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## DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

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## COI QUERY RESPONSE

### EL SALVADOR - LGBT

#### **Information on Trans and/or LGBTQI+ persons including; Discriminating laws around January 2024; Hate crimes against Trans persons; Persecution of Trans persons**

*Human Rights Watch* in July 2024 commented: “In its 2019 UPR, El Salvador agreed to implement anti-discriminatory policies, with the aim of preventing, condemning and prohibiting all types of violence and discrimination against LGBT people, and to investigate cases of violence against them. However, LGBT people remain targets of homophobic and transphobic violence. In many cases, LGBT people are forced to flee the country.”<sup>1</sup>

It further states: “In February 2022, the Supreme Court ordered the Assembly to create a procedure for transgender people to change their names on identity documents within a year. [34] As of July 2024, legislators had not discussed the bill. Meanwhile, transgender people continue to experience discrimination due to a mismatch between their gender and their identity documents.”<sup>2</sup>

*Outright International* reported in June 2024 that: “Discrimination against LGBTIQ individuals is prevalent, and the legal framework provides limited protections against such abuses, leaving many vulnerable to injustices in their daily lives, from the workplace to access to healthcare. Same-sex partnerships are not legally recognized, further marginalizing queer individuals and denying them the same rights and protections afforded to heterosexual couples. Reports indicate that hate crimes are common and that perpetrators often remain unpunished. This situation is exacerbated by a general lack of trust in justice institutions, perceived as ineffective or, in some cases, complicit in discrimination. Among those who have been arbitrarily detained by the police as a result of the state of emergency are lesbian, gay, bisexual, and transgender people, who are in a particularly vulnerable situation while in detention.”<sup>3</sup>

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<sup>1</sup> Human Rights Watch (17 July 2024) Submission to the Universal Periodic Review of El Salvador

<sup>2</sup> Ibid.

<sup>3</sup> Outright International (10 June 2024) Beyond the Rainbows and Glitter: Pride Around the World in 2023 [Case Study El Salvador: Pride at a Tipping Point], p.32

The report further highlights that: “In September 2022, the Supreme Court of El Salvador issued a significant ruling recognizing the right to gender identity, which mandates that the National Registry Office allows people to change their names on official documents according to their gender identity. The court ordered the legislature to create, within one year, a procedure that would allow transgender individuals to change the names on their identity documents. However, to date, this decision has not prompted any legislative action by the Salvadoran Congress.”<sup>4</sup>

In May 2024 the *United Nations Office for the Coordination of Humanitarian Affairs* released a report stating: “The LGBTIQ+ population faces exclusion and abuse that begins at home and continues through community marginalization. They face physical, psychological, economic, and sexual violence, and limited access to rights and services. The LGBTIQ+ population reports difficulties in accessing work, education, and housing - forcing them to adopt negative coping strategies. Furthermore, this population is at greater risk of being subjected to labor exploitation and receiving inequitable payments.”<sup>5</sup>

In April 2024 the *US Department of State* reported: “COMCAVIS TRANS, a domestic NGO that promoted LGBTIQ+ rights, found 43 percent of transgender women, 42 percent of cisgender men, and 14 percent of cisgender women had encountered problems with law enforcement officials. Violence against LGBTIQ+ persons was a problem. The Attorney General's Office reported that as of July 26, 13 LGBTIQ+ persons were victims of sexual assault or harassment, and one was the victim of bodily harm.”<sup>6</sup>

The report further states: “Discrimination against LGBTIQ+ persons was widespread and hindered access to education and employment. Surveys conducted in 2021 by COMCAVIS TRANS found that 39 percent of LGBTIQ+ individuals surveyed were unemployed, compared with 5 percent of the general population. Transgender persons regularly faced discrimination in health care, banking, and voting.”<sup>7</sup>

In March 2024 *Amnesty International* reported: “...repeated calls for attention and concern expressed by regional and universal bodies that have highlighted the human rights crisis created by the disproportionate nature of the emergency measures and the new legal framework in force since the end of March 2022.”<sup>8</sup>

In February 2024 *Freedom House* stated: “Certain other populations, particularly internally displaced persons and LGBT+ people, also have inadequate access to the justice system. Discrimination based on sexual orientation is prevalent, and LGBT+ people are often the targets of hate crimes and violence, including by state security agents.”<sup>9</sup>

In December 2023 the *Inter-American Commission on Human Rights* released a report stating: “...according to public information, arbitrary detentions and abuses of power by state security forces against LGBT persons and particularly transgender persons have taken place within the framework of the emergency regime, with a record of at least 69 LGBT persons detained in this context. According to reports, many of them are detained based on prejudice against their gender expression and

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<sup>4</sup> Ibid.

<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs (14 May 2024) El Salvador Humanitarian Needs Overview (December 2023) [Summary; Part 1: Impact of the crisis and humanitarian conditions], p.14

<sup>6</sup> US Department of State (22 April 2024) 2023 Country Reports on Human Rights Practices: El Salvador, p.16

<sup>7</sup> Ibid, p.17.

<sup>8</sup> Amnesty International (27 March 2024) El Salvador: The institutionalization of human rights violations after two years of emergency rule

<sup>9</sup> Freedom House (29 February 2024) Freedom in the World 2024: El Salvador, p.10

identity, and transgender people are unable to prove their identity due to the lack of identity documents that recognize their gender identity.”<sup>10</sup>

*Inter Press Service News Agency* reported in November 2022: “Police raids against gang members in El Salvador, under a state of emergency in which some civil rights have been suspended, have also affected members of the LGBTI community, and everything points to arrests motivated by hatred of their sexual identity. Personal accounts gathered by IPS revealed that some of the arrests were characterized by an attitude of hatred towards gays and especially transsexuals on the part of police officers.”<sup>11</sup>

*Human Rights Watch* released a report in October 2020 reporting: “Both Honduras and El Salvador have passed hate crimes legislation in the last 10 years, but neither country has convicted anyone on hate crimes charges. In a landmark ruling in July 2020, a court in El Salvador convicted three police officers of murdering Camila Díaz, a trans woman who had been deported in 2018 after attempting to seek protection in the United States, but a judge dismissed hate crimes charges against them.”<sup>12</sup>

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<sup>10</sup> Inter-American Commission on Human Rights (31 December 2023) *Annual Report of the IACHR 2023: Chapter IV.A. Situation of Human Rights in the Region - El Salvador*, p.6

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