



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the combined third, fourth and fifth periodic reports of El Salvador*

I. General information

1. Please provide information on the situation regarding the justiciability of economic, social and cultural rights in the State party. Please also provide general data and specific examples, if any, of jurisprudence in which provisions of the Covenant are cited as grounds for rulings.
2. Please indicate whether the State party intends to adopt a comprehensive national plan of action on human rights, in accordance with the Vienna Declaration and Programme of Action, in order to raise awareness of human rights policies and enhance their coherence.
3. Please clarify whether there is a legal mechanism in the State party for recognition of the right of indigenous peoples, as such, to acquire title of ownership to land (A/HRC/24/41/Add.2, para. 38). Please provide information on any consultations held with the indigenous communities affected by mining activities prior to the initiation of such activities, together with any specific examples of how such participation may have served to modify the projects in question and to improve the enjoyment of economic, social and cultural rights by those communities or reduce the risk of their being affected. Please also provide information on whether the State party intends to ratify the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169).
4. Please provide information on the status of the draft constitutional reform which recognizes the identity of indigenous peoples. Please inform the Committee of the policy implications of the statement made by President Mauricio Funes in 2010 to the First Indigenous National Congress in which he said, "From today we officially put an end to the historical negation of the diversity of our peoples and recognize El Salvador as a multi-ethnic and multicultural society."
5. Please provide information on the measures taken by the State party to prevent and combat corruption at all levels of the public administration and any adverse effects these have had on the enjoyment of economic, social and cultural rights. Please also provide information on the number of senior civil servants who have been prosecuted and convicted for corruption.

* Adopted by the pre-sessional working group at its fifty-second session (2–6 December 2013).



II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Article 2, paragraph 1. Obligation to take steps to the maximum of available resources

6. Please provide information on the austerity plan and its impact on the enjoyment of economic, social and cultural rights, taking into account the recommendations on austerity measures set out in the letter of 16 May 2012, addressed to the States parties to the Covenant by the Chairperson of the Committee.

Article 2, paragraph 2. Non-discrimination

7. Please provide information on the results of the implementation of the “regulations to prevent all forms of discrimination in the civil service based on sexual identity or orientation” (report, para. 30) in the exercise of economic, social and cultural rights. Please also provide information on the impact of the steps taken, particularly in terms of affirmative action, to combat discrimination against persons with disabilities in the exercise of their economic, social and cultural rights.

Article 3. Equal rights for men and women

8. Indicate what action is being taken to correct and eliminate negative attitudes and entrenched stereotypes in the area of discrimination against women. Please include information on steps taken to rectify the differences in wages between women and men and occupational segregation, both horizontal and vertical. Please attach statistical information. Please also indicate what specific measures, including training programmes in particular, have been taken by the State party to increase the representation of women in political life and in public decision-making positions. Please also attach statistical information.

III. Issues relating to specific provisions of the Covenant (arts. 6 to 15)

Article 6. Right to work

9. What measures have been taken to address the alarming number of jobs in the informal sector, as recommended by the Committee in its previous concluding observations (E/C.12/SLV/CO/2, para. 29)? Please provide updated information on the rates of unemployment and underemployment, broken down by age, sex and vulnerable groups.

Article 7. Right to just and favourable conditions of work

10. Please provide detailed, updated information, including statistics broken down by age and sex, on domestic workers in the State party, and in particular on the legal rules governing domestic work. Please also indicate whether domestic workers enjoy the same rights as other workers, such as maximum length of the working day, rest days and minimum wage, and protection from harassment and abuse. Please also provide information

on oversight mechanisms and the frequency of labour inspections in this sector. Indicate what measures have been taken to improve the situation.

11. Please provide information on the situation of migrant workers and persons with disabilities in the labour market.

12. Please indicate the mechanisms used by the State party to adjust the minimum wages in order to guarantee a decent livelihood for workers and their families. Please comment on the disparities between the minimum wages for the various sectors of economic activity.

13. Please provide information to the Committee on the steps taken to combat and prevent sexual harassment in the workplace and to improve access for victims to the courts and to means of reparation.

Article 8. Trade union rights

14. Please provide information on progress made in revising the legislation on the right to strike and the right to organize (report, paras. 153 and 160), with a view to bringing national legislation into line with the Covenant. Please also provide detailed and disaggregated statistical data on the number of strikes that have been declared illegal by the courts in the State party (report, para. 163). Please comment on the information received by the Committee to the effect that the State party does not safeguard trade union rights in the private sector or afford protection against dismissal from trade union executive boards protected by union law.

Article 9. Right to social security

15. Please provide detailed information on the effective mechanisms guaranteed by the State party's social security system to enable pensioners and their families to enjoy a decent standard of living (E/C.12/SLV/CO/2, para. 34). Please also provide information on social assistance programmes for poor families headed by single mothers, widows, older persons, persons employed in the informal economy, persons with HIV/AIDS or persons with disabilities.

16. Please give an account of recent advances and indicate when the State party plans to finalize the reforms needed to guarantee that social coverage extends to agricultural and domestic workers and persons who have not been covered, as previously recommended by the Committee (E/C.12/SLV/CO/2, para. 33).

Article 10. Protection of the family, mothers and children

17. Please provide information, including statistical data, on the impact of the measures taken to combat child labour, particularly work in hazardous conditions. Please also provide information on the strategies set out in the road map and the direct action programmes for the elimination of child labour (report, paras. 221 to 226). Please also state how many people have been convicted for the economic exploitation of children in the last five years.

18. Please provide disaggregated data on victims of trafficking, persons convicted in criminal courts and the protection mechanisms available to victims. Please also specify the resources allocated to prevent, investigate and punish trafficking in human beings.

19. Please provide full statistical information on the situation regarding violence against women in the State party, including domestic violence and the phenomenon known as

femicide. What measures have been taken to raise public awareness of the problem of domestic violence?

20. Please provide information on street children (disaggregated by age and sex), and specific and detailed information on the measures taken to prevent children from turning to street life and to protect them from economic and social exploitation.

21. Please provide information on the situation of economic, social and cultural rights for the prison population and the problem of prison overcrowding.

Article 11. Right to an adequate standard of living

22. Please describe the results of the programmes and strategies implemented to combat poverty.

23. Please comment on the figures provided by the United Nations Millennium Development Goals programme according to which malnutrition in the country increased from 8.8 per cent in 1998 to 12.3 per cent in 2011. Please provide information on measures to give full effect to the reform of the Constitution of El Salvador which includes the right to food and water as fundamental rights.

24. Please indicate what practical steps have been taken by the State party to address the problems of scarcity of social housing units for low-income, disadvantaged and marginalized individuals and groups. Please also outline the steps taken by the State party to prevent forced evictions, and provide outcome statistics, taking into account the Committee's general comment No. 7 on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions.

Article 12. Right to physical and mental health

25. Please provide detailed information on the measures taken by the State party to guarantee access to health services for domestic workers and informal sector workers. Please also state what mechanism is in place to sustainably finance the health system, based on the principles of equity and accessibility – described by the State party as central strategy themes of its National Health Policy (report, para. 425).

26. Please provide information on the high rate of illegal abortions and its causes, and also the strict criminalization of abortion. Please also provide updated statistics on maternal mortality and the steps taken by the State party to address the issue, particularly in rural and remote areas.

27. Please provide information on the social protection, health and judicial measures in relation to persons with disabilities who are detained in psychiatric facilities. Please also provide details on the practice of forced sterilization of women with disabilities.

28. Please provide information on the sexual and reproductive education programmes implemented by the State party, in particular the plan "Building Hope. Strategies and Recommendations for Health 2009–2014" (report, para. 410). Please provide information on the steps taken to address the high rate of teenage pregnancies.

Articles 13 and 14. Right to education

29. Please provide additional information on the steps taken by the State party to reduce the dropout rate, particularly in secondary schools and among girls, and their impact. Please

describe the amendments made to the Education Act, mentioned in paragraph 457 of the report, to ensure that young pregnant students are not excluded from the school system.

30. Please provide updated statistical data on developments in per capita public spending on education. Please also provide information, disaggregated by sex and age, on access to education for children and young persons with disabilities.

31. Please provide details of the steps taken to address the disparities in educational quality and physical infrastructure between urban and rural schools.

32. Please provide information on teacher training in the area of intercultural and multilingual education and the implementation of an education system that respects the situation of multilingualism in the State party. Please also provide disaggregated data on illiteracy, absenteeism and dropout rates, particularly among indigenous children.

33. Please provide information on grant and scholarship programmes and any other programmes that facilitate access to higher education for young people from low-income backgrounds, especially programmes that promote access for women and indigenous persons.

Article 15. Cultural rights

34. Please provide information on measures implemented by the State party to strengthen the protection of the tangible and intangible cultural heritage.

35. Please provide detailed information on the measures taken to give full effect to the presidential declaration, in 2010, recognizing the “multi-ethnic and multicultural” nature of the country, particularly with respect to culture, recognition, memory, visibility, participation, heritage (tangible and intangible) and language.

36. Please provide information on the steps taken by the State party to ensure that all persons, including those in disadvantaged and marginalized groups, have access to the benefits of scientific progress and its applications, particularly Internet access. Please also indicate the measures taken for the conservation, development and diffusion of science and culture, and to encourage contacts and international cooperation in the fields of science and culture.
