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Compilation on El Salvador

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

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. In 2019 the United Nations country team recommended that the Legislative Assembly of El Salvador should expedite the study into the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that it should establish an effective national mechanism for the prevention of torture.³ In 2019, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence recommended that El Salvador ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Inter-American Convention on Forced Disappearance of Persons, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.⁴

3. He noted that in recent years, El Salvador had established an open and fruitful relationship with several international human rights mechanisms.⁵

III. National human rights framework⁶

4. In 2018, the Human Rights Committee expressed concern about interference with and attacks on the Office of the Human Rights Advocate. It recommended that El Salvador ensure that the Office's decisions were implemented; that it had sufficient resources to carry out its mandate in full compliance with the principles relating to the status of national



institutions for the promotion and protection of human rights (the Paris Principles); and protect the Office from any undue interference.⁷

5. The United Nations country team recommended that El Salvador should reinforce the Office of the Presidential Commissioner for Human Rights and provide it with the necessary resources to carry out a participatory dialogue with a view to drawing up a human rights policy and a national human rights plan.⁸

6. In 2019, the Committee on the Elimination of Discrimination against Women recommended expediting the adoption of legislation reinforcing the leading role of the Salvadoran Institute for the Advancement of Women.⁹

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

A. Cross-cutting issues

1. Equality and non-discrimination¹⁰

7. In 2014, the Committee on the Elimination of Racial Discrimination recommended that El Salvador bring its legal provisions on racial discrimination into line with the International Convention on the Elimination of All Forms of Racial Discrimination.¹¹

8. The Human Rights Committee welcomed the amendment to the Criminal Code in 2015 incorporating hate crime based on sexual orientation or gender identity. However, it was concerned at the persistence of discrimination against persons of African descent, indigenous people, migrants, persons with disabilities, women engaged in prostitution, lesbian, gay, bisexual, transgender and intersex persons, and persons living with HIV. It recommended adopting comprehensive legislation prohibiting direct and indirect discrimination in all spheres, and increasing the number of training programmes for law enforcement and security personnel and awareness-raising campaigns promoting tolerance and respect for diversity.¹²

9. In 2018, the Special Rapporteur on extrajudicial, summary or arbitrary executions had received reports of discrimination, attacks and hate crimes against lesbian, gay, bisexual, transgender and intersex persons and related impunity.¹³ The United Nations country team recommended the drafting and implementing of policies and protocols designed to reinforce investigations into crimes against this population.¹⁴

10. In 2018, the Committee on the Rights of the Child recommended that El Salvador strengthen its efforts to eliminate discrimination against girls, particularly regarding their access to education and to sexual and reproductive health services, against boys concerning stereotypes related to criminality, violence and conflict with the law, and against indigenous children and children with disabilities.¹⁵

2. Development, the environment, and business and human rights¹⁶

11. In 2016, the Special Rapporteur on the human right to safe drinking water and sanitation recommended that El Salvador strengthen the national strategy to cope with climate change, including by establishing an effective mechanism to provide a timely response to future droughts and to their impact on the most vulnerable population.¹⁷

B. Civil and political rights

1. Right to life, liberty and security of person¹⁸

12. In 2018, the Special Rapporteur on the human rights of internally displaced persons expressed concern that, in 2015, El Salvador had been the most violent country in the world and, despite some reductions, the homicide rate and the associated crimes constituted an epidemic of violence.¹⁹

13. In 2016, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, received disturbing reports of violence perpetrated by *maras* (gangs), including murder, femicide, violence against women, vandalism in schools and territorial control.²⁰
14. The Human Rights Committee recommended that El Salvador step up its efforts to reduce the high levels of violence and to protect the victims.²¹
15. It was concerned about the increase in the number of people killed by the National Civil Police and the Armed Forces and about reports of arbitrary detention, enforced disappearances, torture and excessive use of force.²²
16. The Special Rapporteur on summary executions was concerned about a number of statements made by high-ranking officials that might violate the prohibition of incitement to violence.²³
17. She recommended defining extrajudicial killings as a specific crime in line with international law; prioritizing violence-prevention strategies by allocating sufficient resources, particularly for prevention programmes targeting youth; and developing policies for the reintegration of former gang members.²⁴
18. The United Nations country team recommended continuing with the reform of justice and public security institutions in order to prevent human rights violations by the security forces.²⁵
19. The Special Rapporteur on summary executions recommended enhancing the Internal Affairs Unit of the National Civil Police for conducting investigations into all alleged cases of extrajudicial killings, and strengthening investigative capabilities into extrajudicial killings, enforced disappearances and torture through more resources and international cooperation.²⁶
20. The Human Rights Committee recommended strengthening the investigative capacity of the Attorney General's Office so that cases of torture were investigated and prosecuted; ensuring that domestic legislation on the use of force and its application was fully in line with international standards; and training law enforcement and security officials in those standards.²⁷
21. Several treaty bodies and special procedure mandate holders welcomed the adoption of the Safe El Salvador plan.²⁸ The High Commissioner for Human Rights recommended its comprehensive implementation, in accordance with international human rights standards, with a focus on preventive aspects.²⁹ The Human Rights Committee recommended ensuring that the Plan, particularly its preventive and rehabilitative measures, was implemented in its entirety, within the framework of a comprehensive rights-based approach.³⁰
22. The same Committee was concerned about the continued overcrowding in prisons and in the jails of the National Civil Police, and about the cruel and inhuman living conditions in those facilities.³¹ The Special Rapporteur on summary executions had met prisoners who had not seen daylight for weeks and inmates who were so weak that they had to be carried in to speak with her. She expressed concern at the alarming number of deaths in detention, including from tuberculosis.³² During interviews with detainees, the Special Rapporteur on water and sanitation heard complaints about the lack of drinking water for days on end.³³
23. The Special Rapporteur on summary executions concluded that the extraordinary security measures had been implemented in El Salvador in order to dehumanize detainees.³⁴
24. According to the United Nations country prison overcrowding was making it impossible to properly implement rehabilitation programmes designed to prevent recidivism.³⁵
25. The Human Rights Committee recommended that El Salvador redouble its efforts to reduce overcrowding, particularly by promoting alternatives to the deprivation of liberty; and ensure that provisional detention was an exceptional, reasonable and necessary measure in all circumstances, and that detention conditions in all the country's prisons were compatible with the United Nations Standard Minimum Rules for the Treatment of

Prisoners (the Nelson Mandela Rules).³⁶ The Special Rapporteur on water and sanitation urged the Government to ensure an uninterrupted supply of water of satisfactory quality and proper sanitation for persons deprived of their liberty.³⁷

26. The United Nations country team recommended that the “I am changing” (“Yo Cambio”) programme should be extended to the entire prison population and that the conditions of minors deprived of their liberty should be improved.³⁸

27. The Special Rapporteur on summary executions recommended that alternative restrictions in detention be explored and implemented in full compliance with international standards, and that access be granted to all prisons to international independent organizations, including the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Human Rights, and to national specialized organizations.³⁹

2. Administration of justice, including impunity, and the rule of law⁴⁰

28. The Human Rights Committee recommended ensuring that the process for selecting and appointing judges and magistrates was prescribed by law and ensured their independence, competence and integrity, as well as transparency and public scrutiny; and that the regime for disciplining judges and magistrates complied fully with the International Covenant on Civil and Political Rights and the Basic Principles on the Independence of the Judiciary.⁴¹

29. The Special Rapporteur on internally displaced persons stated that the extent of violent crime was such that often no investigation was carried out, resulting in a general lack of faith in law enforcement and the criminal justice system. The law enforcement deficit perpetuated an environment in which gangs could flourish and function with almost absolute impunity from prosecution for even the most egregious crimes. She said that trust in the police must be rebuilt.⁴²

30. The Human Rights Committee recommended that all violent crimes were investigated in a prompt, thorough and impartial manner, that those responsible were prosecuted and punished, and that victims received full reparation. It also recommended ensuring that the measures taken to combat violence complied with the Covenant and that due process guarantees were observed, without stigmatizing young people and adolescents.⁴³

31. The United Nations country team recommended reinforcing the local victim-support offices set up in 2017 by providing them with adequate resources and structures, and designing a comprehensive policy on support, protection and reparation for victims of violence.⁴⁴

32. It also recommended drawing up a national compact on justice and providing technical support to justice institutions in the areas of investigation and trial proceedings.⁴⁵ The Special Rapporteur on slavery recommended increasing the focus on victim protection within the judicial system, including by developing specific protocols to protect women and children.⁴⁶

33. The United Nations country team recommended that El Salvador should implement effective measures and policies to prevent, investigate and punish corruption; adopt the Public Service Act; and ensure that the framework of criminal legislation for tackling corruption reflected its international obligations.⁴⁷

34. The Human Rights Committee and the Special Rapporteur on summary executions welcomed the repeal in 2016 of the general amnesty law by the Supreme Court.⁴⁸

35. In 2019, the United Nations High Commissioner for Human Rights warned that the bill on transitional and restorative justice for national reconciliation, which was under discussion in the Legislative Assembly, contained provisions that could result in de facto amnesty for serious human rights violations.⁴⁹ The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence expressed similar concerns and urged the Legislative Assembly not to pass the bill.⁵⁰ He noted that to a great extent, the gaps and delays in transitional justice were due to the lack of a State policy to that end. He

recommended that El Salvador adopt a comprehensive transitional justice law that fulfilled the requirements stipulated in the 2016 ruling of unconstitutionality of the General Amnesty and international human rights standards, including the jurisprudence of the Inter-American Court of Human Rights.⁵¹

36. He noted that one clear obstacle in the search for truth was the impossibility of accessing the military archives from the period of the armed conflict.⁵² He and the Human Rights Committee recommended guaranteeing access to all information related to violations committed during that period, including the archives of the Armed Forces, and fully investigating past violations, punishing those responsible and providing reparation for victims.⁵³

37. He expressed concern at the stagnation in criminal investigation and prosecution. He recommended that the Attorney General take responsibility for and implement the Criminal Investigation Policy on Crimes against Humanity and War Crimes Committed in the Context of the Armed Conflict in El Salvador, approved in December 2018, and adopt the necessary measures, including strengthening the human and financial resources allocated to the specialized group of prosecutors, to make urgent progress in the criminal investigation of the cases of violations committed during the armed conflict within its domain.⁵⁴

38. Given the prolonged delay on account of the time that the Amnesty Law had been in force, he stated that current investigations must lead to formal accusations and charges brought in the short term for the crimes committed in the context of the armed conflict.⁵⁵

39. The United Nations country team recommended that El Salvador should adopt a law on full reparation for the victims of the conflict; evaluate the implementation of the Comprehensive Development Programme for El Mozote and surrounding areas; draw up a national policy on transitional justice; and create a national victims register.⁵⁶

40. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended adopting a law providing a sustainable legal framework and the necessary resources for the commissions that had been set up to search for adults and children who had disappeared during the armed conflict.⁵⁷

3. Fundamental freedoms⁵⁸

41. The Human Rights Committee was concerned about acts of violence and intimidation against human rights defenders and journalists, and about criminal legislation that could lead to restrictions on the right to peaceful assembly and freedom of association. It recommended adopting special legislative measures to protect human rights defenders and journalists and reviewing current criminal legislation.⁵⁹

4. Prohibition of all forms of slavery⁶⁰

42. In 2019, the Office of the United Nations High Commissioner for Refugees (UNHCR) acknowledged the adoption in 2014 of the anti-trafficking special law.⁶¹ In 2018, the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations recommended that El Salvador take measures to ensure that thorough investigations and robust prosecutions were conducted against persons engaged in the sale and trafficking of children under 18 years of age for sexual exploitation.⁶²

43. In 2017, the Committee on the Elimination of Discrimination against Women noted the establishment of a shelter for victims of trafficking. It was, however, alarmed at reports of the sexual exploitation of young women and girls by criminal gangs under threat of homicide against them or their families. It recommended developing a comprehensive strategy and plan of action to prevent and combat trafficking and sexual exploitation of women and girls, with particular focus on gang-related victimization.⁶³

44. The Special Rapporteur on slavery had received information about gang activities that included reports of practices that prima facie constituted contemporary forms of slavery. She noted that deep gender discrimination affected women's vulnerability to slavery-like practices in the context of gang activities, such as forcing young women to

become gang members' sexual partners and to provide sexual services to gang members in prisons, and to other forms of violence, including femicide and disappearances.⁶⁴

45. She recommended reviewing the legal provisions related to conjugal visits in prisons in order to ensure adequate protection of women's rights and prevent slavery-like practices, and ensuring the full and effective implementation of those provisions.⁶⁵

46. She was concerned about the forced recruitment of children into gang activities, which *prima facie* constituted slavery-like practices, and at reports that unaccompanied children and women were using unsafe migrations routes to try to escape gang violence.⁶⁶

47. She was concerned that women domestic workers were often subjected to exploitation and forced labour, extremely long working hours, non-payment, sudden cessation of work without pay or notice, sexual abuse by male household members and restrictions of their freedom of movement, and that child domestic workers worked up to 16 hours a day, seven days a week. She recommended that El Salvador develop targeted measures to end slavery-like practices and improve the labour inspectorate in order to ensure compliance with the legal standards prohibiting forced labour.⁶⁷

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁶⁸

48. The Special Rapporteur on slavery was concerned about women workers in the *maquila* sector, where information suggested that the rights to freedom of association and peaceful assembly were curtailed by strong anti-union practices, hazardous working conditions and non-payment of social security contributions to the State.⁶⁹

49. She had also received concerning reports that women who were contracted to embroider fabric in their own homes were not registered employees and had to meet extremely high production quotas. She was also concerned that such practices could contribute to child labour, as workers were compelled to seek their children's assistance to meet the quotas.⁷⁰

50. She was informed about exploitative working conditions in the private security sector, such as extremely long working hours, very low wages, hazardous conditions and deductions from wages to cover weapons and uniforms. She was also concerned about the difficult working conditions in the fisheries sector and the use of child labourers in that sector.⁷¹

51. She recommended reviewing the regulatory framework in place concerning the labour practices of business to ensure that it was in accordance with international human rights standards.⁷²

52. The Human Rights Committee was concerned about the growing wage gap between men and women.⁷³ The ILO Committee of Experts recommended taking the necessary steps to establish a mechanism enabling objective job evaluation in both the public and private sectors, with the aim of ensuring full observance of the principle of equal remuneration for men and women for work of equal value.⁷⁴

2. Right to an adequate standard of living⁷⁵

53. In 2016, the Special Rapporteur on water and sanitation noted that some 20 per cent of the Salvadoran population was living in a situation of food insecurity on account of the worst drought in decades.⁷⁶

54. While recognizing the progress made by El Salvador in recent decades in improving access to water and sanitation services, the Special Rapporteur on water and sanitation noted that, in 2016, the Government had declared a state of emergency on account of the water shortage in the country, and that further efforts were required to reach out to those groups that were still excluded, and to improve the water supply and the conditions of sanitation and wastewater management. He recommended adopting a water resources law

incorporating a human rights-based approach, giving priority to the most vulnerable groups, and drawing up the national plan for water and sanitation using a participatory process.⁷⁷

55. The United Nations country team recommended that El Salvador should ratify the amendment to article 69 of the Constitution recognizing the rights to water and to sanitation as constitutional rights.⁷⁸

56. The Special Rapporteur on slavery and the ILO Committee of Experts recommended continuing and increasing targeted poverty reduction programmes that mitigated the need for families to have their children engage in the worst forms of child labour.⁷⁹

3. Right to health⁸⁰

57. The Committee on the Rights of the Child recommended increasing the budgetary allocation to health and establishing clear budget lines for children's health.⁸¹

58. While noting efforts to enhance women's and girls' access to reproductive health services, the Committee on the Elimination of Discrimination against Women remained concerned at their limited impact. It recommended conducting a comprehensive analysis of access to reproductive health services and contraception, and expediting the adoption of the law on sexual and reproductive health and a strategy aimed at reducing adolescent pregnancies.⁸²

59. The Committee on the Rights of the Child noted with concern the high number of teenage pregnancies and of girls pregnant as a result of rape. It recommended addressing teenage pregnancies, including ensuring the availability of contraceptives and access to sexual health services to girls and boys, and guaranteeing the resources necessary for the effective implementation of the national intersectoral strategy for the prevention of teenage pregnancies (2017–2027) and its related programmes.⁸³ The United Nations country team recommended that El Salvador should extend its social policies on prevention and care to pregnant girls and adolescent girls; adopt legislation on comprehensive education on sexuality, guaranteeing its dissemination and allocating resources for its implementation; and reinforce its sex education programmes.⁸⁴

4. Right to education⁸⁵

60. The country team also pointed out that, under the Constitution, 6 per cent of the State budget was to be allocated to education, but only half that amount was granted. It recommended that the Government should comply with the constitutional requirement and make a technical evaluation as to whether that was sufficient to guarantee inclusion in the education system.⁸⁶

61. The Committee on the Rights of the Child was concerned at the overwhelming impact of violence on children's access to education, with the majority of schools situated in communities where *maras* were active; the insufficient funds allocated to education; the precarious school infrastructure; and the difficulties faced by migrant children and internally displaced students in resuming their education. It recommended ensuring the human, technical and financial resources necessary for the effective implementation of the national education plan and its six components; and addressing the root causes of school absenteeism and the high number of dropouts.⁸⁷ The ILO Committee of Experts recommended that El Salvador strengthen its efforts to raise the school attendance rate and reduce the dropout rate in secondary education.⁸⁸

62. The Committee on the Elimination of Discrimination against Women was concerned at reports of forcible recruitment in schools by gangs and of parents preventing girls from attending school to protect them from such violence, and at the low school attendance of girls.⁸⁹ The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that in 2016, 30.3 per cent of girls aged between 10 and 17 had stated that the reason they had dropped out of school was linked to pregnancy and motherhood.⁹⁰

63. The Special Rapporteur on internally displaced persons noted that internal displacement had a considerable impact on access to education, and that the very high dropout rates from school were partially attributed to violence and the displacement of

families.⁹¹ The Special Rapporteur on slavery recommended that El Salvador provide additional security in schools in order to protect children from gang violence.⁹²

64. UNESCO noted that repetition rates remained high, with 60 per cent of students completing the sixth grade in the time stipulated.⁹³

65. UNESCO also noted that only 48 per cent of 7-year-olds in households in the lowest income quintile could read, compared to 84 per cent in the highest income quintile.⁹⁴

66. UNESCO recommended extending free education to 12 years and adopting measures to increase literacy and post-secondary attendance for people from lower income households.⁹⁵

67. UNCHR recommended strengthening the identification of out-of-school children and their access to accelerated education programmes.⁹⁶

D. Rights of specific persons or groups

1. Women⁹⁷

68. The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2016 of the Law on Equality, Equity and Elimination of Discrimination against Women and recommended monitoring its implementation.⁹⁸ The Human Rights Committee welcomed the Special Comprehensive Act on a Violence-Free Life for Women.⁹⁹

69. The Special Rapporteur on summary executions was concerned that El Salvador continued to register an alarmingly high number of femicides, and that in more than 70 per cent of cases the victims were minors.¹⁰⁰

70. The Human Rights Committee was concerned about the low number of prosecutions and convictions for femicide and the high rates of domestic and sexual violence against women and girls, including their sexual exploitation by gangs, and the fact that rapes were not usually reported.¹⁰¹ It recommended that El Salvador to step up its efforts to prevent, combat and punish all acts of violence against women, including those perpetrated by gang members, and ensure that those acts were investigated, the perpetrators were tried and punished, and that victims received reparation and had access to assistance and protection.¹⁰²

71. The Committee on the Rights of the Child was concerned at the vulnerability of girls aged 12 years and above, known as “brides”, to being targeted by *maras* for sexual purposes.¹⁰³ The United Nations country team recommended that a special inter-agency protocol should be devised for dealing with girls and adolescent girls who were the victims of sexual violence.¹⁰⁴ The Committee on the Rights of the Child recommended strengthening the Youth Women’s City Programme to effectively combat sexual and gender-based violence against girls.¹⁰⁵

72. The Committee on the Elimination of Discrimination against Women welcomed the establishment of specialized jurisdiction for crimes against women and specialized institutional support units for women in the police force. It recommended allocating adequate resources to enable the effective operation of the specialized jurisdiction and increasing the awareness of judges, lawyers and law enforcement officials of the gender equality framework.¹⁰⁶ The United Nations country team recommended that the capacity of the specialized jurisdiction should be reinforced by creating multi-person courts and allocating the resources necessary for them to perform their functions.¹⁰⁷ The Special Rapporteur on internally displaced persons recommended deploying female police officers to prevent and address violence against women.¹⁰⁸

73. Several treaty bodies and special procedure mandate holders were concerned at the total ban on abortions, including in cases when the pregnancy was the result of rape or incest, when the life of the mother was at risk, or when the fetus was unviable, forcing both women and girls to resort to unsafe and illegal abortions.¹⁰⁹

74. The Human Rights Committee recommended that El Salvador amend its abortion legislation in order to guarantee safe, legal and effective access to voluntary termination of

pregnancy where the life or health of the pregnant woman or girl was at risk or where carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, especially in cases where the pregnancy resulted from rape or incest or when the fetus was not viable.¹¹⁰ The Committee on the Elimination of Discrimination against Women made similar recommendations.¹¹¹

75. The Special Rapporteur on summary executions noted that, as of October 2017, at least 159 women had been imprisoned under the Penal Code for abortion-related offences. She recalled that the United Nations human rights mechanisms and the Inter-American organizations had systematically called for the decriminalization of abortion to safeguard women's rights.¹¹²

76. The Human Rights Committee was concerned about the disproportionate sentences of up to 40 years' imprisonment imposed, on charges of aggravated homicide, on women who had suffered a miscarriage. It was also concerned at reports of a high suicide rate among pregnant women and at the fact that women treated in public hospitals were being reported by medical or administrative staff for the offence of abortion.¹¹³ The Special Rapporteur on summary executions recommended setting up a mechanism to review all cases where women had been imprisoned for obstetric emergencies or abortion-related offences, with the aim of releasing them without delay.¹¹⁴

77. The High Commissioner for Human Rights and the Special Rapporteur on summary executions recommended establishing a moratorium on the application of article 133 of the Penal Code, and approving its reform.¹¹⁵

78. The United Nations country team recommended that a broad debate on abortion should be organized in which the chief participants would be women's associations, and that a protocol on medical procedure should be adopted containing a confidentiality clause to ensure that health professionals who performed therapeutic abortions could do so in safety without fear of criminal prosecution.¹¹⁶

79. The Human Rights Committee was concerned about the limited participation of women in political and public life and their underrepresentation in decision-making positions.¹¹⁷ The Committee on the Elimination of Discrimination against Women recommended continuing to make efforts to reach parity in all institutions, including through expanding the use of special measures to promote women's representation, paying particular attention to women facing multiple and intersecting forms of discrimination.¹¹⁸

80. The United Nations country team recommended that the Political Parties Act should be revised in order to move towards parity; that the national policies on shared responsibility for care and on the comprehensive development of rural, indigenous and peasant women should be definitively adopted; and that the institutional mechanisms required for their implementation should be created.¹¹⁹

2. Children¹²⁰

81. The Special Rapporteur on slavery acknowledged the progress made in the sugar cane sector, but noted that the worst forms of child labour persisted in several contexts, including forced begging on the street, in the fisheries sector, in domestic work and in agriculture. She recommended continuing to build the national child protection system and ensuring that it had adequate capacity to protect children at risk.¹²¹

82. The Committee on the Elimination of Discrimination against Women recommended expediting the reform of the Family Code, removing exceptions to the minimum age of 18 years for marriage, and raising awareness of the negative effects of early marriage for girls.¹²²

83. The Human Rights Committee welcomed Decree No. 754 of 2017, prohibiting the marriage of persons under the age of 18 years in any circumstances.¹²³

84. The Committee on the Rights of the Child remained concerned about the extent to which criminal violence was affecting children, particularly their vulnerability to being recruited by *maras*.¹²⁴

85. The Special Rapporteur on internally displaced persons noted that young people could not lead normal lives in some gang-controlled neighbourhoods. Many families did not allow children to go out to play for fear that they would fall under the influence of gang members. Violence and internal displacement had an enormous impact on children.¹²⁵ The Special Rapporteur on slavery had received information indicating that young children were targeted by gangs because the age of criminal responsibility meant that they were less vulnerable to prosecution.¹²⁶

86. The Committee on the Rights of the Child recommended that El Salvador review the policies and programmes addressing violence and the criminal acts committed by *maras* with a view to adopting more effective measures to prevent the killings and disappearances of children and their recruitment by criminal groups; and address the root causes of violence, such as poverty and discrimination.¹²⁷

3. Persons with disabilities¹²⁸

87. The same Committee, while welcoming the measures taken regarding the health and education of, and data collection on, children with disabilities, recommended adopting a human rights-based approach to disability.¹²⁹

4. Minorities and indigenous peoples¹³⁰

88. The Committee on the Elimination of Racial Discrimination was concerned about the socioeconomic situation of people of African descent and their lack of recognition and visibility. It recommended that El Salvador adopt a plan to accord recognition to and increase the visibility of people of African descent.¹³¹

89. It also recommended developing a legal framework, in consultation with indigenous peoples, for the recognition and protection of their rights.¹³² The Human Rights Committee recommended keeping reliable official statistics on the indigenous population.¹³³

90. The Committee on the Elimination of Racial Discrimination recommended continuing efforts to revitalize the Nahuatl language and taking steps to determine whether other indigenous languages were in use in El Salvador, and based on its findings, taking the necessary steps to revitalize them.¹³⁴

91. It also recommended that El Salvador mainstream a gender perspective in all its policies and strategies for combating racial discrimination as a means of addressing the multiple forms of discrimination to which indigenous and Afrodescendent women were subjected.¹³⁵

5. Migrants, refugees, asylum seekers and internally displaced persons¹³⁶

92. The United Nations country team recommended that El Salvador should make efforts at the regional level to persuade transit and destination countries for Salvadoran migrants to guarantee their rights.¹³⁷

93. The Committee on the Rights of the Child welcomed the creation of the migrant care centre and the adoption in 2017 of the protocol for the protection and care of Salvadoran migrant children and adolescents.¹³⁸ The United Nations country team recommended incorporating the protection of unaccompanied migrant children into the National Migration Policy.¹³⁹

94. The Committee on the Elimination of Racial Discrimination was concerned by the discriminatory treatment of migrant workers.¹⁴⁰ The Human Rights Committee recommended ensuring that national immigration legislation was consistent with international standards.¹⁴¹

95. UNHCR was concerned about cases in which border authorities had not respected the principle of non-refoulement. It recommended reforming the current refugee status determination law to bring it into accordance with international standards.¹⁴²

96. The Special Rapporteur on internally displaced persons noted the extremely high level of internal displacement as a consequence of gang-related violence and the lack of an effective protection system for internally displaced persons.¹⁴³

97. UNHCR welcomed the 411/2017 ruling of the Constitutional Chamber of the Supreme Court of Justice acknowledging the existence of an internal forced displacement phenomenon due to violence and insecurity. However, it remained concerned that significant gaps remained in the protection of the rights of internally displaced persons. It recommended establishing a follow-up mechanism and implementing the 411/2017 ruling, adopting the draft law on the comprehensive care of victims of violence, including the Guiding Principles on Internal Displacement, and allocating adequate resources for the protection and promotion of the rights of internally displaced persons, in line with the Guiding Principles.¹⁴⁴

98. The Special Rapporteur on internally displaced persons recommended that El Salvador publicly acknowledge internal displacement.¹⁴⁵

99. The United Nations country team recommended that a national policy should be developed on prevention of sexual and gender-based violence against women, girls and adolescent girls in situations of forced displacement; and that discussion and adoption of a law on gender identity should be encouraged, along with a plan of action to protect the rights of lesbian, gay, bisexual, transgender and intersex persons at risk of forced displacement and survivors of gender-based sexual violence.¹⁴⁶

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for El Salvador will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/SVindex.aspx.
- ² For relevant recommendations, see A/HRC/28/5, paras. 103.1–103.5 and 105.1–105.23.
- ³ United Nations country team submission for the universal periodic review of El Salvador, para. 1.
- ⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.
- ⁵ *Ibid.*
- ⁶ For relevant recommendations, see A/HRC/28/5, paras. 103.13–103.14, 103.37, 104.3–104.6, 104.17, 104.21, 104.26, 105.24 and 105.28–105.31.
- ⁷ CCPR/C/SLV/CO/7, paras. 7–8.
- ⁸ United Nations country team submission, para. 14.
- ⁹ CEDAW/C/SLV/CO/8-9, para. 19 (a). See also United Nations country team submission, para. 12.
- ¹⁰ For relevant recommendations, see A/HRC/28/5, paras. 103.9, 104.11–104.15, 104.22–104.24, 105.27 and 105.33.
- ¹¹ CERD/C/SLV/CO/16-17, para. 12.
- ¹² CCPR/C/SLV/CO/7, paras. 3 (e) and 9–10 (a)–(b).
- ¹³ A/HRC/38/44/Add.2, paras. 74–76.
- ¹⁴ United Nations country team submission, para. 40. See also CCPR/C/SLV/CO/7, paras. 9–10 (a).
- ¹⁵ CRC/C/SLV/CO/5-6 and Corr.1, para. 13.
- ¹⁶ For the relevant recommendation, see A/HRC/28/5, para. 105.26.
- ¹⁷ A/HRC/33/49/Add.1, para. 96.
- ¹⁸ For relevant recommendations, see A/HRC/28/5, paras. 103.6–103.8, 104.16, 105.37 and 105.39–105.40.
- ¹⁹ A/HRC/38/39/Add.1, paras. 8–9. See also A/HRC/38/44/Add.2, para. 99.
- ²⁰ A/HRC/33/46/Add.1, para. 12.
- ²¹ CCPR/C/SLV/CO/7, para. 20.
- ²² *Ibid.*, paras. 21–22.
- ²³ A/HRC/38/44/Add.2, para. 43.
- ²⁴ *Ibid.*, para. 103.
- ²⁵ United Nations country team submission, para. 2.
- ²⁶ A/HRC/38/44/Add.2, para. 104.
- ²⁷ CCPR/C/SLV/CO/7, para. 24.
- ²⁸ A/HRC/38/44/Add.2, paras. 12 and 101, CEDAW/C/SLV/CO/8-9, para. 5 (e), CRC/C/SLV/CO/5-6 and Corr.1, para. 22, and CCPR/C/SLV/CO/7, para. 19.
- ²⁹ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22412&LangID=E. See also CCPR/C/SLV/CO/7, paras. 19–20, and A/HRC/33/46/Add.1, para. 62 (a) and (e).
- ³⁰ CCPR/C/SLV/CO/7, para. 20.
- ³¹ *Ibid.*, para. 29.
- ³² A/HRC/38/44/Add.2, paras. 51 and 54.
- ³³ A/HRC/33/49/Add.1, para. 86.

- ³⁴ A/HRC/38/44/Add.2, para. 59.
- ³⁵ United Nations country team submission, para. 16.
- ³⁶ CCPR/C/SLV/CO/7, para. 30 (a)–(b).
- ³⁷ A/HRC/33/49/Add.1, para. 86. See also A/HRC/38/44/Add.2, para. 107 (e), and CCPR/C/SLV/CO/7, para. 30 (a)–(b).
- ³⁸ United Nations country team submission, para. 16.
- ³⁹ A/HRC/38/44/Add.2, paras. 59 and 107.
- ⁴⁰ For relevant recommendations, see A/HRC/28/5, paras. 103.12, 103.18, 103.33, 104.30, 105.38 and 105.42–105.48.
- ⁴¹ CCPR/C/SLV/CO/7, para. 36. See also A/HRC/23/43/Add.1, para. 41.
- ⁴² A/HRC/38/39/Add.1, paras. 19 and 51.
- ⁴³ CCPR/C/SLV/CO/7, para. 20.
- ⁴⁴ United Nations country team submission, para. 19.
- ⁴⁵ *Ibid.*, para. 32.
- ⁴⁶ A/HRC/33/46/Add.1, para. 69 (c).
- ⁴⁷ United Nations country team submission, para. 18.
- ⁴⁸ CCPR/C/SLV/CO/7, para. 3 (a), and A/HRC/38/44/Add.2, para. 96.
- ⁴⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24642&LangID=E.
- ⁵⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24619&LangID=E.
- ⁵¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.
- ⁵² *Ibid.*
- ⁵³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24561&LangID=E and CCPR/C/SLV/CO/7, paras. 3 (a) and 17–18 (a) and (c).
- ⁵⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.
- ⁵⁵ *Ibid.*
- ⁵⁶ United Nations country team submission, paras. 35–36.
- ⁵⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.
- ⁵⁸ For relevant recommendations, see A/HRC/28/5, paras. 103.34 and 104.2.
- ⁵⁹ CCPR/C/SLV/CO/7, paras. 37–38.
- ⁶⁰ For relevant recommendations, see A/HRC/28/5, paras. 103.32 and 104.27–104.29.
- ⁶¹ UNHCR submission for the universal periodic review of El Salvador, p. 2.
- ⁶² See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13202:0::NO::P13202_COUNTRY_ID:102835.
- ⁶³ CEDAW/C/SLV/CO/8-9, paras. 26–27 (a).
- ⁶⁴ A/HRC/33/46/Add.1, paras. 13, 24 and 33.
- ⁶⁵ *Ibid.*, para. 62 (b).
- ⁶⁶ *Ibid.*, paras. 57 and 26.
- ⁶⁷ *Ibid.*, paras. 47, 51, 62 (a) and 66 (b).
- ⁶⁸ For the relevant recommendation, see A/HRC/28/5, para. 103.35.
- ⁶⁹ A/HRC/33/46/Add.1, para. 39.
- ⁷⁰ *Ibid.*, para. 40.
- ⁷¹ A/HRC/33/46/Add.1, paras. 41 and 46.
- ⁷² *Ibid.*, para. 66 (d).
- ⁷³ CCPR/C/SLV/CO/7, para. 12.
- ⁷⁴ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3292651.
- ⁷⁵ For relevant recommendations, see A/HRC/28/5, paras. 103.36, 103.39 and 104.31–104.35.
- ⁷⁶ A/HRC/33/49/Add.1, para. 7.
- ⁷⁷ *Ibid.*, paras. 8, 91, 94 and 96 (b) (i)–(ii) and (c).
- ⁷⁸ United Nations country team submission, para. 45.
- ⁷⁹ A/HRC/33/46/Add.1, para. 67 (e), and www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:2237436.
- ⁸⁰ For relevant recommendations, see A/HRC/28/5, paras. 103.40–104.42.
- ⁸¹ CRC/C/SLV/CO/5-6 and Corr.1, para. 34.
- ⁸² CEDAW/C/SLV/CO/8-9, paras. 36 and 37 (a) and (c).
- ⁸³ CRC/C/SLV/CO/5-6 and Corr.1, paras. 36 (a) and (e).
- ⁸⁴ United Nations country team submission, paras. 21–22.
- ⁸⁵ For relevant recommendations, see A/HRC/28/5, paras. 103.43–103.51.
- ⁸⁶ United Nations country team submission, para. 39. See also UNESCO submission for the universal periodic review of El Salvador, p. 4.
- ⁸⁷ CRC/C/SLV/CO/5-6 and Corr.1, paras. 42 (a), (c)–(d) and (g) and 43 (a) and (c).
- ⁸⁸ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699931.
- ⁸⁹ CEDAW/C/SLV/CO/8-9, para. 32 (a) and (c).

- 90 UNESCO submission, p. 5.
- 91 A/HRC/38/39/Add.1, para. 22.
- 92 A/HRC/33/46/Add.1, para. 64 (d).
- 93 UNESCO submission, p. 4.
- 94 *Ibid.*
- 95 *Ibid.*, p. 5.
- 96 UNHCR submission, p. 4.
- 97 For relevant recommendations, see A/HRC/28/5, paras. 103.10–103.11, 104.18–104.20 and 105.49–105.62.
- 98 CEDAW/C/SLV/CO/8-9, paras. 4 and 13 (d).
- 99 CCPR/C/SLV/CO/7, para. 3 (h).
- 100 A/HRC/38/44/Add.2, paras. 7 and 70–71.
- 101 CCPR/C/SLV/CO/7, para. 13. See also CRC/C/SLV/CO/5-6 and Corr.1, para. 27 (a)–(b).
- 102 CCPR/C/SLV/CO/7, para. 14.
- 103 CRC/C/SLV/CO/5-6 and Corr.1, para. 27 (b).
- 104 United Nations country team submission, para. 23.
- 105 CRC/C/SLV/CO/5-6 and Corr.1, para. 28 (c).
- 106 CEDAW/C/SLV/CO/8-9, paras. 12 and 13 (a) and (d).
- 107 United Nations country team submission, para. 24.
- 108 A/HRC/38/39/Add.1, para. 74 (p)–(q).
- 109 CRC/C/SLV/CO/5-6 and Corr.1, para. 35 (e), CCPR/C/SLV/CO/7, paras. 15–16; CEDAW/C/SLV/CO/8-9, paras. 38–39; and A/HRC/38/44/Add.2, paras. 87–93.
- 110 CCPR/C/SLV/CO/7, paras. 15–16. See also CEDAW/C/SLV/CO/8-9, paras. 38 (a) and 39 (a), and CRC/C/SLV/CO/5-6 and Corr.1, paras. 35 (e)–(f) and 36 (d).
- 111 CEDAW/C/SLV/CO/8-9, para. 39. See also A/HRC/38/44/Add.2, paras. 87–92.
- 112 A/HRC/38/44/Add.2, paras. 87–92.
- 113 CCPR/C/SLV/CO/7, para. 15.
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- 115 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22412&LangID=E and A/HRC/38/44/Add.2, para. 108.
- 116 United Nations country team submission, para. 7.
- 117 CCPR/C/SLV/CO/7, para. 11.
- 118 CEDAW/C/SLV/CO/8-9, para. 31.
- 119 United Nations country team submission, paras. 10 and 26.
- 120 For relevant recommendations, see A/HRC/28/5, paras. 103.19–103.31, 104.7–104.10 and 105.41.
- 121 A/HRC/33/46/Add.1, paras. 44 and 61 (g).
- 122 CEDAW/C/SLV/CO/8-9, para. 51.
- 123 CCPR/C/SLV/CO/7, para. 3 (i).
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- 128 For relevant recommendations, see A/HRC/28/5, paras. 103.52–103.53.
- 129 CRC/C/SLV/CO/5-6 and Corr.1, para. 33.
- 130 For relevant recommendations, see A/HRC/28/5, paras. 103.54–103.55, 104.36, 105.32 and 105.34–105.36.
- 131 CERD/C/SLV/CO/16-17, para. 21.
- 132 *Ibid.*, para. 16.
- 133 CCPR/C/SLV/CO/7, para. 42.
- 134 CERD/C/SLV/CO/16-17, para. 19.
- 135 *Ibid.*, para. 22.
- 136 For relevant recommendations, see A/HRC/28/5, paras. 103.56–103.61.
- 137 United Nations country team submission, para. 17.
- 138 CRC/C/SLV/CO/5-6 and Corr.1, para. 46.
- 139 United Nations country team submission, para. 28. See also A/HRC/33/46/Add.1, para. 68 (a).
- 140 CERD/C/SLV/CO/16-17, para. 15.
- 141 CCPR/C/SLV/CO/7, para. 32 (a).
- 142 UNHCR submission, p. 5.
- 143 A/HRC/38/39/Add.1, p. 1 and para. 26.
- 144 UNCHR submission, p. 5.

¹⁴⁵ A/HRC/38/39/Add.1, para. 74 (a).

¹⁴⁶ United Nations country team submission, para. 20. See also UNHCR submission, p. 3.
