labour rights". That right covers a series of benefits to be provided to all persons who can establish that they lack sufficient resources to dispute in a lawsuit to which they are a party or to initiate proceedings.

157. SECULTURA, through the multisectoral round table of indigenous peoples, is continuously training indigenous leaders, and at the national level is providing training on the United Nations Declaration on the Rights of Indigenous Peoples; on prior, free and informed consultation; on the Access to Public Information Act; on intellectual property; and on the Culture Act, among others.

C. National institutions that receive and process complaints about racial discrimination

158. El Salvador has no records for determining the ethnicity of persons who have been tried in the criminal justice system.

159. As to national institutions authorized to receive and process individual complaints of racial discrimination, the Constitution and secondary legislation provide for the right of access to justice for all without distinction. Under the Constitution, the judiciary is responsible for the administration of justice in the country; pursuant to article 182 (5), it is entrusted with "ensuring full and expeditious administration of justice, for which purpose the measures deemed necessary shall be adopted". Accordingly, everyone is guaranteed the

²¹ Constitution of the Republic of El Salvador, Decree No. 38 of 15 December 1983, published in Official Gazette No. 234, vol. No. 281, on 16 December 1983. Art. 181.

right to protection and defence in respect of any act or omission affecting their legal status, including racial discrimination.

160. Complaints are filed with, and the respective proceedings take place before, national authorities, such as PDDH,²² the Counsel General's Office,²³ the Attorney General's Office²⁴ and the Government Ethics Tribunal.^{25, 26}

Reparation and satisfaction in cases of racial discrimination

161. The Salvadoran Government in 2009 marked the beginning of a transition that saw the development of a policy of recognition of the dignity of victims of grave human rights violations in the context of the Salvadoran armed conflict, as well as a policy of reparation to victims, including child victims of enforced disappearance. One of the first actions taken was to change the Government's position with regard to the Inter-American human rights protection system and its constituent bodies (the Inter-American Commission and the Inter-American Court of Human Rights), recognizing the binding nature for the Salvadoran State of its decisions and obligations regarding respect for and guarantee of human rights.

162. El Salvador has taken significant steps to institutionalize this commitment, among them:

- State recognition of the grave human rights violations in the context of the internal armed conflict;
- Creation of the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict;
- Creation of the Programme of Reparations for Victims of Serious Human Rights Violations Committed during the Internal Armed Conflict;
- Establishment of the Registry of Victims of Serious Human Rights Violations Committed during the Internal Armed Conflict;
- Initiation and implementation of the Comprehensive Development Programme for victims of the massacre at El Mozote and surrounding areas and their respective registers;
- Adoption of Executive Decree No. 53/2016, containing "Specific provisions of restoration for implementing and monitoring the decision of the Inter-American Court of Human Rights in the case of the massacres at El Mozote and surrounding areas v. El Salvador".

163. The establishment of a national commission on the search for missing adults, and the drafting of the Reconciliation Act and the Act on Comprehensive Reparation for Victims, are currently before the Legislative Assembly.

Civil trials of cases of racial discrimination

164. There are currently no data on civil proceedings concerning cases of racial discrimination or reported as such by the courts.

D. Optional declaration provided for in article 14 of the Convention

165. The Committee urges the State party to explore the possibility of making the optional declaration provided for under article 14 of the Convention.

²² Constitution of the Republic of El Salvador, Decree No. 38 of 15 December 1983, published in Official Gazette No. 234, vol. No. 281, on 16 December 1983. Art. 194.

²³ Constitution of the Republic of El Salvador, Decree No. 38 of 15 December 1983, published in Official Gazette No. 234, vol. No. 281, on 16 December 1983. Art. 194.

²⁴ Constitution of the Republic of El Salvador, Decree No. 38 of 15 December 1983, published in Official Gazette No. 234, vol. No. 281, on 16 December 1983. Art. 193.

²⁵ Government Ethics Act, Legislative Decree No. 1038 adopted on 26 April 2006, published in Official Gazette No. 90, vol. No. 371, on 18 May 2006. Art. 12 (e).

166. In January 2016, as a result of the declaration by El Salvador recognizing the Committee's competence to receive individual communications, PDDH in a press release congratulated the legislature for that action, stating that the country was thereby following up on the Committee's observations, the Universal Periodic Review and the demands of the indigenous peoples of El Salvador.

Article 7

A. Education and teaching

Legislative and administrative measures taken in the field of education and teaching to combat prejudices which lead to racial discrimination

167. The objective of the National Education Plan 2014–2019 is to achieve quality education with social inclusion and equity. Various projects are also being implemented, such as the Public Policy for the Indigenous Peoples of El Salvador and the National Action Plan for Indigenous Peoples, which are expected to institute an educational process based on an intercultural approach.

168. Since 2010 the Ministry of Education has taken steps to recognize interculturalism in the education system and revitalize the Nahuatl language in areas with indigenous communities in the western part of the country. The Nahuatl immersion programme has been followed up by the Cuna Náhuat (Nahuatl cradle) pilot project, with the participation of four Nahuatl-speaking women from the municipality.

169. The project involves preschool children in the municipality of Santo Domingo de Guzmán, Department of Sonsonate, who attend two early learning sessions exclusively in Nahuatl. The project is being executed with the support of the municipal authorities under the coordination of Don Bosco University.

170. According to the National Observatory of the Education System, 23,614 students from the indigenous population attended public school in 2016, and there are 157 schools attended by indigenous pupils.

171. The Ministry of Education has introduced amendments to the General Education Act to prevent discrimination against pregnant or nursing adolescents.²⁷ The Child and Adolescent Protection Act, which is fully in force, facilitates the enforcement of the Convention on the Rights of the Child.

Addressing issues of human rights and of the Convention on the Elimination of Racial Discrimination in curricula and training of teachers and other professionals

172. To safeguard the heritage of the country's indigenous peoples and strengthen their cultural identity, the Ministry of Education has begun training 125 teachers from the municipalities of Izalco, Santo Domingo de Guzmán and Sonsonate in Nahuatl language and cultural identity.

173. The training is part of the national in-service teacher training plan for the public sector. It will last about one year, with six modules comprising eight eight-hour classroom days and 24 hours of distance learning. The objective is to prepare and train a group of teachers in that language so that they can disseminate what they have learned, which involves reviving the language. The training centres will be the National Institute of Izalco and the Father Fernando San Germán School in Sonsonate.

174. The Human Rights Unit of the National Civil Police in 2017 conducted information events on the Convention and the rights of migrants, indigenous peoples and persons of African descent for police personnel stationed in the municipalities where these population groups reside.

²⁷ General Education Act, Legislative Reform Decree No. 735 of 26 May 2011, published in Official Gazette No. 119, vol. No. 391, of 24 June 2011. Arts. 76-A and 98 (h).

Textbooks with a message of equal rights for all human beings, to replace degrading expressions that generate racial discrimination

175. Progress has been made in reviewing all language in textbooks which conveys stereotyped or demeaning images, references, names or opinions concerning groups protected under the Convention, and replacing it with images, references, names and opinions which convey the inherent dignity of all human beings and their equality in the enjoyment of human rights. The Ministry of Education has trained technical teams on implementing the inclusive education policy and the existing legal framework, including the conventions ratified by El Salvador, in order to include in the new textbooks, for all levels and types of education, chapters on the history and culture of indigenous peoples, migrants and minorities living in El Salvador.

176. The use of language and images or any type of illustration embodying an inclusive and human rights approach respectful of the various cultures has been promoted for publications, such as textbooks, multimedia programmes and television or other types of broadcasts. This was done, for example, in the Cipotes collection, part of the free textbook policy.

177. The Ministry of Education is currently developing the Project for the Improvement of Mathematical Learning in Basic and Secondary Education, which will be rolled out in the 2018 school year. It involves producing mathematics textbooks that contain a message of inclusion and respect for cultural diversity, using illustrations of children and young people of various skin colours. In 2018, the Ministry of Education plans to add language and literature textbooks based on the same policies.

Measures taken on the training of law enforcement officials to ensure that in the performance of their duty they respect and protect rights and human dignity without distinction of any kind

178. The curriculum of the National Public Security Academy contains a training component on human rights. In both the Academy and the National Civil Police, training is being offered to police officers in order to raise awareness of respect, protection and guarantee of the rights of persons in vulnerable situations, including indigenous people and migrants.

B. Culture

Cultural institutions or associations that promote the fight against racial discrimination

179. One of the management objectives of the Five-Year Development Plan 2014–2019 is to “promote culture as a right, a factor of cohesion and identity and a transformational force in society”. In this context, it is important to stress the adoption of the Culture Act, which was promulgated in August 2016, along with the efforts undertaken to turn SECULTURA into the Ministry of Culture.

State support for institutions and associations that promote culture

180. SECULTURA, as the lead agency in the area of culture, through its implementation of such programmes as the Festival for a Good Life, Governing with People and Open House, has helped citizens access and enjoy culture and has fostered the exchange of knowledge among different constituencies. Spaces have been set aside in the cultural centres to foster harmonious relations between citizens. The community “living culture” programme has been developed, which seeks to promote pre-existing cultural expressions in communities through project support.

181. SECULTURA, in coordination with 161 municipalities, is trying to enhance the population's access to cultural goods and services and has promoted cultural activities benefiting more than 300,000 people nationwide.²⁸

182. With regard to other priority populations, actions were taken to develop and promote indigenous peoples and their culture, including events to disseminate their artistic undertakings. With regard to persons with disabilities, there was a significant increase in the number of events that specifically involved artists from this group.

Linguistic policies promoted by the Government of El Salvador

183. Article 62 of the Constitution refers to the indigenous languages spoken in El Salvador as part of the country's cultural heritage, which is protected by the State and subject to special laws for its preservation.

184. The Committee recommends that the State party continue its efforts to revitalize the Nahuatl language, take steps to determine whether other indigenous languages are in use and take the necessary steps to revitalize them.

185. Protective measures have been developed in the Directorate for Cultural and Natural Heritage to safeguard the Nahuatl language, with the support of the Department for Indigenous Peoples. In 2016, as part of International Mother Language Day, 21 February was declared the National Day of the Nahuatl Language.

186. The following programmes constitute other safeguards for preserving the Nahuatl language: Cuna Náhuat (Nahuatl cradle), teacher training programmes (diploma courses), free Nahuatl classes held in cultural centres, textbook production and promoting the language through songs (recognition of singer-songwriters).

187. The Ministry of Education is developing the Cuna Náhuat Nahuatl language immersion programme for children aged 3 to 5 in Santo Domingo de Guzmán, and training began in 2017 in Nahuatl language and cultural identity for teachers in Izalco, Santo Domingo de Guzmán and Sonsonate, to raise awareness of and foster interest in the country's indigenous cultures. This is being carried out in coordination with representatives of indigenous peoples.

188. The Ministry of Education points out that, regarding the suggestion to extend intercultural activities and programmes for the revitalization of Nahuatl-Pipil to other communities, although efforts have been made, including the dissemination of the Nahuatl national anthem, which is sung at public events in some rural and urban communities, it has so far been impossible to extend such activities and programmes for Nahuatl and other native languages to schools in other municipalities, given that the Nahuatl-speaking population is small, concentrated and mostly composed of elderly persons. However, the Ministry is promoting the revitalization of the language in early childhood, and even that has been possible only with a small group of children; and the preservation of Kakawira in the Department of Morazán is a long-standing need.

C. Information

State media as the disseminators of information to prevent racial discrimination

189. SECULTURA and national television Channel 10 have jointly produced several programmes to raise awareness of the culture of indigenous peoples, including:

- Four short features on Nahuatl speakers (2015)
- A feature story on "The daily life of a Nahuatl speaker" (2016)
- Broadcast of Ne Nawat Suchikisa recitals in Nahuatl, accompanied by Nahuatl speakers and the National Symphonic Orchestra, among others (2017)

²⁸ 2016 Progress report on the Social Plan of El Salvador: Development and Social Protection for Good Living, p. 24, Technical and Planning Secretariat of the Office of the President.

- Broadcasts of the Comizahual traditional dance festivals (since 2012).

Methods of self-monitoring by the media to avoid racist or discriminatory language

190. SECULTURA promotes an indigenous art form, “Paño Pancho” (Pancho cloth), which represents indigenous diversity, using a piece of cloth woven on a waist loom in Panchimalco as part of the corporate image disseminated on its website and social media posts. It also monitors how the electronic media are handling the topic of indigenous peoples.

191. The Ministry of Education has guidelines on the treatment and handling of the news by the media, which ensure that photographs of students are inclusive and do not harm children in particular, and which guarantee that the print media use appropriate, inclusive and non-discriminatory language.

Other recommendations

192. **With regard to recommendation No. 23, in which the Committee encourages the State party to ratify international treaties to which it is not yet a party, especially the 1960 UNESCO Convention against Discrimination in Education and the 2013 Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.** El Salvador is currently holding consultations with the relevant national institutions to determine the feasibility of ratifying the treaties in question.

193. **With regard to the Committee’s recommendation that the State party’s reports be made readily available to the general public as soon as they are submitted, and publicized in the official language and, if applicable, in other languages commonly used in the State party, the Access to Information Act of El Salvador was adopted by Legislative Decree No. 534 in 2011. Under article 1, it is intended to guarantee the right of access of everyone to public information, in order to contribute to the transparency of proceedings of State institutions.** Right of access to public information. Under article 2, everyone has the right to seek and receive information produced, managed or held by public institutions and other relevant bodies in a timely and truthful manner, without arousing undue interest and without stating the reasons. Many State institutions have information-and-reply offices at which citizens can request and receive information of interest to them.

194. **The Committee recommends that the State party continue consulting and broadening its dialogue with civil society organizations working to protect human rights, in particular those combating racial discrimination, in the context of preparing its next periodic report and its follow-up to these concluding observations.** The Government of El Salvador, as part of the processes of inclusion and participation of all sectors, has held two consultative workshops with a representative of indigenous peoples, of which the outcomes have been standardized and included in the annexes to the present report (see annex IV).
