



EI SALVADOR

Compliance with the International Covenant on Economic and Social Rights (CESCR)

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims of human rights violations from El Salvador have requested legal assistance from The Advocates in applying for asylum. First-hand information from asylum-seekers about the human rights violations that they experienced in El Salvador since the last review in 2018 has been used with their permission in this submission.

El Salvador fails to uphold its obligations under the Convention on Economic, Social and Cultural Rights.

I. Combatting gender stereotypes and raising awareness of the right to equality in the workplace (List of Issues paragraph 10)

1. In its 2020 List of Issues, the Committee on Economic, Social, and Cultural Rights (“Committee”) asked El Salvador to provide information on the results of the strategies to combat gender stereotypes and raise awareness among men and women of the right to equality in the workplace.¹
2. In its 2022 Reply to the List of Issues, El Salvador reported that between January 2017 and December 2020, the Specialized Training Unit of the Substantive Equality Training School trained more than 4,226 people on substantive equality, a life free from violence against women, perceptions of masculinity, the regulatory framework, sexual and reproductive health, and women’s rights and literacy.² El Salvador stated that 39.7 percent of the individuals trained were men.³
3. Despite El Salvador’s efforts to combat gender inequality, patriarchal norms and attitudes still dominate. Youth gangs, or *maras*, which control many areas of the country, exert their power in part by perpetrating violence against women.⁴
4. Cultural biases and misogyny contribute to fewer economic opportunities for Salvadoran women. As recently as 2019, more than 70 percent of working women in El Salvador worked in the informal sector.⁵ Women working in the informal sector are vulnerable to labor exploitation since labor laws do not apply to informal jobs and the Ministry of Labor does not inspect these jobs.⁶ The informal sector provides less access to social benefits and lower wages than the formal sector, which in turn contributes to poor economic conditions for women.⁷

¹ United Nations Committee on Economic Social and Cultural Rights, *List of issues in relation to the sixth periodic report of El Salvador* (Nov. 5, 2020). U.N. Doc. E./C.12/SLV/Q/6, ¶ 10.

² United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 35.

³ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 35.

⁴ Navarro-Mantas et al., *Defining Power and Agency in Gender Relations in El Salvador: Consequences for Intimate Partner Violence and Women’s Mental Health*, *Front Psychol.*, Apr. 19, 2022, at 4. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9063008/pdf/fpsyg-13-867945.pdf>.

⁵ Women and Girls Empowered, *Women’s Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward*, (Washington D.C.: American Bar Association, 2019), x. Also available online at <https://grameenfoundation.org/documents/elsalvador-women-economic-empowerment-barriers-opportunities-path-forward-full-10-2019.pdf>.

⁶ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/; ORMUSA, *ORMUSA presentó el estudio Mujer y mercado laboral 2021. Acceso de las mujeres a la seguridad social en El Salvador*, (Jul. 7 2022), <https://ormusa.org/comunicado-de-prensa-ormusa-presento-estudio-mujer-y-mercado-laboral-2021/>

⁷ Navarro-Mantas et al., *Defining Power and Agency in Gender Relations in El Salvador: Consequences for Intimate Partner Violence and Women’s Mental Health*, *Front Psychol.*, Apr. 19, 2022, at 4. Also available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9063008/pdf/fpsyg-13-867945.pdf>.

II. Preventing discrimination based on sexual orientation and gender identity (List of Issues paragraph 9)

5. In its 2020 List of Issues, the Committee asked El Salvador to explain the measures it has taken to ensure that abolishing the Directorate for Sexual Diversity does not negatively impact the monitoring and effective implementation of Executive Decree No. 56 on the elimination of all forms of discrimination in the civil service on the grounds of gender identity or sexual orientation.⁸
6. In its 2022 Reply to the List of Issues, El Salvador stated that its Ministry of Culture and Ministry of Local Development are responsible for promoting the rights of LGBTQI+ persons⁹ In its reply, El Salvador did not directly address the abolition of the Directorate for Sexual Diversity and how this may have affected the monitoring and implementation of Executive Decree No. 56.
7. Gangs, the government, and other institutions all perpetrate violence against LGBTQI+ individuals in El Salvador. Impunity for public officials also persists. When LGBTQI+ activists reported to the Attorney General's Office that they received death threats on social media, police have failed to act on the reports.¹⁰ Reports show that officials from the Attorney General's Office have harassed transgender and gay individuals who reported cases of violence.¹¹ This harassment includes conducting unnecessary and invasive strip searches on LGBTQI individuals.¹²
8. Multiple clients of The Advocates have reported being threatened, blackmailed, and attacked by gangs because of their gender identity as transgender women. One of The Advocates' clients had to renounce their transition out of the fear of being killed.¹³ Many cases of violence are allegedly underreported due to fear of reprisals by gangs against individuals and their families.¹⁴
9. In February 2022, three MS-13 gang members were convicted of murdering two transgender women in San Luis Talpa in 2017.¹⁵ The Prosecutor's Office declined to

⁸ United Nations Committee on Economic Social and Cultural Rights, *List of issues in relation to the sixth periodic report of El Salvador* (Nov. 5, 2020). U.N. Doc. E./C.12/SLV/Q/6, ¶ 9.

⁹ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 34.

¹⁰ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

¹¹ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

¹² United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

¹³ Interview by The Advocates (2014-2022). The case information mentioned throughout this report has been taken from client intake and interviews conducted by The Advocates for Human Rights between the time periods of January 2018 and August 2022. The case information, documented by asylum-seekers from El Salvador, is anonymous and confidential. As such, some information has been removed from this submission in order to protect the identities of the individuals and their families.

¹⁴ Interview by The Advocates (2018-2022)

¹⁵ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

prosecute the crimes as hate crimes and instead treated the crimes as gang-on-gang violence.¹⁶

10. El Salvador fails to prevent discrimination against LGBTQI+ Salvadorans in healthcare institutions. Lesbian and transgender individuals regularly have their right to health violated as reports show that healthcare providers call transgender patients by their legal names rather than their chosen names.¹⁷ Lesbian patients have reported that when gynecologists learn of their sexuality, they focus exclusively on HIV or other sexually transmitted diseases rather than treating routine gynecological issues.¹⁸
11. Health center closures have also affected the right to adequate healthcare for LGBTQI individuals. Since shortly after President Bukele took office in 2019, Ciudad Mujer health centers throughout El Salvador have closed.¹⁹ The closures have created a barrier to LGBTQI persons receiving timely health services.²⁰ As a result of the closures, women and LGBTQI+ persons have been subjected to long delays to see doctors.²¹ LGBTQI individuals and women have also been treated by doctors who are not specialists in LGBTQI or women's health issues.²²
12. Transgender individuals' right to vote is often threatened if the photograph on their identification card does not match their physical appearance.²³ Transgender individuals have also faced harassment while voting in municipal elections.²⁴ These violations occur in spite of Supreme Electoral Tribunal guidelines.²⁵

III. Providing data on violence against women (List of Issues paragraph 16)

13. In its 2020 List of Issues, the Committee requested that El Salvador provide statistics from the last five years on cases of violence against women. The Committee asked that these statistics be disaggregated by year, type of violence, age of victim, and status of legal proceedings.²⁶
14. In its 2022 Reply to the List of Issues, El Salvador stated that The Salvadoran Institute for the Advancement of Women has provided statistical data on cases of violence against women over the last five years.²⁷ El Salvador referred the Committee to three annexes where it presents the data.²⁸

¹⁶ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ United Nations Committee on Economic Social and Cultural Rights, *List of issues in relation to the sixth periodic report of El Salvador* (Nov. 5, 2020). U.N. Doc. E./C.12/SLV/Q/6, ¶ 16.

²⁷ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 55.

²⁸ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 55.

15. El Salvador has adopted legislation to address violence against women. In 2012, El Salvador enacted the *Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*. The goal of this law is to recognize and prevent all forms of violence against women, including physical violence, economic violence, femicide, emotional and mental violence, sexual violence, community violence, and workplace violence.²⁹ The *Organización de Mujeres Salvadoreñas por la Paz* (ORMUSA) has helped create and promote many of the country’s domestic violence laws.³⁰
16. Data from 2019 presented that 63 percent of girls ages 15 to 19 and 72 percent of women ages 30 to 34 reported having suffered sexual violence.³¹ Six out of 10 Salvadoran women over the age of 15 have experienced some type of sexual violence in their lifetime.³² These statistics likely do not offer a complete picture of gender-based violence against women in El Salvador. Only around five percent of women who experienced sexual violence in 2019 sought help, indicating that a strong distrust of institutions persists among women.³³ In addition, rapes³⁴—particularly rapes which result in teen or childhood pregnancy—often go unreported because perpetrators are often related to victims, and the families of both perpetrators and victims are too ashamed to report the conduct.³⁵ In general, violence against women remains “significantly underreported” in El Salvador.³⁶ Multiple clients of The Advocates have reported a lack of accountability for perpetrators who have raped women and threatened their families, even when the police get the reports from the victims.³⁷
17. El Salvador continually fails to hold perpetrators of gender-based violence against women accountable for their crimes. Between 2013 and 2015, only 10 percent of rapes of girls under the age of 15 resulted in convictions.³⁸ ORMUSA³⁹ has reported that women face multiple barriers to accessing justice such as the institutional bureaucracy and lack of judicial guarantees. Without institutional support, women face onerous expenses that

²⁹ Instituto Salvadoreño para el Desarrollo de La Mujer & Organización de Mujeres Salvadoreñas por la Paz, *Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*, 2011, Art. 9. Also available at <https://evaw-global-database.unwomen.org/-/media/files/un%20women/vaw/full%20text/americas/ley%20especial%20integral%20vida%20libre%20violencia%20mujeres%20-%202011/ley%20especial%20integral%20vida%20libre%20violencia%20mujeres%20-%202011.pdf?vs=523>.

³⁰ Donor Direct Action, Organización de Mujeres Salvadoreñas por la Paz (ORMUSA): About, <https://donordirectaction.org/who-we-are/>.

³¹ United States Department of State, *El Salvador 2021 Human Rights Report*, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

³² Ibid.

³³ Ibid.

³⁴ Interview by the Advocates (2018-2022)

³⁵ Ibid.

³⁶ Women and Girls Empowered, *Women’s Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward*, by Women and Girls Empowered (Washington D.C.: American Bar Association, 2019), xii. Also available online at <https://grameenfoundation.org/documents/elsalvador-women-economic-empowerment-barriers-opportunities-path-forward-full-10-2019.pdf>.

³⁷ Interview by the Advocates (2018-2022)

³⁸ Al Jazeera, The ‘vicious cycle’ driving teen pregnancy in El Salvador (Jul. 22, 2019), <https://www.aljazeera.com/features/2019/7/22/the-vicious-cycle-driving-teen-pregnancy-in-el-salvador#:~:text=According%20to%20the%20United%20Nations,years%20of%20having%20a%20baby>.

³⁹ Donor Direct Action, Organización de Mujeres Salvadoreñas por la Paz (ORMUSA): About, <https://donordirectaction.org/who-we-are/>.

impede their access to justice such as transportation, food, and childcare . ORMUSA also reported many of these women lost their access to income (in formal and informal work) due to the high amount of administrative or judicial procedures women have to meet to access justice.⁴⁰

18. The worst cases of gender-based violence against women result in femicide. In 2019, El Salvador had the highest rate of femicide in Latin America.⁴¹ The onset of the COVID-19 pandemic and El Salvador's lockdowns presented many challenges for women. Among these challenges was the increased risk of domestic violence. By early June 2020, the Salvadoran feminist organization *Colectiva Feminista para el Desarrollo Local* (Colective Feminista) documented 26 femicides during the lockdown.⁴² In the first six months of the COVID-19 pandemic, *Colectiva Feminista* received more reports of gender-based violence against women than in the year before 2019.⁴³ El Salvador also fails to prosecute 75 percent of femicide cases.⁴⁴

IV. Access to Reproductive Healthcare, Preventing Maternal Mortality, and Moving Towards Decriminalization of Abortion (List of Issues paragraph 22)

19. In its 2020 List of Issues, the Committee asked El Salvador to provide information on several issues related to the right to sexual and reproductive health.⁴⁵
20. In its 2022 Reply to the List of Issues, El Salvador said that under the Integrated Women's Health Initiative, the Salvadoran Social Security Institute promotes sexual and reproductive rights, gender equality, equity, and elimination of discrimination throughout the country.⁴⁶ El Salvador added that its Ministry of Health has taken steps to strengthen the counseling skills of public health workers with an emphasis on care prior to conception and maternal care.⁴⁷ El Salvador reported the implementation of the Strategy to Ensure the Availability of Sexual and Reproductive Health Medicines and Inputs.⁴⁸
21. El Salvador stated that the National Cross-sectoral Strategy for the Prevention of Child and Adolescent Pregnancy establishes measures to be adopted in 25 municipalities related to prevention, special protection, access to justice and restoration of rights, and knowledge

⁴⁰ ORMUSA, *REDFEM presentó informe sobre la situación de violencia contra las mujeres incluyendo a las que enfrentan discapacidad*, (Aug. 15, 2022), available at <https://ormusa.org/redfem-presento-informe-sobre-la-situacion-de-violencia-contra-las-mujeres-incluyendo-a-las-que-enfrentan-discapacidad/>.

⁴¹ Kristina Zanzinger, *Underreported and Unpunished, Femicides in El Salvador Continue*, nacla, Mar. 5, 2021, <https://nacla.org/news/2021/03/04/femicides-el-salvador-pandemic>.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ Women and Girls Empowered, *Women's Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward*, by Women and Girls Empowered (Washington D.C.: American Bar Association, 2019), 20. Also available online at <https://grameenfoundation.org/documents/elsalvador-women-economic-empowerment-barriers-opportunities-path-forward-full-10-2019.pdf>.

⁴⁵ United Nations Committee on Economic Social and Cultural Rights, *List of issues in relation to the sixth periodic report of El Salvador* (Nov. 5, 2020). U.N. Doc. E./C.12/SLV/Q/6, ¶ 22.

⁴⁶ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 99.

⁴⁷ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 100.

⁴⁸ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 100.

management.⁴⁹ El Salvador also provided data on the number of child and adolescent pregnancies recorded in 2020 and reported that it was lower than the number of child and adolescent pregnancies recorded in 2016.⁵⁰

22. In response to the request to bring its laws related to abortion in compliance with international human rights standards, El Salvador said that article 265 (2) of its Code of Criminal Procedure provides an exception to mandatory reporting of suspected offences by health providers when reporting would violate rules on medical confidentiality.⁵¹ El Salvador did not discuss abortion-related offenses and measures it has taken to address the effects of the criminalization of abortion on women's physical or mental health. The State Party did say that medical providers treating women with obstetric problems are not typically instructed to report these cases since obstetric complications are not crimes in El Salvador.⁵² El Salvador reported that it is not currently discussing the legalization of abortion.⁵³
23. El Salvador's Reply to the List of Issues addressed maternal mortality and morbidity. El Salvador noted that the Ministry of Health is taking steps to reduce maternal morbidity and mortality in 14 of El Salvador's poorest municipalities.⁵⁴ El Salvador provided data on maternal mortality but did not address maternal mortality and morbidity in the context of unsafe abortions.⁵⁵
24. High rates of child and teen pregnancy in El Salvador are driven by a combination of factors including lack of access to adequate reproductive healthcare and sexual education, lack of access to safe abortion, and high rates of violence against women and girls. In the first six months of 2021, the Ministry of Health registered 6,938 pregnant girls or adolescents, including 156 girls aged 10 and 11 who were raped and became pregnant.⁵⁶ During the first half of 2021, the number of pregnancies among girls ages 10-14 increased 9 percent from the number of pregnant girls reported during the same period in 2020.⁵⁷
25. Child and adolescent pregnancy contributes to a cycle of gender inequality as many pregnant girls are forced to drop out of school.⁵⁸ As recently as 2019, 60 percent of young

⁴⁹ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 105.

⁵⁰ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 112.

⁵¹ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 101.

⁵² United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 102.

⁵³ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 114.

⁵⁴ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 97.

⁵⁵ United Nations Committee on Economic Social and Cultural Rights, *Replies of El Salvador to the list of issues in relation to its sixth periodic report* (May 6, 2022). U.N. Doc. E./C.12/SLV/RQ/6, ¶ 98.

⁵⁶ United States Department of State, El Salvador 2021 Human Rights Report, (Apr. 12, 2022), https://sv.usembassy.gov/our-relationship/official-reports/hrr_2021/.

⁵⁷ *Ibid.*

⁵⁸ Al Jazeera, The 'vicious cycle' driving teen pregnancy in El Salvador (Jul. 22, 2019), <https://www.aljazeera.com/features/2019/7/22/the-vicious-cycle-driving-teen-pregnancy-in-el-salvador#:~:text=According%20to%20the%20United%20Nations,years%20of%20having%20a%20baby.>

girls in El Salvador who became pregnant between the ages of 10 and 17 had already dropped out of school before becoming pregnant.⁵⁹ Of the girls who were still in school when they became pregnant, the majority left school within two years of giving birth.⁶⁰ Girls who cannot attend school are less likely to be able to support themselves financially and more vulnerable to labor exploitation and financial abuse.

26. El Salvador maintains a total ban on abortion.⁶¹ Women convicted of having an abortion face two to eight years in prison; abortion providers face six months to 12 years in prison.⁶² The State Party's total ban on abortion contravenes Article 12 of the International Covenant on Economic, Social, and Cultural Rights, which prescribes the right to the highest standard of physical and mental health.⁶³ Forcing survivors of rape, incest, and those facing life-threatening pregnancies to carry their pregnancies to term endangers the physical and mental health of women and violates their fundamental rights to health, life, and liberty.⁶⁴
27. In December 2021, at least 11 women were in prison on charges related to obstetric emergencies.⁶⁵ In June 2021, 17 women who claimed they suffered obstetric emergencies were still in prison on charges of abortion, homicide, or aggravated homicide.⁶⁶ The Inter-American Court on Human Rights (Inter-Am. Ct. H.R) ruled the case of *Manuela v. El Salvador*, holding the State Party responsible for Manuela's death.⁶⁷ Manuela died from cancer after receiving inadequate treatment and diagnosis while in prison.⁶⁸ At the time of her death, Manuela was serving a 30-year prison sentence for aggravated homicide after suffering an obstetric emergency that resulted in the loss of her pregnancy.⁶⁹
28. In May 2022, the Legislative Assembly shelved a proposed reform to decriminalize abortion on four grounds.⁷⁰ President Bukele has stated that he will not propose any constitutional reform to decriminalize abortion.⁷¹

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Human Rights Watch, *World Report 2022: Rights Trends in El Salvador*, (Jan. 13, 2022), <https://www.hrw.org/world-report/2022/country-chapters/el-salvador>.

⁶² Ibid.

⁶³ United Nations International Covenant for Economic, Social, and Cultural Rights, 1966, Art. 12. Also available at <https://www.ohchr.org/sites/default/files/cescr.pdf>.

⁶⁴ Office of the High Commissioner of Human Rights, El Salvador must amend reproductive health care laws after top Americas court ruling (Dec. 6, 2021), <https://www.ohchr.org/en/press-releases/2021/12/el-salvador-must-amend-reproductive-health-care-laws-after-top-americas>.

⁶⁵ Amnesty International, El Salvador 2021 (2021), <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/el-salvador/report-el-salvador/>.

⁶⁶ Human Rights Watch, *World Report 2022: Rights Trends in El Salvador*, (Jan. 13, 2022), <https://www.hrw.org/world-report/2022/country-chapters/el-salvador>.

⁶⁷ Center for Reproductive Rights, *Inter-American Court of Human Rights Ruling Will Help Protect Women Seeking Reproductive Health Care, Including Abortion*, (Dec. 2, 2021), <https://reproductiverights.org/inter-american-court-human-rights-el-salvador-manuela-ruling/>.

⁶⁸ Center for Reproductive Rights, *Inter-American Court of Human Rights Ruling Will Help Protect Women Seeking Reproductive Health Care, Including Abortion*, (Dec. 2, 2021), <https://reproductiverights.org/inter-american-court-human-rights-el-salvador-manuela-ruling/>.

⁶⁹ Ibid.

⁷⁰ Amnesty International, El Salvador 2021 (2021), <https://www.amnesty.org/en/location/americas/central-america-and-the-caribbean/el-salvador/report-el-salvador/>.

⁷¹ Ibid.

V. Failing to protect and provide a safe education to children and youth (art.13)

29. The Advocates have provided legal aid to multiple unaccompanied children seeking asylum in the United States. Our clients report that gangs constantly use extortion and children recruitment. Many of the clients targeted by the gangs also disclosed that they were living in poverty, as “they were never harmed at home, but they never had much to eat or drink at home,”⁷² making them particularly vulnerable to the actions of these criminal organizations. In addition, The Advocates have collected testimonies of the lack of protection for the right to an education that children endure in El Salvador. Multiple clients informed us that children were constantly intercepted by gangs that stalked and threatened them while walking to and from school.⁷³ Women clients have denounced they have suffered harassment by gangs to leave school and start a relationship with members of the organization.⁷⁴

VI. RECOMMENDATIONS

- Fund and implement community-based programs to educate about gender discrimination, gender roles and stereotypes, and the dangers of machismo and violence against women.
- Support and fund community-based hotlines, shelters, and other organizations that provide cultural support, education, and crisis services to women, girls and non-binary people dealing with domestic abuse, sexual harassment, or other forms of gender-based violence.
- Develop a mandatory gender-based violence curriculum to be implemented in primary and secondary schools across El Salvador. Ensure that the curriculum discusses topics related to intimate partner violence, the dangers of child marriage, gender stereotypes, the role of gangs in perpetrating violence against women, and women’s fundamental rights.
- Strengthen the criminal justice response to femicides. Develop measures to support law enforcement and the judiciary’s capacity to investigate, prosecute, and punish all forms of such crimes and provide reparation and/or compensation to victims and their families or dependents, as appropriate.
- Ensure that police compile and publish data on an annual basis about all reported acts of violence and threats of violence allegedly based on sexual orientation or gender identity, as well as any action to investigate and prosecute such actions.
- Implement measures that combat impunity in violence based on sexual orientation and gender identity and repair the victims.
- Re-instate the Directorate for Sexual Diversity to oversee the implementation of laws protecting the LGBTQI+ community from discrimination.

⁷² Interview by The Advocates (2018-2022)

⁷³ Interview by The Advocates (2018-2022)

⁷⁴ Interview by The Advocates (2018-2022)

- Create and implement training programs on sexual orientation and gender identity, discrimination in the workplace, and workplace standards and laws for countering discrimination. Ensure that all government and employees attend these trainings.
- Include accurate, secular, non-biased information on sexual orientation and gender identity as part of sexual education programs in schools.
- Work to dispel cultural attitudes, disinformation, and biases towards the LGBTQI community.
- Actively recruit and hire LGBTQI+ individuals to work in healthcare settings to help expand access to non-discriminatory healthcare for LGBTQI individuals. Ensure that all healthcare providers are appropriately trained and educated on sexual orientation and gender identity, treating individuals of varying sexual orientations and gender identities, and treating HIV-positive patients.
- Immediately decriminalize abortion for all cases of rape, incest, and pregnancies that endanger the mother.
- Implement nation-wide programs to educate Salvadorans on the importance of comprehensive reproductive healthcare. In addition, fund comprehensive access to contraception and work to de-stigmatize the use of contraception by girls, women, and people with uterus.
- Implement sexual education programs in schools and ensure that these programs accurately discuss various methods of contraception, the importance of safe sex, and female empowerment.
- Pass laws that clearly exempt healthcare providers from reporting patients who suffer obstetric emergencies or those who obtain illegal abortions.
- Implement public policies that protect children and girls of any practices that jeopardize their access and enjoyment to education and a life free of violence.