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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **Summary of Stakeholders' submissions on El Salvador\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 20 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. The Office of the Human Rights Advocate stated that the delay in the adoption of human rights-related bills and in the ratification of international treaties was regrettable.<sup>2</sup> It recommended the adoption of a normative framework and the mechanisms necessary to give effect to international human rights obligations<sup>3</sup> and the elaboration and implementation of a national human rights policy and plan of action.<sup>4</sup>

3. The Office of the Human Rights Advocate recommended that the rights to adequate water and food be constitutionally recognized and that the principle of equality and non-discrimination be provided for by law in accordance with international standards.<sup>5</sup> The Office of the Human Rights Advocate also recommended that El Salvador discuss, analyse and adopt, in a participatory fashion, several human rights-related bills and that it ratify international human rights treaties to which it is not yet a party, including the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on Forced

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



Disappearance of Persons and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.<sup>6</sup>

4. The Office of the Human Rights Advocate recommended that the population census be updated and that data be disaggregated in order to assess discrimination and promote equality.<sup>7</sup>

5. The Office of the Human Rights Advocate recommended that a governing authority, made up of State institutions, be established to ensure rational and sustainable water use and that the authorities prohibit the use of toxic agricultural chemicals, promote the transition to agroecology and maintain the ban on metal mining.<sup>8</sup>

6. The Office of the Human Rights Advocate welcomed the adoption of the “Safe El Salvador” Plan.<sup>9</sup> However, it considered that a comprehensive criminal policy with a holistic approach is necessary in order to respond to violence.<sup>10</sup> It recommended the creation of a national information system on violence;<sup>11</sup> the establishment of participatory mechanisms in relation to public security policies; and the development of quality specialized services for victims, which should have sufficient resources and effective intervention protocols.<sup>12</sup>

7. The Office of the Human Rights Advocate noted that the corruption and impunity observed at various levels in public institutions were regrettable. It recommended that the civil service be made more transparent and that effective controls be established in order to tackle cases of corruption and encourage their investigation and punishment.<sup>13</sup>

8. The Office of the Human Rights Advocate recommended that judges and prosecutors be trained on women’s access to justice and that awareness-raising efforts be made with regard to unequal power relations, misogyny and rights discrimination in the area of women’s access to justice.<sup>14</sup>

9. The Office of the Human Rights Advocate recommended the adoption of concrete measures with regard to transitional justice in order to address cases of serious human rights violations committed during the internal conflict, and the adoption of a national policy and a law on full reparation for victims.<sup>15</sup>

10. The Office of the Human Rights Advocate recommended the strategic prioritization of budgetary investment in the social sphere; the conduct of periodic assessments of the effectiveness and efficiency of the State’s general budget, using a rights-based approach; and the implementation of fiscal reform as a means of progressively ensuring the exercise of human rights, including steps to combat tax evasion and eliminate unjustified privileges.<sup>16</sup>

11. The Office of the Human Rights Advocate recommended that the pension system be reformed to make it fairer and that a universal social protection system be set up.<sup>17</sup>

12. The Office of the Human Rights Advocate expressed concern about supply shortages within the health system. It recommended an increase in the health-care budget in order to provide quality care, reduce inequalities and improve the infrastructure and coordination of public health institutions.<sup>18</sup>

13. The Office of the Human Rights Advocate expressed concern about the fact that only 4 out of every 10 boys and girls who enter the educational system complete secondary school and only 2 go on to university. It recommended that the authorities progressively increase the education budget to 7 per cent of GDP; ensure quality education and adequate infrastructure, paying special attention to vulnerable groups and eliminating gender and rural-urban gaps; eradicate illiteracy; and prevent children from dropping out from school.<sup>19</sup>

14. The Office of the Human Rights Advocate recommended that steps be taken to promote culture, scientific research and peace.<sup>20</sup>

15. The Office of the Human Rights Advocate recommended that the State address the situation of forced internal displacement, avoiding superficial proposals, and that it adopt measures aimed at providing a structural solution to the problem.<sup>21</sup>

### III. Information provided by other stakeholders

#### A. Scope of international obligations<sup>22</sup> and cooperation with international human rights mechanisms and bodies<sup>23</sup>

16. The Red Salvadoreña de Mujeres Defensoras de Derechos Humanos (RSMDDHH) (Salvadoran Network of Women Human Rights Defenders) welcomed the progress made in legislation and public policy, the creation of the Secretariat for Social Inclusion, the adoption of measures under Decree No. 56 to reduce discrimination by public officials on grounds of sexual orientation, the creation of specialized courts for women's rights, and the definition of hate crimes under the Criminal Code as homicide or threats committed on grounds of race, ethnicity, religion, political affiliation, gender identity and expression or orientation.<sup>24</sup>

17. International Campaign to Abolish Nuclear Weapons (ICAN) appreciated that El Salvador ratified the UN Treaty on the Prohibition of Nuclear Weapons on 2019.<sup>25</sup>

18. JS1<sup>26</sup> and Cultural Survival (CS)<sup>27</sup> recommended to accept the visits of Special Procedures mandates holders.

#### B. National human rights framework<sup>28</sup>

19. RSMDDHH recommended that the Salvadoran Institute for the Advancement of Women be given ministerial status and that its capacities be strengthened in order to enhance its independence and powers.<sup>29</sup>

#### C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

##### 1. Cross-cutting issues

###### *Equality and non-discrimination*<sup>30</sup>

20. The Advocates for Human Rights,<sup>31</sup> Red Latinoamericana y del Caribe para la Democracia (REDLAD) (Latin American and Caribbean Network for Democracy)<sup>32</sup> and RSMDDHH<sup>33</sup> indicated that the penalties provided for by law to punish hate crimes committed on grounds of ethnicity, gender identity, religion or political affiliation, among others, had been increased.

21. The Advocates,<sup>34</sup> Front Line Defenders (FLD)<sup>35</sup> and JS1<sup>36</sup> noted, nevertheless, that LGBTI persons continued to face threats and assaults based upon their sexual orientation. The Inter-American Commission on Human Rights (IACHR) noted in June 2015 that at least seven trans people had been murdered so far that year in El Salvador and observed the high level of impunity for crimes against such persons.<sup>37</sup>

22. JS1,<sup>38</sup> RSMDDHH<sup>39</sup> and FLD<sup>40</sup> noted that organizations of lesbian, gay, bisexual, transgender or intersex persons had reported that they had been victims of police attacks and violence.

23. JS1,<sup>41</sup> JS6<sup>42</sup> and JS8<sup>43</sup> recommended that crimes against lesbian, gay, bisexual, transgender or intersex persons be investigated and that perpetrators be punished, and that a specialized unit be set up to investigate hate crimes.

24. RSMDDHH<sup>44</sup> and JS8<sup>45</sup> recommended the adoption of a comprehensive law on gender identity to facilitate the integration of trans persons into society.

###### *Development, the environment, and business and human rights*<sup>46</sup>

25. CS<sup>47</sup> and JS3<sup>48</sup> appreciated that, in 2017 El Salvador became the first country in the world to ban all metallic mining.

26. JS3<sup>49</sup> and JS4<sup>50</sup> expressed concern about mining projects licensed to operate in the border area. JS3 noted that, while the Act on the Prohibition of Metal Mining has been adopted, it is not being implemented.<sup>51</sup> JS4 recommended that the Act and its corresponding regulations be effectively implemented.<sup>52</sup>

27. JS3<sup>53</sup>, JS4<sup>54</sup> and Plataforma Internacional contra la Impunidad (PII) (International Platform against Impunity)<sup>55</sup> stated that the excessive use of toxic agrochemicals in monoculture, particularly of sugar cane, was regrettable, as it affects the health of neighbouring communities.

## 2. Civil and political rights

### *Right to life, liberty and security of person*<sup>56</sup>

28. JS2 expressed concern about the fact that, since the signing of the peace agreements, no solution has been found to the situation of growing social insecurity.<sup>57</sup>

29. JS2 indicated that in 2015, El Salvador was the most violent country in the world. Homicide figures had decreased slightly but were still alarming.<sup>58</sup> JS5 noted that, in 2016, 12 per cent of homicide victims were minors and most victims were between the ages of 15 and 19.<sup>59</sup>

30. JS8 deplored the phenomenon of enforced disappearance.<sup>60</sup> JS2 observed that, according to 2018 statistics, approximately 10 persons per day disappeared in El Salvador.<sup>61</sup>

31. JS2 indicated that the power of gangs in El Salvador was unprecedented and that the country had the largest number of active gang members in the region.<sup>62</sup>

32. JS5,<sup>63</sup> JS6<sup>64</sup> and JS8<sup>65</sup> were of the view that the “Safe El Salvador” Plan was a positive step but that a long-term policy was necessary. JS6 stated that not enough funds had been allocated to implement the prevention policies provided for in the Plan.<sup>66</sup> JS2<sup>67</sup> and JS8<sup>68</sup> recommended that the authorities reduce insecurity in a sustainable manner and with a long-term perspective, by addressing its root causes and combating impunity. JS6 also recommended that El Salvador allocate a sufficient and sustainable budget to the areas of violence prevention, social reintegration and victim assistance.<sup>69</sup>

33. JS2 expressed concern about alleged cases of extrajudicial execution of gang members by the National Civil Police and/or the armed forces.<sup>70</sup> JS6 recommended that the authorities incorporate a definition of the offence of extrajudicial execution into law, prosecute and punish those responsible for that offence and provide reparation to victims in the form of financial compensation and medical and psychological assistance.<sup>71</sup> It also recommended an assessment of the National Civil Police and the effective reform of the police function, including its command structure.<sup>72</sup> JS8 recommended that the capacities and resources of the Attorney General’s Office and the National Civil Police be strengthened.<sup>73</sup>

34. JS1 stated that the excessive use of force against demonstrators was regrettable.<sup>74</sup> It recommended that senior officials publicly condemn the security forces’ excessive use of force to disperse protests and that perpetrators be brought to justice.<sup>75</sup>

35. JS2 stated that the high rates of overcrowding in detention centres were regrettable and that the extraordinary measures adopted in 2016 hindered re-education and rehabilitation processes. It was particularly concerned about the amendments to the Prisons Act of 2018, which granted too many powers to prison directors.<sup>76</sup> JS6 recommended that the amendments to the Prisons Act be repealed.<sup>77</sup>

36. IACHR was concerned about the extraordinary measures being implemented in detention centres, which endangered the lives and physical integrity of detainees. In addition to increasing incarceration rates, those measures led to violations of the human rights of thousands of persons deprived of their liberty, including prolonged and indefinite solitary confinement in inhuman conditions, impairment of due process and a 440-per-cent increase in tuberculosis rates. IACHR recommended that the extraordinary measures in detention facilities not be extended.<sup>78</sup>

*Administration of justice, including impunity, and the rule of law*<sup>79</sup>

37. The Advocates regretted that the legal system and policies fail to hold perpetrators of serious crimes accountable and that violence by public servants is common, with the police as the main perpetrators.<sup>80</sup> Women did not report violence to the police because of societal perception, fear of retaliation, and the lack of protection from the police.<sup>81</sup> Ineffective investigation and low conviction rates discouraged victims to seek help from the authorities.<sup>82</sup>

38. In 2016, IACHR welcomed the ruling by the Constitutional Division of the Supreme Court of Justice that found the General Amnesty Act to be unconstitutional.<sup>83</sup> JS6 recommended that steps be taken to ensure full compliance with the ruling.<sup>84</sup>

39. JS2 expressed concern that the preliminary bill on national reconciliation that was being discussed in the Legislative Assembly would grant absolute and unconditional amnesty and would therefore lead to impunity.<sup>85</sup>

40. According to FLD, the new Law of National Reconciliation of 2019 would create even more barriers to the pursuit of justice, truth and reparations than the former Amnesty Law.<sup>86</sup>

41. JS2 recommended that the Legislative Assembly refrain from adopting a new amnesty law of a general and unconditional nature in order to avoid generating further impunity.<sup>87</sup>

42. IACHR recommended that the authorities continue to investigate crimes against humanity and serious human rights violations perpetrated during the internal armed conflict, identify those responsible, impose penalties and determine fair reparations.<sup>88</sup>

43. JS6 recommended that the Attorney General's Office be provided with sufficient resources to conduct thorough and impartial investigations into past and present human rights violations of a serious nature, that victims' lawyers be given access to the archives of the Truth Commission<sup>89</sup> and that all appropriate measures be taken to provide symbolic reparation to the victims.<sup>90</sup> IACHR recommended the implementation of the recommendations set out in the final report of the Truth Commission and expressed the view that progress in the area of transitional justice should be stepped up.<sup>91</sup>

44. JS3 recommended that the Court eliminate the 10-year statute of limitations on the investigation of corruption in the civil service.<sup>92</sup>

45. JS6 recommended that steps be taken to ensure the protection and independence of public officials, notably members of the judiciary, the Attorney General's Office and the National Civil Police, lawyers and persons working on cases related to the armed conflict.<sup>93</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>94</sup>

46. REDLAD,<sup>95</sup> JS1<sup>96</sup> and FLD<sup>97</sup> deplored the frequent attacks on and killings of journalists and human rights defenders and the lack of a protection mechanism.

47. FLD recommended to carry out investigations into all reported attacks and harassment of HRDs, and consider adopting a law on the protection of HRDs.<sup>98</sup>

48. JS3 recommended the implementation of the proposed national policy for the protection of human rights defenders that was presented by civil society in 2018.<sup>99</sup> RSMDDHH recommended that campaigns be carried out to raise awareness of the legitimacy of the work of human rights defenders.<sup>100</sup>

49. FLD was concerned that the Social Organizations Law could undermine the rights of CSOs and activists since authorities had the power to dismantle human rights organisations if they are perceived to be politically active. Additionally, civil society organisations would be forced to disclose all information on their projects which could put some of those involved at risk.<sup>101</sup> JS1 noted that human rights defenders had been criminalized as a result of the 2006 Special Act on Counter-Terrorism.<sup>102</sup> JS1 recommended that legislation be amended so as to fully guarantee the right to freedom of assembly and avoid criminalizing those who exercised it.<sup>103</sup>

50. JS1 indicated that business groups whose interests were affected by environmental advocacy were often involved in the stigmatization of environmental activists and in acts of violence against them.<sup>104</sup>

51. JS1 recommended that the State guarantee the freedom of expression of the media by harmonizing the relevant national laws with international standards.<sup>105</sup>

52. JS1 indicated that in 2014 and 2015, the organizations that had made that joint submission had been the victims of a defamation campaign for providing legal advice to women who had suffered obstetric emergencies and had been convicted of homicide.<sup>106</sup>

53. JS1 recommended that steps be taken to widen opportunities for civil society participation and to promote a meaningful policy dialogue.<sup>107</sup>

*Prohibition of all forms of slavery*<sup>108</sup>

54. The Advocates<sup>109</sup> and JS3<sup>110</sup> expressed concern about gang members' recruitment of young women and girls to become their sexual partners. The Advocates indicated that, when young women and girls refuse to become the "girlfriends" of gang members, they were subject them and their family members to threats and violence.<sup>111</sup> The Advocates recommended to establish a comprehensive programme to protect women from violence, and ensure that victim services are accessible to women and girls seeking assistance.<sup>112</sup>

55. JS6 recommended that steps be taken to strengthen the specialized units for addressing human trafficking and migrant smuggling to ensure the effective investigation of trafficking cases and that special shelters for victims be established, with dedicated funding and trained staff.<sup>113</sup>

### 3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*<sup>114</sup>

56. JS1 noted that the stigmatization and reprisals to which trade unions were subjected had discouraged workers from joining them.<sup>115</sup>

57. JS3 stated that it was regrettable that in-bond assembly firms (maquiladoras) in the textile industry, which primarily employed women, often shut down operations without paying outstanding wages owed to their employees.<sup>116</sup>

58. JS5 recommended that El Salvador form partnerships with private companies, through the Ministry of Labour, with a view to ensuring that they offer job opportunities to young people.<sup>117</sup>

*Right to an adequate standard of living*<sup>118</sup>

59. JS3 indicated that the lack of public information for identifying housing shortages made housing needs difficult to ascertain.<sup>119</sup> JS3 recommended that the National Housing Policy be duly implemented.<sup>120</sup>

60. JS3 deplored the fact that some 77 families had been forcibly evicted from the El Espino community in 2018.<sup>121</sup>

61. CS was concerned that a high per cent of the surface water in El Salvador is contaminated, particularly in rural.<sup>122</sup> JS4 noted that more than 600,000 people in El Salvador have no access to any type of clean water supply or sanitation.<sup>123</sup> JS3,<sup>124</sup> JS4<sup>125</sup> and JS8<sup>126</sup> recommended that the human right to water and sanitation be recognized under the Constitution as a public good.

62. JS4<sup>127</sup> and JS3<sup>128</sup> recommended that El Salvador pursue cooperative relations with neighbouring countries in the area of water conservation, management and use.

*Right to health*<sup>129</sup>

63. JS5 stated that some 1,500 girls between the ages of 10 and 14 had become pregnant in 2015, and called upon the justice system to take action in that regard.<sup>130</sup> JS5 also noted that child and adolescent pregnancy has an enormous social impact, trapping families in a

vicious circle of poverty that limits their advancement and hinders their enjoyment of fundamental rights such as the rights to education and leisure.<sup>131</sup>

64. JS3 recommended that forced pregnancy be defined as an offence and that the Ministry of Health be required to report cases of child pregnancy resulting from sexual abuse to the Attorney General's Office.<sup>132</sup> JS5 recommended that steps be taken to ensure that victims received psychosocial assistance.<sup>133</sup>

65. JS8 recommended that a verification and monitoring process be carried out in relation to the implementation of the National Cross-sectoral Strategy for the Prevention of Child and Adolescent Pregnancy, 2017–2027.<sup>134</sup>

66. RSMDDHH noted that access to antiretroviral drugs and to contraceptives is hindered by religious prejudice and stereotyping on the part of health-care personnel.<sup>135</sup>

67. JS9 regretted that some provisions of the Criminal Code had led some health service providers to fear being criminally liable if they provide contraception to girls under 18.<sup>136</sup>

68. RSMDDHH recommended that the authorities implement programmes of prevention and care in relation to adolescent pregnancy, including comprehensive sex education and access to contraceptives, especially in high-vulnerability areas with high indices of sexual violence.<sup>137</sup>

69. ADF International (ADF) recommended improving healthcare access for women from poor or rural backgrounds.<sup>138</sup>

70. JS8 recommended the intensification of efforts to ensure the right to health and the promotion of universal access to health-care services for all.<sup>139</sup>

#### *Right to education*<sup>140</sup>

71. CS noted that approximately 70% of primary schools in rural areas only offer education below the grade of four or five,<sup>141</sup> and that women and girls had lower education levels, higher school dropout rates, and nearly double the illiteracy rate of men.<sup>142</sup>

72. JS5 noted that children and adolescents living in street situations also face difficulties in enrolling in school,<sup>143</sup> and expressed concern about the significant disparities between urban and rural areas in terms of literacy rates.<sup>144</sup>

73. JS8 welcomed the progress made in the field of education in recent years through the efforts of the Ministry of Education.<sup>145</sup> It was nonetheless concerned to note that, according to statistics, 64 per cent of all schools are located in communities where gangs are present.<sup>146</sup> JS5 noted that the lack of security in these areas leaves children and adolescents at risk on their way to and from school.<sup>147</sup>

74. JS8 indicated that some schools have no water supply or electricity. Only 1,077 out of the country's 5,136 State schools have lavatories connected to the sewerage system, and 2,994 have lavatories connected to septic tanks.<sup>148</sup>

75. JS5 recommended that the State continue its efforts to ensure non-discriminatory access to free, quality education for all children and adolescents, including those who were not registered at birth, those with disabilities and those living in street situations.<sup>149</sup> JS5 also recommended that El Salvador make provision in the national budget for greater investment in education, with a view to improving education and educational infrastructure.<sup>150</sup>

76. JS8 recommended that El Salvador create conditions conducive to the achievement of genuine equality of opportunity in the education system.<sup>151</sup>

#### **4. Rights of specific persons or groups**

##### *Women*<sup>152</sup>

77. REDLAD noted with satisfaction that El Salvador has adopted the Special Comprehensive Act on a Violence-Free Life for Women.<sup>153</sup> However, RSMDDHH,<sup>154</sup> CS,<sup>155</sup> JS9,<sup>156</sup> JS3<sup>157</sup> and REDLAD<sup>158</sup> expressed concern about the fact that El Salvador is

such a dangerous country for women and about the prevailing situation of impunity. JS2 observed that the number of cases of femicide has increased since 2015.<sup>159</sup>

78. RSMDDHH deplored the fact that girls and women in El Salvador do not enjoy equal rights or conditions that enable them to develop their full potential, nor do they have support networks for dealing with sexual violence and femicidal violence.<sup>160</sup>

79. The Advocates appreciated that El Salvador had implemented a national action plan on women, peace, and security. However, serious challenges remain.<sup>161</sup> It noted that the persistent stereotypes and prejudices regarding the role of women in society perpetuated violence against women in El Salvador, and that domestic violence is considered socially acceptable by a large portion of the population.<sup>162</sup>

80. RSMDDHH recommended that dedicated resources be earmarked for the establishment of a special reparations fund for women victims of femicidal violence and a national education programme for the prevention of gender-based violence and the promotion of equality and gender-neutral education.<sup>163</sup>

81. REDLAD recommended that the State develop mechanisms for combating gender-based violence and discrimination against women in El Salvador.<sup>164</sup> JS7 recommended that the authorities investigate all complaints of sexual violence, try alleged perpetrators and punish those found guilty of sexual violence against women or girls.<sup>165</sup>

82. RSMDDHH recommended the development of a national plan, in coordination with the various institutions of the executive branch and the Public Legal Service, for the implementation of joint initiatives to eliminate the rampant impunity currently observed in connection with femicide and other forms of gender-based violence in El Salvador.<sup>166</sup>

83. JS9 was concerned that abortion was criminalized in any circumstances in El Salvador, including in cases of rape or incest, where it endangers the mother's life, or where the fetus is unviable. Health professionals who perform abortion can be sentenced for 6–12 years.<sup>167</sup> In addition, pursuant to the Criminal Code, they must report a pregnant woman to the authorities whenever they suspect that they may have had, or attempted to have, an abortion. As a result, women who suffer obstetric emergencies, including a miscarriage and stillbirths, prefer not to seek healthcare assistance.<sup>168</sup>

84. JS9 regretted that women had been sentenced to up to 40 years in jail following reported miscarriages, mostly on charges of aggravated homicide.<sup>169</sup> It recalled that a number of human rights mechanisms and 12 States – during its previous UPR cycle, called on El Salvador to decriminalize abortion.<sup>170</sup> JS9 was concerned at the negative effect of having to carry an unwanted pregnancy to full term on women's mental health, with many pregnant women resorting to suicide, which according to the Ministry of Health, was the most common cause of death amongst teenage mothers in El Salvador.<sup>171</sup>

85. JS9 also noted the disproportionately negative impact of the anti-abortion legislation on women living in rural areas.<sup>172</sup>

86. IACHR expressed concern about the fact that, as of 2018, at least 26 women who had suffered obstetric complications were still in prison as a result of the criminalization of abortion in all circumstances.<sup>173</sup>

87. JS9 indicated that in recent years there had been some proposals to decriminalize abortion.<sup>174</sup> JS9<sup>175</sup> and REDLAD<sup>176</sup> indicated that in 2018 the Legislative Assembly had nonetheless decided not to adopt the relevant legislative amendment.

88. JS9 noted that abortion-related investigations lead to prolonged, pre-trial detention of vulnerable women. Many had been incarcerated while still suffering from complications or even haemorrhaging.<sup>177</sup>

89. Many stakeholders recommended to urgently amend El Salvador's anti-abortion legislation to permit exceptions for pregnancy resulting from sexual violence, rape or incest, where there is a threat to the mother's life or health, or where the foetus is unviable. They also recommended to remove the obligation of health professionals and public officials to report women to the police based merely on a suspicion of abortion; and formulate and

implement policies to the widespread dissemination of contraceptive products and accurate family planning information to allow women to exercise their reproductive rights.<sup>178</sup>

90. RSMDDHH recommended the imposition of a moratorium on the enforcement of article 133 of the Criminal Code, with a view to the release of women who had been imprisoned on the grounds of abortion or obstetric emergency.<sup>179</sup>

#### *Children*<sup>180</sup>

91. REDLAD stated that the Child and Adolescent Protection Act was a positive step.<sup>181</sup>

92. JS3 noted that the Family Code had been amended in 2017 to prohibit child marriage. Nevertheless, forced unions between girls and adult men were common in El Salvador and the country did not have a specific policy for the prevention of marriages or de facto unions involving girls or adolescents.<sup>182</sup> JS3 recommended the implementation of a nationwide campaign to promote the prevention of marriages or forced unions involving girls.<sup>183</sup>

93. The Global Initiative to End all Corporal Punishment of Children noted that corporal punishment in El Salvador is still lawful in the home, in alternative care settings and in non-educational day care settings, and recommended to enact legislation explicitly prohibiting all corporal punishment in all setting, including the home.<sup>184</sup>

94. JS9 was concerned at the devastating effect of the total criminalization of abortion on pregnant adolescent girls – especially between 12 and 14, since they were effectively forced to leave education with little possibility of resumption after giving birth. Lower levels of education were attained by teenage mothers, leading to a reduction in economic opportunity and, consequently, increased poverty.<sup>185</sup>

95. JS3 deplored the fact that minors continue to be recruited by gangs to commit crimes and that those who are captured are tried as adults before the courts.<sup>186</sup>

96. JS8 recommended that El Salvador categorically reject proposals advocating the trial and sentencing of children and adolescents as though they were adults.<sup>187</sup>

97. JS5 recommended that priority be given, under the National Policy on Comprehensive Protection for Children and Adolescents 2013–2023, to measures intended to prevent young people from joining gangs and to offer gang members opportunities to become reintegrated into society.<sup>188</sup> JS8 recommended that such young people's right to due process be respected.<sup>189</sup>

98. JS5 recommended that the State offer and increase opportunities for children and young people through programmes to enhance social integration, strengthen families and provide education.<sup>190</sup>

#### *Persons with disabilities*<sup>191</sup>

99. JS3 expressed concern about the discrimination and vulnerability faced by persons with disabilities in El Salvador, particularly in relation to the exercise of their rights to work, health and education. JS3 recommended that the State undertake a thorough review of the domestic regulatory framework in order to bring it into line with the Convention on the Rights of Persons with Disabilities.<sup>192</sup>

#### *Minorities and indigenous peoples*<sup>193</sup>

100. CS<sup>194</sup> and PII<sup>195</sup> note that although grassroots efforts, El Salvador had not given official support to bilingual education. It recommended to support the revitalization of Indigenous languages by promoting the use of indigenous languages in public education settings.<sup>196</sup>

101. CS<sup>197</sup> and FLD<sup>198</sup> regretted that, despite an amendment to the Constitution in 2014, indigenous peoples still struggle to obtain full rights to their ancestral lands, which jeopardises their rights. FLD recommended that El Salvador take all the necessary measures to ensure the protection and the exercise of the right to self-determination by indigenous populations, guaranteeing their access to land and resources.<sup>199</sup>

102. JS3 indicated that indigenous persons are discriminated against and have few opportunities in the labour market.<sup>200</sup>

103. PII noted that El Salvador recently adopted a national health policy for indigenous peoples without having engaged in broad consultation and that, as the policy has not been sufficiently publicized, information is lacking as to whether it includes an indigenous traditional medicine component.<sup>201</sup>

104. PII stated that it was regrettable that national and international companies had been licensed to carry out investment projects even at recognized cultural heritage sites and in territories that constitute the ancestral cultural heritage of indigenous peoples and the source of their livelihood and their spiritual life.<sup>202</sup>

105. PII noted that, in practice, the conditions that prevent indigenous persons from acknowledging their identity without fear still persist<sup>203</sup> and the right of indigenous peoples to be consulted and to give free, prior and informed consent is not always respected.<sup>204</sup>

106. JS3 recommended that the State take a census of the indigenous population, with the full participation of indigenous groups in the design and implementation of the census.<sup>205</sup>

107. JS3 recommended the development and implementation of effective policies for indigenous peoples and the implementation of the Public Policy for Indigenous Peoples.<sup>206</sup>

108. CS recommended that El Salvador design a National Action Plan on implementing the rights of Indigenous Peoples based on the World Conference on Indigenous Peoples' Outcome Document.<sup>207</sup>

109. CS recommended to address the legacy of toxic waste and contamination from mining that still affects indigenous farmlands and groundwater; take steps to ensure access to clean water in rural areas in consultation with indigenous peoples; support water preservation and treatment systems by indigenous communities in their territories.<sup>208</sup>

110. CS recommended expanding the allocation of radio frequencies to include public, community or Indigenous radio which has previously faced strong opposition from commercial radio.<sup>209</sup>

#### *Migrants and internally displaced persons*<sup>210</sup>

111. JS3 indicated that, in the new migration phenomenon known as "caravans", hundreds of people had travelled north by land in groups. However, El Salvador had no precise information on how many people had emigrated, how many had returned or how they were faring during their journey.<sup>211</sup>

112. JS8 indicated that many Salvadorans had been forced into situations of internal displacement because their lives or families had been threatened or members of their families had been attacked.<sup>212</sup> JS6 recommended the creation of a national registry of internally displaced persons and the establishment of a legal framework, a programme and policies for ensuring the provision of assistance and protection to displaced persons, in accordance with the recommendations received in the area of human rights.<sup>213</sup>

113. JS8 recommended that the State ensure security in all parts of the country to prevent situations where individuals and families are forced to leave their homes and to guard against the fraying of the social fabric.<sup>214</sup>

## Notes

- <sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org)

*Individual submissions:*

ADF International	ADF International (Switzerland);
The Advocates	Advocates for Human Rights (United States of America);
CIDH	Inter-American Commission on Human Rights, Organisation of American States (United States of America);
CS	Cultural Survival (United States of America);
FLD	Front Line Defenders (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
PDDH	Procuraduría para la Defensa de los Derechos Humanos de El Salvador (El Salvador);
PII	Plataforma Internacional contra la Impunidad (Guatemala);
REDLAD	Red Latinoamericana y del Caribe para la Democracia (Colombia);
RSMDDHH	Red Salvadoreña de Mujeres Defensoras de Derechos Humanos (Argentina).

*Joint submissions:*

JS1	<b>Joint submission 1 submitted by:</b> CIVICUS: Alianza Mundial para la Participación Ciudadana; FESPAD: Fundación de Estudios para la Aplicación del Derecho (South Africa);
JS2	<b>Joint submission 2 submitted by:</b> Agrupación Ciudadana para la Despenalización del Aborto; Asociación Comunicado y Capacitando a Mujeres Trans con VIH en El Salvador – COMCAVIS TANS; Asociación de Derechos Humanos Tutela Legal “María Julia Hernández”; Fundación de Estudios para la Aplicación del Derecho; Instituto de Estudios de la Mujer “Norma Virginia Guirola de Herrera” CEMUJER; Plataforma Internacional contra la Impunidad (El Salvador);
JS3	<b>Joint submission 3 submitted by:</b> Alianza por los Derechos de la Niñez, Adolescencia y Juventud en El Salvador Asesoría a Programas y Proyectos de Desarrollo – ASPRODE – Asociación Salvadoreña para la Formación y Capacitación Integral Sostenible – ASAFOCAIS – Centro de Investigación sobre Inversiones y Comercio – CEICOM- Foro del Agua Fundación de Estudios para la Aplicación del Derecho – FESPAD – Fundación Red de Sobrevivientes Instituto de Estudios de la Mujer “Norma Virginia Guirola de Herrera” CEMUJER Mesa Permanente por la Justicia Laboral Movimiento Nacional en Defensa de la Tierra – MOVITIERRA- Movimiento de Unificación Indígena de Nahuizalco – MUINA – Plataforma Internacional contra la Impunidad Red Centroamericana por la Defensa de las Aguas Transfronterizas – RedCAT El Salvador – (El Salvador);
JS4	<b>Joint submission 4 submitted by:</b> Franciscans International (FI); Red Centroamericana por la Defensa de las Aguas transfronterizas-El Salvador (Red-CAT) (Switzerland);
JS5	<b>Joint submission 5 submitted by:</b> Fundación Marista por la Solidaridad Internacional, FMSI; Fundación Marista; FUNDAMAR IIMA – Istituto Internazionale Maria Ausiliatrice; VIDES International – International

	Volunteerism Organization for Women, Education, Development (Switzerland);
JS6	<b>Joint submission 6 submitted by:</b> International Bar Association's Human Rights Institute; Instituto de Derechos Humanos de la Universidad Centroamericana de El Salvador Participating: American Friends Service Committee; Asociación ProBúsqueda de niñas y niños desaparecidos; Avocats Sans Frontières Canadá; Azul Originario; CEMUJER; COMCAVIS; Cristosal; Fundación de Estudios para la Aplicación del Derecho; Fundación para el Debido Proceso; Fundación para la Justicia y el Estado Democrático de Derecho; Observatorio de la Universidad Centroamericana de El Salvador; Servicio Social Pasionista (United Kingdom of Great Britain and Northern Ireland);
JS7	<b>Joint submission 7 submitted by:</b> Vida SV; Asociación Hazteoir.org (Spain);
JS8	<b>Joint submission 8 submitted by:</b> Presentado por 48 ONGs que conforman la: Red Para La Infancia y la Adolescencia de El Salvador (RIA) (El Salvador);
JS9	Centre for Reproductive Rights; Agrupación Ciudadana (United States of America).

<sup>2</sup> PDDH, para. 2.

<sup>3</sup> PDDH, para.4.

<sup>4</sup> PDDH, para. 5.

<sup>5</sup> Office of the Human Rights Advocate, para.6.

<sup>6</sup> Office of the Human Rights Advocate, paras. 7 and 8: International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Inter-American Convention on Forced Disappearances, and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

<sup>7</sup> Office of the Human Rights Advocate, para. 12.

<sup>8</sup> Office of the Human Rights Advocate, para.15.

<sup>9</sup> Office of the Human Rights Advocate, para. 31.

<sup>10</sup> Office of the Human Rights Advocate, para. 31.

<sup>11</sup> Office of the Human Rights Advocate, para. 33.

<sup>12</sup> Office of the Human Rights Advocate, para. 35.

<sup>13</sup> Office of the Human Rights Advocate, para.37.

<sup>14</sup> Office of the Human Rights Advocate, para. 13.

<sup>15</sup> Office of the Human Rights Advocate, para. 40.

<sup>16</sup> Office of the Human Rights Advocate, paras. 18 and 19.

<sup>17</sup> Office of the Human Rights Advocate, para.29.

<sup>18</sup> Office of the Human Rights Advocate., paras. 21–22.

<sup>19</sup> Office of the Human Rights Advocate, para. 25.

<sup>20</sup> Office of the Human Rights Advocate, para.26.

<sup>21</sup> Office of the Human Rights Advocate, para.32.

<sup>22</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>23</sup> For relevant recommendations see A/HRC/28/5, paras. 103.1–103.5, 104.1, 105.1–105.23.

<sup>24</sup> Salvadoran Network of Women Human Rights Defenders, para 1, 2.

<sup>25</sup> ICAN, p. 1.

<sup>26</sup> JS1, para. 6.5.

<sup>27</sup> CS, p. 6.

<sup>28</sup> For relevant recommendations see A/HRC/28/5, paras. 103.13–103.14, 103.37–103.38, 104.3–104.6, 104.21, 104.26, 105.24, 105.28–105.31.

<sup>29</sup> Salvadoran Network of Women Human Rights Defenders, para. 7.

<sup>30</sup> For relevant recommendations see A/HRC/28/5, paras. 103.9, 104.11–104.15, 104.22–104.24, 105.27, 105.33.

<sup>31</sup> The Advocates, para. 12.

<sup>32</sup> REDLAD, para.4.3.

<sup>33</sup> RSMDDHH, para. 2.

<sup>34</sup> The Advocates, para. 3.

<sup>35</sup> FLD, para. 9.

<sup>36</sup> JS1, para. 1.5.

<sup>37</sup> IACHR, page 1.

<sup>38</sup> The Salvadoran Network of Women Human Rights Defenders, para. 2.

<sup>39</sup> FLD, para. 9.

<sup>40</sup> JS1, para. 2.7.

<sup>41</sup> JS1, para. 61.

<sup>42</sup> JS8, p. 9.

<sup>43</sup> JS 6, para. 4.

<sup>44</sup> Salvadoran Network of Women Human Rights Defenders, para. 6.

<sup>45</sup> JS8, p. 9.

<sup>46</sup> For relevant recommendations see A/HRC/28/5, paras. 105.26.

<sup>47</sup> CS, p. 4.

<sup>48</sup> JS3, para. 7.3.

<sup>49</sup> JS3 para. 7.4.

<sup>50</sup> JS4 para. 20.

<sup>51</sup> JS3, para. 7.3.

<sup>52</sup> JS4, para. 29.

<sup>53</sup> JS3, para. 7.6.

<sup>54</sup> JS4, para. 29.

<sup>55</sup> PII, para. 18, 20.

<sup>56</sup> For relevant recommendations see A/HRC/28/5, paras. 103.6–103.8, 104.16, 105.37, 105.39–105.40.

<sup>57</sup> JS2, para. 1.2.

<sup>58</sup> JS2, para.2.1 and 2.2.

<sup>59</sup> JS5, para. 16.

<sup>60</sup> JS8, p. 3.

<sup>61</sup> JS2, para.4.2.

<sup>62</sup> JS2, para. 1.2–1.6.

<sup>63</sup> JS5, para. 22.

<sup>64</sup> JS6, para. 1.

<sup>65</sup> JS8, p. 2.

- <sup>66</sup> JS6, para. 1.  
<sup>67</sup> JS2, para.12.2.  
<sup>68</sup> JS8, page 2.  
<sup>69</sup> JS6, para. 1.  
<sup>70</sup> JS2, para. 7.1.  
<sup>71</sup> JS6, para. 2a.  
<sup>72</sup> JS6, para. 3.  
<sup>73</sup> JS8, p. 2.  
<sup>74</sup> JS1, para. 5.3.  
<sup>75</sup> JS1, para. 6.4.  
<sup>76</sup> JS2, para. 6.1–6.8, JS6 para. 10.  
<sup>77</sup> JS6, para. 12a.  
<sup>78</sup> IACHR, page 4.  
<sup>79</sup> For relevant recommendations see A/HRC/28/5, paras. 103.12, 103.18, 103.33, 105. 38, 105.42–105.48.  
<sup>80</sup> The Advocates, para. 4.  
<sup>81</sup> The Advocates, para. 20.  
<sup>82</sup> The Advocates, para. 21, The Advocates, p. 4.  
<sup>83</sup> IACHR, page 2  
<sup>84</sup> JS6, para. 13a.  
<sup>85</sup> JS2, para.9.6 and 9.7.  
<sup>86</sup> FLD, para. 5.  
<sup>87</sup> JS2, para.12.9.  
<sup>88</sup> IACHR, page 3.  
<sup>89</sup> JS6, para. 16.  
<sup>90</sup> JS6, para. 17.  
<sup>91</sup> IACHR, page 4.  
<sup>92</sup> JS3, para. 10a.  
<sup>93</sup> JS6, para.22.  
<sup>94</sup> For relevant recommendations see A/HRC/28/5, paras. 103.34, 104.2.  
<sup>95</sup> Latin American and Caribbean Network for Democracy, p. 3  
<sup>96</sup> JS1, para. 1.6, 3.14.  
<sup>97</sup> FLD, para. 23a, 23c.  
<sup>98</sup> FLD, para. 23a, 23c.  
<sup>99</sup> JS3, para. 11.1.  
<sup>100</sup> Salvadoran Network of Women Human Rights Defenders, para. 22.  
<sup>101</sup> FLD, para 11.  
<sup>102</sup> JS1, para. 3.5.  
<sup>103</sup> JS1, para. 6.4.  
<sup>104</sup> JS1, para. 3.5.  
<sup>105</sup> JS1, para. 6.3.  
<sup>106</sup> JS1, para. 2.8.  
<sup>107</sup> JS1, para. 6.3.  
<sup>108</sup> For relevant recommendations see A/HRC/28/5, paras. 103.32, 104.27–104.29.  
<sup>109</sup> The Advocates, para. 23.  
<sup>110</sup> JS3, para. 4.3.  
<sup>111</sup> The Advocates, p. 5.  
<sup>112</sup> The Advocates, para.28.  
<sup>113</sup> JS6, para. 8a.  
<sup>114</sup> For relevant recommendations see A/HRC/28/5, paras. 103.35.  
<sup>115</sup> JS1, p. 3.11.  
<sup>116</sup> JS3, p. 9.2.  
<sup>117</sup> JS5, para. 35c.  
<sup>118</sup> For relevant recommendations see A/HRC/28/5, paras. 103.36, 103.39, 104.31–104.35.  
<sup>119</sup> JS3, para. 8.1.  
<sup>120</sup> JS3, para. 8.1.  
<sup>121</sup> JS3, para. 8.2.  
<sup>122</sup> CS, p. 4.  
<sup>123</sup> JS4, para. 6.  
<sup>124</sup> JS3, para. 7.1.  
<sup>125</sup> JS4, para. 29.  
<sup>126</sup> JS8, p. 8.  
<sup>127</sup> JS4, para. 29.

- 128 JS3, para. 7b.
- 129 For relevant recommendations see A/HRC/28/5, paras. 103.40–103.42.
- 130 JS5, para. 11.
- 131 JS5, p. 4.
- 132 JS3, para. 3e.
- 133 JS5, para. 13d.
- 134 JS8, p. 11.
- 135 RSMDDHH, para. 5.
- 136 JS9, para. 25.
- 137 RSMDDHH, p. 13.
- 138 ADF, para. 25b.
- 139 JS8, page 11.
- 140 For relevant recommendations see A/HRC/28/5, paras. 103.43–103.51.
- 141 CS, p. 3.
- 142 CS, p. 5.
- 143 JS5, para. 31.
- 144 JS5, para.9.
- 145 JS8, p. 10.
- 146 JS8, p. 10.
- 147 JS5, para. 19 and 11, JS8, p.10.
- 148 JS8, p. 10.
- 149 JS5, para. 35e, JS5, p. 10.
- 150 JS5, p. 10.
- 151 JS8, p. 10.
- 152 For relevant recommendations see A/HRC/28/5, paras. 103.10–103.11, 103.15–103.17, 104.18–104.20, 105.49–105.62.
- 153 REDLAD, p. 7
- 154 RSMDDHH, para. 3
- 155 CS p. 3.
- 156 JS9, para 49.
- 157 JS3, para. 4.
- 158 REDLAD, para. 5.3.
- 159 JS2, para.3.3.
- 160 RSMDDHH, para.3 to 5.
- 161 The Advocates, para. 8.
- 162 The Advocates, para. 10.
- 163 RSMDDHH, para. 8.
- 164 REDLAD, para. 6.1.4.
- 165 JS7 para. Dc.
- 166 RSMDDHH, para. 6.
- 167 JS9, para. 4.
- 168 JS9, para. 4.
- 169 JS9, para. 16.
- 170 JS9, para. IIIG.
- 171 JS9, para. 11.
- 172 JS9, para.56.
- 173 CIDH, page 4.
- 174 JS9, para. 35.
- 175 JS9, para 35.
- 176 REDLAD, para. 5.5.
- 177 JS9, para. 14.
- 178 JS1, para 2.8, JS2, para 12.11, JS5, 13 (c), JS7 D (c), JS8, p. 7, 11, JS9, para. 60, RSMDDHH, para. 13, 15, REDLAD, para. 6.1.7, The Advocates, para 28, FDL, para 4, CS, p. 5, PDDH, para. 23.
- 179 RSMDDH, para.15.
- 180 For relevant recommendations see A/HRC/28/5, paras. 103.19–103.31, 104.7–104.10, 104.25, 105.41.
- 181 REDLAD, para. 5.2.
- 182 JS3, para. 3.1.
- 183 JS3, para. 3.1.
- 184 The Global Initiative to End All Corporal Punishment of Children, para. 2.
- 185 JS9, para. 17.
- 186 JS3, para. 3.3.
- 187 JS8, p. 8.

- <sup>188</sup> JS5, para. 23a.  
<sup>189</sup> JS8, p. 8.  
<sup>190</sup> JS5, para. 23d.  
<sup>191</sup> For relevant recommendations see A/HRC/28/5, paras. 103.52–103.53.  
<sup>192</sup> JS3, para. 5.1.  
<sup>193</sup> For relevant recommendations see A/HRC/28/5, paras. 103.54–103.55, 104.36, 105.32, 105.34–6.  
<sup>194</sup> CS, p. 3.  
<sup>195</sup> PII, para. 12.  
<sup>196</sup> CS, p. 6.  
<sup>197</sup> CS p. 3.  
<sup>198</sup> FLD, para. 8.  
<sup>199</sup> FLD, para. 23b.  
<sup>200</sup> JS3, para. 6.2.  
<sup>201</sup> PII, para.15.  
<sup>202</sup> PII, para. 16.  
<sup>203</sup> PII, para. 9.  
<sup>204</sup> PII, para. 17.  
<sup>205</sup> JS3, para. 6.  
<sup>206</sup> JS3, para. 6.  
<sup>207</sup> CS, p. 6.  
<sup>208</sup> CS, p. 6.  
<sup>209</sup> CS, p. 6.  
<sup>210</sup> For relevant recommendations see A/HRC/28/5, paras. 103.56–103.61.  
<sup>211</sup> JS3, para. 2.4.  
<sup>212</sup> JS8, p. 4.  
<sup>213</sup> JS6, para. 9c.  
<sup>214</sup> JS8, p. 5.
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