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## Committee on Economic, Social and Cultural Rights

### **Sixth periodic report submitted by El Salvador under articles 16 and 17 of the Covenant<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.  
\*\* The annexes to this report are available on the Committee's website.



## Introduction

1. Pursuant to the provisions of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, the Government of El Salvador herewith submits to the Committee on Economic, Social and Cultural Rights its sixth updated periodic report.
2. This report has been prepared on the basis of the Committee's concluding observations on the combined third, fourth and fifth reports of El Salvador (E/C.12/SLV/CO/3-5), the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6) and the guidelines on treaty-specific documents to be submitted to States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/2008/2).
3. The information contained herein is the outcome of consultations with State institutions (see annex 1).
4. The plans and programmes described in this report provided the basis for the development of the universal social protection system, which is intended to provide short-, medium- and long-term solutions to the country's main social problems, especially poverty, gender inequality and social exclusion.
5. In the educational sphere, coverage has been extended and school kits and school meals have been distributed. In the public health sphere, a comprehensive reform of the health system has been undertaken which has brought health services closer to the people throughout the country. In the agricultural sector, the emphasis has been on promoting family farming, improved seeds and the concession of land. Plans and projects designed to improve the arts and culture in their various forms have also been promoted, and measures have been taken to preserve and restore cultural heritage.
6. This report provides the Committee with updated information on the situation in El Salvador as regards the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights.

## Article 1

### Article 1, first paragraph

7. The State of El Salvador recognizes the principle of self-determination for all peoples, cognizant of the fact that various different cultures live side by side in the country, including the Lenca, Cacaopera and Nahua Pipil indigenous peoples.
8. In follow-up to the recommendation contained in paragraph 7 of the concluding observations (E/C.12/SLV/CO/3-5), in June 2014 the Legislative Assembly ratified the amendment to article 63 of the Constitution, which states that: "El Salvador recognizes the indigenous peoples and shall adopt policies to preserve and develop their ethnic and cultural identity, cosmovision, values and spirituality".<sup>1</sup> This recognition paved the way for the adoption of the Culture Act and the Act on the Promotion, Protection and Development of the Handicrafts Sector (2016).
9. At the local level, six municipal ordinances have been promulgated (Nahuizalco, Izalco, Cuisnahuat, Santo Domingo de Guzmán, Panchimalco and Conchagua) which recognize indigenous peoples' right to self-determination<sup>2</sup> (Panchimalco Ordinance,<sup>3</sup> art. 23). In October 2018, the Legislative Assembly issued a decree declaring the municipality of Tacuba, Ahuachapán, "Territory of Indigenous Communities".
10. In November 2017, indigenous representatives submitted a bill on the rights of indigenous peoples to the Legislative Assembly, which is currently under consideration.

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<sup>1</sup> Decree No. 707, *Diario Oficial* No. 112, vol. 403, publication: 19/06/2014. Legislative Assembly <https://www.asamblea.gob.sv/decretos/details/1809>.

<sup>2</sup> *Idem*, p. 10.

<sup>3</sup> Municipal Ordinance on the rights of the indigenous communities of Panchimalco. *Diario Oficial*, vol. 407, No. 61, April 2015.

11. Economic, social and cultural rights are regulated by article 3 of the Culture Act and the six above-mentioned municipal ordinances. Cultural rights are also recognized in articles 8 and 9<sup>4</sup> of the Panchimalco Ordinance. Furthermore, the State Policy for Indigenous Peoples and the National Action Plan for Indigenous Peoples outline strategies and guidelines for the economic, social and cultural development of this population group.

12. The Directorate General for Statistics and Censuses held consultations with indigenous peoples' organizations to define the content of the seventh national housing census and, in 2018, conducted a pilot population and housing census in Cacaopera, Morazán, in the course of which 9,377 inhabitants self-identified as indigenous (see annex 2).

13. Between 2009 and 2016, the Ministry of Health registered a total of 31,199 families in the family records information system, 5.41 per cent of which self-identified as indigenous (see annexes 3 and 4). The Directorate General for the Agricultural Economy and the Ministry of Culture recorded 4,270 producers, of which 113 (2.6 per cent) belong to an indigenous people.

14. The Ministry of Education, Science and Technology conducts an annual census of schoolchildren in mainstream public and private educational institutions, which provides a register of indigenous schoolchildren. In addition, 1.5 per cent of persons recorded in the central register of social programme beneficiaries are indigenous, the majority of them (67 per cent) being members of the Nahuat-Pipil people.<sup>5</sup>

#### **Article 1, second paragraph**

15. Article 1 of the Constitution of El Salvador provides that “all peoples may freely dispose of their natural wealth and resources ...”; article 2 provides that “all persons have the right to own property”; and article 22 provides that “all persons have the right to dispose freely of their property ... without distinction as to race, sex, religion or ethnicity”.

16. With regard to the recommendation contained in paragraph 27 of the concluding observations, concerning mechanisms for recognizing indigenous peoples' rights to their lands and resources, it should be noted that the State Policy for Indigenous Peoples and the National Action Plan for Indigenous Peoples both include measures to promote access to land ownership.

17. The State Policy for Indigenous Peoples guarantees legal protection and access to and ownership of land, while the Panchimalco Ordinance makes provision for the protection and advice necessary for the use of land.

18. The National Policy for the Comprehensive Development of Rural, Indigenous and Campesina Women in El Salvador 2018–2030 contains strategic guidelines for upholding the right to land ownership, food sovereignty and civic participation. The Act establishing special rules for land owned by cooperative, communal and community campesino associations and beneficiaries of agrarian reform is also designed to guarantee the legal certainty of land ownership.

19. Article 32 of the Culture Act provides for the “participation of indigenous peoples in decisions on matters affecting their rights”.<sup>6</sup> The six above-mentioned municipal ordinances also reaffirm the right to free, prior and informed consultation on matters relating to land, territory, natural resources and the environment (art. 23). The State Policy for Indigenous Peoples, the National Action Plan for Indigenous Peoples, National Policy for the Comprehensive Development of Rural, Indigenous and Campesina Women and the National Health Policy for Indigenous Peoples, all of which date from 2018, are a testament to the progress that the State of El Salvador has made with regard to procedures for consultation with indigenous peoples.

20. Consultations to promote accession to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) (recommendation contained in para. 27 of the concluding observations) are under way with government institutions.

<sup>4</sup> *Idem*, p. 6.

<sup>5</sup> <http://rup.proteccionsocial.gob.sv/principal.aspx>

<http://rup.proteccionsocial.gob.sv/Archivos/documentos/CaracterizacionPoblacionRUP.pdf>.

<sup>6</sup> Decree No. 442. Culture Act. Legislative Assembly. August 2016. p. 7.

## Article 2

### Article 2, first paragraph

21. The State of El Salvador recognizes that the support it receives through international cooperation is a supplement essential for the execution of national programmes and projects and for fulfilment of the country's economic, social and cultural commitments.

22. During the five-year reporting period, resources from cooperation were channelled into 47 employment-generating projects in the economic, social and cultural spheres, with approximately \$181,252,245.23 million being allocated to human development and the fight against social inequality in the period 2014–2018 (see annex 5).

### Article 2, second paragraph

23. The Government of El Salvador promotes social inclusion as a priority strategy for the eradication of discriminatory social and institutional practices that impede equal opportunity and treatment with a view to reducing inequality based on gender, sexual orientation, age, ethnic origin, disability and national origin, among other grounds.

24. The State has various laws and normative texts for combating discrimination and the exclusion of vulnerable population groups. These include the Act on Equality, Equity and the Elimination of Discrimination against Women; article 63 of the Constitution; the Act on Social Development and Protection; the National Plan for Social Development, Protection and Inclusion 2014–2019 and the Poverty Eradication Strategy of June 2017.<sup>7</sup>

25. Executive Decree No. 56 is designed to prevent all forms of discrimination on grounds of gender identity and/or sexual orientation within the civil service. The lesbian, gay, bisexual, transgender and intersex institutional inclusion index was created for purposes of implementing the Decree.

### Article 2, third paragraph

26. Article 96 of the Constitution states that: "Foreign nationals are required ... to respect the authorities and comply with the law, and shall acquire the right to be protected by them. In addition, the Aliens Act of 2019 (Executive Decree No. 299) guarantees various rights to non-nationals, including economic rights, stipulating that "they shall enjoy the same rights as nationals, and shall be subject to the same obligations" (art. 12).

27. The Labour Code (art. 11) and the Aliens Act (art. 25) grant non-nationals the same rights to work as Salvadorans, without restrictions other than those established by law. Within this framework, in 2017 the Directorate General for Migration and Alien Affairs signed a cooperation agreement with the Ministry of Health and Welfare for issuing migrants with temporary residence permits for work purposes.

28. As regards pensions, the Pensions Savings Scheme Act provides that foreign employees must join the current scheme and self-employed foreign residents may choose to join the scheme. Regarding the right to own property, article 109 of the Constitution states that: "Foreign nationals shall not be permitted to acquire real estate in rural areas unless Salvadorans have similar rights in the foreign nationals' countries of origin, except when the land in question is for industrial undertakings (...)"

29. Article 115 of the Constitution provides that small-scale trade, industry and services shall be the preserve of native Salvadorans and Central Americans. Non-nationals are thus ineligible for the State protection available to persons in this category but may exercise a trade in accordance with the relevant laws (Commercial Code).

30. In order to gain access to national housing programmes, non-nationals need to legalize their residence in the country, be in possession of national identity papers and meet the legally established eligibility criteria.

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<sup>7</sup> Executive Decree No. 28, published in *Diario Oficial* No. 106, Vol. No. 415, 9 June 2017.

## Article 3

### Article 3, first paragraph

31. Legislation on the protection of women's rights in El Salvador includes the Act on Equality, Equity and the Elimination of Discrimination against Women, the Special Comprehensive Act on a Life Free from Violence for Women, the National Plan for Equality (2016–2020) and the action plan for implementing the National Policy on Access to a Life Free from Violence for Women (2016–2021). The National System for Substantive Equality and the Special Technical Commission are the mechanisms responsible for implementing the aforementioned acts and plans.

32. In the cultural sphere, in 2016 the Salvadoran Institute for the Advancement of Women signed a cooperation agreement with the Ministry of Culture to undertake activities to highlight women's contributions to culture and to design publicity campaigns and artistic initiatives that are free from the stereotypes that encourage discrimination against women. To prevent and address violence in schools, the Ministry of Education, Science and Technology has created the [salve@mined.gob.sv](mailto:salve@mined.gob.sv) platform, through which members of the educational community can report any type of violence to the relevant security bodies.

33. The General Education Act and the Teaching Profession Act have been amended to accelerate training processes for the prevention of gender-based violence in the education system. In addition, the Substantive Equality Training School run by the Salvadoran Institute for the Advancement of Women runs a vocational training policy for civil servants and other employees that sensitizes them to gender inequalities and discrimination against women. As at May 2018, it had trained 6,451 persons.

34. The Salvadoran Vocational Training Institute has launched a campaign entitled "Decide to Grow" (Decídete a Crece) to encourage more women to pursue studies in non-traditional fields and is working to mainstream the gender perspective in the curricula of various training programmes.

35. In the social welfare sphere, an integrated national care policy with a gender perspective has been developed and is now in the process of adoption. To facilitate access to justice, specialized courts to support the campaign for a violence- and discrimination-free life for women<sup>8</sup> were established in 2016 (see annex 6), while in the labour sphere the Gender Equality Seal certification scheme was introduced in 2017 to promote gender mainstreaming in business.

36. In 2016, a gender statistics bureau was established within the Directorate General of Statistics and Censuses. In addition, the Consumer Protection Authority has established an observatory to promote non-sexist advertising; in 2018, the Government implemented the Spotlight Initiative, which is a strategy for eliminating gender-based violence; and the Special Act on Migration and Alien Affairs includes provisions that prohibit restrictions based on differences of sex, sexual orientation or gender identity.

### Article 3, second paragraph

37. Gender equality legislation – namely the Act on Equality, Equity and the Elimination of Discrimination against Women and the Special Comprehensive Act on a Life Free from Violence for Women – is given effect through the following implementation, follow-up and monitoring tools: the National Plan for Equality and Equity for Salvadoran Women 2012–2016 and the action plan for implementing the National Policy on Access to a Life Free from Violence for Women 2016–2021.

38. The progress report of the National Plan for Equality and Equity for Salvadoran Women, issued in November 2015, highlighted improvements in the operation of the National System for Substantive Equality and the Substantive Equality Training School. An updated National Plan for Equality, incorporating a strategy for mainstreaming the principle of equality and non-discrimination, was launched in October 2016 and the specialized courts and specialized chamber for a life free from violence and discrimination for women were expanded in the same year.

<sup>8</sup> [https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117\\_073649411\\_archivo\\_documento\\_legislativo.pdf](https://www.asamblea.gob.sv/sites/default/files/documents/decretos/171117_073649411_archivo_documento_legislativo.pdf).

39. In compliance with the Act on Equality, Equity and the Elimination of Discrimination against Women, a number of institutions have established equality mechanisms: there are 66 dedicated gender units in institutions of the three branches of government of which 30 have institutional gender policies, 20 have institutional equality plans and 57 have dedicated budgets for equality. In addition, 192 of the country's 262 municipalities have municipal units for women.

40. Regarding the recommendation contained in paragraph 10 of the concluding observations, the Political Parties Act stipulates that 30 per cent of candidates on party lists for election to the Legislative Assembly, the Central American Parliament and municipal councils must be women. Similarly, article 120 of the Municipal Code provides that at least 30 per cent of the members of community associations must be women.

41. In 2017, the Women's Parliamentary Group, the Supreme Electoral Court and the Salvadoran Institute for the Advancement of Women submitted draft amendments to the Political Parties Act and the Electoral Code, proposing the alternation of men and women in lists of candidates for election to the Legislative Assembly, the Central American Parliament and municipal councils.

42. Also in 2017, the Salvadoran Institute for the Advancement of Women and the Supreme Electoral Court signed an agreement to promote the principle of equality and non-discrimination and a life free from violence in which women are able to exercise their political rights. Together with the Women's Parliamentary Group, these institutions also promoted an agreement for violence- and discrimination-free political participation for women in the same year and an agreement to safeguard women's rights in 2018. Also in 2018, the Institute promoted the signature of the "More Women, More Equality" (Más Mujeres, Más Igualdad) declaration in the departments of San Salvador, Santa Ana, Chalatenango and La Libertad.

43. The share of women in decision-making positions in the executive branch rose from 15.4 per cent in the period 2009–2014 to 35.9 per cent in the period 2014–2019.<sup>9</sup> The Institute has encouraged women's civic engagement through their participation in advisory and citizen oversight councils, and as a result there are now 232 female leaders in the 13 departmental advisory councils and 1,964 women in the 95 municipal advisory councils.

44. To support the fight against gender stereotypes, the Institute has adopted strategies that foster a social and institutional culture for equality by means of awareness-raising campaigns, cultural events highlighting women's role in Salvadoran history, culture and social and scientific development, and the dissemination of guidelines for building a culture for equality that combats sexism and gender stereotypes in advertising campaigns and in cultural and artistic initiatives. In addition, the Institute's political and civic participation unit, which is attached to its substantive equality office, has worked with its departmental offices to develop measures to "strengthen women's active citizenship" in all 14 departments, including training exercises on various topics related to the human rights of women and civil oversight processes involving various State institutions and local governments.

45. To raise awareness of the right to equal career opportunities, the Ministry of Labour and Social Security has taken steps to eradicate gender stereotypes in vocational training and employment through the "Decide to Grow" (Decídete a Crecer), "Equal Work, Equal Pay" (Igual Trabajo Igual Salario) and "Decent and Violence-Free Work for Women" (Empleo Decente Libre de Violencia para las Mujeres) campaigns; vocational training courses imparted under the Women's City (Ciudad Mujer) Programme; and the Gender Equality in the Workplace Alliance, led by the Ministry in partnership with the Ministry of Economic Affairs and the Salvadoran Institute for the Advancement of Women.

## Articles 4 and 5

46. The Committee is invited to refer to the updated version of the common core document (HRI/CORE/SLV/2017), which was submitted with the combined fifth and sixth periodic reports of El Salvador under the Convention on the Rights of the Child.

<sup>9</sup> Data from the Salvadoran Institute for the Advancement of Women, 2018.

## Article 6

### Article 6, first paragraph

47. The National Policy on Decent Work 2017–2030 was adopted in 2017 with the aim of generating decent employment from which vulnerable population groups (women, young people, LGBTI communities, persons with disabilities and indigenous peoples) are not excluded.

48. The national employment system is underpinned by an inter-institutional coordination strategy that caters for both employment and self-employment needs (see annex 7). Between 2014 and 2018, the system placed a total of 70,249 people (33,346 women and 36,903 men) in jobs, of whom 73.50 per cent were young people aged between 18 to 29 years old and 2.42 per cent were persons with disabilities.

49. According to the report on implementation of the Five-Year Development Plan 2014–2019, as a result of the youth employment and employability programme implemented in 2017 and 2018, young people accounted for 72.77 per cent of all persons placed in jobs (26,652 people) in that period. In addition, between 2014 and 2018 women received assistance from the Women’s City Programme, through its economic autonomy module, in relation to employment, income generation, goods and services to increase their employability on 469,636 occasions.

50. With regard to indigenous peoples, the Act on the Promotion, Protection and Development of the Handicrafts Sector promotes the participation of the handicrafts sector in domestic and international markets; the State Policy for Indigenous Peoples of El Salvador provides for affirmative action in the labour sphere; the Panchimalco Ordinance envisages programmes for the protection of labour rights; while the Ministry of Agriculture’s Rural Territorial Competitiveness Programme is designed to generate jobs and income for small-scale producers, including indigenous peoples.

51. To assist older persons, the State Policy for Older Persons,<sup>10</sup> under goal 7, fosters economic sustainability by providing access to credit and training that facilitate entrepreneurial and productive projects and the formation of cooperatives and associations.

52. The Ministry of Labour and Social Security runs job centres in all 14 departments and a job placement system on which 1,376 persons with disabilities were registered in 2017. The placement system gives employment managers from the Ministry the opportunity to visit businesses and promote the employment of persons with disabilities. The Ministry also organizes self-employment fairs.

53. Regarding the observation made in paragraph 12 of the concluding observations, the Government has taken steps to close the wage gap and to promote women’s advancement in the labour market. These steps have included establishing the Economic Autonomy Commission of the National System for Substantive Equality; introducing the Gender Equality Seal certification scheme for gender equality in the workplace; the “Equal Work, Equal Pay” and “Decent and Violence-Free Work for Women” campaigns; and the Ministry of Labour and Social Security’s special plan for monitoring the wage gap (see annex 8).

54. In the field of education, in implementation of the current Gender Equity and Equality Policy, in 2018 training programmes for educators that are geared towards the construction of an inclusive, non-sexist education model were introduced. The Salvadoran Vocational Training Institute developed a vocational training policy for non-traditional careers and implemented a programme of study grants to help women to pursue technical degree courses at Zamorano University and the Roberto Quiñonez National School of Agriculture, among other actions (see paragraphs 44 and 45).

### Article 6, second paragraph

55. According to the 2018 multipurpose household survey, the economically active population is composed of 3,004,990 persons.

<sup>10</sup> <http://www.inclusion-social.gob.sv/wp-content/uploads/2017/11/POL%C3%8DTICA-P%C3%9ABLICA-DE-LAS-PERSONAS-ADULTAS-MAYORES-ESA-OCTUBRE-DE-2017.pdf>.

56. One per cent of this number are services workers, salespersons or market vendors, 23.8 per cent are unskilled workers and 14.5 per cent are craft and related trades workers. The urban underemployment rate is 33.2 per cent, with visible underemployment – where workers have insufficient hours – affecting 5.7 per cent and invisible underemployment affecting 27.6 per cent of the workforce.

57. In this context, the National Policy on Decent Work has a section that encourages transition to the formal economy by promoting the formation of formal, legally recognized microenterprises and providing financial support. In 2018, the Ministry of Labour and Social Security and representatives of various productive sectors and institutions signed a national pact for employment with a view to promoting such formalization.

58. In respect of the observation contained in paragraph 11 of the concluding observations, steps have been taken to generate employment opportunities through the formalization programme run by the national employment system and technical assistance and financial resources have been made available to enable workers to move out of the informal economy and into decent employment.

#### **Article 6, third paragraph**

59. Articles 55, 58 and 59 of the Labour Code provide that workers who are unfairly dismissed are entitled to compensation from their employer. Article 8 addresses dismissals of pregnant women and trade union leaders.

60. To uphold and enforce its employment legislation, El Salvador has a national system of labour inspectorates which mediates in individual and collective labour disputes and secures financial settlements for workers (see annexes 9 and 10).

61. The Directorate General for Labour Inspection has implemented a plan for monitoring women's labour rights. Between 2014 and 2017, it received 480 complaints alleging unfair dismissal of pregnant women (see annex 11), 70 of whom were reinstated in their jobs.

62. In the event of mass dismissals caused by the closure of a company's operations, the Ministry of Labour and Social Security conducts an inspection and provides mediation services with a view to securing a financial settlement for the affected parties.

63. In 2018, the Ministry conducted a total of 2,872 regular and repeat inspections, covering 69,793 workers, of whom 30,274 were women and 39,519 men. The inspections led to the recovery of \$437,019.74 (see annex 12) for redistribution to workers, including pregnant women (see annex 13).

#### **Article 6, fourth paragraph**

64. To improve young people's competitiveness and work skills, the Ministry of Labour and Social Security has to date awarded 1,340 study grants for office automation, English and specialized merchant seafarer training. In 2015, it signed a framework agreement with the Salvadoran Vocational Training Institute for inter-institutional cooperation to attune vocational training and job placement services to labour market needs. The two institutions have also implemented a programme for the comprehensive development of young people that is designed to foster their integration into working life and society.

65. Concerning the observation made in paragraph 9 of the concluding observations, the National Policy on Decent Work envisages affirmative action for persons with disabilities. Between 2014 and 2017, job centres assisted a total of 1,376 persons with disabilities, of whom 387 were women and 989 men. In the same period, 507 workplaces were fined for non-compliance with the Act on Equal Opportunities for Persons with Disabilities (see annex 14).

66. The Salvadoran Institute for the Rehabilitation of Persons with Disabilities organizes training programmes and job placements for persons with disabilities according to the requirements of the labour market. In recent years, it has provided vocational training for an average of 82 persons per year and job placement services for 42 persons, has supervised the progress of 50 workers and has conducted disability assessments for 700 persons, providing assistance of some form on 13,084 occasions overall.

## Article 7

### Article 7, first paragraph

#### *Subparagraph (a)*

67. The minimum wage is regulated and set in accordance with article 38 (2) of the Constitution and Title III, Chapter II of the Labour Code. Public sector workers, members of the armed forces, mayors of municipalities, independent and/or informal workers, domestic workers and construction workers whose wages are determined by the arbitral award accepted by the trade unions and the Salvadoran Chamber of Industry and Construction are exempted from the minimum wages that are established for certain categories of workers.

68. Regarding the observation contained in paragraph 13 of the concluding observations, Executive Decrees Nos. 5, 6, 7 and 8 provided for an increase in the minimum wage that benefited about 237,000 people (see annex 15). There is no reliable cost-of-living index at present but socioeconomic data from the Directorate General of Statistics and Censuses and the Central Reserve Bank, studies by the National Minimum Wage Council and wage proposals put forward by other sectors are all taken into account.

#### *Subparagraph (b)*

69. As reported in paragraph 67, minimum wages are established for certain categories of work. The National Minimum Wage Council is not considering alternative mechanisms, since it is for the Constitutional Division of the Supreme Court of Justice, at the request of the interested party, to examine the constitutional labour laws and order the Legislative Assembly to legislate and assign responsibilities for the creation of such mechanisms.

### Article 7, second paragraph

70. The Ministry of Labour and Social Security verifies compliance with the conditions established in labour laws for overtime and paid and unpaid leave (see annex 16).

71. To foster a balance between work and family life, El Salvador has a body of law that promotes shared responsibility for care, namely the Act on Promotion, Protection and Support for Breastfeeding; the amendment to article 309 of the Labour Code and articles 5 and 9 of the Act on Rest Days, Vacations and Leave for Public Sector Workers of 2015, which extended maternity leave to four months; the Special Act for the Regulation and Establishment of Employer-Sponsored Childcare Facilities of 2018; and the amendment to article 29 (6) (d) of the Labour Code to recognize paternity leave for a period of three days.

### Article 7, third paragraph

72. In 2016, the Ministry of Labour and Social Security conducted the “Equal Work, Equal Pay” and “Decent and Violence-Free Work for Women” campaigns, and, in 2017, it created The Gender Equality in the Workplace Alliance. The institutions participating in the Gender Equality Seal certification scheme have taken steps to help close the gender gaps in the workplace and the business environment.

73. To encourage employers to act in favour of equal pay for men and women, the Ministry of Labour and Social Security has launched a national wage gap plan for the industrial, commercial, services and agriculture sectors.

### Article 7, fourth paragraph

74. Article 165 of the Criminal Code and articles 5, 8, 10 and 25 of the Special Comprehensive Act on a Life Free from Violence for Women govern sexual and workplace harassment and the applicable penalties for such acts.

75. Cases of sexual harassment in the workplace, particularly in public institutions, must be addressed and punished in conformity with the Civil Service Act, and in application of the public administration’s power under article 14 of the Constitution to impose punishments.

76. Some 7.5 per cent of women reported having suffered violence in the workplace in 2018 and 23.4 per cent reported having encountered such violence at some time in their lives. The most frequent perpetrators were colleagues, employers and bosses, who were mentioned in 36.9 per cent, 21.7 per cent and 14.6 per cent of cases, respectively,<sup>11</sup> and 91.8 per cent of the violent acts were committed in the place where the women perform their work.

77. The authorities responsible for handling complaints from government workers have registered several cases of workplace harassment and sexual harassment. In 2017, the Supreme Court of Justice applied the Civil Service Act in respect of three complaints: in case No. AJ-97-06-15, an individual was suspended for one day without pay; in case No. AJ-104-07-15, an individual was given a private verbal warning; and in case No. AJ 162-07-15, no penalty was imposed as the claim was not substantiated. During the period 2014–2019, 10 disciplinary procedures for gender-based violence were referred to the Counsel General’s Office: in one case a person was suspended for 10 days without pay; in two cases the files were closed after the conclusion of the relevant procedure owing to lack of evidence; and seven cases are still being processed by the Office’s civil service committee. In 2016, the Attorney General’s Office followed up on penalty proceedings in five cases, three of which were for sexual harassment. Four cases of sexual harassment in the Ministry of Public Works and one case in the Ministry of Labour and Social Security have been examined and administrative penalties were handed down in each. Some public institutions have designed specific protocols and guidelines to address sexual harassment.

78. El Salvador has an institutional network of specialized support services for women experiencing violence, which is composed of the 126 helpline; the special unit for gender affairs and the prevention of discrimination in the labour market of the Ministry of Labour and Social Security; the specialized women’s support unit of the Counsel General’s Office; the specialized courts and the specialized chamber for a life free from violence for women; 19 local victim support offices run by the Ministry of Justice and Public Security; 101 special support units for women; and 21 National Civil Police teams tasked with investigating crimes against women.

#### **Article 7, fifth paragraph**

79. To give effect to the General Act on the Prevention of Workplace Hazards and its five implementing regulations, the Government has accredited 474 occupational health and safety committees, benefiting 21,268 workers. Between 2014 and 2017, the Ministry of Labour and Social Security fined 1,407 workplaces for non-compliance with health and safety requirements (see annex 17).

## **Article 8**

#### **Article 8, first paragraph**

##### *Subparagraph (a)*

80. Freedom of association is protected under articles 7 and 47 of the Constitution, article 204 et seq. of the Labour Code and chapter XI, article 73 of the Civil Service Act. Requirements for the formation of trade unions are laid down in articles 76 and 78 of the Civil Service Act and articles 204, 211 and 212 of the Labour Code, which apply to the public and private sectors.

81. In 2018, there were 346 registered trade unions, 110 in the public sector and 236 in the private sector (see annex 18).

##### *Subparagraph (b)*

82. As a State party to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), El Salvador recognizes that there can be no restriction on the establishment of federations or

<sup>11</sup> Salvadoran Institute for the Advancement of Women, *Informe sobre el Estado y Situación de la Violencia contra las Mujeres en El Salvador 2018*, p. 35.

confederations or on affiliation with international trade union organizations. Although the in-force Labour Code does not regulate this area, in the event of a conflict with secondary norms the provisions of the ILO Convention prevail.

83. The Ministry of Labour and Social Security monitors the functioning of associations, and 40 federations and 5 confederations were active in 2018 (see annex 18).

#### **Article 8, second paragraph**

84. Collective bargaining is regulated for private sector and independent workers under articles 480 to 545 of the Labour Code and for public sector workers under articles 111 to 158 of the Civil Service Act. In the private and independent sectors, the stages of the collective dispute procedure handled by the Ministry of Labour and Social Security are joint negotiation, conciliation, arbitration, and strike or stoppage. In the public sector, disputes are handled by the Civil Service Tribunal in three stages, namely joint negotiation, conciliation and arbitration.

#### **Article 8, third paragraph**

##### *Subparagraph (a)*

85. Regarding the recommendation contained in paragraph 14 of the concluding observations, strikes are regulated by article 48 of the Constitution and articles 528 and 551 of the Labour Code.

86. On the number of strikes declared illegal by first-instance courts and labour courts, both in the public and private sectors, the Supreme Court of Justice has registered 14 rulings in labour courts, 1 *amparo* ruling, 1 ruling of the Administrative Disputes Division, 3 rulings of unconstitutionality and 2 rulings of the Civil Division.

##### *Subparagraph (b)*

87. Pursuant to articles 546 and 547 of the Labour Code, competence for ruling on the legality or illegality of strikes lies with labour and first-instance court judges. Pursuant to article 553 (f) of the Code, strikes may also be declared illegal if the Ministry of Labour and Social Security finds in an inspection that less than 51 per cent of staff support strike action.

88. The right to strike of public sector trade unions is not addressed in the Civil Service Act, not even as a stage in collective bargaining processes.

##### *Subparagraph (c)*

89. Regarding the grounds for rulings in which strikes are declared illegal, article 48 of the Constitution lays down exceptions to the right to strike applicable to essential public services, while articles 532 and 553 (a) of the Labour Code establish the essential services, including public health and security services, that must continue to be provided. Article 547 provides that “the Attorney General may also be asked to rule on the legality or illegality of the strike ... when it affects public services or services essential to the community”.

### **Article 9**

#### **Article 9, first paragraph**

90. Article 50 of the Constitution states that social security constitutes a public service of obligatory character that is provided by various institutions offering different types of social protection to workers (including health and maternity insurance, occupational risk insurance, disability insurance, life insurance, retirement pensions and unemployment insurance) (see annex 19).

91. The Pensions Savings Scheme established pursuant to Legislative Decree No. 927 caters for private sector, public sector and municipal workers and is administered by pension fund management companies. At present, the Public Pensions Scheme continues to cater for persons born before 15 April 1962 who opted not to transfer to the Pensions Savings Scheme.

92. Following the reform of the Public Pensions Scheme, social security coverage in El Salvador extends to active contributors, pensioners, spouses, partners and children. Children up to the age of 12 years old are covered by the health scheme, while the scheme that provides disability, old-age and survivors' pensions covers them up to 21 years of age, if they are not studying, and up to 25 years if they are pursuing vocational or university studies.

93. In December 2017, there were 711,758 persons, of whom 403,815 were men and 307,943 women, contributing to the Pensions Savings Scheme and the Public Pensions Scheme. There are 179,284 pensioners, of whom 2,884 are drawing disability pensions, 113,695 old-age pensions and 62,705 survivors' pensions.

94. Regarding the recommendation contained in paragraph 15 of the concluding observations, the Government informs the Committee that the social security system is contributory but that in 2017 the Pensions Savings Scheme Act was amended to extend social security coverage pursuant to Legislative Decree No. 787 and that, as a result, in 2018 the Salvadoran Social Security Institute approved the incorporation of independent and self-employed workers into the health scheme. Article 9 of the Pensions Savings Scheme Act thus now provides that agricultural and domestic workers can be included in the system in accordance with the conditions and particular characteristics of their work; however, there is no obligation for either employers or workers to make contributions.

#### **Article 9, second paragraph**

95. Pursuant to article 145 of the Pensions Savings Scheme Act, the Ministry of Finance sets the minimum amount of the old-age and total or partial disability pension in each year's General State Budget Act, taking into account the relative change in average wages subject to pension contributions and the available central Government resources. Further to the amendment of the Pensions Savings Scheme Act, an actuarial committee was established that sets minimum pension amounts every three years and assesses the impact of changes in life expectancy and labour market conditions.

96. Pursuant to article 105 of the Pensions Savings Scheme Act, persons insured by the Salvadoran Social Security Institute who are permanently incapacitated receive a disability pension equivalent to 70 per cent of their average earnings, while disability pensions for partially incapacitated persons are 50 to 65 per cent of average earnings. Article 104 stipulates that the pension payable to workers upon reaching the age of 60 for men and 55 for women is 30 per cent of their base wage for the first three years of contributions plus 1.5 per cent for each additional year.

97. For persons insured by the National Civil Service Pensions Institute, the minimum amount of the disability, old-age and survivors' pensions is \$207.60 per month. The partial disability pension is \$145.32 per month, as established in article 3 of the Budget Act of 2017, which is in conformity with articles 145, 209 and 225 of the Pensions Savings Scheme Act.

#### **Article 9, third paragraph**

98. The Government has taken steps to guarantee social security for Salvadorans who are not enrolled in a contributory scheme. These include the universal basic pension, the basic solidarity pension for persons with disabilities, the cash allowance for pregnant women, the supplementary allowance for pregnant teenagers who return to school and the unemployment benefit for workers who have been made redundant, whereby persons who were enrolled in the contributory regime can receive hospital health care for at least three months after their employment ends.

99. The National Civil Service Pensions Institute administers the old-age and survivors' pensions of persons who belonged to the non-contributory civil service and retirement pensions scheme. The provisions of the National Civil Service Pensions Institute Act ensure that periods of non-contributory service prior to the establishment of the Institute are recognized.

**Article 9, fourth paragraph**

100. Social security is provided through a public-private system. According to Legislative Decree No. 787 of 2017, only persons who were required to transfer their pension rights to pension fund management companies and who had contributed to the Public Pensions Scheme prior to the reform of 1998 have the right to receive a transfer certificate for periods of contributory service in the public or private sectors.

**Article 9, fifth paragraph**

101. Article 200 of the Pensions Savings Scheme Act sets the minimum age for an old-age, disability or death (survivor's) pension at 55 for women and 60 for men. This is not an obstacle to enjoyment of the right to social security, as guaranteed by article 50 of the Constitution, since article 200 of the Act stipulates that beneficiaries must have accrued at least 25 years' contributory service, regardless of their sex.

102. Legislative Decree No. 187, amending the Pensions Savings Scheme Act, states that the pension for women will be calculated assuming a post-retirement life expectancy of 20 years, as compared with 30 years previously.

103. Independent or self-employed workers have been able to enrol in the special health scheme of the Salvadoran Social Security Institute since May 2018. As of September 2019, there were 1,061 independent workers with individual cover and 1,871 independent workers with family cover.

**Article 9, sixth paragraph**

104. A special contributory regime for Salvadorans residing abroad, entitled the Health 503 (Salud 503) Programme, was approved in 2017. As at September 2019 it had 128 members.

**Article 10****Article 10, first paragraph**

105. Article 32 of the Constitution and article 7 of the Family Code afford protection for the family and marriage. The Family Court Procedure Act establishes the legal regime governing the family and family members' relationships with society and State bodies.

106. Article 15 of the Aliens Act regulates the marriage of foreign nationals. Article 20 (f) of the Panchimalco Ordinance establishes the freedom of indigenous women to "choose their partner freely".<sup>12</sup>

107. In 2017, the Legislative Assembly adopted an amendment to article 14 of the Family Code on the prohibition of marriage between minors or between children and adults that establishes an absolute ban on such unions.

**Article 10, second paragraph***Subparagraph (a)*

108. El Salvador has introduced the following legislation and social measures to ensure systematic care and support for families and children: extended maternity leave for women working in the public and private sectors; the Act on Promotion, Protection and Support for Breastfeeding; the Special Act for the Regulation and Establishment of Employer-Sponsored Childcare Facilities; the 2017 poverty eradication strategy; the cash allowance for pregnant women; the supplementary allowance for pregnant teenagers who return to school; and a draft policy on social co-responsibility for caregiving.

*Subparagraph (b)*

109. To make it easier for older persons to gain access to health, education, accessible infrastructure, non-contributory pensions, recreational activities and other benefits, El

<sup>12</sup> *Diario Oficial*, vol. 407, No. 61 (April 2015), p. 10.

Salvador also introduced the Older Adults' Rights (Nuestros Mayores Derechos) Programme, the universal basic pension and the Comprehensive Care for Older Persons Programme.

110. To support persons with disabilities, the Social Investment Fund for Local Development has created a social protection scheme (including rural and urban universal basic pensions), benefiting 1,761 persons with disabilities in rural areas and 471 persons with disabilities in urban areas. Since September 2018, the basic solidarity pension for persons with disabilities has benefited 3,200 people in 30 municipalities with extreme poverty. A health and education voucher is provided to children with disabilities in urban and rural areas and accessible infrastructure projects have been implemented in the framework of the Community Solidarity Programme.

#### **Article 10, third paragraph**

##### *Subparagraphs (a) and (b)*

111. El Salvador has extensive legislation protecting the labour rights of pregnant women: article 42 of the Constitution; article 110 of the Labour Code, which prohibits the assignment to pregnant women of work requiring a physical effort incompatible with their condition; and article 113 of the Labour Code, which prohibits dismissal during pregnancy and for six months after maternity leave (which lasts for four months after birth).

112. In 2018, the Legislative Assembly amended article 113 of the Labour Code, article 29 (m) of the Civil Service Act and Article 9 of the Act on Rest Days, Vacations and Leave for Public Sector Employees in order to extend the employment guarantee for women after their maternity leave, who henceforth will enjoy this legal protection for six months.

113. With regard to unfair dismissals of pregnant women, the Ministry of Labour and Social Security has secured the reinstatement of 70 women workers (see annex 20).

114. Workers paying contributions to the Salvadoran Social Security Institute and their wives and partners receive medical benefits during pregnancy, childbirth and puerperium and a daily allowance equivalent to 100 per cent of the base wage. In addition, during the first six months after childbirth, breastfeeding mothers are entitled to a one-hour break per day and to have access to an adequate space to express and store milk. There are 213 breastfeeding rooms nationwide.

##### *Subparagraph (c)*

115. Legislative Decrees No. 332 and No. 335 provide for three days of paid paternity leave for birth or adoption.

#### **Article 10, second paragraph**

##### *Subparagraph (a)*

116. Article 38 (10) of the Constitution (second section, on labour and social security) and article 59 of the Child and Adolescent Protection Act (chapter II, on the protection of adolescent workers) set the minimum age for employment in any type of work at 14 years, provided that the adolescent's rights are respected and that the work does not compromise his or her access and right to education.

117. There are no provisions penalizing the employment of children in the Criminal Code, except in cases where sexual and commercial exploitation and trafficking in persons are involved, which offences are penalized under articles 367-B (trafficking in persons) and 367-C (aggravating circumstances for the offence of trafficking in persons).

118. Article 70 of the Child and Adolescent Protection Act states that any person may file a complaint with the Child and Adolescent Protection Boards and with the Ministry of Labour and Social Security in the event that the rights or the judicial protection of child and adolescent workers are violated or under threat. Article 71 of the Act stipulates that the courts and tribunals are competent to hear cases in which the labour rights of children and adolescents are threatened or violated.

119. With regard to the observation made in paragraph 16 of the concluding observations, the National Action Plan (see annexes 21 and 22)<sup>13</sup> of the National Policy on Comprehensive Protection for Children and Adolescents 2013–2023<sup>14</sup> is designed to prevent and mitigate situations of child vulnerability and to protect children and adolescents in both rural and urban areas who are facing such situations.

120. The Ministry of Labour and Social Security has been running a continuous child labour monitoring programme since 2014 and has conducted 4,080 inspections in the period to 2017 (see annex 23).

121. Measures implemented by the Ministry of Education, Science and Technology include: an accelerated education programme for the schooling of child and adolescent workers who have been out of the education system; an inclusive full-time attendance model to increase opportunities for extracurricular activities; the SCREAM programme, introduced in 2016 and designed to actively engage adolescents and young people in the fight against child labour through education, the arts and the media; and a protocol for responding to violations of children's rights with a view to preventing child labour.

122. In 2015, a total of 15,499 cases in which children's and adolescents' rights appeared to have been violated or to be under threat were referred to the Child and Adolescent Protection Boards. The Boards issued 15 orders for the protection of minors and restitution of their rights, which included orders for the cessation of employment or dangerous work and for their enrolment in school.

*Subparagraph (b)*

123. In 2015, the Ministry of Economic Affairs undertook a survey on the nature and extent of child labour in the country (entitled *Magnitud y características del trabajo infantil en El Salvador*), which revealed a 14.2 per cent decrease in child labour in the period 2011–2015, with 23,245 children and adolescents being removed from child labour, as well as a study of the child labour situation on Isla Madre Selva. A road map for making El Salvador a country free from child labour, including its worst forms, was issued in 2017.

124. By means of the National Action Plan 2014–2017, through which the National Policy on Comprehensive Protection for Children and Adolescents 2013–2023 is implemented,<sup>15</sup> the authorities monitor and evaluate strategies pursued and actions taken to prevent and mitigate situations of child vulnerability and to protect children and adolescents in both rural and urban areas who are experiencing such situations.

*Subparagraph (c)*

125. The Ministry of Labour and Social Security, through Ministerial Decision No. 241, has published a list of dangerous activities and occupations that may not be performed by children or adolescents as well as an inter-agency protocol for the prevention of child labour and the removal of children and adolescents from situations of child labour.

**Article 10, fifth paragraph**

126. Legislation to protect older persons in El Salvador includes the Domestic Violence Act; a bill on older persons (presented in 2015); the State Policy for Older Persons (launched in 2017); and a draft national care policy that defines shared responsibilities for the care of older persons.

127. In 2017, the Attorney General's Office adopted a protocol for the provision of legal assistance and psychosocial support to persons experiencing violence – especially children, adolescents, women and other vulnerable groups – that encompasses care and protection for older persons. An awareness-raising programme aimed at ending the use of physical and pharmacological restraints on older persons in care homes, residential facilities and

<sup>13</sup> [http://www.sipi.siteal.iipe.unesco.org/sites/default/files/sipi\\_intervencion/el\\_salvador\\_plan\\_nacional\\_de\\_accion.pdf](http://www.sipi.siteal.iipe.unesco.org/sites/default/files/sipi_intervencion/el_salvador_plan_nacional_de_accion.pdf).

<sup>14</sup> [http://www.sipi.siteal.iipe.unesco.org/sites/default/files/sipi\\_intervencion/el\\_salvador\\_politica\\_de\\_proteccion\\_integral\\_a\\_la\\_ninez\\_y\\_adolescencia.pdf](http://www.sipi.siteal.iipe.unesco.org/sites/default/files/sipi_intervencion/el_salvador_politica_de_proteccion_integral_a_la_ninez_y_adolescencia.pdf).

<sup>15</sup> Available at <http://www.conna.gob.sv/?wpdmpro=plan-nacional-de-accion-de-la-pnpna-2014-2017>.

hospitals was also launched in 2017 and, in 2018, El Salvador acceded to the Inter-American Convention on Protecting the Human Rights of Older Persons.

**Article 10, sixth paragraph**

128. As at 2016, the Commission for the Determination of Refugee Status had granted refugee status to 49 applicants.

129. The Special Act on Migration and Aliens of 2019, which is implemented by the Directorate General for Migration and Alien Affairs, provides that residence may be granted on humanitarian grounds and to protect migrants' human rights.

130. To protect migrants and their families, the Directorate for Migrant Care was established in 2016; the National Policy for the Protection and Development of Salvadoran Migrants and their Families was adopted in 2017; a comprehensive reintegration programme was implemented for Salvadoran returnees; and help desks for returnees have been opened that have facilitated the reintegration of 2,606 migrants.

131. In 2017, the Directorate General for Migration and Alien Affairs and the Ministry of Justice and Public Security drafted a transitional bill on the regularization of migration of people of Central American origin, which is currently before the Legislative Assembly. The Directorate General has also signed a cooperation agreement with the Ministry of Labour and Social Security for granting temporary residence and work permits.

**Article 10, seventh paragraph**

*Subparagraph (a)*

132. In terms of legislation to penalize acts of domestic violence, El Salvador relies on the Domestic Violence Act (notably article 7). Articles 9, 10, 23 and 42 of this Act have been amended to prolong the periods during which measures to protect women victims and their families remain in place and to enhance follow-up of such measures.

133. Domestic violence is also addressed under article 200 and the amended articles 38, on precautionary or protection measures, and 338-A, on disobedience in cases of domestic violence, of the Criminal Code and in the amended article 38 of the Child and Adolescent Protection Act, which contains provisions to protect girls and adolescents who are mothers, who are pregnant or who are victims of violence and to prevent discrimination against them.

134. Specific protection for women's rights is provided through the amended article 4 (b) of the Special Comprehensive Act on a Life Free from Violence for Women and the additional article 56-A of the law on the establishment of specialized courts for a life free from violence and discrimination for women (Decree No. 286),<sup>16</sup> and by the multidisciplinary teams created to hear cases involving the offences set forth in the Act.

135. The Supreme Court of Justice registered 8,581 cases of domestic violence involving 708 girls and 7,873 women in 2015; 8,667 cases involving 651 girls and 8,016 women in 2016; and 9,753 cases involving 657 girls and 9,096 women in 2017.

136. For figures on domestic violence cases brought before the courts, see annex 24. In 2017, the specialized courts and the specialized chamber for a life free from violence for women registered 60 criminal cases, 2 protection measures ordered following offences under the Special Comprehensive Act, 28 protection measures ordered due to domestic violence and 11 cases involving diagnostic assessment.

137. The Attorney General's Office reported an average of 14,395 complaints of violence against women per year between 2014 and 2018, of which 5,482 related to sexual violence. During the same period, final judgments were handed down in 3,605 sexual violence cases, with 2,423 convictions and 1,182 acquittals (see annex 25).

138. Regarding the observation about gender-based violence made in paragraph 17 of the concluding observations, El Salvador has a national support system for women experiencing violence composed of 101 special support units for women, various women's

<sup>16</sup> Available at: <https://www.asamblea.gob.sv/decretos/details/2709>.

shelters, 12 local victim support offices and the specialized courts for a life free from violence.

139. See annexes 26 and 27 for information on the number of women assisted by the special support units for women and the number of cases heard by the specialized courts for a life free from violence and discrimination for women.

140. By the end of 2018, 80 per cent of institutions in the three branches of government were implementing at least two public policy instruments for a life free from violence for women, 115 municipal governments had established committees for the prevention of violence, and 86 municipal governments had developed violence prevention plans.

141. In May 2018, the Salvadoran Institute for the Advancement of Women launched a strategy for the prevention of femicide and sexual violence. In coordination with other State bodies, it has also carried out awareness-raising and sensitization activities for the prevention of violence against women (see annex 28). El Salvador has been selected as one of the five Latin American countries in which the Spotlight Initiative will be implemented. The Initiative will entail integrated interventions focusing on six areas: legislative and public policy frameworks; institutional capacity-building; prevention and social norms; provision of high-quality essential services; data availability; and support for women's movements.

*Subparagraph (b)*

142. El Salvador has an action plan for giving effect to the National Policy on Access to a Life Free from Violence for Women in the period 2016–2021 which provides a tool for the prevention, detection, treatment and punishment of violence against women. It also has a national support system for women experiencing violence and 101 special support units for women experiencing gender-based violence.

143. As at 2018, the judicial authority was running six psychosocial support centres, providing assistance to 60,161 victims referred to them by courts throughout the country.

*Subparagraph (c)*

144. Between 2014 and 2017, the Supreme Court of Justice organized 58 training courses on domestic violence, the elimination of discrimination against women, forensic medical appraisals in sexual offence cases, victim support and the comprehensive protection of children and adolescents. Similarly, the training school on the rights of children and adolescents within the Salvadoran Institute for Comprehensive Child and Adolescent Development has run courses on the prevention of violence against children and adolescents for the personnel of the national system for the comprehensive protection of children and adolescents.

145. The Substantive Equality Training School of the Salvadoran Institute for the Advancement of Women provides specialized training on gender inequality.

146. Campaigns highlighting the importance of preventing violence against women have been organized to raise awareness among the public in general (see annex 29).

**Article 10, eighth paragraph**

*Subparagraph (a)*

147. Trafficking in persons is penalized under the Special Act against Trafficking in Persons (2014) and through the National Policy on Trafficking in Persons.

148. The offence of trafficking in persons is defined in article 367-B of the Criminal Code, with aggravating circumstances set forth under article 367-C. Article 31 of the Act on Equality, Equity and the Elimination of Discrimination against Women provides for the protection and social inclusion of women in situations of domestic and transnational trafficking. Article 57 of the Special Comprehensive Act on a Life Free from Violence for Women also establishes safeguards for victims of trafficking.

149. The Supreme Court of Justice reports that, between 2015 and 2017, its Criminal Division registered six cases of trafficking. Judgments have been handed down in two cases, two cases were ruled inadmissible and two cases are pending (No. 195C2017 on aggravated

trafficking in persons and No. 266C2017 on trafficking in persons, both from 2017). At the municipal court level, six cases of trafficking in persons were reported during the same period.

150. The Supreme Court of Justice also reports that it has opened 16 criminal case files in response to letters rogatory related to trafficking offences received from the Dominican Republic (2), Peru (2), the United States (2), Guatemala (3), Honduras (2) and Mexico (5).

*Subparagraph (b)*

151. The aim of the National Plan against Trafficking in Persons 2009–2012 is to take steps to eradicate all forms of slavery, exploitation and servitude that compromise human dignity.

152. The Salvadoran Institute for the Advancement of Women runs a specialized shelter for women victims of trafficking. The Salvadoran Institute for Comprehensive Child and Adolescent Development administers a protection programme for child victims of sexual exploitation and trafficking in persons and a specialized shelter for girls where they receive health care, psychological support, food, clothing and legal assistance. Other institutions have participated in the Blue Heart Campaign and in the “The Paths of Life Are not Always as You Imagine” (Los caminos de la vida no son siempre los que imaginas) regional campaign.

153. The National Council on Trafficking in Persons has prepared guidelines, handbooks and protocols on support for trafficking victims for use by the Foreign Office of El Salvador, as part of its efforts to prevent and combat trafficking in persons.

## Article 11

### Article 11, first paragraph

154. The methodologies used to measure poverty in El Salvador include traditional income-based measures. The 2018 multipurpose household survey found that 26.3 per cent of households were poor, with 5.7 per cent living in extreme poverty and 20.6 per cent living in relative poverty<sup>17</sup> (see annex 30).

155. Multidimensional poverty measurement methodologies, in which five key indicators of quality of life are considered, are also used (see annex 31).

156. In 2018, multidimensional poverty affected 537,826, or 28.8 per cent, of Salvadoran households, equivalent to 2,247,165 residents. In urban areas 17.1 per cent of households were living in poverty and in rural areas 48.9 per cent of households.<sup>18</sup>

157. Regarding the observation made in paragraph 19 of the concluding observations, the National Plan for Social Development, Protection and Inclusion for the period 2014–2019 was developed to implement the Social Development and Protection Act and encompasses various assistance programmes designed to benefit persons in situations of poverty, vulnerability, exclusion and discrimination.

158. The Government’s poverty eradication strategy was outlined in Executive Decree No. 28 of 2017.<sup>19</sup> Its aim is to progressively eradicate extreme poverty by promoting the full exercise of rights and social protection.

159. The Social Investment Fund for Local Development (now the Ministry of Local Development) and the Office of the Deputy Minister of Housing and Urban Development (now the Ministry of Housing), in partnership with municipalities and other government institutions, have carried out basic social service infrastructure improvement projects that are benefiting families living in the poorest rural communities.

160. In 2016, 61,860 families received health-care and education vouchers under the rural communities component of the Community Solidarity Programme (equivalent to \$7.38 million), 6,175 young people from 15 municipalities received education vouchers under the

<sup>17</sup> 2018 multipurpose household survey, pp. 48–50.

<sup>18</sup> *Ibid.*, pp. 57–59.

<sup>19</sup> *Diario Oficial*, vol. 415, No. 106 (9 June 2017).

urban communities component (\$208,000), and 31,818 older persons in 111 municipalities participating in the Programme, including victims of serious rights violations, received the universal basic pension (\$8.9 million).

161. Social inclusion policies implemented by the Government include the National Policy on Intercultural Health, which seeks to harness ancestral knowledge. The Ministry of Agriculture is implementing the Rural Territorial Competitiveness Programme, with the participation of indigenous peoples, and the Special Property Regime Act, which covers land owned by cooperative, communal and small farming community associations and the beneficiaries of agrarian reform. The Act on the Promotion, Protection and Development of the Handicrafts Sector was adopted in November 2016.

162. For disaggregated statistical data on indigenous peoples and measures taken to combat poverty, the Government can draw on the subsystem for following up on and monitoring the goals and targets set in the National Plan for Social Development, Protection and Inclusion,<sup>20</sup> the central register of social programme beneficiaries, the family records information system maintained by the Ministry of Health, the national observatory of the education system, and the multipurpose national agricultural survey, all of which provide disaggregated data on indigenous peoples.

#### **Article 11, second paragraph**

##### *Subparagraph (a)*

163. The National Plan for Social Development, Protection and Inclusion and the poverty eradication strategy (see paragraphs 157–161) have benefited families living in poverty by encouraging skills development, providing income and social and family support, promoting financial education and inclusion as well as productive inclusion, and enhancing social infrastructure.

164. The main mechanisms for monitoring the implementation of plans are the central register of social programme beneficiaries and the subsystem for following up on and monitoring plans and policies (see para. 162).

##### *Subparagraph (b)*

165. The poverty eradication strategy gives priority to households that include children, pregnant women, students, persons with disabilities and older persons.

166. During the reporting period, the Government implemented: a programme for the provision of school supplies, shoes and uniforms; a programme to promote nutrition and health at school; a temporary income support programme; the Women's City Programme; the Older Adults' Rights (Nuestros Mayores Derechos) Programme; a universal basic pension for dependent persons with severe disabilities; a family farming programme; a programme to guarantee universal health-care access and coverage; a housing access and improvement programme; basic social infrastructure improvements; integrated early childhood services; the youth employability programme; the Children and Youth of the Future (One Child, One Computer) Programme; the national care system; cash allowances for pregnant women; and the supplementary allowance for pregnant teenagers who return to school.

167. Regarding the observation made in paragraph 8 of the concluding observations, the Government conducted a comprehensive tax policy reform with the aim of making the tax system more efficient. As a result, tax revenues increased from 16.1 per cent of GDP in 2009 to 18.1 per cent of GDP in 2017 (Central Reserve Bank, 2018).

168. One notable tax reform was the introduction of two special taxes intended to finance public security: (a) the Special Contribution for Citizen Security and Harmonious Living, adopted pursuant to Legislative Decree No. 62, which is levied on the purchase and/or use of telecommunications services (and which brought in revenues of \$2.0 million, \$48.5 million and \$48.9 million in 2015, 2016 and 2017, respectively); and (b) the Special Contribution for Major Taxpayers, adopted pursuant to Legislative Decree No. 61.

<sup>20</sup> [http://190.5.135.86/KPI/es/0/BSS/Home/Kbscdash\\_Show?persp=%20%20%20%204](http://190.5.135.86/KPI/es/0/BSS/Home/Kbscdash_Show?persp=%20%20%20%204).

169. Tax and customs administration capacity has been strengthened through amendments to the Tax Code aimed at combating tax avoidance and evasion. The Legislative Assembly adopted the Act on Fiscal Responsibility in 2016 and amendments to the original text in 2018.<sup>21</sup>

#### **Article 11, third paragraph**

170. Advances in food availability and the nutritional status of the population in general have included increased food production and reduced dependence on imports of beans and basic grains such as maize. The National Council on Food and Nutrition Security reported that between 2011 and 2018 the production gap for beans narrowed from 30.1 per cent to 29.4 per cent, while for maize the gap narrowed from 33.6 per cent to 32.9 per cent.

171. The programmes that have contributed most to increased food availability are the family farming programme, which links up different production sectors and processes through its various components (food and nutrition security, production chains, agricultural innovation, links with trade and industry), and the national policy for productive development, diversification and transformation, which is designed to boost production in order to meet local and international demand in sectors with comparative advantages, to develop and diversify export markets, to channel resources towards high value added activities and to improve labour productivity.

172. The Ministry of Agriculture is responsible for implementing the climate change policy for the agriculture, forestry, fishing and aquaculture sector, although the Ministry of the Environment and Natural Resources leads implementation of the National Climate Change Plan. The National Council on Food and Nutrition Security has organized forums to analyse climate change forecasts and their potential impact on food and nutrition security.

173. With regard to the recommendation contained in paragraph 20 of the concluding observations, the Government has launched the National Food Security and Nutrition Policy 2018–2028 and the Legislative Assembly is considering a bill on food and nutrition security and sovereignty.

174. With regard to preventing and combating child malnutrition, a multiple indicator cluster survey conducted among children under the age of 5 years old recorded a drop in the rate of chronic malnutrition, or stunting, from 19.2 per cent in 2008 to 13.6 per cent in 2014. The fourth national census of the height of first-grade pupils showed that the proportion of stunted children had fallen by over 6 percentage points from 15.5 per cent in 2007 to 9 per cent in 2016.

175. The Act on Promotion, Protection and Support for Breastfeeding and the National Policy on Early Childhood Education and Development have had a positive impact on child nutrition. The Ministry of Education, Science and Technology, for its part, has implemented a nutrition and health at school programme, through which food is delivered to more than 1.2 million preschool to secondary-level students in rural and urban areas.

176. The Ministry of Health has accredited 153 health facilities as mother- and child-friendly, has established three human milk banks and has opened 46 human milk collection centres for premature and low birth weight newborns.

177. The Social Investment Fund for Local Development is running a programme to provide baby food and fortified beverages for pregnant women in 100 municipalities that participate in the rural communities component of the Community Solidarity Programme and a social protection scheme in 149 municipalities. To prevent stunting, it distributes nutrition vouchers in communities living close to or below the poverty line (72 municipalities) and provides nutritional care for boys and girls aged between 6 months and 9 years old who are identified as having moderate or severe acute malnutrition in 14 municipalities.

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<sup>21</sup> <http://www7.mh.gob.sv/pmh/es/Novedades/10256-Asamblea-aprueba-reformas-a-Ley-de-Responsabilidad-Fiscal.html>.

**Article 11, fourth paragraph**

178. The National Council on Food and Nutrition Security and the Ministry of Health have developed a plan for the prevention of obesity and overweight, focused on changing eating behaviours and encouraging healthy lifestyles. The Ministry of Health has developed a national strategic multisectoral plan to comprehensively address overweight and obesity for the period 2017–2021 and has a multisectoral education and social communication strategy to promote appropriate eating behaviours and physical activity among the general public, with a view to reducing malnutrition-related problems.

179. The Ministry of Health and the Consumer Protection Authority have drafted regulations on healthy nutrition in school shops and cafés and a guide to snacks in schools. In 2018, the Ministry of Education, Science and Technology implemented a project on school gardens and healthy school environments, benefiting 1,755 schools, as well as the National Teacher Training Plan, which has a focus on developing knowledge of nutrition principles and healthy diets.

**Article 11, fifth paragraph**

180. Concerning measures taken to promote equality of access by the most vulnerable population groups to food, land, credit, natural resources and technology, between 2014 and 2018 the Salvadoran Agrarian Reform Institute awarded title deeds to farmland or residential plots to 29,253 rural families, with 47 per cent of recipients being women.

181. The Institute’s agricultural development programme provides inputs for the diversification of family gardens, tilapia farming and poultry and cattle vaccination. The Institute also runs a backyard poultry project for vulnerable women, providing environmentally friendly training and technical assistance that benefited 153,390 persons, 51 per cent of whom were women, between 2014 and 2018. Between June 2009 and May 2017, a total of 65,163 land title deeds were issued to campesinos (26,212 women and 38,951 men) under the Land Transfer and Legal Certainty Programme.

182. During the period 2014–2017, the Property Legalization Institute issued title deeds to 8,966 families. Some 67 per cent of the deeds were registered in the names of female heads of household, while 33 per cent were registered to men. The beneficiary families are part of communities where in situ projects are under way and are living on old streets in disuse or along former railway lines.

183. Between 2018 and 2019, the Ministry of Agriculture made technology for sustainable food production available to 65,196 farmers and distributed 731,513 agricultural packages to ensure the supply of basic grains. Technology and technical assistance were provided to 991 fruit producers and 1,053 vegetable producers, and 18,393 persons received technical assistance or benefited from projects addressing food security, climate change adaptation, leadership and gender awareness, eradication of the worst forms of child labour, social infrastructure and organizational strengthening.

184. Measures specifically for women include those taken under the Women’s Banking (Banca Mujer) Programme, which has provided loans, guarantees and training for more than 16,500 female entrepreneurs since 2017. Women also received 86.4 per cent of the loans granted by the Family Microenterprise Solidarity Fund and 31.7 per cent of the financial services provided by the Agricultural Development Bank. As at June 2017, women’s share of housing loans granted by the Social Fund for Housing had risen to 44 per cent. Similarly, the National Public Housing Fund has granted 56 per cent of its loans and 68 per cent of its social housing subsidies to female heads of household.

185. In 2017, women received 47 per cent of the title deeds to farmland or residential plots issued by the Salvadoran Agrarian Reform Institute and 51 per cent of participants in agricultural development programmes were women. The Ministry of Agriculture has delivered 46,484 agricultural packages to families affected by climate change. In 2018, women accounted for 43 per cent of participants in the agricultural package programme, under which they received 247,408 packets of seeds to grow maize, beans and sorghum. The Ministry also provided technical assistance and training on subjects related to agriculture, forestry, fisheries and aquaculture, with women accounting for 38 per cent of beneficiaries, and the National Centre for Agricultural and Forestry Technology provided

agricultural technical assistance to 1,170 female beneficiaries of the Women's City Programme.

**Article 11, sixth paragraph**

186. In El Salvador, the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security are an actively applied tool taken into account in the formulation of laws and public policies that are given effect through political, institutional and programming instruments. Such is the case with the above-mentioned laws and programmes in the sphere of social protection.

**Article 11, seventh paragraph**

*Subparagraph (a)*

187. According to the Directorate General of Statistics and Censuses, 95.8 per cent of urban households and 77.1 per cent of rural households have access to a piped water supply.<sup>22</sup> In 2018, the production output of the National Water Supply and Sewerage Administration (ANDA) was 382.6 million cubic metres, of which 183.8 million were supplied to the Metropolitan Area of San Salvador, 82.8 million to the central region, 75.9 million to the western region and 40.1 million to the eastern region.<sup>23</sup>

188. Based on the Directorate's municipal population forecasts for the period 2005–2025, in 2018 ANDA was providing water supply services to 90.2 per cent (3,788,252 people) and sewerage services to 66.8 per cent (2,807,429 people) of an urban population numbering 4,201,167 inhabitants.

189. ANDA is implementing strategic projects to improve national drinking water coverage, including: the renovation of the Las Pavas drinking water treatment plant, expected to benefit more than 500,000 households in the greater San Salvador area for the next 25 years; the first phase of a project to replace drinking water and wastewater pipes in La Libertad and San Salvador, is expected to reduce the percentage of unbilled water by eliminating leaks; a nationwide programme to improve energy efficiency in pumping systems; and other water and sanitation projects.

*Subparagraph (b)*

190. Regarding the percentage of households without access to sufficient and safe water, in 2018, according to ANDA, 9.8 per cent of the urban population had no connection to the water supply while 32.2 per cent had no connection to sewerage (see annex 32).

*Subparagraph (c)*

191. Regarding the progress of efforts to guarantee water supply services, the Government has prepared a draft general water act, which, in accordance with the Committee's recommendation (paragraph 20 of the concluding observations), is being studied by the environment and climate change committee of the Legislative Assembly. ANDA has been working in partnership with rural water boards and the social organizations that make up the El Salvador Water Forum (Foro del Agua El Salvador) with a view to achieving legislative agreement on the adoption of the draft general water act.

192. In 2015, ANDA prepared the first national cadastre and analysis of water supply systems not under its administration, thereby providing the basis for the development of the National Drinking Water and Sanitation Plan. The Plan's objective is to ensure full and permanent access to drinking water and sanitation services for the entire population.

193. The Ministry of the Environment and Natural Resources has adopted special regulations for the management, use and protection of water and aquatic ecosystems and a national plan for integrated water resources management to monitor the availability and quality of water. It also administers a water information system – a computational tool that collates all the information generated in the implementation of the National Plan and makes it accessible to key stakeholders and the general public.

<sup>22</sup> 2018 multipurpose household survey, p. 43.

<sup>23</sup> National Water Supply and Sewerage Administration, 2018 activities report, p. 28.

*Subparagraph (d)*

194. The National Drinking Water and Sanitation Plan was launched in 2018. At the regional level, El Salvador is a member of the Water and Sanitation Forum of Central America and the Dominican Republic and was involved in drafting the Regional Framework Law on the Human Right to Drinking Water and Sanitation, a regional instrument intended to integrate the human right to drinking water and sanitation into the legislative frameworks of member countries.

195. The drinking water treatment services provided by ANDA conform to national and international quality standards. For quality control, ANDA has a central laboratory with ISO/IEC 17025:2005 accreditation, has invested \$600,000 in analytical instruments capable of measuring 90 per cent of all parameters required by the Salvadoran standard for drinking water and conducts research into pollutants found in ground and surface water.

196. ANDA has a further three quality control laboratories and five processing laboratories at the Las Pavas drinking water treatment plant, a research and development laboratory and a comprehensive training centre for water systems operators. It has received the AquaRating certification for the period 2018–2021, having complied with the evaluation and auditing process implemented by the Inter-American Development Bank and the International Water Association (see annex 33).

197. Using the water information system, the Ministry of the Environment and Natural Resources has developed a database containing geographical information on sampling sites (rivers, lakes and lagoons). It continues to implement the National Plan for Integrated Water Resource Management, which is used to define biological indicators for determining water quality.

**Article 11, eighth paragraph**

198. ANDA and the Ministry of Education, Science and Technology are implementing the “Water Superheroes” programme, an educational campaign intended to raise awareness of water conservation and protection among students. In 2018, 217 visits to schools, communities and media outlets throughout the country were organized as part of the campaign.<sup>24</sup> The Ministry is also developing content on the protection of water sources and methods of reducing water waste for inclusion in the national curriculum. The Salvadoran Agrarian Reform Institute has trained its staff about the human right to water and has organized nine forums in rural areas in coordination with female community leaders and with the broad participation of local actors.

**Article 11, ninth paragraph**

199. According to data from the 2018 multipurpose household survey,<sup>25</sup> 2.6 per cent of Salvadoran households are living in inadequate housing (understood to mean a room in a lodging house, a room in a house, a makeshift house or a hut or shack).

200. The survey also found that 23.3 per cent of households are living in structurally unsafe homes (understood to mean those constructed predominantly out of adobe, sheet metal, wattle and daub, wood, straw or palm, or waste materials) (see annex 34), while 40.9 per cent of households – 57.0 per cent of rural and 31.5 per cent of urban households – live in overcrowded conditions.

201. Regarding access to basic services, 97.0 per cent of Salvadoran households have access to electric lighting; 88.9 per cent have a piped water supply; and 94.9 per cent have access to either indoor or outdoor sanitation facilities.

202. In the period from June 2018 to May 2019, 106,518 Salvadorans (the equivalent of 29,024 families) were allotted government housing, thanks to an investment of \$137.39 million. The Government has applied various solutions for housing and complementary infrastructure in informal urban settlements, including land regularization and legalization. Between 2014 and December 2018, it helped 114,801 Salvadorans (31,281 families) to access housing by investing \$517.01 million in direct loans and housebuilding. It also

<sup>24</sup> National Water Supply and Sewerage Administration, 2018 activities report, p. 20.

<sup>25</sup> 2018 multipurpose household survey, pp. 39–44.

invested \$160.55 million in measures to improve the living conditions of 80,666 Salvadorans (21,980 families).

### **Article 11, tenth paragraph**

#### *Subparagraph (a)*

203. Regarding the recommendation contained in paragraph 18 of the concluding observations, 29,024 families were allocated government housing between June 2018 and May 2019, thanks to an investment of \$137.39 million. The Government also provided support to 13,142 families for the improvement of housing and infrastructure, while the Property Legalization Institute issued title deeds and regularized plots belonging to 4,918 families, thus providing them with legal certainty.

204. From June 2018 to May 2019, the Social Fund for Housing provided housing solutions to 19,851 Salvadorans, meaning that the equivalent of 5,409 families were able to access and enjoy a home of their own or make improvements to their existing home.<sup>26</sup> The Fund achieved this by providing loans and selling extraordinary assets (recovered housing). Women received 50.4 per cent of these loans. The Fund's total investment amounted to \$92.43 million.

205. Overall, 6,700 loans, totalling \$190.36 million, have been granted for the purchase of new homes. Under the Nearby Homes (Vivienda Cercana) Plan, aimed at Salvadorans living abroad, 793 families received loans totalling \$27.11 million; the Capital Contribution and Credit Programme, for workers with variable incomes, benefited 1,232 families, to the tune of \$29.71 million; while 5,042 young people aged 18 to 25 years old received housing loans totalling \$95.28 million under the Homes for Youth (Casa Joven) Programme. Under the Social Housing (Vivienda Social) Programme launched in 2017 for people unable to afford housing, 599 loans were agreed, benefiting 751 families, with \$6.24 million invested in 2017–2018. A further 48 loans were granted under the Homes for Women (Casa Mujer) Programme, for an outlay of \$790,000 in 2018.

206. Loans for a total amount of \$5.9 million have been provided under a housing programme for families living in settlements at high risk of flooding, subsidence and landslides, with the State contributing \$767,000 in counterpart financing.

207. As part of the reparation measures for the victims of the massacre in El Mozote and the surrounding area a residential development project has begun in the area in which \$464,295.74 is being invested.

208. In 2018, the Legislative Assembly allocated \$67,052.00 from the General Fund to fund a national housing improvement programme for low-income families, which provides for the purchase and delivery of materials to families with an income of less than twice the minimum wage, the majority of which are families headed by single mothers and/or with older persons and persons with disabilities.

209. In 2018, the Office of the Deputy Minister of Housing and Urban Development invested \$20.63 million in community infrastructure works that benefited 16,409 families in San Salvador. In 2017, with a loan from the Inter-American Development Bank, the Office executed a plan to reduce vulnerability in informal urban settlements in the Metropolitan Area of San Salvador and a programme for the comprehensive improvement of informal urban settlements (2017).

210. In the period from June 2018 to May 2019, the National Public Housing Fund provided assistance to 5,661 families, equivalent to 20,776 Salvadorans. It invested \$21.19 million in helping low-income households (with incomes of up to four times the minimum monthly wage) to access loans, so enabling them to resolve their housing problems and obtain funding for social housing on the most favourable terms. The Fund also provides housing allowances, develops and markets social housing projects, supports reconstruction projects, offers legal advice, legalizes housing solutions for its target population and supports the issuance of legislative decrees to legalize settlements on disused streets and railway lines.

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<sup>26</sup> These data include a projection for the period from March to May 2019.

*Subparagraph (b)*

211. The National Policy on Housing and Habitat was adopted in 2015. One of its aims is to modernize the laws governing housing access and tenure. For this reason, it envisages the development of a bill on tenancy and another on housing and habitat. In addition, proposals to reform and update existing legislation in this area have been drafted in conjunction with the private sector and a study of trends in rental housing in the country and possible measures to boost rental housing supply and demand has been conducted.

212. Regarding programmes that offer housing solutions for vulnerable population groups, please refer to paragraphs 204 to 210.

*Subparagraph (c)*

213. In 2016, the Legislative Assembly amended article 1 (4) of the Urban Development and Construction Act to stipulate that the Office of the Deputy Minister of Housing and Urban Development and relevant municipalities must verify that urban and rural development plans adhere strictly to universal design principles and are accessible for persons with disabilities, in accordance with article 9 of the Convention on the Rights of Persons with Disabilities. A handbook on urban development and construction that sets out parameters supplementary to the current technical guidelines for accessibility has been produced for this purpose.

214. The housing and habitat bill, which stipulates that priority should be given to vulnerable groups such as single-parent households, children, older persons, indigenous communities, persons with physical disabilities and families affected by natural or public disasters or states of emergency, has been submitted to the Legislative Assembly.

215. The Armed Forces Social Security Institute and the Fund for the Protection of Persons Injured or Disabled in the Armed Conflict have credit lines available for persons with disabilities wishing to access housing.

**Article 11, eleventh paragraph**

216. Pursuant to the Environment Act, environmental impact studies must be conducted in order to ensure that construction works and projects do not take place on polluted sites. In 2017, the Ministry of the Environment and Natural Resources updated the terms of reference for works and projects that require the submission of an environmental impact study.

217. A bill for a general law on waste was drafted in 2016 and is currently under consideration. It foresees the establishment of an inventory of polluted sites that would include information on their location, history and characteristics.

218. With regard to the recommendation made by the Committee in paragraph 18 of the concluding observations, the Government reports that 88.9 per cent of households in El Salvador had access to a piped water supply in 2018 (95.8 per cent in urban areas and 77.1 per cent in rural areas),<sup>27</sup> 94.9 per cent of households had access to sanitation services,<sup>28</sup> and 57.9 per cent of households disposed of their wastewater by throwing it into the street or elsewhere outdoors<sup>29</sup> (see annex 35).

219. El Salvador adopted the National Drinking Water and Sanitation Plan in 2018. Its aim is to ensure unrestricted and permanent access to drinking water and sanitation services for the entire population.<sup>30</sup>

**Article 11, twelfth paragraph**

220. With regard to State-run programmes to ensure security of tenure and access to credit and subsidies for low-income families, the National Public Housing Fund has assisted 20,776 Salvadorans from 5,661<sup>31</sup> families, investing a total of \$21.19 million. The

<sup>27</sup> 2018 multipurpose household survey, pp. 42–43.

<sup>28</sup> *Ibid.*, pp. 43–44.

<sup>29</sup> *Ibid.*, pp. 44–45.

<sup>30</sup> <http://www.aecid.sv/plan-nacional-de-agua-potable-de-el-salvador/>.

<sup>31</sup> These data include projections for the period from March to May 2019.

Fund has also awarded housing subsidies and carried out social housing projects, offered legal advice, provided legal housing solutions and facilitated the legalization by legislative decree of settlements located on disused railway lines and streets. In addition, the Property Legalization Institute has granted 1,340 property deeds to a total of 4,918 Salvadorans for the properties they had been occupying. A total of \$1.42 million was invested in providing them with greater legal certainty.

#### **Article 11, thirteenth paragraph**

221. To prevent forced evictions, the State has taken affirmative action measures designed to strike a balance between protecting the right to private property and ensuring access to housing for the most vulnerable in society within the framework of various programmes that facilitate access to credit and subsidies. As mentioned above, the Property Legalization Institute has granted property deeds to families for the properties that they had been occupying.

### **Article 12**

#### **Article 12, first paragraph**

222. The Government of El Salvador has reformed the National Integrated Health-Care System, and consolidated the comprehensive primary health-care strategy. It adopted a national health policy for the period 2015–2019, using a model focused on disease prevention, treatment and rehabilitation, and a national policy for intercultural health, besides strengthening its comprehensive health-care networks, the emergency medical care system, the National Health Forum and the National Health Institute.

223. With regard to the recommendation made by the Committee in paragraph 21 of the concluding observations, information relating to national health expenditure is published annually by the Ministry of Health. These health reports provide the State with indicators such as national health expenditure, public health expenditure, private health expenditure, per capita health expenditure, out-of-pocket household health expenditure, and their correlation to total public expenditure and gross domestic product.

224. National health expenditure rose from \$1,331.6 million in 2008 to \$1,937.7 million in 2018, an increase of 46 per cent. As a percentage of gross domestic product, national health expenditure dipped from 8 per cent in 2009 and 2010 to 7.4 per cent in 2018<sup>32</sup> (see annex 34). Public health expenditure rose from 60 per cent of national health expenditure in 2008 to 67 per cent in 2018, with private health expenditure representing 33 per cent of national health expenditure in the same year (see annex 36).

225. Public health services are provided free of charge. A list of the services available is included in the tables in annex 37.

#### **Article 12, second paragraph**

##### *Subparagraph (a)*

226. The Ministry of Health has a national network of 819 health facilities staffed by multidisciplinary personnel and fully equipped and supplied to provide preventive, curative and rehabilitative services.<sup>33</sup> Between 2009 and 2017, 401 health facilities were either constructed, remodelled, enlarged or refurbished in order to improve architectural accessibility and install the equipment needed to provide health services to persons with disabilities.

227. Technical Guidelines for the Provision of Comprehensive Health Care to Persons with Disabilities have been issued, and the National Programme of Comprehensive Care for Older Adults, which encompasses education, health, accessible infrastructure, non-contributory pensions, cultural activities and recreation, has been adopted.

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<sup>32</sup> Ministry of Health, activity report 2018–2019, pp. 26–27.  
file:///D:/Documents%20and%20Settings/disanchez/My%20Documents/Downloads/MINSAL\_Informe\_de\_Labores\_2018\_2019.pdf.

<sup>33</sup> Ministry of Health, activity report 2017–2018, table No. 1, p. 63.

228. The Comprehensive Health Care Model for Older Adults was formalized in 2018, establishing strategies and mechanisms for preventive health care, health promotion, diagnosis, treatment and rehabilitation for older adults.

229. Laws and regulations of relevance for the care of persons with disabilities include the Electronic Signature Act of 1 October 2015, the Act on the Rights and Duties of Patients and Health Service Providers of 8 April 2016 (arts. 9 and 19), the Act on the Prevention and Control of Infections caused by HIV (art. 10) and the Mental Health Act of 17 July 2017 (arts. 10, 21 and 25).

230. Neonatal screenings for congenital hypothyroidism and hearing screenings are performed to aid the early detection and prevention of further disabilities. The Salvadoran Institute for the Rehabilitation of Persons with Disabilities has eight specialist centres, including the Occupational Rehabilitation Centre and the Rehabilitation Centre for the Blind, whose services facilitate independent living and self-care. There are various programmes that promote the social inclusion of persons with disabilities, including rehabilitation programmes for children's inclusion in schools; programmes that focus on psychosocial assistance, adaptive skills, physiotherapy and occupational therapy; assistive device and prosthesis donation programmes; the programme for the early detection of deafness; the cochlear implant, guidance and mobility programme; and the hearing aid donation programme.

231. In 2017, the Ministry of Health<sup>34</sup> registered a total of 13,187 persons with disabilities who receive assistance from community family health teams. Of those registered, 41.85 per cent had a physical disability, 18.5 per cent had a visual impairment, 14.49 per cent had a psychosocial disability, 14.01 per cent had an intellectual disability and 11.15 per cent had a hearing impairment.

*Subparagraph (b)*

232. In accordance with Ministerial Agreement No. 288 of 31 January 2017, emergency, outpatient and inpatient public health services are provided free of charge for Salvadoran and foreign nationals in both rural and urban areas. For information on the health services provided between 2016 and 2018, see annex 37.

*Subparagraph (c)*

233. The Ministry of Health has a laboratory for conducting quality control and physical, chemical and microbiological analyses of medicines, medical supplies and biological products that come into circulation in its national network. To avoid expiration, pharmacies and warehouses rotate their medicine inventories. The Medicines Act was adopted in 2018 to improve price monitoring and regulation.

*Subparagraph (d)*

234. The Ministry of Health has organized training for medical personnel to improve the quality of care, with an emphasis on the care of women and children. This has had a positive impact on maternal and neonatal mortality indicators. The Ministry has also organized workshops to raise awareness of the technical guidelines for the provision of comprehensive health care to lesbian, gay, bisexual, transgender and intersex persons, inter alia.

235. Within the framework of the National Health Institute Technical Assistance Project, in 2017 and 2018 the Ministry of Health organized a total of 48 courses in emergency health care, and medical personnel, nursing staff and other health professionals developed their skills by participating in regional events on HIV/AIDS, tuberculosis, information and communication technology and more.

<sup>34</sup> Ministry of Health, family records information system. Health-related variables: National level. Family-member variables: DISABILITY TYPE. From 1 January 2017 to 31 December 2017. Date of issuance: 27 February 2018.

**Article 12, third paragraph***Subparagraph (a)*

236. Legislative reforms have been introduced with a view to improving child and maternal health and sexual and reproductive health. They include the adoption of the Sexual and Reproductive Health Policy, the Strategic Plan to Reduce Maternal, Perinatal and Neonatal Mortality, the Special Act for the Regulation and Establishment of Childcare Facilities for Working Parents, the Act on Promotion, Protection and Support for Breastfeeding and related legislation in the area of education which places the Ministry of Education under an obligation to ensure education on the topics mentioned.

237. The proportion of the population actively using family planning methods rose from 29 per cent in 2017 to 34 per cent in 2018 and more long-acting reversible contraceptives are now available, including intrauterine devices and subdermal contraceptive implants. The quality of balanced counselling on contraception has improved and the “Life Planning for Teenagers” programme has been launched with a view to delaying the moment of first sexual intercourse and reducing the teenage pregnancy rate.

238. With regard to pre- and postnatal care, basic and specialized prenatal checks-ups, examinations, ultrasounds, free consultations, micronutrients, hostels for expectant mothers, childbirth plans, timely referrals and more may be offered in the event of pregnancy complications.

239. The proportion of babies being born in hospitals had risen to 99.1 per cent by 2018, contributing to a reduction in the maternal and infant morbidity and mortality rates. Currently, 90 per cent of Salvadoran women receive at least four prenatal check-ups and, between 2009 and 2017, 24,000 pregnant women were admitted to the country’s 21 hostels for expectant mothers. Humanized childbirth is available free of charge in all 28 maternity wards in the country. Gynaecological care is provided to help identify fetal complications, while paediatricians and neonatologists provide care to newborns. The necessary human resources and supplies are in place to handle obstetric emergencies such as haemorrhages, sepsis and other complications, pregnancy-related hypertensive disorders and obstructed labour.

240. With regard to education and awareness-raising, the Ministry of Health has enhanced the skills level of health-care providers by means of training on sexual and reproductive rights, human rights, newborn care, neonatal resuscitation and transport, the care of premature babies, congenital anomalies and more.

241. With regard to the recommendation made by the Committee in paragraph 23 of the concluding observations, the teenage pregnancy rate fell from 30 per cent in 2015 to 26.4 per cent in 2018. The Ministry of Health provided differentiated services for adolescents in 21 hospitals and 250 community-based family health units, and 17 hospitals ran educational groups for pregnant teenagers.

242. The State is also implementing the National Health Policy 2009–2014, the National Cross-Sectoral Strategy for the Prevention of Child and Adolescent Pregnancy 2017–2027 and the Plan for the Prevention of Repeat Adolescent Pregnancies.

243. The Ministry of Health has increased the availability of contraceptive services and, in 2016, adopted technical guidelines for the provision of contraceptive services. That same year, 232,859 sexual and reproductive health and family planning counselling sessions were held, while 274,829 such sessions were held in 2017.

244. The Ministry of Health has deployed community family health teams nationwide to provide local health services, including sexual and reproductive health services: 66 per cent of consultations for registration and pre- and postnatal check-ups are carried out in rural areas, 65.6 per cent of active users of contraceptives who are served by community-based family health units and hospitals reside in rural areas, and 161,195 preventive interventions for adolescents have been carried out.

245. With regard to the strengthening of comprehensive and age-appropriate education on sexual and reproductive health, the Sexual and Reproductive Health Policy provides for information programmes, sex education and sexual and reproductive health care for school-age children, pre-adolescents, adolescents and adults of both sexes throughout their life

cycles. The National Policy on Comprehensive Protection for Children and Adolescents 2013–2023 encompasses comprehensive sex education, access to sexual and reproductive health services and early-pregnancy prevention programmes for young and teenage girls.

246. The Ministry of Health organized training sessions on the prevention of unwanted pregnancies, sexually transmitted infections (STIs) and HIV; 243 community-based family health units trained up youth health outreach workers; a community peer-to-peer strategy has been launched; and, under the Women’s City Programme, sexual and reproductive health services, among others, were provided on a total of 3.4 million occasions to more than 1.4 million users between 2014 and 2018. The Young Women’s City Programme was also set up, bringing teenage pregnancy prevention and sexual and reproductive health services into schools.

247. Secondary legislation on abortion in El Salvador is directly related to the provisions contained in article 1 of the Constitution. Two proposals to reform the Criminal Code were submitted to the Legislative Assembly in 2016 and are currently under consideration. The first was submitted by the Frente Farabundo Martí para la Liberación Nacional and seeks to add an article “133 (a)” to the Criminal Code, which would provide that abortion is not punishable in the following four situations: when it is necessary in order to save the life and protect the health of the pregnant woman; when the pregnancy is the result of rape; when a fetal abnormality makes life outside the womb inviable; and when a minor has become pregnant as the result of rape or statutory rape. The second proposal was submitted by the Alianza Republicana Nacionalista and seeks to toughen the penalties for the abortion-related offences established in various articles of the Criminal Code, specifically article 133 on voluntary and self-induced abortion, article 139 on negligent injury to the unborn child, article 373 on the illegal sale of abortion-inducing substances and article 374 on the advertising of abortion-inducing substances.

248. As external abortion procedures and abortion-inducing drugs are not available in El Salvador, the Ministry of Health focuses on ensuring that patients who have had an abortion receive dignified, high-quality care that is respectful of their human rights. It does so by organizing training and awareness-raising activities for health-care workers on the clinical and legal aspects of treatment in order to strengthen their competencies and skills in this area.

*Subparagraph (b)*

249. To ensure the quality of water destined for human consumption, the Ministry of Health takes preventive and monitoring measures, such as readings of residual chlorine in the system, sampling, bacteriological and physical-chemical analyses and hygiene inspections. The Ministry has also drawn up technical guidelines on safe water<sup>35</sup> and managing infectious waste and latrines. In addition, it monitors the indicator of health-care services provided to infants under the age of 1, given that water quality is a critical factor in illnesses such as diarrhoea. This indicator makes it possible to monitor the quantity and quality of the health-care services provided, for which purpose a unique birth code has been introduced. The same code is used for both medical records and birth registration.

*Subparagraph (c)*

250. Under the Vaccination and Immunization Programme, steps are being taken to achieve universal immunization coverage, and thus reduce the rates of morbidity and mortality attributable to preventable, immunizable diseases, and to eradicate poliomyelitis, indigenous measles, rubella and congenital rubella syndrome.

251. There have been changes in the immunization programme with regard to the Vero cell rabies vaccine, the first DPT (diphtheria-pertussis-tetanus vaccine) booster, which has been replaced with the pentavalent vaccine, and the bivalent polio vaccine, which has been replaced with the inactivated polio vaccine. The pneumococcal vaccine and the hepatitis-B vaccine for newborns have been introduced. Coverage of influenza vaccination and the TDAP (combined tetanus, diphtheria, and pertussis) vaccine has increased, leading to a reduction in cases of whooping cough in children under 3 months old. Persons planning to

<sup>35</sup> [http://asp.salud.gob.sv/regulacion/pdf/lineamientos/lineamientos\\_lacas\\_parte\\_1.pdf](http://asp.salud.gob.sv/regulacion/pdf/lineamientos/lineamientos_lacas_parte_1.pdf).

travel may request vaccination against measles and more than 1 million persons have been vaccinated as part of the seasonal influenza and pandemic influenza vaccination campaigns.

252. According to the multiple indicator cluster survey, the World Health Organization, the Pan American Health Organization and the United Nations Children's Fund, poliomyelitis vaccination coverage has reached 89.1 per cent, pentavalent vaccine coverage has reached 91.8 per cent, measles vaccination coverage has reached 96.1 per cent and tuberculosis vaccination coverage has reached 97.7 per cent. According to data from the latest national health survey, conducted in 2014, vaccination coverage was projected to remain above 90 per cent in children under 1 year old between 2009 and 2016.

253. With regard to infectious diseases, the case-fatality rate of dengue fever has decreased; the treatment-success rate in cases of tuberculosis remains above 90 per cent; and vaccination coverage has been maintained at 100 per cent.

*Subparagraph (d)*

254. As part of the Safe El Salvador Plan, in 2017 a total of \$35,771,813 was invested in preventive measures in municipalities identified as priority areas. These measures included the construction and renovation of 68 public spaces. A total of 1,500 persons have benefited from programmes such as the "Strong Families" programme and the Ministry of Education has incorporated the topic of drug and alcohol consumption into the basic and secondary education curricula.

255. Several public communication campaigns were carried out at the national level, including World No Tobacco Day, "Tobacco: A threat to development"; World No Alcohol Day; the digital campaign to prevent social violence, "A country with values makes a difference" (Un País Con Valores Hace la Diferencia); and 188 campaigns at health fairs.

256. Persons affected by drug abuse have access to care, treatment and rehabilitation through the primary health-care services offered by the Ministry of Health in community-based family health units, community clinics, medical units attached to the Salvadoran Social Security Institute and addiction prevention and treatment centres run by the Health Solidarity Fund. For follow-up and to prevent relapses, national health system facilities offer early and crisis intervention services and various forms of treatment, including treatment for dual diagnoses.

257. The Ministry of Health offers rehabilitative treatment for adolescents between the ages of 10 and 19 years old who are addicted to psychoactive substances and are subject to administrative or judicial measures and receiving assistance from the National Child and Adolescent Integration Centre of the Salvadoran Social Security Institute. A number of health-care professionals from public and private facilities have been certified as experts in the socio-therapeutic treatment of drug addiction.

258. Steps have been taken to strengthen epidemiological surveillance by conducting research among the general population and among children and adolescents in particular. Such research has included the third survey of consumption of psychoactive substances among schoolchildren in El Salvador (2016), a study into the profiles of children and adolescents who use the programmes offered by the Salvadoran Social Security Institute and/or the National Child and Adolescent Integration Centre (2017), and the fourth national survey of consumption of psychoactive substances among schoolchildren in El Salvador (2018).

*Subparagraph (e)*

259. Over the past 10 years, the downward trend in new HIV cases has continued, with an average of 6 new cases per day in 2007 and an average of 3 new cases per day in 2018. There has also been a decrease in the mortality rate, from 5 deaths in every 100,000 inhabitants to 4 deaths in every 100,000 inhabitants in 2018.

260. Free antiretroviral therapy is provided in all 20 public hospitals. Multidisciplinary teams and support groups provide care and emotional and educational support to persons living with HIV and there are peer health promoters in hospitals and penitentiary centres.

261. With the implementation of the Strategy to Eliminate Mother-to-child Transmission of HIV and Syphilis, HIV transmission fell by 90 per cent between 2009 and 2018.

Antiretroviral therapy is provided to all pregnant women with HIV and their children are monitored to prevent mother-to-child transmission. The Monitoring, Evaluation and Epidemiological Surveillance System for HIV has been improved.

262. The Act on the Prevention and Control of Infections Caused by HIV was adopted in December 2016. Its focuses are the education and labour sectors, the penitentiary system, the health sector and research. The technical guidelines for the provision of comprehensive health care to lesbian, gay, bisexual, transgender and intersex persons and the technical guidelines for the provision of comprehensive health care to persons deprived of liberty were updated in 2016 and 2018, respectively, in order to guarantee the right to health and to ensure that antiretroviral therapy is provided in penitentiary facilities.

263. The Ministry of Health has likewise updated the National Strategic Multisectoral Plan 2016–2021, the main aims of which are to reduce the number of new HIV infections and HIV-related deaths and to eliminate mother-to-child transmission. Additionally, in 2018 it devised a strategy for addressing the issue within the lesbian, gay, bisexual, transgender and intersex community, which has increased the availability of specialized services, such as those offered by STI sentinel surveillance clinics.

264. Workplace policies for HIV prevention have been encouraged within State institutions, municipal governments and private companies and, as a result, between 2016 and March 2019, the number of companies with HIV policies rose from 41 to 133. In March 2019, a proposal to amend Decree No. 254, containing the General Act on the Prevention of Workplace Hazards, was submitted to the Legislative Assembly. The proposed amendment is to provide, in article 8 of the Act, for prevention programmes that help to rectify the perception that HIV is not an occupational disease, and also to include other diseases such as vector-borne diseases and tuberculosis.

265. The Ministry of Health runs ongoing educational activities aimed at adolescents and vulnerable groups to raise awareness and prevent the transmission of STIs, including HIV/AIDS, the aim being to promote respect for human rights and ensure compliance with, inter alia, Executive Decree No. 56.

*Subparagraph (f)*

266. The Ministry of Health has three specialized pharmacies that provide high-quality services to persons diagnosed with chronic diseases. A total of 58,995 persons have used these pharmacies, which have provided 483,821 consultations and filled 987,246 prescriptions. The Ministry of Health and the Salvadoran Social Security Institute have engaged in the joint procurement of HIV/AIDS medicines, with support from the United Nations Development Programme and the Pan American Health Organization, in order to ensure that such medicines are readily available.

267. With regard to the recommendation made in paragraph 28 of the concluding observations, according to the National Health Institute's First National Survey on Chronic Diseases 2014–2015, the prevalence of chronic kidney disease among the adult population at the time of the survey was 12.6 per cent – 17.8 per cent among men and 8.5 per cent among women – while the prevalence of chronic kidney disease of non-traditional causes was 3.8 per cent among the adult population – 6 per cent among men and 2.1 per cent among women.<sup>36</sup>

268. In 2015, the National Health Institute drew up guidelines on best practice in the clinical treatment of patients with diabetes mellitus, arterial hypertension and chronic kidney disease<sup>37</sup> with a view to improving the quality of check-ups and reducing the likelihood of complications and death.

<sup>36</sup> <http://ins.salud.gob.sv/wp-content/uploads/2017/12/ENECA-2015.pdf>.  
[https://www.salud.gob.sv/archivos/comunicaciones/archivos\\_comunicados2017/pdf/presentaciones\\_evento20032017/02-Presentacion-ENECA-ELS-2014-2015\\_Dr\\_Ernesto\\_Pleites.pdf](https://www.salud.gob.sv/archivos/comunicaciones/archivos_comunicados2017/pdf/presentaciones_evento20032017/02-Presentacion-ENECA-ELS-2014-2015_Dr_Ernesto_Pleites.pdf)  
[https://www.salud.gob.sv/archivos/comunicaciones/archivos\\_comunicados2017/pdf/presentaciones\\_evento20032017/01-ENECA-ELS-2015.pdf](https://www.salud.gob.sv/archivos/comunicaciones/archivos_comunicados2017/pdf/presentaciones_evento20032017/01-ENECA-ELS-2015.pdf).

<sup>37</sup> [http://asp.salud.gob.sv/regulacion/pdf/guia/guias\\_clinicas\\_buenas\\_practicas\\_pacientes\\_diabetes\\_hipertension\\_y\\_renal\\_cronica.pdf](http://asp.salud.gob.sv/regulacion/pdf/guia/guias_clinicas_buenas_practicas_pacientes_diabetes_hipertension_y_renal_cronica.pdf).

*Subparagraph (g)*

269. The mental health regulatory framework has been strengthened to ensure that persons with mental health disorders receive treatment and care. This framework now includes, inter alia, the Mental Health Act of 2017, the National Mental Health Policy, the technical guidelines for mental health care, the clinical guidelines for comprehensive care and the manual for the implementation of the “From family to family” strategy, and \$1.4 million have been invested in this area. Mental health units have been set up in 18 secondary-level hospitals, leading to a 50-per-cent reduction in the number of serious mental disorders being treated in psychiatric hospitals.

**Article 13****Article 13, first paragraph**

270. The Ministry of Education has included economic, social and cultural rights as a topic in the general curriculum and, in accordance with article 11 of the General Regulations of the Higher Education Act and other decrees, higher education covers the topics of human rights, government ethics, inclusive education, gender-based violence and environmental education, among others, all of which contribute to the promotion of economic, social and cultural rights. Improvements have also been made to the curriculum in the areas of English, information technology, environmental education, risk management and more.

271. With regard to the recommendation made in paragraph 24 of the concluding observations, more than \$26 million was invested in the construction and refurbishment of 453 schools between June 2017 and May 2018 (see annex 38) and a total of 469 school buildings have been brought under the legal ownership of the State. The Salvadoran Agrarian Reform Institute has donated more than 50 buildings to the Ministry of Education to be used as schools in rural areas, which have been connected to the water and electricity supply by the National Water Supply and Sewerage Administration and the General Power and Telecoms Authority.

272. To ensure the professional development of Salvadoran teaching staff, the National Directorate of Secondary Education organizes in-service training including seminars, workshops and diploma studies in foreign universities. It has certified 932 specialists in basic and secondary education.

**Article 13, second paragraph***Subparagraphs (a) and (b)*

273. Public sector primary education, including basic education, is provided free of charge, in accordance with article 56 of the Constitution. Moreover, article 76 of the General Education Act provides that “preschool, basic, secondary and special education shall be free of charge when provided by the State”. To protect the human rights of young children, the State has been implementing a primary education and comprehensive early childhood development policy, and, in 2018, it devised a national strategy for comprehensive early childhood care for children under the age of 8 years old.

*Subparagraph (c)*

274. To remove barriers to enjoyment of the right to education, particularly for the most vulnerable in society, the Ministry of Education provides school kits (see annex 39) and uniforms, having invested a total of \$63,240,961, and supplies food to all public schools in the country, benefiting more than 1.2 million students. The Ministry also runs a school UHT milk programme and a school meals and health programme.

275. Under the “One Child, One Computer” (Una Niña, Un Niño, Una Computadora) programme, a total of 57,102 computers were supplied to 2,353 schools between 2014 and 2018, benefiting 783,450 students. Between 2014 and 2017, 5,889 students took part in a programme for students who have demonstrated outstanding performance in science and technology studies.

**Article 13, third paragraph***Subparagraph (a)*

276. The following measures have been taken as part of efforts to make secondary education completely free of charge: the provision of school kits including supplies, shoes and uniforms for a total investment of \$63,240,961; the introduction of the inclusive full-time attendance model in 523 schools – 163 in the 14 departments and 360 in the coastal zone – between 2016 and 2018; the award of school transport grants to 19,581 students; and the authorization of flexible school arrangements, including distance learning, virtual learning and night classes, for 49,219 third-cycle and secondary school students.

*Subparagraph (b)*

277. There are specific programmes and projects<sup>38</sup> offering young people technical and vocational education to facilitate their labour market insertion.

278. The Ministry of Education has made improvements to the school curricula to help students with their study of English, information technology, environmental education, human rights, inclusive education, disaster risk reduction management, the prevention of domestic and gender-based violence, and political, economic, social and cultural rights. Moreover, the encouragement of professional work experience has enabled students to acquire knowledge and competencies and to develop skills that will help them to integrate into the labour market.

**Article 13, fourth paragraph**

279. To increase the availability of free higher education, a scholarship and grants programme has been introduced that is open to young people studying for technical degrees at any of the six higher education institutions implementing the graduate education model for technical and technological studies (Megatec). In total, 9,121 scholarship students have now completed their studies, representing an investment of \$16,338,970.08 by the State. A total of 3,000 students have taken the online or distance-learning courses offered for eight degree programmes and supported by the Ministry of Education, which has invested approximately \$4.3 million in the project. The Ministry has also invested \$28,539,019.45 in the Fantel scholarship programme for higher education. The University of El Salvador has abolished tuition fees to ensure access for young university students living in poverty.

**Article 13, fifth paragraph**

280. With regard to adult and continuing education and lifelong learning, an accelerated education strategy has been put in place for students who are not in formal education, are at risk socially and/or are overage. Between 2014 and 2018, 49,210 adolescents and young persons have benefited from this flexible learning programme, which includes options for accelerated learning, traditional distance learning, night school, blended learning, remedial education and virtual learning. As part of a 2017 pilot project for the development of technical and vocational skills, 350 individuals obtained certification in software development, electrical installation and maintenance, cultural heritage, electronics, and events and catering.

281. In follow-up to the recommendation contained in paragraph 25 of the concluding observations, by 2019 the National Literacy Programme had received a cumulative budget allocation of \$16,184,266.23 and the flexible learning programme had received \$46,711,372.35 (total allocations for the period 2014–2018) (see annex 40). Of the 262 municipalities, 165 have been declared free from illiteracy. As of 2018, more than 150,000 Salvadorans at various levels of adult education have received support through the Literacy Programme. Of the participants, 66.91 per cent are women and 32.09 per cent men, and 70.99 per cent live in rural areas and 29.01 per cent in urban areas. The groups that have benefited most are persons aged between 25 and 59 years old (66.72 per cent), persons aged 60 years and over (20.01 per cent) and persons aged between 15 and 24 years (13.27 per cent).

<sup>38</sup> <https://www.mined.gob.sv/index.php/programas-educativos/item/5493-sistema-nacional-de-educaci%C3%B3n-t%C3%A9cnica-profesional>.

282. As part of the initiative to support persons with disabilities, more than 1,500 people with hearing, visual and intellectual disabilities have learned to read and write Braille or have learned to use sign language.

283. To prevent school dropout, measures such as flexible school hours have been promoted to help children and adolescents return to the education system. Other measures include a programme to provide school kits, school meals and school health services in order to facilitate access to education and help students stay in school, and a 2016 project to strengthen skills for productivity, with the aim of developing technical and vocational skills among young people aged between 12 and 17 years old.

284. Adult and continuing education and lifelong learning are covered in paragraphs 280 to 282.

#### **Article 13, sixth paragraph**

285. The census of the regular school system conducted in 2018 recorded 80,727 indigenous students. The Cuna Náhuat project is a language immersion programme for children between the ages of 3 and 5 years old, who are cared for by women who are speakers of the Náhuat language.

286. In follow-up to the recommendation contained in paragraph 26 of the concluding observations, indigenous students have access to education in Spanish in all schools. At present, the Ministry of Education does not provide education in indigenous languages. It has, however, implemented a range of initiatives designed to revitalize the Náhuat language, including the publication of teaching guides and the provision of training and dissemination activities.

#### **Article 13, seventh paragraph**

287. The Ministry of Education promotes a non-sexist education model that is designed to raise awareness among students and families about career choices that are not based on sexist stereotypes. In 2018, four videos were made on this topic and five training programmes on gender issues and inclusive, non-sexist education were organized for teachers.

#### **Article 13, eighth paragraph**

288. To reduce dropout rates, flexible school hours and other measures have been implemented, as described in paragraph 283.

### **Article 14**

#### **Article 14, first paragraph**

289. For information on free higher education programmes, please refer to paragraph 279.

### **Article 15**

#### **Article 15, first paragraph**

##### *Subparagraph (a)*

290. The Ministry of Culture has organized programmes, festivals and cultural activities that have benefited more than 300,000 people throughout the country.<sup>39</sup> It has also promoted spaces to foster harmonious relations between citizens in cultural centres and community “living culture” programmes. The Salvadoran Agrarian Reform Institute has donated 64 properties to municipalities for the creation of facilities for leisure, sports, recreation and cultural events.

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<sup>39</sup> 2016 Progress report on the Social Plan of El Salvador: Development and Social Protection for Good Living, p. 24, Technical and Planning Secretariat of the Office of the President.

291. To promote culture, events have been held to disseminate art produced by indigenous persons and persons with disabilities. The Ministry of Education has concluded an agreement with the Museum of Images and Words and the Museo Marte art museum to organize special initiatives for students in rural areas.

292. A number of initiatives have been developed to promote access to cultural activities, including seasons and performances by the Symphony Orchestra of El Salvador, the National Choir, the Youth Choirs and Youth Orchestras Network and the Heritage Choir. In 2017 and 2018, there were 78 performances, attended by approximately 15,780 persons.

293. The National Art Collection and the San Jacinto Exhibition Hall have organized talks, workshops and other activities to promote authors in cultural centres, schools and other recreational spaces. The Film and Audiovisual Department held 15 screenings of films, shorts and documentaries, as well as film screenings for 200 school students. The National Arts Centre and the Morena Celarié National Dance School have helped to shape arts training and develop creative and cultural initiatives through 17 public performances with 6,720 participants.

*Subparagraph (b)*

294. The Ministry of Culture has taken steps to acquire the Las Marías site in Quezaltepeque, La Libertad, and has carried out work to protect, safeguard and improve the Ciudad Vieja archaeological site with a view to opening it to the public. Improvements have also been made to infrastructure at the Joya de Cerén archaeological site. An inventory was made of 937 items of cultural property from private collections, 8 from the Ecclesiastical Collection, 13 from the Government Collection, 419 from the National History Collection and 343 from the National Archaeological Collection.

295. The Ministry of Culture has promoted the informative and educational aspects of cultural activities through a range of social and technology networks. The Ministry of Education has developed study programmes designed to teach students at the various educational levels about cultural heritage and how to preserve and conserve it.

*Subparagraph (c)*

296. Cultural and artistic expression has been promoted within the framework of the accelerated education system and the integrated system of full-time inclusive education. As of 2018, 186 schools have extended their opening hours to enable children to participate in cultural and artistic activities. The Ministry of Education has introduced a technical-vocational diploma in music and provided musical instruments for 2,430 students. The Presidential Choir and the La Colmenita Children's Theatre Company have contributed to the artistic development of children from vulnerable communities, benefiting 2,425 children in 2017 and 2018.

*Subparagraph (d)*

297. With reference to the scope of application of the National Policy on Comprehensive Care for Persons with Disabilities, the aim of which is to ensure that persons with disabilities can and do participate in inclusive cultural, recreational and sports programmes, training programmes for children and young people with disabilities have been run by the Youth Choirs and Youth Orchestras Network and the National Arts Centre of the Ministry of Culture.

298. The National Arts Centre has run visual arts and music courses for children with Down syndrome, blind children and children diagnosed with schizophrenia. The inclusive cultural programmes run by the Cultural Centre for Blind Persons and the Central Cultural Centre address issues relating to art and the rights of persons with disabilities.

**Article 15, second paragraph**

299. The Government of El Salvador has taken steps to protect cultural diversity, notably through its National Policy and National Action Plan for Indigenous Peoples.

300. The Ministry of Culture has created "Paño Pancho", or Pancho cloth, which is a colourful, woven cloth that has been incorporated into the Ministry's institutional graphics as a reference to indigenous diversity. The Ministry has also established a national day of

the Náhuat language, has set up the Cuna Náhuat initiative and offers Náhuat classes in cultural centres. The television station Channel 10 made four short features about speakers of Náhuat in 2015, as well as a report on the daily life of a speaker in 2016. It also broadcast concerts featuring songs in Náhuat (Ne NawatSuchikisa) in 2017 and footage of Comizahual traditional dance festivals. It has also produced four short documentaries featuring young indigenous persons and the Heritage Choir, with the aim of reviving the mother tongue.

#### **Article 15, third paragraph**

301. The Ministry of Education supported the design of the curricula for technical-vocational diplomas in music, dance and visual arts and has incorporated art and cultural education into the national curriculum. It promotes a range of activities in schools, including art education workshops, the provision of musical instruments and visual arts kits and the distribution of book sets and mini-libraries to encourage reading.

302. The National Arts Centre and the National Folk Ballet has run regular and summer courses free of charge in a range of areas of artistic development. In 2019, the talent development programme of the National Children's and Youth Choirs and Youth Orchestras Network resumed operations.

##### *Subparagraph (a)*

303. Scientific progress is promoted through the interactive centres for scientific learning (see annex 41), which provide free educational services intended to enhance scientific and technological literacy and increase popular interest in science and technology in El Salvador. In addition, the Agro-industrial Technology Park provided innovation and technology transfer services to 28 companies on 224 occasions. It was also involved in the design of new drugs to combat diseases such as Chagas disease, the organization of full-cycle scientific research initiatives (including the research, development and production stages and introduction into social practice) and the development of a biofortified drink for the school meals and health programme.

##### *Subparagraph (b)*

304. A number of legal instruments have been drafted to institutionalize scientific research, namely the National Innovation Agenda, the National Policy on Innovation in Science and Technology and the Scientific and Technological Development Act, together with the General Regulations of the Act. Article 3 of the Act designates the Office of the Deputy Minister for Science and Technology in the Ministry of Education as the governing body for scientific and technological matters.

#### **Article 15, fifth paragraph**

##### *Subparagraph (a)*

305. The Intellectual Property Act<sup>40</sup> establishes the basis for the promotion and protection of intellectual property. Article 98 (e) of the Act assigns to the National Registry the task of disseminating and raising awareness of intellectual property rights. These activities are aimed at the population in general and, in particular, at users of the intellectual property system, who leverage the processes of acquiring and developing intangible intellectual assets to further their social and economic development (see annex 42).

##### *Subparagraph (b)*

306. Article 7 of the Intellectual Property Act, as amended by Legislative Decree No. 611 of 15 February 2017, establishes that copyright encompasses economic rights, understood as the exclusive right to authorize or prohibit the use of works, and a number of other rights, including the right to obtain financial benefit from the use of works.<sup>41</sup>

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<sup>40</sup> <http://www.asamblea.gob.sv/decretos/details/299>.

<sup>41</sup> <https://wipolex.wipo.int/es/text/455849>.

*Subparagraph (c)*

307. The Culture Act enshrines the rights of indigenous peoples with respect to culture and scientific knowledge. Article 46 of the Act sets out the State's duty to protect the knowledge and contributions of indigenous peoples in the spheres of medicine and agriculture. Article 13 of the six municipal ordinances sets forth the right of indigenous peoples to protection and promotion of their scientific knowledge.

*Subparagraph (d)*

308. Article 6 of the Intellectual Property Act establishes that the moral rights of authors include the rights to publish their work in the manner they deem appropriate, to remain anonymous or use a pseudonym, to destroy, remake or retain their work or keep it unpublished, to retract, modify or correct work that has already been released, to conserve and assert paternity of their work, to oppose plagiarism of their work, to require their name or pseudonym to appear on all copies of their work and to be mentioned whenever their work is publicly communicated, to object to the appearance of their name or pseudonym on the work of a third party, and to safeguard the integrity of their work by opposing any distortion, mutilation, modification or abridgement of a work or its title.

**Article 15, sixth paragraph**

309. The Scientific and Technological Development Act establishes guidelines for the development of science and technology through the definition of the relevant institutional and operational instruments and mechanisms for the implementation of the National Policy on Innovation in Science and Technology, which forms the basis of the National Research Agenda. The 2016 national policy on health research is in place.

**Article 15, seventh paragraph**

310. In the area of science, the New National Science and Technology Council and the National Science Award have been created, and scholarship information fairs have been organized. The Council has funded 24 scholarships for national doctoral and master's degrees in mathematics and molecular biology.

311. Through the National Science and Technology Observatory, the Council has disseminated new science- and technology-related indicators. It also manages the Register of National Scientific Researchers, which as of December 2017 included 974 researchers and approximately 1,934 research projects.

312. In 2016, the New National Science and Technology Council, in coordination with the Ibero-American Programme of Science and Technology for Development (CYTED), organized a meeting of coordinators and managers that was attended by 77 researchers. It also organized the First Ibero-American Science and Technology Congress and the CYTED-IBEROEKA Forum.

313. International alliances have been fostered with university research departments, technology parks, research centres in Japan, Brazil, Uruguay, Colombia, Guatemala, Cuba, Costa Rica, Argentina, Venezuela, Spain, England, Canada, France and the United States of America, and El Salvador is a member of the International Council for Science, the Latin American Laboratory for the Assessment of Quality in Education, the CLARA network, the La Referencia network, the El Salvador Consortium of University Libraries and the Ibero-American Programme of Science and Technology for Development.

314. The Ministry of Education has fostered improvements in the teaching of science and mathematics through the National Teacher Training Plan, which places emphasis on the teaching and learning of science using an approach based on science, technology and innovation. The Ministry has also overseen projects to set up natural science laboratories in schools and improve mathematics skills in basic and secondary education. In addition, it has established interactive centres for scientific learning, designed to promote and disseminate science through coordinated activities with schools, and also the La Colmenita children's theatre project.

### **Response to other observations made by the Committee**

315. With regard to the recommendation contained in paragraph 29 of the concluding observations, on 26 June 2016 an awareness-raising workshop was held with the institutional focal points responsible for follow-up on implementation of the Covenant.

316. In April 2018, 44 institutional focal points attended a workshop facilitated by representatives of the Office of the United Nations High Commissioner for Human Rights on the preparation of the national report and implementation of the Covenant.

317. In June 2018, a member of the Committee on Economic, Social and Cultural Rights ran a capacity-building workshop on economic, social and cultural rights for 31 institutional focal points.

318. In connection with the recommendation contained in paragraph 30 of the concluding observations, the core document of El Salvador was updated in 2016, at the time of submission of the country's combined fifth and sixth periodic reports on its implementation of the Convention on the Rights of the Child.

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