



# General Assembly

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-eighth session**  
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## El Salvador

### Compilation of information prepared by 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 outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### II. Scope of international obligations and cooperation with human rights mechanisms

2. Three Committees recommended that El Salvador ratify the 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.<sup>2</sup>

#### III. National human rights framework

##### 1. Constitutional and legislative framework

3. The Committee on the Elimination of Racial Discrimination recommended expediting the adoption of the constitutional amendment for the recognition of the country's population of African descent.<sup>3</sup>

4. The Committee on Economic, Social and Cultural Rights recommended inserting into the Constitution explicit guarantees of equality and non-discrimination for all persons, and that the right to food was recognized in the Constitution.<sup>4</sup>

5. The Special Rapporteur on the human rights to safe drinking water and sanitation urged El Salvador to constitutionally recognize the human rights to water and sanitation.<sup>5</sup>

##### 2. Institutional infrastructure and policy measures

6. The Committee on Economic, Social and Cultural Rights expressed concern about reports that the Office of the Human Rights Advocate was gradually losing its independence and failing to respond to human rights violations.<sup>6</sup> It recommended providing the Office with sufficient resources to enable it to fulfil its mandate, and to take due account of the principles



relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).<sup>7</sup> The Committee on Migrant Workers recommended strengthening cooperation between the Office and civil society organizations, and establishing a transparent and competitive process for appointments to decision-making positions.<sup>8</sup>

7. The United Nations country team recommended establishing an independent mechanism for the prevention of torture.<sup>9</sup>

## **IV. Promotion and protection of human rights**

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

#### **1. Equality and non-discrimination**

8. The Committee on Economic, Social and Cultural Rights expressed concern about the persistence of de facto systemic discrimination and violence towards women, Indigenous Peoples, people of African descent and the rural population.<sup>10</sup> The Committee on the Rights of Persons with Disabilities expressed concern at the lack of prohibition of multiple and intersectional discrimination.<sup>11</sup>

9. The Committee on Economic, Social and Cultural Rights recommended promoting the adoption of comprehensive anti-discrimination legislation that prohibited direct and indirect discrimination in a comprehensive manner, and ensuring that victims of discrimination had access to effective remedies.<sup>12</sup> The Committee on the Elimination of Racial Discrimination recommended bringing the Culture Act and the Criminal Code into line with the Convention.<sup>13</sup>

10. The Committee on the Elimination of Racial Discrimination recommended adopting a comprehensive national policy to combat racial discrimination that effectively promoted social inclusion and reduced the persistently high levels of poverty and inequality that affected members of Indigenous Peoples and persons of African descent.<sup>14</sup>

#### **2. Right to life, liberty and security of person, and freedom from torture**

11. While recognizing the challenges that El Salvador faced in tackling criminality, the Office of the United Nations High Commissioner for Human Rights (OHCHR), special procedure mandate holders and three treaty bodies expressed concern at the repeated extension of the state of emergency, especially given the consequences for people's human rights.<sup>15</sup>

12. OHCHR and special procedure mandate holders called on El Salvador to lift the state of emergency.<sup>16</sup> Two Committees recommended ensuring that the declaration and extension of states of emergency, and the way in which they were implemented, were consistent with principles established by international human rights standards.<sup>17</sup>

13. The Committee against Torture recommended incorporating torture in the criminal legislation as a separate offence, in accordance with the Convention;<sup>18</sup> preventing arbitrary arrests without a warrant; ensuring that detainees enjoyed all fundamental legal safeguards in accordance with international standards;<sup>19</sup> conducting investigations into all complaints of torture, ill-treatment and excessive use of force, extrajudicial executions and enforced disappearances; prosecuting suspected perpetrators and, if they were found guilty, punishing them; and providing full redress to the victims.<sup>20</sup>

14. The country team recommended evaluating the situation of insecurity and the circumstances that had justified the implementation of the state of emergency with a view to considering whether to lift it.<sup>21</sup>

15. The country team noted that progress had been made in reducing homicides but also that there were challenges relating to enforced disappearance and combating femicide and corruption.<sup>22</sup> It recommended strengthening procedures for searching for disappeared persons, implementing an up-to-date registry of victims, promoting a comprehensive support

and reparation programme for victims of offences, and investigating, prosecuting and punishing human rights violations allegedly committed by State agents in the context of the state of emergency.<sup>23</sup>

16. The country team noted that the prison infrastructure had been expanded but the capacity of prisons had not increased at the same rate as the prison population. It recommended guaranteeing the rights of prisoners, promoting independent inspections and ensuring access to information on the situation of prisons.<sup>24</sup> The Committee on Economic, Social and Cultural Rights recommended eliminating overcrowding in prisons and detention centres, ensuring adequate living conditions, including adequate food and clean drinking water, and adequate access to healthcare, including reproductive and sexual healthcare; and allowing civil society organizations access to penitentiary institutions.<sup>25</sup>

17. The Special Rapporteur on water and sanitation encouraged El Salvador to adopt policies and legislative measures ensuring that all inmates had access to sufficient safe drinking water and to adequate sanitation facilities.<sup>26</sup>

18. The Committee on the Rights of Persons with Disabilities recommended amending the Mental Health Law and mental health policies to prohibit corporal punishment, isolation, restraint measures and anti-seizure therapies and eliminating any cruel, inhuman or degrading treatment of persons with disabilities.<sup>27</sup>

### **3. Human rights and counter-terrorism**

19. The Committee against Torture expressed concern at the broad scope of application of the Special Act on Counter-Terrorism and recommended ensuring that its counter-terrorism legislation was compatible with its obligations under international law and that that legislation was applied strictly to the fight against terrorism.<sup>28</sup>

### **4. Administration of justice, including impunity, and the rule of law**

20. Special procedure mandate holders expressed concern at the level of disruption and interference in the Salvadoran justice system.<sup>29</sup> The Committee on Economic, Social and Cultural Rights urged El Salvador to ensure the impartiality and independence of the judiciary and prevent undue interference by the executive and legislative bodies in its activities, particularly in the selection, appointment and removal of judges.<sup>30</sup>

21. Special procedure mandate holders noted that the excessive use of pretrial detention, trials in absentia and the possibility of using practices such as “faceless judges” undermined due process guarantees. They also noted that the prolonged state of emergency, together with legislation allowing for greater surveillance, broader prosecution and faster determination of guilt and sentencing, carried the risk of mass violations of the right to a fair trial.<sup>31</sup>

22. The Committee on Migrant Workers recommended facilitating access to justice for all migrant workers and their family members, including by removing the obstacles that prevented them from reporting abuses and violations; and launching information campaigns on the administrative and judicial remedies available for filing complaints and receiving reparations.<sup>32</sup>

23. The Committee on Economic, Social and Cultural Rights recommended raising awareness of the economic, social and cultural rights recognized in the Covenant and their justiciability, in particular among the judiciary, lawyers and law enforcement officials.<sup>33</sup>

24. The country team noted that a law on transitional justice had not been adopted and that adequate progress was not being made in judicial proceedings relating to serious human rights violations committed during the armed conflict.<sup>34</sup> The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence recommended adopting a comprehensive transitional justice law that complied with the 2016 ruling of unconstitutionality of the General Amnesty Act and with international human rights standards, following an open and participatory process that included victims and civil society.<sup>35</sup>

25. The same Special Rapporteur recommended adopting a law on comprehensive reparation for victims of serious human rights violations committed during the armed conflict

that met international standards.<sup>36</sup> The Committee on the Elimination of Racial Discrimination recommended conducting effective investigations, including in respect of the Las Hojas and El Mozote massacres.<sup>37</sup>

## **5. Fundamental freedoms and the right to participate in public and political life**

26. In connection with the state of emergency, two Committees expressed concern about the closure of forums for dialogue and the restrictions imposed on the work of human rights defenders and on public protests.<sup>38</sup> OHCHR stated that civil society and media outlets continued to face risks and attacks.<sup>39</sup>

27. The country team referred to allegations of obstruction, interference and risks affecting human rights defenders and journalists, particularly women. It recommended protecting such persons and preventing, investigating and punishing threats and gender-based violence committed by State and non-State actors. It also recommended fostering greater cooperation between the State, the security forces and human rights defenders and journalists.<sup>40</sup>

28. Two Committees recommended ensuring that the exceptional measures relating to the suspension of fundamental freedoms, due process and procedural guarantees did not restrict the work of human rights defenders; guaranteeing the right of association and peaceful protest; and re-establishing forums for participation and dialogue with all stakeholders at the national level.<sup>41</sup>

29. The Committee on Economic, Social and Cultural Rights urged El Salvador to adopt, in a participatory manner, effective measures and mechanisms, integrating ethnic and gender perspectives, to prevent acts of violence against defenders of economic, social, cultural and environmental rights.<sup>42</sup>

30. The country team stated that non-governmental organizations had expressed dissatisfaction about the difficulties in gaining access to public information.<sup>43</sup> It recommended guaranteeing the right to access such information by promoting the necessary legal and regulatory reforms and fostering dialogue between State authorities and civil society organizations with a view to establishing consensus and facilitating the implementation of human rights recommendations.<sup>44</sup>

## **6. Prohibition of all forms of slavery, including trafficking in persons**

31. The country team noted that recommendations relating to the prohibition of slavery and trafficking in persons had not been sufficiently implemented.<sup>45</sup>

32. The Committee on Migrant Workers recommended expanding specialized services for victims of trafficking, including shelters; implementing procedures to identify victims belonging to vulnerable groups; increasing and institutionalizing anti-trafficking training for police officers, prosecutors and judges; investigating, prosecuting and convicting traffickers, including complicit officials, and providing redress to victims. It recommended amending the Special Act against Trafficking in Persons to include a definition of trafficking in persons in line with international law; and expanding prevention measures.<sup>46</sup>

33. The country team recommended allocating resources to the National Council on Trafficking in Persons to enable it to follow up on the national policy on trafficking and developing institutional mechanisms to monitor the implementation of the policy.<sup>47</sup>

34. The country team recommended establishing shelters that provide specialized care services to victims of trafficking and ensuring that victims can access the national asylum system, regularize their immigration status and benefit from other forms of protection.<sup>48</sup>

## **7. Right to work and to just and favourable conditions of work**

35. The Committee on Economic, Social and Cultural Rights remained concerned about the high rates of unemployment and underemployment and the high number of workers in the informal sector. It recommended ensuring that workers in the informal sector benefited from basic labour standards and social protection; assessing and monitoring the impact of the National Policy on Decent Work 2017–2030; transitioning the informal economy to the

formal economy; regularizing the situation of workers in the informal sector; and prioritizing efforts to reduce labour gaps in rural areas.<sup>49</sup>

36. The Committee recommended establishing an effective mechanism for periodically reviewing the minimum wage; setting up a labour inspection mechanism; and establishing effective mechanisms for reporting abuse or exploitation of workers, paying particular attention to the situation of women and migrant workers employed in maquilas and the domestic service, construction, private security and agriculture sectors.<sup>50</sup>

37. The country team noted that defenders of labour rights had reported matters that constituted a breach of the right to freedom of association.<sup>51</sup> The Committee on Economic, Social and Cultural Rights urged El Salvador to ensure that all workers could exercise their right to strike in accordance with the Covenant, and reforming the applicable regulatory framework to that end; to guarantee the right to form and register unions and refrain from interfering in their internal processes; and to prevent and punish all forms of reprisal.<sup>52</sup>

38. The Committee on the Rights of Persons with Disabilities recommended establishing affirmative measures to increase the proportion of persons with disabilities in the open labour market, especially women with disabilities.<sup>53</sup>

39. The country team noted that young people were finding it difficult to enter the workforce and that this problem had been exacerbated by the pandemic. It recommended placing youth employment at the heart of employment policies and defining comprehensive strategies to facilitate fair transitions into decent work for young people.<sup>54</sup>

## **8. Right to social security**

40. The Committee on Economic, Social and Cultural Rights expressed concern that only around 30 per cent of the economically active population enjoyed social security coverage. It recommended developing a social security system that ensured universal coverage and provided sufficient benefits for all, especially for the most disadvantaged and marginalized groups; and devising a social protection floor that included basic universal social guarantees.<sup>55</sup>

41. The country team recommended promoting reforms to extend and strengthen social security systems in line with international standards.<sup>56</sup>

## **9. Right to an adequate standard of living**

42. The Committee on Economic, Social and Cultural Rights expressed concern about the high rates of poverty and extreme poverty and the wide disparity in poverty levels between rural and urban areas. It urged El Salvador to combat poverty, especially extreme poverty, within the framework of the Social Development Plan 2019–2024, applying a human rights-based approach and focusing particularly on rural areas.<sup>57</sup>

43. The Committee expressed concern about the inadequacy of the budget allocated for housing and the insufficient availability of social housing, especially in rural areas, and about the absence of legislation on forced evictions that met international standards. It recommended that El Salvador develop budgets and allocate financial resources for programmes aimed at granting security of tenure, including access to credit and housing subsidies for low-income families and disadvantaged groups.<sup>58</sup>

44. The Committee expressed concern about the absence of a comprehensive legislative framework on the right to food. It recommended preventing and combating child malnutrition, including under the Social Development Plan 2019–2024 and the “Growing Together” policy.<sup>59</sup>

45. The country team recommended establishing specific plans for monitoring productive initiatives and ensuring their sustainability, and adopting the regulatory framework relating to the right to food, including the law on school meals and its implementing regulations.<sup>60</sup>

46. The Committee on Economic, Social and Cultural Rights expressed concern about the disparity between urban and rural areas in terms of access to drinking water and sanitation.<sup>61</sup> The Special Rapporteur on water and sanitation urged El Salvador to approve the law on water resources, clearly stating that human consumption should be afforded priority with

regard to the use of water. He encouraged El Salvador to implement programmes to ensure a continuous water supply and to drastically reduce the level of water loss; and implement water and sanitation projects in rural communities, providing sustainable and adequate water and sanitation services. He recommended addressing inequalities between rural and urban populations.<sup>62</sup> The country team recommended implementing the National Plan for Integrated Water Resource Management.<sup>63</sup>

## 10. Right to health

47. The Committee on Economic, Social and Cultural Rights noted that the health budget remained too low. It recommended increasing the health budget and establishing a national health system accessible to all without discrimination.<sup>64</sup>

48. The same Committee expressed concern about the inadequacy of sexual and reproductive health services, especially for young women. It recommended implementing the National Cross-sectoral Strategy for the Prevention of Child and Adolescent Pregnancy 2017–2027 and ensuring the accessibility and availability of sexual and reproductive health services; and expanding comprehensive and age-appropriate sexual and reproductive health education for both sexes in the primary and the secondary school curricula.<sup>65</sup>

49. The country team recommended reviewing the strategic measures set out in health plans, including those relating to sexual and reproductive health, with focus being placed on the most vulnerable groups, and strengthening the capacity of families to address comprehensive sexuality education in the home.<sup>66</sup>

50. The country team also recommended ensuring that health policies for adolescents are inclusive and that health services are tailored to the needs of adolescents and young people in line with a holistic approach.<sup>67</sup>

51. The Committee on Economic, Social and Cultural Rights reiterated its concern about the continuing complete ban on abortion, which made no allowance for exceptional circumstances and which had given rise to grave situations of distress and injustice, in particular for poor and less educated women.<sup>68</sup> It recommended that El Salvador revise its legislation on the complete ban on abortion to make it both compatible with women's right to life and health; and provide quality treatment for complications arising from abortions carried out in unsafe conditions, rather than focusing on criminal prosecution.<sup>69</sup> The country team recommended ensuring that women did not face criminal charges for obstetric emergencies.<sup>70</sup>

52. The Committee on the Rights of Persons with Disabilities recommended ensuring that persons with disabilities, especially women and girls with disabilities, were included in the nationwide health programmes, including sexual and reproductive health programmes.<sup>71</sup>

53. The country team noted that security policies linked to the state of emergency had resulted in an increase in the number of suicides among children and adolescents in recent months. It recommended developing policies and programmes to provide comprehensive mental health care and psychosocial support to children, young persons, women and vulnerable groups affected by violence and, in particular, the consequences of the state of emergency. It also recommended creating learning environments that promote the mental health and well-being of students and teachers.<sup>72</sup>

## 11. Right to education

54. The Committee on Economic, Social and Cultural Rights acknowledged the progress in reducing illiteracy and greater gender parity in access to education.<sup>73</sup> It, however, expressed concern about the inadequacy of the budget and the high dropout rate in secondary education. It recommended providing the resources necessary to ensure adequate quality and infrastructure in schools in both rural and urban areas; pursue the literacy plan, particularly among Indigenous communities; and develop special programmes to prevent children from dropping out of school and address the root causes of school dropout.<sup>74</sup> The country team recommended implementing strategies to reintegrate children into the education system, increasing spending on education to at least 6 per cent of gross domestic product, pursuing

equity and efficiency with a results-orientated approach, and continuing to strengthen teacher training and improve the quality of educational materials.<sup>75</sup>

55. The Special Rapporteur on water and sanitation called on El Salvador to improve access to water, sanitation and hygiene in schools by adopting a policy that guaranteed access in all educational establishments, in both rural and urban areas.<sup>76</sup>

56. The United Nations Educational, Scientific and Cultural Organization recommended raising the minimum age of employment to at least 15 and ensure the monitoring of the education system and the right to education.<sup>77</sup>

57. The country team noted that efforts to ensure free, specialized programmes in higher education faced challenges. It recommended providing the University of El Salvador with the necessary budget to adequately fulfil its role and developing initiatives to facilitate the transition to university education for members of vulnerable communities.<sup>78</sup>

## **12. Cultural rights**

58. The Committee on Economic, Social and Cultural Rights recommended guaranteeing that Indigenous Peoples had access to intercultural education in their own languages and ensuring that such education incorporated Indigenous traditions and cultural knowledge; and preserving Indigenous languages and promoting their use.<sup>79</sup>

59. The country team recommended ensuring that persons working in the arts and culture sectors have access to fair remuneration and to social protection, professional development and partnership mechanisms.<sup>80</sup>

## **13. Development, the environment, and business and human rights**

60. The Committee on Economic, Social and Cultural Rights expressed concern about the lax enforcement of current environmental laws and administrative measures vis-à-vis companies operating under the jurisdiction of El Salvador; that adequate environmental impact assessments were not conducted in respect of economic activities; and that agrochemicals were used excessively in the agricultural sector. It also expressed concern about the reprisals to which judges and courts were subjected when imposing protective measures in respect of projects that caused environmental damage. It recommended that El Salvador strengthen its legislation and regulations, in accordance with its international human rights obligations, to ensure that urban development projects, transport and energy initiatives, landfills and other economic development activities undertaken by both national and international companies did not have an adverse effect on the enjoyment of economic, social and cultural rights; and that it prevent acts of intimidation, reprisals and violence against judges and lawyers working to ensure the enforcement of environmental laws.<sup>81</sup>

61. The country team recommended securing sources of funding to develop and strengthen measures taken at the national and municipal levels to mitigate the effects of climate change, and promoting climate change education policies within the framework of the Greening Education Partnership.<sup>82</sup>

62. The Special Rapporteur on water and sanitation encouraged El Salvador to continue developing contingency plans to address climate change and droughts more effectively.<sup>83</sup>

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

### **1. Women**

63. The Committee on Economic, Social and Cultural Rights expressed concern about reports of high rates of femicide and sexual and domestic violence and about the inadequacy of measures taken to ensure the effective protection of victims.<sup>84</sup> The Committee on the Rights of Persons with Disabilities expressed concern at the low rate of prosecution and conviction of perpetrators.<sup>85</sup> The Committee on Economic, Social and Cultural Rights recommended conducting thorough investigations into all cases of femicide and violence against women and ensuring that all perpetrators were prosecuted and duly punished; effectively preventing acts of violence against women; protecting all women and girl victims

of violence, in particular victims of domestic violence, and ensuring that they had access to justice and reparation and compensation and timely access to shelters, legal advice and physical and mental health care; and organizing information campaigns to raise public awareness and providing law enforcement officials and judges with training.<sup>86</sup>

64. The country team recommended allocating resources to provide essential specialized care services to women and girl victims and survivors of violence, taking into account the differentiated needs of women with disabilities, Indigenous women, sexually diverse women, internally displaced women, migrant women in transit and deported women. It also recommended supporting and strengthening the procedures promoted by the Ministry of Health and the Ministry of Education for preventing gender-based violence from an intersectional perspective.<sup>87</sup>

65. The Committee on Economic, Social and Cultural Rights recommended increasing the participation of women in the labour market and closing the gender wage gap by addressing vertical and horizontal gender-based segregation in the labour market; addressing factors that discouraged women from continuing their careers or taking on full-time positions, including through measures that supported an appropriate work-life balance; and promoting greater representation of women at all levels of the civil service, particularly in decision-making positions, and in managerial positions in the private sector.<sup>88</sup>

66. The country team recommended ensuring the effective implementation of legislation that guarantees equal pay for work of equal value.<sup>89</sup>

67. The country team recommended formulating public policies to eliminate discrimination and violence against Indigenous women and girls, taking into account cultural factors and the climate change perspective.<sup>90</sup>

68. The Committee on the Elimination of Racial Discrimination recommended ensuring that Indigenous women and women of African descent had access to education, employment and health care; providing protection for victims of gender-based violence; and conducting thorough investigations into all cases of gender-based violence.<sup>91</sup>

69. The country team recommended strengthening the creative economy of women, young persons, Indigenous persons and persons of African descent, taking into account the diversity of cultural expressions and traditional practices for protecting the environment, and ensuring financial inclusion and access to credit, technology and technical support services for micro-, small and medium-sized enterprises led by women, including procedures for regularizing their employment.<sup>92</sup>

70. The country team recommended moving forward with the adoption of a road map for the effective implementation of the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190) on the basis of a tripartite social dialogue process.<sup>93</sup>

## 2. Children

71. The Committee on Economic, Social and Cultural Rights expressed concern about the persistence of child labour, and reports that a high number of children were exposed to the worst forms of child labour. It recommended making child labour an offence under the Criminal Code; effectively applying the Child and Adolescent Protection Act and the related special inter-agency protocol, strengthening child labour inspection mechanisms; providing support to poor families to make sure that their children attended school; and conducting a study on the situation of children in street situations in order to implement protection programmes in a comprehensive manner.<sup>94</sup>

72. The country team recommended adopting a national policy for eradicating child labour, identifying the parts of the country where children were most vulnerable, updating intervention protocols and relaunching the National Committee for the Eradication of Child Labour on a tripartite basis.<sup>95</sup>

73. The Committee on Migrant Workers encouraged El Salvador to pay adequate attention to the situation of unaccompanied migrant children, in accordance with the principle of the best interests of the child.<sup>96</sup>

74. The country team recommended discouraging early marriage by providing information at the local level and in education settings so that girls and adolescents are aware of their right to comprehensive development, free from all types of violence, and the State ensures their protection.<sup>97</sup>

75. The country team noted that some children and adolescents lacked parental care. It recommended strengthening the alternative care system and improving care protocols for them, in accordance with the Guidelines for the Alternative Care of Children. It also recommended strengthening plans and programmes for preventing forced displacement and supporting forcibly displaced children and adolescents, migrants in transit and returnees with protection needs, guaranteeing their health – including their mental health – and educational continuity and ensuring their access to temporary shelter, culture, sports, recreation and their participation.<sup>98</sup>

76. The country team recommended explicitly prohibiting corporal punishment in all settings under the Growing Together Act for the Comprehensive Protection of Early Childhood, Children and Adolescents.<sup>99</sup>

### 3. Persons with disabilities

77. The Committee on Economic, Social and Cultural Rights welcomed the adoption of the Special Act on the Inclusion of Persons with Disabilities.<sup>100</sup>

78. The Committee on the Rights of Persons with Disabilities was concerned that several laws did not adhere to the Convention, resulting in the exclusion of and discrimination against persons with disabilities.<sup>101</sup> It recommended reviewing all laws, particularly the Family Code and the Criminal Code, to fully recognize and respect all the rights of persons with disabilities; expediting the adoption of the law on the inclusion of persons with disabilities; and repealing the Equalization of Opportunities for Persons with Disability Act.<sup>102</sup>

79. The same Committee recommended establishing a national strategy for the inclusion of children with disabilities in mainstream education.<sup>103</sup> The country team recommended increasing the resources allocated to inclusive education.<sup>104</sup>

80. The Committee on the Rights of Persons with Disabilities recommended repealing the regime of declaration of incapacity in legislation, particularly in the Constitution and the Family Code.<sup>105</sup>

81. The same Committee recommended establishing a comprehensive mobility plan which took into account the assistance requirements of persons with disabilities, including those who did not benefit from any social security programme.<sup>106</sup>

82. The country team recommended resuming the process of reforming the Special Act on the Inclusion of Persons with Disabilities with the broad participation of organizations representing persons with disabilities; implementing ongoing programmes to identify and support forcibly displaced persons with disabilities and victims of gender-based violence; prioritizing the establishment of policies, programmes and strategies that make it possible to overcome structural barriers; and ensuring compliance with the legal framework relating to persons with disabilities.<sup>107</sup>

### 4. Indigenous Peoples and minorities

83. The country team stated that, in 2023, the Legislative Assembly had established the National Day of Indigenous Peoples in El Salvador.<sup>108</sup> In May 2024, however, it had shelved a bill on the rights of Indigenous Peoples, arguing that it had become obsolete.<sup>109</sup>

84. The Committee on Economic, Social and Cultural Rights recommended establishing mechanisms for recognizing Indigenous Peoples' rights to their ancestral lands and natural resources; designing and implementing, in consultation with Indigenous Peoples, an adequate procedure that guaranteed their right to free, prior and informed consultation in respect of measures that might affect their rights; engaging in prior consultations regarding mining and hydrocarbon resource exploration; expediting the process to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); and applying the principles enshrined in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>110</sup>

85. The Committee on the Elimination of Racial Discrimination recommended strengthening the Directorate for Indigenous Peoples and ensuring it adequate funding and qualified staff; implementing the National Plan of Action for Indigenous Peoples; granting individual and collective property titles to Indigenous Peoples and people of African descent; and adopting measures to guarantee access to water for Indigenous Peoples and communities of African descent.<sup>111</sup>

86. The Committee expressed concern at the absence of a national policy for the protection of the rights of people of African descent. It recommended developing initiatives to protect their rights with the participation of their communities and organizations; and establishing a public entity for the protection and promotion of the rights of the population of African descent.<sup>112</sup>

87. The Committee encouraged El Salvador to strengthen intercultural health and education systems, in particular through the implementation, in coordination with Indigenous Peoples, of the National Health Policy for Indigenous Peoples and the National Plan of Action for Indigenous Peoples. It also recommended taking measures in the areas of health and education that took into account the reality of the population of African descent.<sup>113</sup>

88. The Committee on Economic, Social and Cultural Rights expressed concern about the high illiteracy rate among Indigenous peoples, in particular among women and girls.<sup>114</sup>

## **5. Lesbian, gay, bisexual, transgender and intersex persons**

89. The same Committee expressed concern about the widespread prevalence, in practice, of discrimination against and stigmatization of lesbian, gay, bisexual, transgender and intersex persons. It recommended conducting awareness campaigns to eliminate negative stereotypes and stigma with regard to lesbian, gay, bisexual, transgender and intersex persons and ensuring that those persons were able to enjoy their economic, social and cultural rights.<sup>115</sup>

90. The country team recommended adopting and implementing specific regulations, as ordered by the Constitutional Chamber, to guarantee non-discrimination against the LGBTIQ+ community and the comprehensive enjoyment of their economic, social and cultural rights. It also recommended adopting a plan to protect LGBTIQ+ persons at risk of forced displacement and survivors of sexual and gender-based violence, and making increased efforts to investigate and prosecute hate crimes based on gender identity or sexual orientation.<sup>116</sup>

## **6. Migrants, refugees and asylum-seekers**

91. The Committee on Migrant Workers expressed concern at the lack of public policies to combat xenophobia and discrimination against migrant workers. It recommended that El Salvador ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction enjoy the rights recognized in the Convention without any discrimination, including by creating specific strategies to combat hate crimes, violence, xenophobia and discrimination and by bringing the regulatory frameworks in force and those currently being developed into line with the Convention.<sup>117</sup>

92. The same Committee recommended guaranteeing access to justice, including transnational justice mechanisms, for migrants and their family members in cases of Salvadoran migrants who had disappeared, died or were victims of crimes in transit or destination countries, guaranteeing their right to the truth and, in the fullness of time, to the appropriate reparation measures; and strengthen bilateral or regional cooperation guaranteeing the rights of migrants in countries of transit and destination.<sup>118</sup>

93. While noting the adoption of the Special Migration and Aliens Act of 2019, the Committee on the Elimination of Racial Discrimination expressed concern about the vulnerability of internally displaced persons, migrants and other non-citizens to racial discrimination.<sup>119</sup>

94. The country team noted that, in 2019, El Salvador had adopted the new Special Act on Migration and Alien Affairs. The country team recommended reforming the Refugee Status Determination Act to bring it into compliance with international standards;

guaranteeing the principle of non-refoulement and access to procedures for claiming asylum and regularizing migration status, in accordance with applicable international treaties; and implementing differentiated procedures for foreign nationals in vulnerable situations or with specific needs.<sup>120</sup>

## 7. Internally displaced persons

95. The Committee on Migrant Workers expressed concern at the high number of internally displaced persons. It recommended strengthening policies to assist and protect persons who were displaced on its territory as a result of the situation of violence and insecurity in the country.<sup>121</sup>

96. The country team recommended that persons displaced by the effects of climate change and disasters should be included in the scope of the Special Act for the Comprehensive Care and Protection of Persons in Situations of Forced Internal Displacement and that implementing regulations for the Act be issued.<sup>122</sup>

97. The country team recommended consolidating a system for the provision of comprehensive support to victims of displacement in accordance with the relevant law with a view to guaranteeing them an adequate standard of living. It also recommended developing and implementing a programme promoting the right to the restitution of housing, land and property for internally displaced persons.<sup>123</sup>

## 8. Stateless persons

98. The country team recommended ratifying the Convention on the Reduction of Statelessness and amending article 94 of the Constitution to bring it into compliance with the Convention.<sup>124</sup>

### Notes

- 1 [A/HRC/43/5](#), [A/HRC/43/5Add.1](#) and [A/HRC/43/2](#).
- 2 [CMW/C/SLV/CO/3](#), para. 16; [CERD/C/SLV/CO/18-19](#), para. 36; and [CAT/C/SLV/CO/3](#) and [CAT/C/SLV/CO/3/Corr.1](#), paras. 13 (d) and 27. See also United Nations country team submission for the universal periodic review of El Salvador, paras. 10 (a) and 11 (a).
- 3 [CERD/C/SLV/CO/18-19](#), para. 17 (a).
- 4 [E/C.12/SLV/CO/6](#), paras. 25 (a) and 49 (a). See also United Nations country team submission, para. 40.
- 5 [A/HRC/42/47/Add.4](#), para. 10; see also United Nations country team submission, para. 29.
- 6 [E/C.12/SLV/CO/6](#), para. 12.
- 7 [E/C.12/SLV/CO/6](#), para. 13. See also United Nations country team submission, para. 6 (a).
- 8 [CMW/C/SLV/CO/3](#), para. 20.
- 9 United Nations country team submission, 10 (b).
- 10 [E/C.12/SLV/CO/6](#), para. 24.
- 11 [CRPD/C/SLV/CO/2-3](#), para. 8.
- 12 [E/C.12/SLV/CO/6](#), para. 25 (b) and (c). See also [CMW/C/SLV/CO/3](#) para. 26 (b).
- 13 [CERD/C/SLV/CO/18-19](#), para. 11.
- 14 *Ibid.*, para. 15.
- 15 See <https://www.ohchr.org/en/press-briefing-notes/2023/06/el-salvador-state-emergency>; <https://www.ohchr.org/en/press-releases/2023/05/el-salvador-extended-state-emergency-undermines-right-fair-trial-un-experts>; [CAT/C/SLV/CO/3](#) and [CAT/C/SLV/CO/3/Corr.1](#), para. 10; [CMW/C/SLV/CO/3](#), para. 10; and [E/C.12/SLV/CO/6](#), para. 4.
- 16 See <https://www.ohchr.org/en/press-briefing-notes/2023/06/el-salvador-state-emergency>; and <https://www.ohchr.org/en/press-releases/2023/05/el-salvador-extended-state-emergency-undermines-right-fair-trial-un-experts>.
- 17 [E/C.12/SLV/CO/6](#), para. 5 (d) and [CMW/C/SLV/CO/3](#), para. 11 (d).
- 18 [CAT/C/SLV/CO/3](#) and [CAT/C/SLV/CO/3/Corr.1](#), para. 9.
- 19 *Ibid.*, para. 11 (a).
- 20 *Ibid.*, para. 15 (a).
- 21 United Nations country team submission, para. 7 (c).
- 22 *Ibid.*, para. 7.
- 23 *Ibid.*, para. 7 (a), (b) and (d).
- 24 *Ibid.*, paras. 8 and 10.

- <sup>25</sup> E/C.12/SLV/CO/6, para. 55 (a) and (b). See also United Nations country team submission, para. 8 (a); and CAT/C/SLV/CO/3 and CAT/C/SLV/CO/3/Corr.1, paras. 22 and 23.
- <sup>26</sup> A/HRC/42/47/Add.4, para. 65.
- <sup>27</sup> CRPD/C/SLV/CO/2-3, para. 31 (a). See also CAT/C/SLV/CO/3 and CAT/C/SLV/CO/3/Corr.1, paras. 34 and 35.
- <sup>28</sup> CAT/C/SLV/CO/3 and CAT/C/SLV/CO/3/Corr.1, paras. 14 (b) and 15 (d).
- <sup>29</sup> See <https://www.ohchr.org/en/press-releases/2023/05/el-salvador-extended-state-emergency-undermines-right-fair-trial-un-experts>.
- <sup>30</sup> E/C.12/SLV/CO/6, para. 11.
- <sup>31</sup> See <https://www.ohchr.org/en/press-releases/2023/05/el-salvador-extended-state-emergency-undermines-right-fair-trial-un-experts>.
- <sup>32</sup> CMW/C/SLV/CO/3, para. 28 (a) and (b).
- <sup>33</sup> E/C.12/SLV/CO/6, para. 9 (a).
- <sup>34</sup> United Nations country team submission, para. 9.
- <sup>35</sup> A/HRC/45/45/Add.2, para. 77. See also United Nations country team submission, para. 9.
- <sup>36</sup> A/HRC/45/45/Add.2, para. 83.
- <sup>37</sup> CERD/C/SLV/CO/18-19, para. 33.
- <sup>38</sup> E/C.12/SLV/CO/6, para. 4; and CMW/C/SLV/CO/3, para. 10.
- <sup>39</sup> See <https://www.ohchr.org/en/press-briefing-notes/2023/06/el-salvador-state-emergency>.
- <sup>40</sup> United Nations country team submission, para. 1 (a) and (b).
- <sup>41</sup> CMW/C/SLV/CO/3, para. 11 (a)–(c); and E/C.12/SLV/CO/6, para. 5 (a)–(c).
- <sup>42</sup> E/C.12/SLV/CO/6, para. 15.
- <sup>43</sup> United Nations country team submission, para. 3.
- <sup>44</sup> Ibid., paras. 3 (a) and 4 (b).
- <sup>45</sup> Ibid., para. 41.
- <sup>46</sup> CMW/C/SLV/CO/3, para. 48 (f) and (h). See also United Nations country team submission, para. 41 (a) and (d).
- <sup>47</sup> United Nations country team submission, para. 41 (b) and (c).
- <sup>48</sup> Ibid., para. 42 (a).
- <sup>49</sup> E/C.12/SLV/CO/6, paras. 32 and 33.
- <sup>50</sup> Ibid., para. 35.
- <sup>51</sup> Ibid., para. 2.
- <sup>52</sup> Ibid., para. 37 (a)–(c).
- <sup>53</sup> CRPD/C/SLV/CO/2-3, para. 51 (b).
- <sup>54</sup> United Nations country team submission, para. 38 (a) and (b).
- <sup>55</sup> E/C.12/SLV/CO/6, paras. 38 and 39.
- <sup>56</sup> United Nations country team submission, para. 27 (a).
- <sup>57</sup> E/C.12/SLV/CO/6, paras. 44 and 45 (a).
- <sup>58</sup> Ibid., paras. 46 and 47 (a).
- <sup>59</sup> Ibid., paras. 48 and 49 (a) and (b). See also United Nations country team submission, para. 40.
- <sup>60</sup> United Nations country team submission, paras. 26 (a) and 40 (c).
- <sup>61</sup> E/C.12/SLV/CO/6, para. 50.
- <sup>62</sup> A/HRC/42/47/Add.4, paras. 14, 37 and 57.
- <sup>63</sup> United Nations country team submission, para. 29 (a).
- <sup>64</sup> E/C.12/SLV/CO/6, paras. 52 and 53.
- <sup>65</sup> Ibid., paras. 56 and 57 (a) and (b). See also United Nations country team submission, para. 30.
- <sup>66</sup> United Nations country team submission, para. 30 and para. 33 (b).
- <sup>67</sup> Ibid., para. 32 (a) and (b).
- <sup>68</sup> E/C.12/SLV/CO/6, para. 58.
- <sup>69</sup> Ibid., para. 59. See also CERD/C/SLV/CO/18-19, para. 27.
- <sup>70</sup> United Nations country team submission, para. 30 (b).
- <sup>71</sup> CRPD/C/SLV/CO/2-3, para. 49.
- <sup>72</sup> United Nations country team submission, para. 17 (a).
- <sup>73</sup> E/C.12/SLV/CO/6, para. 60. See also United Nations country team submission, para. 37.
- <sup>74</sup> E/C.12/SLV/CO/6, paras. 60 and 61. See also United Nations country team submission, para. 34.
- <sup>75</sup> United Nations country team submission, paras. 34 (a) and (b) and para. 36 (b).
- <sup>76</sup> A/HRC/42/47/Add.4, para. 33.
- <sup>77</sup> United Nations Educational, Scientific and Cultural Organization, paras. 16 and 17.
- <sup>78</sup> United Nations country team submission, para. 39.
- <sup>79</sup> E/C.12/SLV/CO/6, para. 63.
- <sup>80</sup> United Nations country team submission, para. 26 (b).
- <sup>81</sup> E/C.12/SLV/CO/6, paras. 16 and 17 (a) and (b).
- <sup>82</sup> United Nations country team submission, para. 28 (a) and (b).

- 83 [A/HRC/42/47/Add.4](#), para. 25.
- 84 [E/C.12/SLV/CO/6](#), para. 42.
- 85 See also [CRPD/C/SLV/CO/2-3](#), para. 20.
- 86 [E/C.12/SLV/CO/6](#), para. 43. See also [CRPD/C/SLV/CO/2-3](#), para. 21.
- 87 United Nations country team submission, para. 18 (b) and (c).
- 88 [E/C.12/SLV/CO/6](#), paras. 30 and 31 (a) and (b).
- 89 United Nations country team submission, para. 25 (a).
- 90 *Ibid.*, para. 13 (a).
- 91 [CERD/C/SLV/CO/18-19](#), para. 27 (b) and (d).
- 92 United Nations country team submission, paras. 13 (b) and 19 (c).
- 93 *Ibid.*, para. 20 (a).
- 94 [E/C.12/SLV/CO/6](#), paras. 40 and 41.
- 95 United Nations country team submission, para. 24.
- 96 [CMW/C/SLV/CO/3](#), para. 44.
- 97 United Nations country team submission, para. 21 (a).
- 98 *Ibid.*, paras. 22 and 23 (a).
- 99 *Ibid.*, para. 21 (b).
- 100 [E/C.12/SLV/CO/6](#), para. 3.
- 101 [CRPD/C/SLV/CO/2-3](#), para. 4.
- 102 *Ibid.*, para. 5 (a) and (b).
- 103 *Ibid.*, para. 47 (a).
- 104 United Nations country team submission, para. 36 (a).
- 105 [CRPD/C/SLV/CO/2-3](#), para. 25.
- 106 *Ibid.*, para. 41.
- 107 United Nations country team submission, para. 15 (a)–(c) and (e).
- 108 *Ibid.*, para. 14.
- 109 *Ibid.*
- 110 [E/C.12/SLV/CO/6](#), para. 19. See also United Nations country team submission, paras. 13 and 14; and [CERD/C/SLV/CO/18-19](#), para. 19.
- 111 [CERD/C/SLV/CO/18-19](#), paras. 13 (c), 19 (b) and 21 (a) and (d).
- 112 *Ibid.*, paras. 16 and 17 (b) and (c).
- 113 *Ibid.*, para. 35.
- 114 [E/C.12/SLV/CO/6](#), para. 62.
- 115 *Ibid.*, paras. 26 and 27.
- 116 United Nations country team submission, para. 12.
- 117 [CMW/C/SLV/CO/3](#), paras. 25 and 26 (a).
- 118 *Ibid.*, para. 30.
- 119 [CERD/C/SLV/CO/18-19](#), para. 28.
- 120 United Nations country team submission, para. 5.
- 121 [CMW/C/SLV/CO/3](#), paras. 41 and 42.
- 122 United Nations country team submission, para. 5 (a).
- 123 *Ibid.*, para. 40 (a) and (b).
- 124 *Ibid.*, para. 5 (c).