



# General Assembly

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**Summary prepared by the Office of the High Commissioner  
for Human Rights in accordance with paragraph 15 (c) of  
the annex to Human Rights Council resolution 5/1 and  
paragraph 5 of Council resolution 16/21**

**El Salvador\***

The present report is a summary of 14 stakeholders' submissions to the universal periodic review.<sup>1</sup> It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

1. The Office of the Human Rights Advocate stated that, despite the enactment of significant laws to safeguard human rights, there were still gaps in the legal system.<sup>2</sup> There was not yet a national human rights plan.<sup>3</sup>

2. The following are awaiting ratification: the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Convention against Discrimination in Education; the optional protocols to the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women; the Rome Statute of the International Criminal Court; and the International Convention for the Protection of All Persons from Enforced Disappearance. Accession to and ratification of the statelessness conventions of 1954 and 1961 are also pending.<sup>4</sup>

3. El Salvador favours the adoption of measures to protect the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, in order to prevent all forms of discrimination. The enactment of legislation to promote respect for their identity is pending.<sup>5</sup>

4. The Penal Code reform of 2011 shows progress, transferring the offence of torture into the section on crimes against humanity. The Office of the Human Rights Advocate recommended that the concept of torture as reflected in inter-American legal rules should be used.<sup>6</sup>

5. Violence has not been dealt with comprehensively or sufficiently by the State, which has been overcome by the activities of criminal groups; there have also been acts of violence by police officers and military personnel.<sup>7</sup>

6. It is a matter of concern that military personnel have been involved in civilian security work since the 1990s. The Office of the Human Rights Advocate has recommended that such collaboration should gradually be ended.<sup>8</sup>

7. The prison system is in a state of collapse. As of February 2014 there were 26,680 people in prison, more than three times the system's capacity.<sup>9</sup> As for combating corruption among prison officers, structural problems have made it impossible to reduce the entry of prohibited items and the commission of offences within prison facilities.<sup>10</sup>

8. The Office of the Human Rights Advocate welcomed the apology to victims and the recognition by the State of its responsibility for serious human rights violations; however, it considered that the development of the programme of reparations for victims was still pending.<sup>11</sup>

9. The Office of the Human Rights Advocate has recommended that the State should take steps to investigate the murders of environmental campaigners and should implement the necessary actions and measures to solve those crimes and prevent impunity.<sup>12</sup>

10. The Political Parties Act of February 2013 requires parties' electoral lists to comprise at least 30 per cent of women. Most political organizations have failed to comply with this requirement.<sup>13</sup>

11. Poverty, inequality and social exclusion, which remain the principal obstacles to progress towards improved levels of human development, must be tackled comprehensively.<sup>14</sup>

12. The increase in the minimum wage from July 2013 is welcomed as a positive move but there is an urgent need to reduce the wide gaps between urban and rural minimum wages.<sup>15</sup>

13. Another pending matter is the ratification of the constitutional reform recognizing the right to food; there is currently no law to provide for its enforceability.<sup>16</sup>

14. Significant efforts have been made to reconstruct the public-sector hospital network and increase health-care coverage. The fall in maternal mortality is positive: following 51.8 deaths per 100,000 live births in 2010, the figure was down to 44.3 in 2012.<sup>17</sup> Nonetheless, investment in health care barely accounts for 2.5 per cent of gross domestic product (GDP).<sup>18</sup>

15. It is good that the Government has adopted a policy on sexual and reproductive health (August 2012). Abortion, however, is still absolutely prohibited.<sup>19</sup>

16. Although efforts have been made to protect Salvadoran nationals outside the country and safeguard migrants' rights, violations of workers' rights in other countries, whether they are there legally or illegally, have continued. Reform of the legislation relating to migrants is urgently needed.<sup>20</sup>

17. Major concerns in the environmental field include the authorization of mining exploitation projects without public consultations and without taking account of conditions in the country.<sup>21</sup>

## II. Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations

18. The Inter-American Commission on Human Rights (IACHR) has recommended that El Salvador should ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>22</sup>

19. Joint submission 3 (JS3) recommended that the State should ratify the ILO Domestic Workers Convention, 2011 (No. 189).<sup>23</sup>

20. The World Coalition against the Death Penalty (WCADP) has recommended that El Salvador should ratify the Protocol to the American Convention on Human Rights to Abolish the Death Penalty.<sup>24</sup>

#### 2. Constitutional and legislative framework

21. The Women's Studies Centre (CEMUJER) noted that El Salvador had a significant legal framework in the area of women's, children's and adolescents' rights, including the Child and Adolescent Protection Act of 2009, in force since 2012, the Act on Equality, Fairness and Elimination of Discrimination against Women, of 2011, and the Special Act on a Violence-Free Life for Women of 2010, in force since 2012. The enforcement of these laws was weakened by a lack of clear political will to follow up on them, including the fact that they include no specific budgetary allocations.<sup>25</sup>

22. Joint submission 8 (JS8) recommended that the State should clearly define the budget for the implementation of the Child and Adolescent Protection Act<sup>26</sup> and conduct a campaign to promote awareness of the Act and of mechanisms for access to justice for children and adolescents.<sup>27</sup>

23. It also recommended that the Special Act on a Violence-Free Life for Women should be given equal status with the Penal Code to ensure that offences such as femicide are not a matter for interpretation by the courts.<sup>28</sup>

### **3. Institutional and human rights infrastructure and policy measures**

24. CEMUJER stated that the weakening of the Salvadoran Institute for the Advancement of Women and of the National Council for Children and Adolescents was an obstacle to effective implementation of new legislation in that area. The Institute's budget had been cut; furthermore, there had been unexpected and irregular changes in its policies and management.<sup>29</sup>

25. Joint submission 6 (JS6) welcomed the adoption of the national policy for the comprehensive protection of children and adolescents but noted that the comprehensive protection system had not yet been implemented sufficiently to safeguard the best interests of children.<sup>30</sup>

## **B. Cooperation with human rights mechanisms**

26. JS6 considered that very little had been done to promote awareness of the universal periodic review (UPR) mechanism. The average citizen was unaware of its existence and of the benefits it could bring in terms of the enjoyment of his or her rights.<sup>31</sup>

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

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

27. JS6 noted that, despite current programmes and legal instruments, discrimination against women was perpetuated by the traditional prejudices and social conditions of the country's patriarchal culture.<sup>32</sup>

28. Joint submission 1 (JS1) recognized that the State had taken measures to eliminate discrimination against the LGBTI community, although they were not always fully implemented.<sup>33</sup> It recommended that the State should enact a law on gender identity and guarantee the right of all persons to live in accordance with self-perceived gender identity;<sup>34</sup> national legislation should be brought into line with international standards on the rights of LGBTI people.<sup>35</sup>

29. JS1 also noted that, owing to high levels of stigmatization and discrimination, transsexuals and transvestites experienced situations of inequality and exclusion in the economic, social, legal spheres and in the exercise of their rights.<sup>36</sup> JS8 called for investigation of murders and discriminatory and homophobic practices and the provision of improved social and legal protection for people of different sexual orientations.<sup>37</sup>

### **2. Right to life, liberty and security of the person**

30. The World Coalition Against the Death Penalty urged El Salvador to abolish the death penalty for all offences, including those committed in wartime.<sup>38</sup>

31. Joint submission 5 (JS5) reported that there was a climate of widespread violence caused by gangs and groups of young people engaged in criminal behaviour. Violence resulted from families in crisis and the lack of education and opportunities. In early 2012, a truce was agreed between the two main gangs (*maras*), resulting in a fall of 104 in the number of deaths in 2013 in comparison with 2012.<sup>39</sup>

32. JS8 reported that the truce between the *maras* Barrio 18 and Salvatrucha had not been durable; the violence had resumed in early 2014. It was concerning that the State was so ineffective in terms of implementing a comprehensive and effective security policy in the framework of human rights. JS8 recommended that penal policy should be defined strategically with multisectoral participation.<sup>40</sup> JS5 recommended that police officers should be trained to carry out their responsibility to protect the population efficiently and with integrity<sup>41</sup> and that the State should tackle the structural root causes of violence and criminality in the country.<sup>42</sup>

33. JS8 reported that over 1,000 disappearances had been recorded in the context of violence up to December 2013. Many of these cases, in which the gangs had been involved, involved students who were subsequently found dead or buried in unmarked graves. The rights to life, education, liberty of movement within the country and the free choice of one's place of residence had been violated by these events because the gangs controlled certain areas of the country. JS8 recommended that these cases should be investigated, the facts established and the offenders prosecuted.<sup>43</sup>

34. JS3 recalled that the creation of the National Civil Police had been one of the major achievements under the Peace Agreements; armed forces personnel, however, were still being used for joint patrols with the police force. The country's report for the UPR of 2009 had said that this was a "temporary" measure.<sup>44</sup> JS3 recommended that El Salvador should recognize and protect the authority of the Ministry of Justice and Public Security, the Office of the Attorney General of the Republic and the National Civil Police as the sole institutions responsible for public security.<sup>45</sup>

35. IACHR said that it was regrettable that armed forces personnel were used to monitor the security perimeters of certain prisons. A number of soldiers had allegedly been guilty of abuse of prisoners and their family members.<sup>46</sup>

36. CEMUJER said that violence against women was escalating in El Salvador and that impunity and the lack of access to justice for victims were widespread. A rape was committed every three hours. In 70 per cent of reported cases, the victim was a child or adolescent; 90 per cent of the victims were female.<sup>47</sup> A woman was murdered every ten hours and two of every three women who disappeared were subsequently found murdered. Intimate partner abuse also resulted in large numbers of deaths.<sup>48</sup>

37. CEMUJER reported that the State had failed to design or implement a comprehensive and effective strategy to deal with offences of sexual violence.<sup>49</sup> JS8, expressing concern at the reluctance of certain judges to define murders of women as femicide, recommended that the State should widely publicize the legislation protecting women, create the conditions for its faithful implementation and monitor those responsible for its application, and guarantee the safety of women who had the courage to report offences.<sup>50</sup>

38. JS1 said that violence in general was the greatest scourge affecting transsexual women, particularly hate crimes motivated by sexual orientation or gender identity. Instruments designed to protect women from violence did not include transsexual women.<sup>51</sup> JS1 recommended that the State should take a non-discriminatory and unprejudiced approach to cases of violence and hate crime against LGBTI people.<sup>52</sup>

39. According to JS8, official figures showed that over 191,000 children were working in El Salvador and 110,626 of them were in situations of hazardous labour. Levels of child labour were higher in rural areas (62.6 per cent). The State had established a road map calling for the worst forms of child labour to be eliminated by 2015 and for all forms of child labour to end by 2020.

40. JS8 expressed concern at the lack of attention to children's "labour-market integration" into organized crime and economic exploitation in rural areas; the latter made them vulnerable to health risks from exposure to agrochemicals. There had also been insufficient focus on domestic labour performed by girl children. JS8 recommended improved support for working children through programmes to help offer ways of strengthening family finances.<sup>53</sup>

41. As for children living or working in the streets, joint submission 4 (JS4) expressed regret regarding the lack of integrated care and comprehensive studies on this issue<sup>54</sup> and reported that street children were the victims of violence and sexual exploitation.<sup>55</sup> JS4 recommended that the State should, pursuant to the recommendations formulated at the first cycle of the UPR, facilitate access to justice for children and adolescents living or working in the streets;<sup>56</sup> combat the impunity of those responsible for any form of violence against children, including sexual abuse;<sup>57</sup> and create awareness programmes on the prevention of child abuse.<sup>58</sup>

42. JS4 drew attention to cases of unnecessary verbal and physical violence by police officers and the Metropolitan Police Force against children living or working in the streets.<sup>59</sup> JS4 recommended that the Government should continue to respond to the recommendations formulated at the first cycle of the UPR and intensify its efforts to provide training in non-violent treatment of children living or working in the streets.<sup>60</sup>

43. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) recalled that, at the time of its first UPR, the Government had accepted the recommendation that corporal punishment should be prohibited in all settings.<sup>61</sup> Nonetheless, such punishment was not clearly prohibited in the home, other care settings and certain childcare establishments because the law provided for the right to "correct children's conduct".<sup>62</sup> GIEACPC urged the members of the Universal Periodic Review Working Group to recommend explicitly to El Salvador that it should expressly remove the "right to correct" from all relevant legislative provisions.<sup>63</sup>

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

44. JS8 noted that, beginning in 2010, some articles of the Juvenile Offenders Act had been replaced by more repressive measures, such as the increase from 7 to 15 years of the maximum period of detention for adolescents guilty of certain offences. There were no reintegration programmes and detention centres had insufficient infrastructure. JS8 recommended that the State should adopt a restorative justice approach for young people rather than a merely punitive one and should implement comprehensive tailor-made programmes which would take into account the characteristics of the detainee population and the prevalent environment of violence.<sup>64</sup>

45. JS3 argued that the General Amnesty Act had made it impossible to implement many of the recommendations of the Truth Commission and had led to a culture of impunity.<sup>65</sup> It recommended that the Government should revoke the General Amnesty Act of 1993 so that justice could be done and those guilty of offences could be prosecuted.<sup>66</sup>

46. IACHR said that the State should ensure that the General Amnesty Act did not obstruct the investigation of serious human rights violations which had occurred during the armed conflict or prevent the identification, prosecution and, ultimately, punishment of those guilty of such offences.<sup>67</sup>

47. In 2012, the Inter-American Court of Human Rights had ordered El Salvador to speedily initiate, reopen, continue and conclude, as appropriate, the investigations of all actions which had led to human rights violations which had been recognized as such in the judgement on the *Massacres of El Mozote and nearby places* case, in order to identify, prosecute and punish those responsible.<sup>68</sup>

48. CEMUJER argued that the concealment, by senior officials of the executive power, of a group of military personnel who were fugitives sought by international courts for the murder of six Jesuit priests, using Government installations and with the support of judges on the Supreme Court, had been harmful for institutions, human rights and the rule of law.<sup>69</sup>

49. JS8 recalled that the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict had been created in 2010. As of December 2013, 927 cases had been registered. Of those, 536 children were still recorded as disappeared, 389 cases had been solved and 239 children had been reunited with their families. JS8 said that it was regrettable that access to the files of the armed forces had not been obtained and that the Commission would cease to function on 31 May 2014. It recommended that legislation should be enacted so that the Commission could continue its work; the State should guarantee that all the registered cases would be resolved.<sup>70</sup>

#### **4. Right to marriage and family life**

50. JS8, recalling that the Family Code had not yet been amended to raise to 18 years the minimum age for marriage, recommended that the relevant legislation should be amended to ensure that girl children and adolescent girls were not forced into early marriages.<sup>71</sup>

51. JS4 noted that unregistered children had begun to be found in the streets; most of whom were the offspring of families living in the streets.<sup>72</sup> It recommended that the State should protect the right to an identity for children living in the street, ensuring that their births were duly registered.<sup>73</sup>

#### **5. Freedom of association and peaceful assembly and right to participate in public and political life**

52. Front Line Defenders (FLD) had observed no significant progress in implementing the recommendations on human rights defenders that El Salvador had accepted at the time of its first UPR.<sup>74</sup> Human rights defenders continued to work in an atmosphere of insecurity.<sup>75</sup> The endangered defenders included journalists, community leaders, environmental activists and citizens campaigning on behalf of LGBTI people. Also at risk were those denouncing corruption and impunity, those working on issues related to obtaining reparations and denouncing human rights violations committed during the civil war, and defenders of women's rights.<sup>76</sup>

53. FLD noted that women defenders of human rights who campaigned against impunity and for women's rights were extremely vulnerable to threats, continued to suffer serious reprisals for their efforts to help others, were exposed to specific gender-related risks and were habitually the targets of gender violence.<sup>77</sup> FLD recommended that the Government should guarantee the right of women human rights defenders to play an active role in that area and take measures to ensure their protection.<sup>78</sup>

54. IACHR had received disturbing information on attacks committed against human rights defenders in El Salvador, representing a serious threat to respect for those rights.<sup>79</sup>

55. FLD recommended that the Government should make frequent public statements regarding the important role of human rights defenders and journalists and speedily provide appropriate protection to endangered human rights defenders in accordance with their individual security needs. The Government should also fully implement the recommendations on human rights defenders that it had accepted at the time of its last UPR.<sup>80</sup>

## 6. Right to work and to just and favourable conditions of work

56. Joint submission 7 (JS7) reported that only one in five jobs in El Salvador were decent. Although the unemployment rate had fallen, the scale of informal employment remained alarming. Wages remained insufficient, particularly in the private sector.<sup>81</sup>

57. JS3 reported that there were 70,000 jobs in the maquila sector, 90 per cent of which were held by women receiving an average monthly salary of US\$ 195.10 and that, according to independent sources, workers in the maquila industries suffered exhausting working hours and were subjected to mistreatment, women were sexually harassed and many workers were not registered with the social security system.<sup>82</sup> JS3 recommended that the Ministry of Labour and Social Security should conduct periodic inspections of maquiladoras to ensure that employees enjoyed decent jobs and working conditions.<sup>83</sup>

58. JS3 stated that there were about 108,000 women in domestic work. They were paid less than the minimum wage, only 1,200 were registered with the health care system and 89 per cent had only verbal contracts. They were also vulnerable to physical and sexual abuse.<sup>84</sup> JS7 reported that the legal framework for extending social security to people in domestic work was weak, since it was up to the employer whether the worker was registered or not.<sup>85</sup>

59. JS7 considered that the State did not protect trade union rights as it should. Even when it was aware of cases of workers being dismissed because of their trade union membership and sackings of union leaders, it had not intervened to ensure respect for those rights.<sup>86</sup>

60. JS7 reported that, since the entry into force of the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98), there had been an increase in the hiring of workers by means of collective agreements in the public sector but that there were budgetary obstacles to its realization.<sup>87</sup>

## 7. Right to social security and to an adequate standard of living

61. JS3 stated that, although the Peace Agreements had succeeded in bringing the armed conflict to a swift end, the problems caused by existing severe economic and social deficiencies had not been resolved.<sup>88</sup> To achieve the objectives of the Peace Agreements, the country should continue, strengthen and multiply initiatives to reduce inequalities.<sup>89</sup> JS3 recommended that the Government should establish a plan of action to eliminate inequalities through a human-rights based approach.<sup>90</sup>

62. JS7 reported that 34.5 per cent of households in El Salvador lived in poverty. Inequalities between rural and urban areas were particularly pronounced.<sup>91</sup>

63. JS7 also reported progress in the coverage of the pension system between 2009 and 2013, with rising numbers of both members and contributors.<sup>92</sup> Nonetheless, the sustainability of the system and the quality of pension amounts were uncertain. The State had reported that no complete study on the current and future situation of the pension system was available.<sup>93</sup> Also, vulnerable groups such as domestic and self-employed workers were still excluded from social security benefits.<sup>94</sup>

64. JS7 noted that the lack of suitable food was the main cause of the high levels of undernutrition, which mostly affected children aged from six months to two years. The main causes of poor nutrition were insufficient food production and the fact that much of the population was unable to meet its consumption needs owing to low levels of income and employment.<sup>95</sup>

65. JS7 further noted that the State had not been able to build the quantity of social housing planned for the past five years.<sup>96</sup> Some 61 per cent of homes had deficiencies in terms of services or materials, and people in rural areas had fewer chances of improving their housing than those in urban areas.<sup>97</sup>

66. JS7 recognized that the State had given titles of ownership to families affected by the absence of legal security on land tenure. Nonetheless, thousands of families remained in precarious situations and had no suitable housing.<sup>98</sup> The *Casa Segura* (Safe Home) programme, launched in 2013 by the police force to alleviate the insecurity situation, had generated uncertainty among those who had no titles of ownership. Communities were visited one home at a time and the inhabitants were required to show proof of ownership. Thousands of families had no such documents and this could lead to their eviction.<sup>99</sup>

67. JS5 reported that 83.5 per cent of the population had access to drinking water but that in rural areas the figure was 39.8 per cent. Most of the rural population drew water from rivers, which in many cases were contaminated by industry.<sup>100</sup> Mining was one of the most severe threats to the right to water.<sup>101</sup> There was no legal framework for water management in accordance with international standards and several laws relating to water were contradictory or ambiguous.<sup>102</sup> It had been proposed in 2012 that a general law on water should be enacted but, as of early 2014, this had not been done.<sup>103</sup> JS5 recommended that the State should adopt a General Water Act,<sup>104</sup> recognize the right to a safe, clean, healthy and sustainable environment and acknowledge that water was a human right and a common good.<sup>105</sup>

## 8. Right to health

68. JS7 stated that abortion was still illegal in all circumstances. This resulted in the continuing incidence of clandestine abortions, which were still one of the main causes of death among women.<sup>106</sup> JS8 reported that teenage pregnancies had been declared an epidemic. In 2012, 25,068 girls aged between 10 and 19 had given birth in the country's health-care centres.<sup>107</sup> CEMUJER stated that in 2011, 43.3 per cent of 19-year-old women had experienced pregnancy and 26.4 per cent of the adolescent population had had abortions.<sup>108</sup>

69. Joint submission 2 (JS2) said that El Salvador had implemented measures in criminal law which disproportionately encouraged prosecution in cases of abortion; this violated women's right to due process.<sup>109</sup> IACHR had been informed that women human rights defenders who advocated therapeutic abortion were often criminalized.<sup>110</sup>

70. JS2 considered that the State had failed to comply with the recommendations it had accepted at the time of its first UPR concerning the review of its criminal legislation on abortion.<sup>111</sup> JS2 requested States to reiterate the recommendations that El Salvador should review its national laws and decriminalize abortion, permitting it in cases of rape, where the pregnancy endangered the mother's health or life and in case of serious malformations that make life outside the womb unviable.<sup>112</sup> JS2 recommended that the State should not allow women attending public hospitals for obstetric emergencies to be accused of the offence of abortion<sup>113</sup> and that it should suspend prosecutions of women for the offence of abortion until it had reviewed its legislation.<sup>114</sup>

71. JS1 considered that the health care system did not have sufficient resources and had not adopted the appropriate strategies to ensure that the LGBTI population had access to comprehensive health care.<sup>115</sup>

72. JS7 recognized that in the past three years there had been a sustained fall in new cases of HIV. Nonetheless, it should not be thought that HIV was no longer a problem or a danger.<sup>116</sup>

## 9. Right to education

73. JS4 stated that the Government had failed to fully implement the recommendations on education received at the time of its first UPR. For example, 3 per cent of GDP was dedicated to education while 22 per cent was spent on security.<sup>117</sup> JS7 said that the enrolment rate for primary school was equivalent to 93.7 per cent of children but for secondary education it was only 35.4 per cent. Investment in education remained low, particularly for secondary education in rural areas.<sup>118</sup> JS8 recommended that the State should increase its education budget to 6 per cent of GDP and ensure that education was inclusive and rights-based, with quality and respect.<sup>119</sup> JS5 recommended that emphasis should be placed on rural education, which was currently the most disadvantaged.<sup>120</sup>

74. JS3 drew attention to the climate of fear and anxiety affecting families that were forced to make payments to armed gangs. Children and adolescents were preyed upon by those gangs on the way home from school.<sup>121</sup> The Education Ministry estimated that 335 schools were at high risk in that respect.<sup>122</sup> cases of extortion reported to the police in 2013 totalled 954.<sup>123</sup>

75. JS4 noted that school dropouts and reluctance to attend school were persistent and related to the problem of gangs. These criminal groups were constantly seeking to recruit children and young people<sup>124</sup> and gang violence had a negative impact on school attendance. The Education Ministry had recorded 289 murders of students in the past four years. Large numbers of children were affected by social violence in the country, to such an extent that they were often forced to leave schools where they felt exposed to violence and insecurity.<sup>125</sup>

76. JS5 recommended that the State should protect students both within and outside educational establishments to ensure that they were not subjected to harassment, extortion, kidnapping or rape.<sup>126</sup>

77. JS1 reported that many students were the victims of bullying and that the State curriculum did not guarantee access to sex and reproductive education free of stigma and discrimination towards the LGBTI community.<sup>127</sup> The State should adopt effective policies to eliminate harassment at school and safeguard the equal right to education for LGBTI people.<sup>128</sup>

## 10. Persons with disabilities

78. JS8, noting that there was still no national census on the numbers of persons with disabilities, recommended that the Equal Opportunities for Persons with Disabilities Act should be brought into line with the Convention on the Rights of Persons with Disabilities.<sup>129</sup>

## 11. Indigenous peoples

79. JS7 reported that, despite the constitutional recognition of indigenous peoples, their economic, social and cultural rights were not guaranteed in practice.<sup>130</sup> The State had not taken specific steps to formalize the legal and political rights of indigenous peoples.<sup>131</sup>

## 12. Migrants, refugees and asylum-seekers

80. JS3 reported that unemployment, extortion and violence were forcing many Salvadoran nationals to emigrate. Migration had changed the family and social structures of communities in the country. The migratory exodus had harmed the social fabric. Official figures showed that about 200 people were leaving the country daily. Over 52 per cent of them were women and the majority could not read or write. Furthermore, in the context of migration those women continued to be affected by sexual violence.<sup>132</sup>

81. JS8 recommended that the State should create social and economic opportunities to promote the development of families, employment opportunities, settled residence and quality education. The State should conduct high-level talks with countries having Salvadoran population groups to facilitate family reunification and thereby reduce risks to children and adolescents.<sup>133</sup>

### 13. Right to development and environmental issues

82. FLD reported a pattern of harassment of environmental activists who had complained of illicit acts by mining companies, particular in the central-northern region of the country, in the department of Cabañas. The Government had been unable to determine the source of the repeated threats received by many human rights defenders and those responsible had not been prosecuted.<sup>134</sup>

83. IACHR had been informed of the murders of a number of human rights defenders who had opposed mining activities which were likely to damage the environment and the territory of the communities concerned.<sup>135</sup>

84. JS7 reported that there was still a potential threat to neighbouring countries from mining projects in border areas; no measures had yet been adopted to prevent the contamination of the country's water bodies.<sup>136</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).

#### Civil society

##### *Individual submissions*

EMUJER	Instituto de Estudios de la Mujer “Norma Virginia Guirola de Herrera” CEMUJER, San Salvador (El Salvador);
FLD	Front Line – The International Foundation for the Protection of Human Rights Defenders, Blackrock, county Dublin (Ireland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children London, (United Kingdom of Great Britain and Northern Ireland);
WCADP	World Coalition Against the Death Penalty Montreuil, (France));

##### *Joint submissions*

JS1	Joint submission 1 submitted by: Asociación Solidaria para Impulsar el Desarrollo Humano (ASPIDH) & Sexual Rights Initiative Coalition (Action Canada for Population and Development (ACPD) (in consultative status with ECOSOC), Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Coalition of African Lesbians (CAL), Creating Resources for Empowerment in Action (CREA; India), Federation for Women and Family Planning (Poland) (in consultative status with ECOSOC), Egyptian Initiative for Personal Rights (EIPR), San Salvador (El Salvador) and Ottawa (Canada);
JS2	Joint submission 2 submitted by: Center for Reproductive Rights & Agrupación Ciudadana por la Despenalización del Aborto Terapéutico, Ético y Eugenésico, New York, (United States of America) and San Salvador (El Salvador);
JS3	Joint submission 3 submitted by: Congregation of our Lady of Charity of the Good Shepherd and VIVAT International Geneva (Switzerland);
JS4	Joint submission 4 submitted by: Istituto Internazionale Maria Ausiliatrice (IIMA); International Volunteerism Organisation for Women, Development and Education (VIDES International); Terre des Jeunes France – Le Salvador; Viva Juntos por la Niñez El Salvador; Fundación Dolores Medina. Veyrier (Switzerland) and San Salvador (El Salvador);

- JS5 Joint submission 5 submitted by: Franciscans International and Familia Franciscana de El Salvador. Geneva (Switzerland) and San Salvador (El Salvador);
- JS6 Joint submission 6 submitted by: Asociación Movimiento de Mujeres Mélida Anaya Montes “Las Melidas”, Asociación Pro Búsqueda de Niñas y Niños Desaparecidos, Centro de Desarrollo Infantil Angelito/Organización miembro de la Sociedad Civil Organizada ante el CONNA, Centro para la Defensa de los Derechos Humanos Madeleine Lagadec, Instituto de Investigación, Capacitación y Desarrollo de la Mujer – IMU –, Fundación de Estudios para la Aplicación del Derecho – FESPAD –, Fundación Pro Obras de Promoción Humana Sierva de Dios, Madre Dolores Medina/Organización miembro de la Sociedad Civil Organizada ante el CONNA, Plan Internacional y Fundación de Apoyo Familiar, FUNDAFAM, (en representación de la Red de Educación Inicial y Parvularia de El Salvador, REINSAL)/Organización miembro de la Sociedad Civil Organizada ante el CONNA, San Salvador (El Salvador);
- JS7 Joint submission 7 submitted by: Asesoría a Programas y Proyectos de Desarrollo -ASPRODE- Asociación Movimiento de Mujeres Mélida Anaya Montes “Las Melidas” Centro de Desarrollo Infantil Angelito/Organización miembro de la Sociedad Civil Organizada ante el CONNA Instituto de Investigación, Capacitación y Desarrollo de la Mujer –IMU-Foro del Agua Fundación de Estudios para la Aplicación del Derecho -FESPAD- Fundación Pro Obras de Promoción Humana Sierva de Dios, Madre Dolores Medina/Organización miembro de la Sociedad Civil Organizada ante el CONNA, Mesa Permanente por la Justicia Laboral –MPJL-Movimiento Nacional en Defensa de la Tierra –MOVITIERRA-Plan Internacional y Fundación de Apoyo Familiar, FUNDAFAM, (en representación de la Red de Educación Inicial y Parvularia de El Salvador, REINSAL)/Organización miembro de la Sociedad Civil Organizada ante el CONNA, San Salvador (El Salvador);
- JS8 Joint submission 8 submitted by: Red para la Infancia y la Adolescencia de El Salvador, San Salvador (El Salvador);
- National human rights institution(s)*
- PDDH Procuraduría para la Defensa de los Derechos Humanos de El Salvador\*, San Salvador (El Salvador);
- Regional intergovernmental organization(s)*
- IACHR-OAS Inter-American Commission on Human Rights-Organization of American States, Washington, D.C. 20006, (United States of America).
- <sup>2</sup> PDDH, para. 2.
- <sup>3</sup> PDDH, para. 3.
- <sup>4</sup> PDDH, para. 6. See also CEMUJER, para. 28, JS6, para. 17 and JS8, para. 1.
- <sup>5</sup> PDDH, para. 41.
- <sup>6</sup> PDDH, para. 8.
- <sup>7</sup> PDDH, para. 37.
- <sup>8</sup> PDDH, para. 13.
- <sup>9</sup> PDDH, para. 16. See also JS6, para. 33 and IACHR page 2 as well as IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas (2011), OEA/Ser.L/V/II., Doc. 64, 31 December 2011, para. 453.
- <sup>10</sup> PDDH, para. 18.
- <sup>11</sup> PDDH, para. 7.
- <sup>12</sup> PDDH, para. 4.
- <sup>13</sup> PDDH, para. 31. See also JS8, para. 7.
- <sup>14</sup> PDDH, para. 24.
- <sup>15</sup> PDDH, para. 22.
- <sup>16</sup> PDDH, para. 19.
- <sup>17</sup> PDDH, para. 25.
- <sup>18</sup> PDDH, para. 26.
- <sup>19</sup> PDDH, para. 34.

- <sup>20</sup> PDDH, para. 43.
- <sup>21</sup> PDDH, para. 29.
- <sup>22</sup> IACHR page 4. See also IACHR press release No. 116/10: “IACHR concludes working visit to El Salvador”, November 19, 2010.
- <sup>23</sup> JS3, page 5. See also JS7, para. 13.
- <sup>24</sup> WCADP, para. 4.
- <sup>25</sup> CEMUJER, paras. 25–26. See also JS4, para. 8, JS6, paras. 6 and 8, JS8, para. 2 and IACHR page 3 as well as IACHR, Access to Justice for Women Victims of Sexual Violence in Mesoamerica (2011), OEA/Ser.L/V/II., Doc. 63, 9 December 2011, paras. 139–141.
- <sup>26</sup> JS8, page 3.
- <sup>27</sup> JS8, page 2. See also PDDH, para. 39.
- <sup>28</sup> JS8, para. 4.
- <sup>29</sup> CEMUJER, paras. 29–30.
- <sup>30</sup> JS6, paras. 6 and 9.
- <sup>31</sup> JS6, para. 36.
- <sup>32</sup> JS6, paras. 11–12.
- <sup>33</sup> JS1, para. 3. See also JS6, para. 15.
- <sup>34</sup> JS1, para. 5.
- <sup>35</sup> JS1, para. 13.
- <sup>36</sup> JS1, para. 17.
- <sup>37</sup> JS8, para. 10. See also JS1, para. 19 and FLD, para. 18 and page 6.
- <sup>38</sup> WCADP, para. 4.
- <sup>39</sup> JS5, paras. 40–42. See also JS6, para. 28.
- <sup>40</sup> JS8, para. 8.
- <sup>41</sup> JS5, para. 43 a).
- <sup>42</sup> JS5, para. 43 c).
- <sup>43</sup> JS8, para. 18.
- <sup>44</sup> JS3, para. 33.
- <sup>45</sup> JS3, page 6. See also JS6, para. 26.
- <sup>46</sup> IACHR page 2. See also IACHR, Report on the Human Rights of Persons Deprived of Liberty in the Americas (2011), OEA/Ser.L/V/II., Doc. 64, 31 December 2011, para. 218.
- <sup>47</sup> CEMUJER, paras 3–4.
- <sup>48</sup> CEMUJER, paras. 22 and 20. See also FLD, para. 17, JS5, para. 38, JS6, paras. 30–31 and PDDH, para. 33.
- <sup>49</sup> CEMUJER, para. 16.
- <sup>50</sup> JS8, page 6.
- <sup>51</sup> JS1, paras. 9–10.
- <sup>52</sup> JS1, para. 14.
- <sup>53</sup> JS8, para. 16. See also CEMUJER, para. 13, JS4, para. 34 and PDDH, para. 38.
- <sup>54</sup> JS4, para. 10.
- <sup>55</sup> JS4, para. 26.
- <sup>56</sup> JS4, para. 27.2.
- <sup>57</sup> JS4, para. 27.3.
- <sup>58</sup> JS4, para. 27.4.
- <sup>59</sup> JS4, para. 37.
- <sup>60</sup> JS4, para. 38.2.
- <sup>61</sup> GIEACPC, para. 1.1.
- <sup>62</sup> GIEACPC, para. 2.1.
- <sup>63</sup> GIEACPC, para. 1.2. See also JS8, page 6 and PDDH, para. 40.
- <sup>64</sup> JS8, page 8. See also CEMUJER, para. 34.
- <sup>65</sup> JS3, para. 32.
- <sup>66</sup> JS3, page 6.
- <sup>67</sup> IACHR page 4. See also IACHR press release No. 72/13: “El Salvador Must Investigate Grave Human Rights Violations from the Armed Conflict”, October 2, 2013.
- <sup>68</sup> IACHR page 4. See also Inter-American Court of Human Rights, *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs, Judgement of October 25, 2012. Series C No. 252 (Available at: [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_252\\_ing1.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf)).

- <sup>69</sup> CEMUJER, para. 33.
- <sup>70</sup> JS8, para. 13. See also PDDH, para. 35.
- <sup>71</sup> JS8, para. 3. See also CEMUJER, para. 8.
- <sup>72</sup> JS4, para. 32.
- <sup>73</sup> JS4, para. 35.2.
- <sup>74</sup> FLD, para. 3.
- <sup>75</sup> FLD, para. 1.
- <sup>76</sup> FLD, para. 2. See also JS6, para. 23 and PDDH, para. 4.
- <sup>77</sup> FLD, para. 16.
- <sup>78</sup> FLD, page 6.
- <sup>79</sup> IACHR page 2 as well as IACHR, Second Report on the Situation of Human Rights Defenders in the Americas (2011), OEA/Ser.L/V/II., Doc. 66, 31 December 2011, para. 30. See also IACHR page 4 as well as IACHR press release No. 90/13: “IACHR Condemns Attack on Pro-Búsqueda and Destruction of Records in El Salvador”, November 22, 2013.
- <sup>80</sup> FLD, pages 5–6.
- <sup>81</sup> JS7, paras. 5, 8 and 11. See also PDDH, para. 21.
- <sup>82</sup> JS3, paras. 25–26. See also JS6, para. 14.
- <sup>83</sup> JS3, page 5.
- <sup>84</sup> JS3, para. 24. See also JS6, para. 13.
- <sup>85</sup> JS7, para. 21.
- <sup>86</sup> JS7, para. 16.
- <sup>87</sup> JS7, para. 12.
- <sup>88</sup> JS3, para. 34.
- <sup>89</sup> JS3, para. 35.
- <sup>90</sup> JS3, page 7.
- <sup>91</sup> JS7, para. 4. See also PDDH, para. 23.
- <sup>92</sup> JS7, para. 18.
- <sup>93</sup> JS7, para. 19.
- <sup>94</sup> JS7, para. 20.
- <sup>95</sup> JS7, para. 27.
- <sup>96</sup> JS7, para. 22.
- <sup>97</sup> JS7, para. 23.
- <sup>98</sup> JS7, para. 24.
- <sup>99</sup> JS7, para. 26.
- <sup>100</sup> JS5, para. 11.
- <sup>101</sup> JS5, para. 17.
- <sup>102</sup> JS5, para. 15.
- <sup>103</sup> JS5, para. 16.
- <sup>104</sup> JS5, para. 23 a).
- <sup>105</sup> JS5, para. 23 c).
- <sup>106</sup> JS7, para. 33.
- <sup>107</sup> JS8, para. 21.
- <sup>108</sup> CEMUJER, para. 6. See also JS2, para. 20. See also JS4, para. 28.
- <sup>109</sup> JS2, para. 18 a).
- <sup>110</sup> IACHR page 2. See also IACHR, Second Report on the Situation of Human Rights Defenders in the Americas (2011), OEA/Ser.L/V/II., Doc. 66, 31 December 2011, para. 287.
- <sup>111</sup> JS2, para. 2.
- <sup>112</sup> JS2, para. 17.
- <sup>113</sup> JS2, para. 31 ii.
- <sup>114</sup> JS2, para. 31 iv. See also JS4, para. 31.3 and JS8, para. 21.
- <sup>115</sup> JS1, para. 22.
- <sup>116</sup> JS7, para. 32.
- <sup>117</sup> JS4, para. 14.
- <sup>118</sup> JS7, paras. 41–42. See also CEMUJER, para. 11.
- <sup>119</sup> JS8, para. 22.
- <sup>120</sup> JS5, para. 36 c).
- <sup>121</sup> JS3, para. 10.

- <sup>122</sup> JS3, para. 11.  
<sup>123</sup> JS3, para. 13.  
<sup>124</sup> JS4, para. 15.  
<sup>125</sup> JS4, para. 16.  
<sup>126</sup> JS5, para. 36 a).  
<sup>127</sup> JS1, para. 28.  
<sup>128</sup> JS1, para. 30.  
<sup>129</sup> JS8, para. 12.  
<sup>130</sup> JS7, para. 46.  
<sup>131</sup> JS7, para. 47. See also JS8, para. 9.  
<sup>132</sup> JS3, paras.8, 18 and 20. See also JS6, para. 4.  
<sup>133</sup> JS8, para. 19.  
<sup>134</sup> FLD, para. 4. See also JS6, paras.19 and 22 and PDDH, para. 4.  
<sup>135</sup> IACHR page 2. See also IACHR, Second Report on the Situation of Human Rights Defenders in the Americas (2011), OEA/Ser.L/V/II., Doc. 66, 31 December 2011, para. 33.  
<sup>136</sup> JS7, para. 38.
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