



# International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

## Combined twentieth to twenty-second periodic reports submitted by El Salvador under article 9 of the Convention, due in 2022\*, \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. El Salvador hereby submits its combined twentieth to twenty-second periodic reports on the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with article 9 (1) of the Convention, and pursuant to the Committee's recommendation in paragraph 44 of document [CERD/C/SLV/CO/18-19](#).
2. This report has been drawn up in accordance with the instructions provided in 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](#)). The Committee's concluding observations regarding the implementation of the Convention by El Salvador and contained in document [CERD/C/SLV/CO/18-19](#) have also been taken into consideration.
3. By Legislative Decree No. 707, Official Gazette No. 112, volume 403, amending article 63 of the Constitution, the Salvadoran State recognized the existence of Indigenous Peoples in El Salvador, thus laying the groundwork for laws, plans and public policies targeting those Peoples.
4. In addition to this change in legislation, article 30 of the Culture Act<sup>1</sup> recognizes and guarantees Indigenous Peoples' freedom, equality, dignity and right to a life free of any discrimination based on ethnicity, sex, religion, customs, language or any other condition.
5. In January 2018, the Ministry of Culture was established to carry out major initiatives in favour of Indigenous Peoples, and its relevant competencies were identified in and delimited by Executive Decree No.1 of the Council of Ministers, as published in the Official Gazette on 18 January 2018. Within the framework of those competencies, the Directorate General for Indigenous Peoples was created as the institution responsible for promoting historical memory and strengthening identity processes locally and nationally, fostering dialogue and intersectoral work from a cultural perspective and leading processes related to the sociocultural development of Indigenous Peoples.
6. With the launch of the Cuscatlán Plan, culture was recognized as a priority area, based on the recognition and revaluation of the differences of and areas of common interest to urban and rural communities and those localities that are identified by their traditions, languages, dances, customs and so on. Likewise, a commitment has been made to promote and preserve knowledge and to foster the dissemination of the traditions and customs of the communities and localities.
7. In line with this Plan and pursuant to article 7 of the Culture Act, efforts are being made to promote people's participation in culture as a guiding principle, including by facilitating and establishing incentives for cultural and arts-related activities. El Salvador guarantees equal and equitable access to culture. It gives priority to those who have been excluded in the past, encompassing diverse population groups, including Indigenous and Afrodescendent peoples.
8. The overhaul of the Directorate General for Indigenous Peoples in 2019 has contributed to promoting a multicultural approach and an awareness of the multicultural roots that make up the country. Three specific areas were identified as priorities: (a) promotion of the rights of Indigenous and Afrodescendent peoples; (b) development of Indigenous and Afrodescendent communities; and (c) cultural promotion for Indigenous and Afrodescendent peoples.
9. The Salvadoran State has a National Policy for Indigenous Peoples,<sup>2</sup> which has been updated in consultation with various Indigenous organizations. Specifically, the Indigenous Peoples' Consultative Circle (made up of Indigenous organizations) and the Inter-

<sup>1</sup> Culture Act. Legislative Assembly. Decree No. 442. *Diario oficial* No. 412, vol. 159. Date: 30 August 2016.

<sup>2</sup> Public Policy for the Indigenous Peoples of El Salvador, 2017. Available at <https://derechodelacultura.org/wp-content/uploads/2019/06/Pol%C3%ADtica-para-Pueblos-Ind%C3%ADgenas-MICULTURA.pdf?view=download>.

Institutional Circle of Indigenous Peoples (made up of government institutions) have been convened to review the updated Policy for its consideration and validation.

10. At the territorial level, five new municipal ordinances were adopted, in Cacaopera, Yucuaquín, San Antonio del Monte, San Juan Nonualco and Chalchuapa, for a total of 11 municipal ordinances that seek to uphold the civil and political rights of Indigenous communities in the territories where they are heavily concentrated. (See annex 1.)

11. In May 2023, the municipal council of San Alejo, La Unión department, with technical assistance from the Ministry of Culture, adopted an ordinance recognizing the Afrodescendent population. It is the first regulation of its kind in the country, and will soon be published in the Official Gazette.

12. On 9 August 2023, coinciding with the International Day of the World's Indigenous Peoples, the National Day of Indigenous Peoples was established, commemorating the cultural value and importance of their ancestral knowledge. In addition, 31 August has been declared the International and National Day for People of African Descent.

13. On 22 March 2023, a legislative decree was adopted, declaring the celebrations of the "Procession of the Christs" and the "Procession of the Holy Burial" as intangible cultural heritage of El Salvador. The decree recognizes the importance of these festivities in preserving the country's cultural identity and their significance in the life of the Izalco community.

14. Similarly, on 18 April 2023, a legislative decree was adopted, declaring seven traditional dances of the department of Morazán as intangible cultural heritage of El Salvador. The decree recognizes the importance of these dances in preserving the country's cultural heritage and their deep significance in the life of the Morazán community.

## **Article 1**

### **Definition of racial discrimination**

15. In accordance with the Committee's general recommendation No. 14 (1993), article 3 of the Constitution<sup>3</sup> states that "All persons are equal before the law. For the enjoyment of civil rights, no restrictions shall be established that are based on differences of nationality, race, sex or religion".

16. The general principle of equality and non-discrimination is thus established in primary law and governs the rest of the national legal order. As mentioned in the previous report, article 63 of the Constitution was amended in 2014 to recognize Indigenous Peoples and promote their freedom, equality, dignity and a life free of discrimination, so that they might maintain and express their ethnic and cultural identities, values and world views, thus laying the groundwork for public policies free of racial discrimination.

17. The recognition of Indigenous Peoples in the Constitution and the work being carried out by the State in the territories has helped to broaden the base and the self-recognition of Indigenous communities and organizations in El Salvador, which in turn has emboldened them to defend their rights. The Inter-Institutional Circle of Indigenous and Afrodescendent Peoples has been instrumental in securing the participation of, and carrying out consultations and initiatives in, the communities; the information thus gathered has allowed us to adopt measures to support these peoples.

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<sup>3</sup> Constitution of the Republic of El Salvador, Decree No. 38 of December 1983, No. 234, vol. 281, of 16 December 1983.

## Article 2

### A. Legal framework and general policies to eliminate racial discrimination

18. The Government of El Salvador has demonstrated a human rights-based approach in striving to change exclusionary and discriminatory sociocultural patterns. It has done this through the Cuscatlán Plan, the main policy document governing action by the State. The Plan establishes baselines in the area of human rights in order to better respond to the needs of society.

19. Culture is a priority under the Plan. Taking into account article 27 of the Universal Declaration of Human Rights, article 1 of the Constitution recognizes the human person as the basis for and purpose of the State's activity, and article 53 of the Constitution establishes the State's obligation to uphold, promote and preserve culture.<sup>4</sup> The Ministry of Culture was set up as a governing body to safeguard origins, cultural roots and identity. Article 4 of its regulations thus states, "The right to culture is inherent to humans. It is therefore an obligation and essential mission of the State to protect, promote, disseminate and foster conditions for the development of cultural and artistic processes driven by society, taking into account the cultural diversity of peoples".

20. In November 2018, the Ministry of Culture launched the Public Policy for the Indigenous Peoples of El Salvador (currently the National Policy for Indigenous Peoples), focusing on inclusion, interculturalism and alternative development from an economic, social and cultural perspective, for the benefit of Indigenous individuals, communities and Peoples. The Policy sets out five strategies: social development, economic development, cultural development, environmental sustainability and governance.

21. The Public Health Policy for Indigenous Peoples, which integrates the world view and ancestral knowledge of native peoples, was developed in coordination with the Ministry of Health.

22. In addition, the Government has introduced a national environmental policy and a national climate change plan and maintains nationally determined contributions for El Salvador – all strategic instruments for sustainable environmental stewardship and climate change adaptation and mitigation, which benefit the entire population.

### B. Legislative, judicial, administrative and other measures to prevent or eliminate racial discrimination

23. Various State regulatory bodies were established during the reporting period for the promotion and protection of the rights for all population groups, in order to prevent discrimination of any type. In July 2021, El Salvador ratified the Convention against Discrimination in Education, an instrument adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1960, pursuant to which actions are taken to guarantee access to education without discrimination for members of national minorities. El Salvador has adopted a number of other instruments and policies, including the Development and Social Protection Plan 2019–2024, which provides for the implementation of the Poverty Eradication Strategy; the Special Act on the Protection of the Rights of Older Persons; the Special Act on the Inclusion of Persons with Disabilities;<sup>5</sup> the Growing Together Act for the Protection of Early Childhood, Children and Adolescents;<sup>6</sup> the Caring Births Act on Decent Childbirth and Loving and Sensitive Care for Newborn Children; the Loving Nutrition Act for the Promotion and Protection of and Support for Breastfeeding; the comprehensive healthcare model; the "Links to Education" programme; the "My New School"

<sup>4</sup> Constitution of the Republic of El Salvador, Decree No. 38 of December 1983, No. 234, vol. 281, of 16 December 1983.

<sup>5</sup> Special Law on the Inclusion of Persons with Disabilities, Decree No. 672 of 22 June 2020.

<sup>6</sup> Growing Together Act for the Protection of Early Childhood, Children and Adolescents, by Legislative Decree No. 487, dated 27 April 1990, published in *Diario Oficial* No. 108, available at <https://crecerjuntos.gob.sv/dist/documents/DECRETOLEY.pdf>.

comprehensive educational reform project; the Inclusive Education Policy; and the General Act on Young People.

24. In addition, the Ministry of Culture issued an internal decision on protective measures and safeguards for the preservation of the cultural heritage represented by the Náhuatl language of El Salvador. This decision was published in the Official Gazette, volume 516, No. 164, dated 5 September 2017.

25. It is especially important to note the 11 municipal ordinances on Indigenous rights in El Salvador, which were issued in Nahuizalco, Izalco, Panchimalco, Cuisnahuat, Conchagua, Santo Domingo de Guzmán, Cacaopera, Yucuaiquín, San Antonio del Monte, San Juan Nonualco and Chalchuapa. These municipal ordinances promote the economic, social and cultural development, as well as the effective participation in the exercise of civil and political rights, of the Indigenous communities of the municipalities in question. This includes the right to non-discrimination and to the protection and preservation of their culture, territory and, in particular, the renewable and non-renewable natural resources that make up their ecological environment. In 2018, the municipality of Tacuba was recognized as a territory of Indigenous communities. Such territories have a total population of approximately 398,121 inhabitants spread out over an area of 1,193.76 km<sup>2</sup>.

26. El Salvador is endowed with a system of civil rights and liberties consisting of the Attorney General's Office, the Office of the Human Rights Advocate, the Counsel General's Office, the judiciary, the Ministry of Justice and Public Security and the newly established Presidential Commissioner for Human Rights and Freedom of Expression, all of which seek to uphold the principle of equality and non-discrimination.

### **C. National human rights institution responsible for combating racial discrimination**

27. The Ministry of Culture has led important initiatives to strengthen the legal framework, policies and regulations at the national and local levels. It has worked with various executive bodies, civil society and local governments to carry out activities promoting the rights of Indigenous Peoples and people of African descent. It has, for instance, advanced cultural policies and proposed various forms of research, training in the arts, support for popular culture, and the safeguarding, restoration and dissemination of the nation's cultural heritage, thereby contributing to the elimination of discrimination against Indigenous Peoples and people of African descent, in accordance with the Cuscatlán Plan.

28. The Directorate General of Indigenous Peoples, within the Ministry of Culture, has taken a multicultural approach to its work in three specific areas relating to Indigenous Peoples and people of African descent: promotion of rights, community development, and promotion of culture.

29. Within the Office of the Human Rights Advocate, a Standing Committee on the Rights of Indigenous Peoples<sup>7</sup> has been established as a democratic forum to coordinate the efforts of the State and civil society institutions concerned, with a view to shaping solutions to the problems of Indigenous Peoples, based on the different perspectives and interests of the Committee's members.

30. This forum also allows for the monitoring, analysis and discussion of public policies for the protection of Indigenous Peoples, the objective being to make such policies more effective by contributing statements on human rights violations that have occurred.

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<sup>7</sup> Constituent document of the Standing Committee on the Rights of Indigenous Peoples, 2018, available at <https://www.pddh.gob.sv/portal/wp-content/uploads/2018/10/documento-constitutivo-pueblos-indigenas.pdf>.

## D. Special social, cultural and other measures

31. In the second chapter of the Culture Act,<sup>8</sup> article 11 provides that: “The State shall guarantee Indigenous Peoples and ethnolinguistic groups the right to preserve, enrich and disseminate their culture, identity and cultural heritage and to produce new knowledge based on their ancestral wisdom and contemporary collections.” El Salvador thus promotes access to and the observance of the fundamental rights of Indigenous Peoples and people of African descent.

32. Chapter III governs the individual and collective rights of Indigenous Peoples, which serve as the basis for the activities of the Ministry of Culture, whose mission is “to uphold the right to culture and the strengthening of Salvadoran identities, by promoting the protection, preservation and dissemination of cultural heritage and artistic expression”. Based on these advances in the legal framework, the State has designed participatory policies for the country’s Indigenous population, which are further supported by regulations in municipalities that have long had a significant Indigenous population.

33. The Ministry of Culture and the Ministry of Health have jointly launched the Ancestral Food Culture Project, which provides for the active participation of the Indigenous and Afrodescendent population as agents of change, through their traditional knowledge and practices, particularly their ancestral food culture, their sustainable production practices and respect and care for the environment.

34. In September 2023, the Office of the First Lady, the Ministry of Health and the Ministry of Culture published, with technical assistance from the Food and Agriculture Organization of the United Nations, *Recetario ancestral. Herencia indígena y afrodescendiente: alimentos nutritivos y fáciles de preparar* (“Ancestral recipe book. Indigenous and Afrodescendent heritage: nutritious and easy-to-prepare food”).<sup>9</sup> The book was put together with the contributions of rural women, the preservers of culture, belonging to the communities of Tacuba in the department of Ahuachapán, Nahuizalco in the department of Sonsonate, both communities with a Nahua-Pipil Indigenous identity, Cacaopera in the department of Morazán, with Cacaopera or Kakawira Indigenous identity, and San Alejo and Conchagua, both in the department of La Unión, with Lenca Afrodescendent Indigenous identity.

35. The purpose of this project was to highlight the importance of ancestral cuisine for its cultural relevance and nutritional and environmental value, by presenting a number of recipes that shed light on the origins of Salvadoran cuisine and emphasize its nutritional value and the use of local ingredients as a key part of a sustainable food system.

36. A number of environmental and climate change projects that have been carried out incorporate social and environmental safeguards, in order to ensure compliance with national regulations, avoid adverse impacts and, above all, secure the full and effective participation of Indigenous Peoples and people of African descent, based on their knowledge, experience and interests in the projects. In that way, the projects have sought to highlight the value of ancestral knowledge in the management of natural resources and agricultural practices, such as the use of native seeds and medicinal plants.

37. Through the National Institute for Youth, mechanisms have been developed to ensure the inclusive participation of young people from the community of native people in the national consultations regarding the development of the National Youth Policy 2011–2024 and the related action plan. The rural youth report of the municipalities of Jiquilisco, Sonsonate and Zacatecoluca identifies the main needs of young people that had been forgotten, and indicates the development of leadership courses for population groups in the municipalities of Ahuachapán, El Congo, San Sebastián, Santa Ana, Santo Domingo de

<sup>8</sup> Culture Act. Legislative Assembly. Decree No. 442. *Diario oficial* No. 412, vol. 159. Date: 30 August 2016.

<sup>9</sup> *Recetario ancestral. Herencia indígena y afrodescendiente: alimentos nutritivos y fáciles de preparar*, 2023.

Guzmán, Sonsonate, Berlín, Jiquilisco, Jocoro, La Unión, Morazán, Nueva Guadalupe, San Francisco Gotera, San Fernando and Usulután.

38. Under the agreement signed with the Food and Agriculture Organization, the National Institute for Youth and other institutions, support has been provided to rural, Indigenous and Afrodescendent communities in various parts of El Salvador, such as the country's dry corridor and other areas in Ahuachapán and Chalatenango. The "Rural Youth Leadership School" course has been rolled out, with the participation of 450 rural, Indigenous and Afrodescendent young people.

39. The State adopted the General Law on Water Resources,<sup>10</sup> which has led to the partial public administration of the sector, including water for agriculture, human consumption and sanitation. A regulatory and institutional reform of water governance has been initiated as regards energy generation and water conservation and related activities.

40. In that connection, the Salvadoran Water Authority, the governing entity in this matter, has issued a special regulation for determining fees for the use and exploitation of water resources, according to which the water boards and community organizations that provide water distribution services for human consumption will not pay any fees. This will benefit, in particular, the inhabitants of rural areas, where a large number of Indigenous and Afrodescendent communities are located.

41. Guidelines have been developed for the weighting of fees based on the social interest or purpose of the use and exploitation of water resources for household water supply, crop irrigation or production of food that is part of the basic food basket, as well as the generation of public electricity. In such cases, the administration of water resources must support the regular, permanent and free access that every person must have to a quantitatively and qualitatively sufficient food supply for a dignified life.

### **Article 3**

#### **Apartheid**

42. El Salvador is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1979. It is also a party to the Rome Statute of the International Criminal Court, which provides that apartheid is a crime within the jurisdiction of the Court, and is classified as a crime against humanity. As stated in the previous report, there is no system comparable to the apartheid regime in El Salvador.

### **Article 4**

#### **Prohibition and punishment of discriminatory activities**

##### **A. Legislative, judicial, administrative and other measures to eradicate racial discrimination\***

43. El Salvador has adopted criminal laws targeting all those who engage in any type of illegal conduct that violates the fundamental rights enshrined in the Constitution,<sup>11</sup> without discrimination, in accordance with article 292 of the Criminal Code.<sup>12</sup> This article establishes that "any civil servant, public employee or employee of a public institution or public authority who, on the grounds of nationality, race, sex, religion or any other personal attribute, denies a person any of the individual rights enshrined in the Constitution shall be liable to 1 to 3 years' imprisonment and disqualification from holding his or her post or job for an equal

<sup>10</sup> General Law on Water Resources, Legislative Decree No. 253, dated 21 December 2021, available at <https://www.asamblea.gob.sv/sites/default/files/documents/decretos/38040F9D-D229-4C16-8F55-51EF058A2F0A.pdf>.

<sup>11</sup> Constitution of the Republic of El Salvador, Decree No. 38 of December 1983, published in *Diario Oficial* No. 234, vol. 281, of 16 December 1983.

<sup>12</sup> Criminal Code of El Salvador, Legislative Decree No. 270 of 13 February 1973, published in *Diario Oficial* No. 63, vol. 238, of 30 March 1973.

period of time”. Article 246 of the Criminal Code sets out the penalties for discrimination in the workplace.

44. An example of State accountability is the support provided through the Ministry of Culture to the *líderes y abuelos indígenas* (Indigenous leaders and elders)<sup>13</sup> of the municipality of Nahuizalco in *amparo* case No. 97-2019, which was filed before the Supreme Court of Justice in 2019 and admitted by that Court in November 2021. A notice was sent to the parties in August 2022, when the Attorney General’s Office was ordered to initiate investigations into the massacre of 1932.

45. Furthermore, with regard to reparations for victims of armed conflict, the Salvadoran State has established a mechanism that enables it to respond swiftly and appropriately to judgments issued against it. An example of such a response is Executive Decree No. 53, which was published in the Official Gazette on 2 September 2016 and establishes specific provisions of restoration to implement and follow up on the decision of the Inter-American Court of Human Rights in the case of *the Massacres of El Mozote and nearby places v. El Salvador*.

46. As part of these reparation measures, the Ministry of Local Development has developed a system of care for older persons through the construction and administration of two day-care centres and a geriatric centre. A second geriatric centre is due to be built in El Mozote, where the care system is also under development. The purpose of the system is to provide services to older persons in the area, prioritizing care for survivors and relatives of victims. The system delivers gerontological services with a focus on family, social, psychosocial and nutritional support and medical assistance through home-based care, educational talks and community work. Additional support has been provided through the delivery of food and non-food supplies. This support is currently being provided to 347 individuals belonging to Indigenous or Afrodescendent communities, of whom 192 are women and 155 are men.

## **B. National legislation specifically prohibiting racial discrimination**

47. The right to equality and non-discrimination is enshrined in the Constitution, which means that discrimination of any kind, including racial discrimination, is implicitly prohibited.

### **Article 5**

## **I. Information grouped under particular rights**

### **A. The right to equal treatment before the tribunals and all other organs administering justice**

48. The Salvadoran justice system provides mechanisms to safeguard the rights and freedoms of individuals who are involved in civil, criminal or administrative proceedings before the courts or tribunals, ensuring equal treatment for the entire population. The Salvadoran State informs victims of their rights as a party to criminal proceedings, without distinction of any kind. It provides them with legal assistance in order to collect the information needed to make decisions that allow for the provision of reparations for the harm caused by racial discrimination.

49. In order to fulfil its duty to guarantee access to justice for all individuals without discrimination on any grounds, the Supreme Court of Justice is currently made up of 566 courts, which are organized as follows: 28 courts of second instance, 216 courts of first instance and 322 municipal courts.

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<sup>13</sup> Terminology used to refer to Indigenous leaders in Nahuizalco.

50. In order to protect against violations of constitutionally recognized rights, such as the right to equality and non-discrimination, article 247 (1) of the Constitution provides for the possibility of bringing *amparo* proceedings before the Constitutional Affairs Division of the Supreme Court of Justice.

## **B. The right to security of person and protection by the State against violence or bodily harm**

51. In 2017, the Attorney General's Office launched the Policy on Criminal Prosecution, article 25 of which addresses the special treatment of investigations into criminal acts committed against vulnerable groups, including Indigenous Peoples and people of African descent. Furthermore, in 2018, special treatment for women was incorporated, in accordance with the requirements and guidelines of the framework of action for the prevention, detection and prosecution of violence against women, the implementation of which is mandatory for the staff of the Attorney General's Office and managed by the National Directorate for Women, Children, Adolescents, Lesbian, Gay, Bisexual, Transgender and Intersex Persons and Other Vulnerable Groups.

52. In terms of access to justice, the country has set up specialized courts for a violence- and discrimination-free life for women, which are competent to try the offences set out in the Special Comprehensive Act on a Violence-Free Life for Women, to consider complaints and reports under the Domestic Violence Act and to monitor and oversee precautionary and protection measures established under the Act on Equality, Equity and Elimination of Discrimination against Women. They also have jurisdiction to hear cases concerning labour discrimination, violations of the right to equality, breaches of the duty of care, the unlawful separation of a minor or legally incompetent person and disobedience in cases of domestic violence.

53. The Deputy Prosecutor's Office for Women, Children, Adolescents and Other Vulnerable Groups was established in October 2021 in order to strengthen the protection of fundamental rights. Its main duty is to lead investigations into and prosecute crimes committed against women, children, adolescents, lesbian, gay, bisexual, transgender and intersex persons and other vulnerable groups. At the same time, specialized support units and technical tools have been created to handle and investigate cases of violence against women.

54. As the lead institution in the area of women's rights, the Salvadoran Institute for the Advancement of Women, has, in recent years, developed a strategy that enables it to monitor, promote and ensure compliance with the regulatory framework and public policies on equality and non-discrimination against women and to mainstream the principles of equality and non-discrimination in efforts to design, formulate and implement public policies in State institutions. It has also developed comprehensive and specialized support programmes for victims of gender-based violence in both public and private spheres.

55. Furthermore, the Salvadoran Institute for the Advancement of Women is implementing a specialized training strategy as part of which it is developing training and awareness-raising activities geared towards civil servants, women leaders and the general population. The competency-based training model it uses provides for different pedagogical approaches that promote innovation and creativity.

## **C. Political rights**

56. With regard to the recommendation made by the Committee in paragraph 19 (c), the Constitution establishes that Salvadoran citizens are entitled to choose the government in free and fair periodic elections that are held by secret ballot and that are by universal and equal suffrage, without any kind of discrimination.

57. Article 32 of the Culture Act regulates the right to consultation, stipulating that "the State shall establish the means to ensure the participation of Indigenous Peoples in decisions on matters affecting their rights". Moreover, the National Policy for Indigenous Peoples

establishes that it is vital for Indigenous Peoples to be empowered through leadership and organizational training in order for them to gain access to public positions.

58. In this connection, the Development and Protection Plan 2019–2024 has been implemented through the Office of the Presidential Commissioner for Operations and the Cabinet, which is in charge of social policy. The Plan was developed through a wide-reaching consultation process involving various national and local stakeholders, including civil society organizations, academic institutions, United Nations agencies and international partners, without discrimination of any kind.

59. There are no laws limiting the participation in the political process of Indigenous Peoples, people of African descent or members of minority groups. In the most recent elections held in 2021, one individual who registered as a candidate for the Central American Parliament and several individuals who registered as candidates for municipal councils belonged to Indigenous communities. While it is true that their belonging to Indigenous communities is not noted in the registers as it is not a legal requirement to do so, the candidates either were members of Indigenous organizations or made their background known during their campaigns. The Supreme Electoral Court, in coordination with the Ministry of Culture, is taking steps to facilitate access to information on the 2024 electoral process and is providing advice and support to individuals belonging to Indigenous and Afrodescendent communities.

60. Likewise, municipal ordinances have been issued by local governments to recognize the Indigenous communities present in various municipalities, thereby ensuring that policies will be developed with the full participation of these communities.

61. Lastly, one of the priority strategies of the Salvadoran Institute for the Advancement of Women is to encourage women's political and civic participation through the advisory councils for the defence of women's rights. While these councils are not geared specifically towards Indigenous women and women of African descent, such women do participate in them. Participants include women leaders with Indigenous and Afrodescendent roots, in particular from the departments of Morazán and Sonsonate, who have received training on various topics with a view to their empowerment.

#### **D. Other civil rights**

62. The Salvadoran State is not only committed to the preservation of public spaces, but is also working actively to promote such spaces through centres for cultural exchange and social cohesion, in line with article 22 of the Culture Act. It also guarantees that the entire population, including Indigenous Peoples and people of African descent, have freedom of movement and residence based on their needs.

63. Taking into account general recommendation No. 32 (2009), the Constitution recognizes the human person as the basis for and purpose of the State's activity, the objective of which is to provide for justice, legal certainty and the common good. Accordingly, it is incumbent upon the State to ensure that the inhabitants of El Salvador enjoy freedom, health, culture, prosperity and social justice.

64. Furthermore, spaces have been created for the formation of Indigenous women's groups in the municipalities of Nahuizalco, San Antonio del Monte and Panchimalco. There are plans to establish five advisory groups, or "yaguales", into which youth groups and customary law organizations will be incorporated.

65. In addition, El Salvador is a member of the Fund for the Development of the Indigenous Peoples for Latin America and the Caribbean, a body that facilitates regional dialogue and consultation processes in order to ensure the recognition, protection and promotion of the rights of Indigenous Peoples in member States. In 2021, the Ministry of Culture, in coordination with the Ministry of Foreign Affairs, provided a space for the election of Indigenous representatives to the Fund. The election was well attended, with 50 Indigenous leaders representing the territories of El Salvador. Subsequently, and at the request of Indigenous organizations, logistical support was provided for the arrangement of

a ceremony at the Tazumal Ceremonial Centre to pay tribute to the leadership and work of the elected representatives.

66. In the same vein, the Ministry of Education, Science and Technology and the Ministry of Culture launched a process of consultations in July and August 2021 with representatives of Indigenous Peoples to receive their input on the project known as “Growing and Learning Together: Comprehensive Early Childhood Development”.

## **E. Economic, social and cultural rights**

67. Article 20 of the Culture Act<sup>14</sup> recognizes the “right of all individuals to build, know and preserve their history and cultural heritage and to identify and choose their own interpretation or retelling in the context of the various perspectives and beliefs surrounding historical events”. In addition, article 21 establishes that “all ethnic groups, peoples and communities and their members have the right for the cultural and artistic goods and expressions they have produced to be protected and for their ancestral knowledge, customs, expressions, rituals and ways of life to be safeguarded”.

68. Likewise, article 22 of the Act provides for “the existence and use of public spaces as an environment for cultural exchanges, social organization and the promotion of cultural rights”. It also calls for the “adoption by the State of measures to promote the participation of individuals, groups and communities, all of whom have the right to equal access to cultural goods and services, in all their diversity and plurality”.

69. Article 27 of the Act establishes that Indigenous Peoples have the individual and collective right to the full enjoyment of the human rights and fundamental freedoms recognized in the Constitution. The Act also recognizes the State’s obligation to foster conditions that enable Indigenous Peoples to achieve sustainable economic and social development that is compatible with their cultural characteristics and to provide means to guarantee the involvement of Indigenous Peoples in decisions on issues affecting their rights and the promotion of Indigenous art, traditions and languages.

70. Accordingly, it is important to mention that the National Policy for Indigenous Peoples has been the subject of a new round of consultations, aimed at Indigenous Peoples, in order to ensure that it is updated appropriately. The purpose of the National Policy is to manage the State’s efforts to support and work with Indigenous Peoples, taking account of their rights and world view, through transformative social action. The Policy has set out five strategies: social development, economic development, cultural development, environmental sustainability and governance.

71. The first two strategies are aimed at improving the living conditions of Indigenous Peoples, bearing in mind their views. The cultural development strategy takes into account that the identity of Indigenous Peoples constitutes national cultural heritage and, as such, must be promoted. The environmental sustainability strategy seeks to ensure the sustainability of natural resources and provides for affirmative measures for addressing climate change, once again bearing in mind the views of Indigenous Peoples. The purpose of the National Health Policy for Indigenous Peoples is to uphold the right of Indigenous Peoples to comprehensive healthcare, following an intercultural and gender-based approach that recognizes and respects Indigenous knowledge and facilitates its integration into the national health system.

72. Lastly, it should be noted that environmental management and climate change plans, projects and activities recognize the heritage value of the knowledge and practices of Indigenous Peoples and communities of African descent in managing natural resources and agricultural production to ensure sustainability and climate change adaptation. Efforts are also being made to promote respect for the right of Indigenous Peoples and communities of African descent to preserve and maintain their knowledge and to ensure that that knowledge is made public only with their consent.

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<sup>14</sup> Culture Act. Legislative Assembly. Decree No. 442, *Diario Oficial* No. 412, vol. 159, of 30 August 2016.

## 1. Right to work

73. As stated in article 37 of the Constitution, work is a social function and enjoys the protection of the State. This is demonstrated by State programmes such as the “Opportunities” programme, which was launched in October 2021 and offers businesses access to subsidies that cover, for a period of three months, more than half of the wages of new employees between 18 and 21 years of age and over 40 years of age who have been out of work for more than 18 months, without any discrimination whatsoever.

74. As a sign of the State’s commitment to provide new opportunities for other specific population groups such as single mothers, as of August 2022, job placement opportunities were made available in companies in different sectors. This initiative seeks to provide at least 5,000 single mothers with the opportunity to work, by providing placements for them in 50 companies operating in various economic sectors. Applicants need to have received only a basic education and be over 18 years of age; no work experience is required.

75. In addition, in 2021, a 20 per cent increase in the minimum wage was approved for all sectors of the national economy, thereby benefiting the population as a whole<sup>15</sup> (Official Gazette of 7 July 2021). The purpose of this initiative was to support micro-, small and medium-sized enterprises (with payrolls of up to 100 employees, without any discrimination whatsoever), with funds from the Development Bank of El Salvador being used to subsidize this increase.

76. Furthermore, in order to mitigate the economic and financial impact on micro-, small and medium-sized enterprises and as a result of the increase in the minimum wage, the Government granted enterprises in those categories benefits for a period of 12 months. This support was intended to reinforce their stability and sustainability in the face of the coronavirus disease (COVID-19) pandemic, ensuring their ability to continue normal operations and helping them to achieve recovery and growth.

77. The Development Bank of El Salvador has also supported micro-, small and medium-sized enterprises with a minimum-wage subsidy, allocating a total amount of US\$ 60.5 million in funding. The support was distributed primarily among micro-entrepreneurs, who accounted for 72 per cent of all beneficiaries. Working on the basis that the households of each employee in receipt of such support consist, on average, of four people, it is calculated that the subsidies benefited a total of 616,464 people. (See annex 3.)

78. The State’s “My First Job” programme was launched in August 2023 with the aim of providing access to decent work in the country for persons lacking prior work experience. Under the initiative, five-month apprenticeship contracts have been set up in private companies for internally displaced persons, refugees, asylum-seekers, returnees and members of communities considered high priority by the Office of the United Nations High Commissioner for Refugees (UNHCR) who are between 18 and 35 years of age.

79. Likewise, in order to comply with the rights to free choice of employment and to just and favourable conditions of work, new employment opportunities have been created for specific sectors of the population through the Public Employment Service, which provides vocational guidance to jobseekers through job interview practice, psychometric tests and information on their employment rights and obligations. Job placements are determined in an impartial manner by matching candidate profiles with the needs of companies identified by the Ministry of Labour and Social Security, without discrimination against any part of the population. In addition, in order to promote and encourage entrepreneurship, trade fairs are held to provide opportunities to market products and services without discrimination based on race or ethnic background.

80. El Salvador also operates the labour market information system), making it the first country in Central America and the second country in Latin America with a unified repository of information on the labour market that has been validated by the International Labour Organization. The system makes it possible to identify the needs of companies and the

<sup>15</sup> *Diario Oficial* No. 129, vol. No. 432, of 7 July 2021. Available at: <https://www.mtps.gob.sv/download/diario-oficial-7-de-julio-de-2021-nuevas-tarifas-salario-minimo-2021/?wpdmdl=4479&refresh=6526dd34abc961697045812>.

safeguards that are provided to workers, without distinction, for decent work, through the collection and systematization of information and constant monitoring and follow-up of statistical data.

81. Moreover, between December 2020 and July 2021, the Ministry of Culture, in coordination with the Salvadoran Institute for the Development of Women and with the support of the Development Bank of El Salvador, worked to make it possible for female members of the LGBTQI+ community to have access to the Human Rights and Financial Education Programme, which takes an intersectional approach to the promotion of women's economic independence. Trade fairs for women entrepreneurs have been held to boost the economic independence of participants in the project. The targeted population also includes members of the Indigenous and Afrodescendent communities.

82. The Consumer Protection Authority constantly monitors the cost of the products that make up the basic food basket to avoid speculation and hoarding, for the benefit of all Salvadorans, including Indigenous Peoples.

## **2. Right to form and join trade unions**

83. In order to guarantee the right of association of the working class as a whole, the Ministry of Labour and Social Security, acting through its National Department of Trade Union Organizations, has accredited 1,300 union leaders, providing them with legal mechanisms to defend the economic and social rights of workers affiliated to the various trade union associations, which in turn enable them to negotiate with employers and improve the working conditions of workers through collective bargaining agreements.

84. It is also important to note that, between 2019 and 2021, 18 trade unions were created in the private sector and 14 in the public sector, bringing the total number of unions formed to 34. On 21 April 2021, the first Trade Union Training Institute was opened, to strengthen social dialogue. It will provide services to more than 150,000 workers affiliated to various trade unions.

85. The Ministry of Labour and Social Security has taken the initiative to set up the Trade Union Service Office in the General Directorate of Labour. The aim is to provide legal assistance to union representatives who make requests relating to their activities in the National Department of Social Organizations, such as advice for the drafting of rules, records of constituent assemblies and elections of boards of directors for trade unions, federations and confederations.

86. It is worth mentioning that the Collective Labour Relations Section of the Ministry of Labour and Social Security has reported that no collective dispute has yet reached the strike stage under the current Government.

## **3. Right to housing**

87. The Ministry of Housing has carried out actions to help ease the quantitative and qualitative housing deficit in order to improve quality of life, promote economic growth and encourage investment in projects of social interest for the country and the population, including Indigenous Peoples and people of African descent. It has thus invested \$676.2 million in loans, housing construction, deeds and resettlement, benefiting more than 50,000 families (see annex 2).

88. Efforts are also being made to better manage urban planning, rebuild the social fabric and make cities more resilient and adaptable to climate change. The national housing and habitat policy seeks to promote orderly, integrated and sustainable urban development.

89. The Housing and Habitat System, which comprises the Ministry of Housing, the National Public Housing Fund, the Social Housing Fund and the Property Legalization Institute, is working in a coordinated manner to implement programmes aimed at providing access to adequate housing and guaranteeing legal security of land ownership for low-income families, and carrying out initiatives designed to achieve equality and social justice, thereby benefiting Indigenous Peoples and people of African descent.

90. The Government is committed to improving the quality of life of persons living in extreme poverty, and has ensured the provision of adequate housing through the following projects: El Espino, La Libertad department; Ciudad Marsella in the municipality of San Juan Opico, La Libertad department; Parcelación Dos Quebradas, Stage 2 – Las Rosas.

91. Housing projects that are currently under way include: (a) the socioeconomic and cultural redevelopment of the historic centre of San Salvador and its housing offer through the cooperative movement; (b) a housing development programme in Caserío el Mozote and the surrounding areas; (c) a national housing improvement programme for low-income families; (d) a housing project to resettle families in the Rafael A. Gutiérrez community in Ilopango; and (e) the Los Cocodrilos housing project in the municipality and department of San Salvador.

92. Between June 2019 and May 2022, the Social Housing Fund granted 20,109 loans with a total value of \$420.87 million. This represents a major investment for the population, benefiting approximately 84,400 Salvadorans and surpassing projected expectations for the five-year period, which put the figure at \$400 million.

93. In addition, financial or in-kind assistance may be provided directly to families, who have no obligation to repay, by means of a certificate issued in favour of the beneficiary. Between June 2019 and May 2022, assistance was provided through various agreements signed by the National Public Housing Fund to 2,979 beneficiary families, with a total investment of \$20,127,993.58. The Property Legalization Institute is implementing an institutional legalization programme, under which land tenure is secured for low-income families, some of which belong to the country's Indigenous and Afrodescendent populations. To date, an estimated total of 5,000 deeds have been issued to families, with an investment of \$2.4 million dollars. This year, the Ministry of Housing, in coordination with the Social Housing Fund, introduced the "Urban Adaptation to Climate Change in Central America – the El Salvador Component" programme, which aims to benefit the population without any form of discrimination.

#### 4. Right to public health, medical care, social security and social services

94. The COVID-19 pandemic had a serious impact on the population of El Salvador. However, temporary measures were put in place to prevent further harm to the population and to safeguard its economic, social and cultural rights. One of the main initiatives implemented to the direct benefit of the Indigenous population was health campaigns for older persons, which were carried out in two stages. The first stage, which took place between April and June 2021, comprised nine specialized care events held in the urban area and cantons of the municipalities of Santo Domingo de Guzmán, Nahuizalco and Cacaopera. The second stage comprised 10 events, 3 of which were held in Izalco, 4 in Panchimalco and 3 in Cuisnahuat, and included the delivery of walking aids such as walking sticks and walkers.

95. In 2022, the Ministry of Culture, jointly with the Ministry of Health, carried out a third series of specialized care events for older persons; 15 such events were thus held in the Indigenous territories of San Antonio del Monte, Conchagua, Tacuba, Yayantique, Guatajagua and Yucaíquín. Events were also held in the territories with Afrodescendent communities of San Alejo, Ereguayquín and Atiquizaya, which were provided with walking sticks, walkers and wheelchairs, in line with the National Policy for Indigenous Peoples, the National Health Policy for Indigenous Peoples and municipal ordinances on Indigenous Peoples' rights in the territories where they have been adopted.

96. The National Health Policy for Indigenous Peoples is aimed at enforcing the right of Indigenous Peoples to comprehensive healthcare, with an intercultural and gender-based approach that recognizes and respects Indigenous knowledge and facilitates its integration into the national health system. In addition, it has the following specific goals:

(a) To promote knowledge of the ancestral world view of Indigenous Peoples in the national health system by incorporating such Peoples' expertise and wisdom, within the national and international legal framework on the rights of Indigenous Peoples;

(b) To integrate an intercultural health approach as a cross-cutting theme in all health promotion, prevention and care strategies and programmes, while respecting the

principles, values, knowledge and wisdom of Indigenous Peoples, with an emphasis on the participation of women;

(c) To promote research that exposes the inequalities and living conditions of Indigenous Peoples in general and Indigenous women nationally, in order to identify key problems at the local, municipal and national levels and ultimately to meet their health needs;

(d) To inform, educate, communicate with and empower Indigenous Peoples on the subject of sexual and reproductive health throughout their lives;

(e) To define the framework for monitoring and following up on the implementation and fulfilment of the Policy, under the guidance of the National Committee for the Health of Indigenous Peoples and with the participation of Indigenous Peoples and vulnerable groups.

97. Under the Policy, comprehensive healthcare services were provided, over the course of nine days between April and June 2022, to approximately 1,000 older members of Indigenous communities living in the urban centre of Cacaopera and its cantons of Agua Blanca, Calavera and Estancia; the urban centre of Nahuizalco and its cantons of Tajcuiluján and El Carrizal; and the cantons of El Zarzal, El Carrizal, El Caulote and El Zope in Santo Domingo de Guzmán, thus benefiting communities of the Nahua-Pipil and Kakawira peoples.

98. In addition, it is important to note that the Government of El Salvador, through the National Council for Persons with Disabilities which, as the lead agency for disability inclusion policies, coordinates activities aimed at upholding the rights of persons with disabilities, works collaboratively to mainstream the rights-based approach and social inclusion.

99. During the COVID-19 pandemic, the State, through the National Council for Persons with Disabilities and the Ministry of Health, implemented biosecurity measures specifically aimed at persons with disabilities and their families, including the national distribution of biosecurity kits, with the aim of reducing and preventing transmission of COVID-19.

100. Between 2022 and 2023, a total of 1,751 food parcels were distributed: parcels of non-perishable food were delivered to 976 persons with disabilities and their families who were in vulnerable situations, and 775 parcels were delivered to 20 organizations and associations of persons with disabilities.

101. Through the Humanitarian Aid Programme run by the National Council for Persons with Disabilities, between 2022 and 2023, 367 wheelchairs were delivered to children, adolescents, young persons, adults and older persons with disabilities to enhance their independence and mobility in social settings.

102. In coordination with the Ministry of Health and the Health Solidarity Fund, comprehensive medical sessions have been organized to provide health services to persons with disabilities and their families in the communities of Ashapuco, Ahuachapán and San Pedro Masahuat in the Department of La Paz.

103. Lastly, an inter-institutional approach was used in developing the National Rehabilitation Plan to create new care provision strategies for persons requiring habilitation and rehabilitation services. In this context, the relevant authorities participated in the design process for the 2022 United Nations country programme, thereby shaping strategic alliances for the mainstreaming of inclusion in the country programme for the relevant cooperation agencies.

## 5. Right to education and training

104. The State of El Salvador is aware of its international commitments relating to education, access to free, quality education, the reduction and elimination of social inequality, the improvement of teacher recruitment processes and the establishment of an expanded educational system that fosters training and human development and contributes to the construction of a democratic and peaceful culture.

105. The Ministry of Education, Science and Technology works to improve and provide quality education, including universal, free primary education, without distinction as to

nationality, by designing and redesigning curricular materials and teacher training courses, taking due account of the needs of children, adolescents and young people, in order to meet the ever-present challenges of society and the world.

106. To that end, in coordination with the Ministry of Culture, the Ministry of Education, Science and Technology is fulfilling its responsibility as the guarantor of the right to an education in one's native language, thereby promoting the preservation of native languages from early childhood and among Salvadoran youth to ensure generational succession and the preservation and enrichment of the country's multiple cultural identities. The Salvadoran State has taken measures in support of children's literature, including by publishing two works by author Gustavo Pineda through the Publications and Printing Office as part of the Árbol de Fuego Series, regarding how lagoons are made and how corn is grown. A survey of different linguistic and cultural identities was carried out for the Balsamo Series, with topics including "traditions of my land", "dances of my land", "peoples of my land", "games of my land" and "instruments of my land". A further survey of linguistic and cultural identities was carried out for the Amate Series, which covered the topics "animals of my land", "colours of my land", "my first numbers", "fruits of my land" and "trees of my land".

107. A Náhuatl-language translation of the book *The Little Prince* has been published, and the JeuJeu Children's Theatre staged the same story in celebration of Children and Adolescents Day in 2021. A hundred boys and girls of Indigenous descent from the Cruz Galana neighbourhood, Izalco municipality, Sonsonate department, participated in the production, which was organized in cooperation with the local cultural centre.

108. International Mother Language Day, a UNESCO initiative to promote linguistic diversity globally and invite States to reflect on the endangered status of many minority languages, has been celebrated on 21 February every year since 1999. In an executive decree of 1 February 2017, the Salvadoran State declared 21 February to be National Náhuatl Language Day, to recognize and promote the Náhuatl language, which is still alive in the Indigenous communities of western El Salvador.

109. Further measures have been taken in this area, including the production of televised Náhuatl language classes, the publication of multicultural literature for young children in Náhuatl and the establishment of the "Yultaketza" publishing line for works in Indigenous languages, which has already published a bilingual Náhuatl/Spanish version of *The Little Prince* and the book *Nechilwiat katka ka seuji...*, a compilation of 52 stories passed down through the oral tradition of the Nahua people of western El Salvador.

110. Another measure is the adoption of the National Indigenous Languages Plan developed by the Ministry of Culture, designed to protect, revitalize and promote the Indigenous languages of El Salvador to contribute to the realization of the social and cultural rights of their speakers, including through the production of documentation in the languages of the Nahua, Lenca and Kakawira peoples, the establishment of a national registry of Náhuatl speakers and the promotion of traditional forms of dance, research and books on traditional recipes and medicine.

111. The Salvadoran State has taken measures to promote awareness-raising and training in the area of intercultural education, including:

(a) The development of a teacher training programme on cultural identity and the Náhuatl language in 2018, as an essential part of the strategy to transform teaching practices in line with an intercultural approach;

(b) The training of three cohorts – a total of 72 teachers – from the country's central and western areas in strategies for promoting the Náhuatl language and culture in schools;

(c) The digitalization of teacher training in cultural identity and the Náhuatl language as part of the Multimodal Education Strategy;

(d) In the period 2021–2022, the development of training activities on interculturality and cultural heritage as part of a teacher awareness-raising strategy to make visible, recognize and promote the cultural diversity of educational communities;

(e) The organization of awareness-raising for 400 teachers nationwide on interculturality and the importance of cultural heritage as a pedagogical resource for strengthening cultural identities;

(f) In 2020, the publication of the study “Pluricultural El Salvador: A study on the state of Nahua, Lenca, Kakawira and Afrodescendent culture in El Salvador”, which involved the registration of the intangible cultural heritage of 20 municipalities with an Indigenous cultural tradition or an Afrodescendent population;

(g) In 2021, the conduct of research into the cultural heritage of 18 municipalities where Nahua, Lenca, Kakawira and Afrodescendent cultural traditions had been identified, in continuation of the research begun in 2020;

(h) In 2022, the launch of a project to map cultural heritage nationwide, starting in the departments of Usulután, Morazán and La Unión.

## 6. Right to food

112. The Salvadoran State is aware that nutrition is a determining factor in and an indicator of development and that putting an end to malnutrition in all its forms is therefore essential to unlocking the full potential of current and future generations. It thus recognizes the need to implement systemic approaches to reversing previous trends, ensuring that nutrition is integrated into the pathways of national food systems and universal health coverage, social protection and climate action, since no single sector can solve these crises, nor is any sector immune to them.

113. The First Lady of the Republic has promoted the strengthening of the policy and regulatory framework for improving nutrition throughout the human life cycle, with an emphasis on early childhood, based on the “Growing Together” policy. It is in this context that the Caring Births Act<sup>16</sup> and the Loving Nutrition Act<sup>17</sup> for the Promotion and Protection of and Support for Breastfeeding have been implemented, protecting the right of all children to be breastfed from the first hour of life, exclusively during their first 6 months and as a complement to their diet until the age of 2 years or older.

114. These innovative regulations have had a positive impact on the reduction of maternal mortality and the reduction of causes of death directly related to pregnancy. Eight out of ten newborns are now breastfed within the first hour of life and chronic malnutrition in children under 5 years of age has decreased from 13.6 per cent (multiple indicator cluster survey, 2014) to 10 per cent (national health survey, 2021). A national nutrition strategy has been developed to increase reach at the community level.

115. In compliance with the regulatory framework for the promotion and protection of and support for breastfeeding, the Salvadoran Institute for the Advancement of Women has installed breastfeeding rooms for service users and employees in the special care facilities located in San Salvador and Sonsonate. In addition, “Women’s City” special care facilities provide nutritional care to women throughout their life, including during infancy, childhood and adolescence, as part of the comprehensive care services they offer to women and their children. They also promote the participation of women in community projects on food sovereignty and crop visits by Indigenous and Afrodescendent persons.

116. The recently launched El Salvador 2021 sustainable food systems model provides a road map for addressing nutritional and food-related issues in a comprehensive and coordinated manner. The model sets out priorities and strategies to improve the country’s food and nutritional security that result from national and subnational consultation processes carried out with different sectors and target population groups. The funding and implementation of the actions of different partners and multisectoral platforms have been aligned with national priorities.

<sup>16</sup> Caring Births Act on Decent Childbirth and Loving and Sensitive Care for Newborn Children, 2022.

<sup>17</sup> Loving Nutrition Act for the Promotion and Protection of and Support for Breastfeeding, Legislative Decree No. 510 of 2022.

117. During the COVID-19 pandemic, measures related to the right to food and nutrition were taken as part of population assistance programmes, in particular in Indigenous and Afrodescendent territories, under the aegis of the Directorate-General for Multiculturalism. One such measure was the delivery of food hampers in addition to the solidarity hampers delivered under the Health Emergency Programme; 1,200 families each received a hamper, and priority was placed on assisting older persons and women heads of vulnerable households. The Indigenous territories served were Cacaopera, Santo Domingo de Guzmán, Nahuizalco, Izalco and San Antonio del Monte. In addition, with the support of the World Food Programme and in coordination with the Social Welfare Service and the Armed Forces, the Ministry of Culture delivered food hampers in the Indigenous territories of Nahuizalco and Tacuba.

118. In addition, food hampers and hygiene kits were provided to women leaders in Indigenous territories located in San Luis Talpa, Acajutla, Panchimalco, Guatajagua, Cacaopera, Arambala and Perquín, as well as to dancers, midwives, members of religious orders, musicians, weavers, Náhuatl speakers, composers in native languages, women involved in other ancestral practices and women of African descent in the territories of Atiquizaya, Meanguera del Golfo and San Alejo, among others.

119. To promote food and nutritional security and, in particular, the family economy, the Ministry of Agriculture and Livestock delivered agricultural packages to 400,000 farmers consisting of 22 pounds of certified H-59 corn seed and 100 pounds of 16-20-0 fertilizer. The Ministry of Culture followed up on the delivery of these benefits by referring persons not registered in the appropriate lists to the Ministry of Agriculture and Livestock.

120. The measures taken by the State to guarantee the food and nutritional security of the entire population, including the Indigenous and Afrodescendent population, are long term, extending beyond the pandemic, and are intended to support families in vulnerable situations to help them weather crises.

## 7. Right to equal participation in cultural activities

### *Women*

121. In line with the Committee's general recommendation No. 25 (2000), El Salvador recognizes the crucial importance of gender equality and the empowerment of women and girls in the framework of the development process. That is why it has established a solid normative framework that protects the human rights of women throughout their lives.

122. The Salvadoran State has taken measures to make Indigenous and Afrodescendent women visible, taking into account their important role as preservers and transmitters of Indigenous knowledge and culture. It has organized academic activities on the culture, knowledge and rights of Indigenous Peoples and the Afrodescendent population, as well as recreational workshops and cultural showcases during Women's Week, in particular involving women from Indigenous areas in the municipalities of Izalco, Nahuizalco, Cuisnahuat, San Antonio del Monte and Santo Domingo de Guzmán at the Regional Museum of Santa Ana.

123. To highlight the rights and role of women, within the framework of International Indigenous Women's Day, the second Day of Cultural Appreciation for Indigenous Women was held at the National Museum of Anthropology. The day's activities included an exhibition entitled "Feast of the Senses" – a tour of the Indigenous cuisine of El Salvador – and a tour of the various rooms of the Museum, which feature the history of El Salvador, its agriculture and trade and the mortuary practices of Indigenous Peoples and Afrodescendent population.

124. In addition, a round table on Indigenous women's knowledge was organized, with the participation of 74 Indigenous women and 14 men. The Salvadoran Institute for the Advancement of Women provided training sessions for young people from El Carrizal on the prevention of early pregnancies and organized workshops on effective care in relation to sexuality, cultural issues and the prevention of violence against women.

125. The Ministry of Culture held a discussion on the role of Indigenous women in Salvadoran society. During the celebration of Afro-Latin, Afro-Caribbean and Diaspora Women's Day, a workshop on Abayomi dolls was held, during which participants reflected on the situation of the African diaspora and the meaning of the dolls as a symbol of resistance of the Afrodescendent population.

126. With regard to the recommendation contained in paragraph 21 (c), Indigenous Peoples are the focus of current climate management instruments such as the National Climate Change Plan 2022, which contains measures for mitigating and adapting to climate change that take into account Indigenous peoples and people of African descent.

127. The first element relates to human rights: in accordance with international human rights standards and with a view to promoting and protecting human rights, a study will be conducted into the inequalities at the core of development problems with the goal of eliminating discriminatory practices that hinder the progress of Indigenous women, men and Peoples, people of African descent, persons with disabilities, older persons, children and young people.

128. The second element relates to gender and inclusion: methodologies and mechanisms are used to determine and analyse the condition and position of women in relation to men and the relationship between them, which has a determinative effect on their opportunities, achievements, progress and development in society. Action can then be taken regarding the factors that perpetuate or widen gaps and the conditions for change can be established to promote gender equity and equality, particularly through affirmative measures in favour of women, taking account of their role as agents of change. This element also encompasses respect and consideration for Indigenous communities and ethnic minorities and their ways of life and ancestral values.

129. The Salvadoran Institute for the Advancement of Women works to ensure that women enjoy full equality of rights in terms of land ownership and leasing, among other things, in accordance with the legal framework defined in article 105 of the Constitution, which regulates, *inter alia*, land area, titles and transfers. Article 36 of the Act on Equality, Equity and Elimination of Discrimination against Women establishes the State's powers to eliminate discrimination against women in rural areas.

130. To promote respect for human rights and a life free from violence without discrimination and harassment, various institutional media and social network campaigns against sexual harassment, as well as awareness-raising activities promoting the rights of women and girls, have been produced and/or disseminated.

131. The Salvadoran Institute for the Advancement of Women carries out training activities specifically relating to women's rights and the challenging of misogynist and patriarchal cultural attitudes rooted in society, which discriminate against and violate the rights of women, Indigenous women, women with disabilities and members of the LGBTIQ+ community. It also provides institutions and municipalities with guidelines, specialized training, advice and technical support to mainstream equality and women's right to a life free from violence; promotes the establishment and operation of institutional mechanisms (gender units, specialized care for women facing violence, internal regulations, etc.); and is involved in the formulation and follow-up of the National Equality Plan and the National Policy for Women's Access to a Life Free from Violence and its Action Plan.

132. The Salvadoran State is aware of the needs of women and girls in rural areas, which is why it has taken those needs into account in 11 components of its Master Plan, including through measures to strengthen training and technical assistance for agricultural management. The Ministry of Agriculture and Livestock is currently implementing the "Rural Adelante" programme,<sup>18</sup> designed to benefit more than 33,000 agricultural producers in 87 municipalities in the departments of La Unión, Morazán, Usulután and San Miguel, by strengthening and improving nutrition for women and girls.

133. Funding has been provided to 23 organizations of Indigenous and Afrodescendent peoples to support measures aimed at promoting ancestral culture, food security, income

<sup>18</sup> Rural Adelante programme, 2021.

generation and the revival of cultures, such as the creation of banks of native seeds and aromatic plants, the preservation of ancestral recipes and the strengthening of handicraft production in the municipalities of Cacaopera and Guatajagua.

134. Spaces for promoting gender awareness have been set up, resulting in the increased participation of women and girls from rural areas in workshops; a total of 401 women participated in the 10 workshops held. In addition, 6,793 families have benefited from agricultural diversification.

135. In March 2023, the Ministry of Agriculture and Livestock and its partners, the National Centre for Agricultural and Forestry Technology, the National School of Agriculture, the independent Salvadoran Agrarian Reform Institute and the Agricultural Development Bank, launched the “Women and Agriculture” programme, which will promote agricultural production capabilities through training, technical assistance and the formal approval and marketing of products, in addition to contributing to food and nutritional security by increasing national agricultural production.

136. In the first stage of the project, the “Women and Agriculture” programme will benefit more than 45,000 women, mainly young women, nationally, through vegetable, fruit and tilapia farming projects, fishing initiatives, coffee growing, livestock farming and product processing, among other things. Projections indicate that the programme will eventually benefit close to 100,000 people.

137. The Ministry of Culture, in collaboration with the Foundation for Women’s Development, delivered eyeglasses to members of the Indigenous community of the municipality of Santo Domingo de Guzmán, in Sonsonate. This initiative forms an integral part of the National Plan for the Indigenous Languages of El Salvador, which also included the medical evaluation of patients with chronic diseases, who will be referred to the Foundation’s specialized care centre for appropriate treatment.

## **II. Information concerning relevant groups of victims or potential victims of racial discrimination**

### **A. Persons under the jurisdiction of the State and groups protected under the Convention**

#### **Refugees and displaced persons**

138. According to article 4 of the Act on the Determination of Refugee Status, the Salvadoran State must grant refugee status to persons who have a well-founded fear of persecution for reasons of race, ethnicity, gender, religion or belief, nationality, membership in a particular social group or political opinion who are outside the country of their nationality or persons who, not having a nationality and being outside their country of habitual residence, are unable or unwilling to avail themselves of the protection of that country due to such a fear, and persons who have fled their countries of origin because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed the public order.

139. El Salvador also has the Special Act on Migration and Alien Affairs, whose specific articles on the rights and obligations of refugees, provides a solid legal framework to ensure that they are shown respect and treated with dignity.

140. As a sign of the State’s commitment, since July 2019, the country has been active in the comprehensive regional protection and solutions framework, which serves as a regional mechanism for the implementation of the Global Compact on Refugees, as a plan of action to make measures taken in response to refugee situations fairer and more robust. The country has also passed legislation enabling bilateral work with UNHCR.

141. In February 2023, a partnership agreement was concluded between the Ministry of Foreign Affairs and UNHCR to build the technical capacity of the Commission for the

Determination of Refugee Status, formed by the Ministry of Foreign Affairs, the Ministry of Justice and Public Security and the Directorate General for Migration and Alien Affairs – a body created during the administration of President Nayib Bukele – to provide care and support to refugees and other highly vulnerable persons.

#### **Non-citizens, including immigrants, refugees, asylum-seekers and stateless persons**

142. With regard to the Committee's recommendation on guaranteeing, in law and in practice, the protection of migrants, refugees, asylum-seekers, stateless persons, non-citizens and internally displaced persons in accordance with the Convention, article 5 of the Special Act on Migration and Alien Affairs<sup>19</sup> establishes the principle of equality, according to which all persons are equal before the law, stating that “no restrictions shall be established on the basis of differences of race, sex, language, religion, immigration status or any other social condition. Aliens shall enjoy the same rights and safeguards as nationals under the terms set forth in the Constitution, conventions and treaties in force in El Salvador.”

143. El Salvador has made considerable efforts to promote programmes that support the migrant population, considering that a significant number of Salvadorans live outside the country and that the State has responsibilities not only towards emigrants, but also towards migrants in transit and immigrants, that is, persons at every stage of the migration cycle.

144. For this reason, the Directorate General for Migration and Alien Affairs, in conjunction with the Ministry of Foreign Affairs, executed several registration projects between 2021 and 2022 at different land border crossing points in order to facilitate entry into and exit from Salvadoran territory in a safe, orderly and regular manner, for work, study and other reasons, thereby benefiting the entire population.

145. This initiative also facilitated the transit and migration control of children and adolescents living in the cross-border strip on the Perquín border, through the issuance of a Border Neighbourhood Transit Card, which allows them to enter and leave Salvadoran territory across the border in a regular, orderly and safe manner. A total of 2,472 cards have been granted to adults, children and adolescents during the reporting period.

146. In 2021, the Office of the Deputy Minister for the Diaspora and Human Mobility was established within the Ministry of Foreign Affairs to provide a comprehensive approach to challenges and situations in the area of mobility and migration according to the all-circuit approach, recognizing the right to freedom of movement, the protection of migrants' human rights and the important contributions of the diaspora as partners in the development of El Salvador. The result has been a substantial change in the existing services for assisting and monitoring the work of Salvadoran migrants.

147. By means of the Office of the Deputy Minister, the Salvadoran State provides comprehensive assistance to returnees through various services, development opportunities and timely psychosocial care and coordinates various measures with public and private institutions and international organizations, on the basis of respect for the human rights of the migrant population.

148. The Ministry of Foreign Affairs and the United States Agency for International Development (USAID) participated in the development of the Labour Migration Programme, an inter-institutional alliance set up to bring together consular networks in various regions with a view to facilitating access to job opportunities for Salvadorans through legal, orderly and safe channels to countries where employment opportunities have been identified.

#### **Economic rights**

149. With regard to economic rights, during the reporting period, the Salvadoran State provided various benefits to the entire population, including Indigenous and Afrodescendent territories, such as a \$300 grant for families with no source of income during the COVID-19 pandemic in 2020. In view of the geographical isolation of some Indigenous communities, the Ministry of Culture assisted in notifying beneficiaries and verifying that they had received

<sup>19</sup> Special Act on Migration and Alien Affairs, Decree No. 286, Vol. No. 423, San Salvador, 25 April 2019, No. 75.

their \$300, in particular older persons and heads of poor households, in coordination with local Indigenous leaders. Delivery of food aid did not preclude the payment of the grant, since the two benefits were independent of one another.

150. To support the livelihoods of the Salvadoran population during the pandemic, the Ministry of Agriculture and Livestock provided municipalities throughout the country, including those in Indigenous and Afrodescendent territories, with a total of 1 million solidarity hampers containing basic grains, non-perishable food and 25 pounds of corn, to be distributed by the municipal authorities to local families. In addition, a total of 3.4 million solidarity hampers were distributed throughout the country as part of the Health Emergency Programme.

151. The Salvadoran State also provided post-pandemic support to Indigenous Peoples and the Afrodescendent population, through the delivery of non-reimbursable funds in coordination with leaders in Santo Domingo de Guzmán, Cacaopera, Nahuizalco and other areas, who helped to identify artisans eligible for support from the Economic Recovery Fund for Salvadoran Businesses, administered by the Development Bank of El Salvador, in three categories: artisans, women and artists from traditional groups. In addition, in the context of the delivery of seed capital for businesses or support for small productive initiatives, training was provided to 30 Indigenous women and 10 women of African descent with small businesses, to improve their businesses and investments. Three groups of traditional dancers – Los Chapetones de Panchimalco, Emplumados y Negritos de Cacaopera and Santo Tingo de Sensembra – received a non-repayable grant for artists.

152. At the same time, El Salvador launched an ambitious economic recovery plan focused on small and medium-sized enterprises and boosted aggregate demand through public spending and investment in the infrastructure, equipment and supplies needed to address the national health emergency.

153. Another measure undertaken was the approval of the new Pensions Act, which came into effect in January of the current year and provides for a 30 per cent increase in contributions, setting the minimum pension amount paid out to Salvadorans, including those who had already been receiving a pension, at \$400. This measure mostly benefits older persons on lower incomes, helping them to meet the cost of the basic food basket. The minimum old-age pension was previously \$304 per month, after an initial increase of 46.5 per cent in 2021 by the current Government, and it has now been increased to \$400.

154. Other measures taken to help the most vulnerable families is the 20 per cent increase approved by the National Minimum Wage Council in the different sectors of the economy, in both urban and rural areas, as well as a subsidy approved by the Ministry of Labour and Social Security for small, medium and large companies that employ young people without work experience and older adults in decent working conditions.

155. El Salvador also has a robust National System of Development, Protection and Social Inclusion, through which it ensures that the most vulnerable people have access to different resources to cover their basic needs.

156. Currently, in view of the effects of global inflation, the Government has taken a series of anti-inflationary economic measures to ensure the well-being of the population and the family economy. In particular, import tax on products that make up the basic food basket was suspended, energy prices were stabilized, gasoline prices were fixed and the propane gas subsidy was fixed, which together have made El Salvador one of the countries in the Central American and Latin American region with the lowest inflation rate.

## **B. Racial discrimination based on sex, gender, religion and low socioeconomic status**

157. Article 25 of the Constitution of El Salvador establishes the freedom to practise any religion, which is limited only by the requirements of morality and public order. Article 5 states that all persons are free to express their thoughts, and article 3 prohibits discrimination on the basis of religion.

158. In accordance with the Constitution, article 30 of the Culture Act recognizes the right to non-discrimination by providing that “the State shall guarantee Indigenous Peoples their freedom, equality, dignity and their right to live free from any discrimination based on ethnicity, sex, religion, customs, language or any other status”.

159. In line with the principle of equality and non-discrimination and in compliance with its obligations, the State, through the Salvadoran Institute for the Advancement of Women, has carried out specialized training and awareness-raising actions to deconstruct sexist sociocultural patterns and prevent behaviour that infringes on women’s right to live a life free of violence. These actions are aimed at civil servants, academia, civil society and the private sector; they reached a total of 24,509 people (13,047 women and 11,462 men) between 2012 and 2022.

160. In addition, El Salvador has passed the Act on Social Development and Protection, one of the objectives of which is to ensure the enjoyment of human rights through the continuous improvement of living standards, a better distribution of national income, the reduction of inequality and a steady decrease in poverty.

161. With this in mind, El Salvador has implemented the Poverty Eradication Strategy, which seeks to improve the living conditions of the most vulnerable sectors of the population through comprehensive actions on several fronts and a focus on the gradual elimination of poverty, especially extreme poverty, and on the promotion of social well-being. The Strategy aims to promote the full exercise of rights, social protection, the strengthening of individual capacities, the creation of opportunities and the active participation of citizens. It is based on four key components: (a) family support; (b) financial and productive inclusion; (c) income support to reduce inequalities; and (d) social infrastructure and education (see annex 5).

162. One of the Strategy’s main achievements has been to reduce multidimensional poverty by 2.7 percentage points between 2019 and 2022, according to the national methodology for measuring this figure. This equates to 239,725 people and is all the more noteworthy bearing in mind the concurrent pandemic and its impact on poverty indicators in the country and in Latin America as a whole.

163. Furthermore, El Salvador has adopted the Special Act for the Protection of the Rights of Older Persons, which aims to establish, as a fundamental right of older persons, the right to not be discriminated against on the basis of age, sex, gender, political beliefs, sexual orientation, economic status, ethnic identity, language, religion, opinion, filiation, origin, disability or any other status. In this connection, since becoming operational in May 2023, the Comprehensive National Council for Older Persons has been holding workshops to promote the decent treatment of older persons and activities to disseminate the Act.

164. In accordance with article 3 of the Constitution, on equality, the Ministry of Labour and Social Security, through the Directorate General of Labour Inspection, carries out inspections of private companies to ensure the right to equal pay for equal work without discrimination on the basis of sex, gender, religion or low socioeconomic status, and to guarantee and protect employee benefits established by law. The inspections cover citizens and non-citizens in Salvadoran territory and aim to prevent the degrading treatment of workers and violations of the right to decent work.

## Article 6

### A. Legislative, judicial, administrative and other measures to prevent all acts of racial discrimination against individuals

165. Concerning the Committee’s recommendations to take steps to implement the decision of the Supreme Court of Justice, in particular with regard to the adoption of legislative measures relating to reparations for victims and the effective conduct of investigations, and to adopt the Act on Comprehensive Reparation for Victims, the State of El Salvador would like to provide a response in the paragraphs below.

166. The decision of the Supreme Court of Justice, which declared the Amnesty Act unconstitutional, represented a milestone in the history of the struggle to defend and uphold human rights, by mandating the Legislative Assembly to establish a new law that fully responds to the demands of victims and their families. This proposal is currently under review. Nevertheless, executive measures have been taken to provide reparations, including healthcare and financial compensation.

167. As noted in the previous report, complaints are filed with, and the respective proceedings take place before, the Counsel General's Office, the Attorney General's Office, the Office of the Human Rights Advocate and the Government Ethics Tribunal. However, pursuant to article 182 of the Constitution, justice is administered through the judiciary, which guarantees the rights to protection and a defence without any discrimination, enabling all persons to file complaints of racial discrimination without prejudice.

168. In compliance with the legal obligation to guarantee access to justice to the families of the victims of serious human rights violations committed during the armed conflict, the Attorney General's Office implements a policy for the criminal prosecution of war crimes and crimes against humanity committed during the armed conflict in El Salvador. This policy is aimed at establishing criteria and guidelines for the criminal prosecution of such crimes in order to carry out effective and responsible investigations, based on the principle of due diligence, that enable the victims to exercise their right of access to justice, learn the truth of what happened, overcome impunity and receive reparations through criminal proceedings before the competent courts.

## **B. Optional declaration provided for in article 14 of the Convention**

169. Article 3 of the Constitution recognizes the principle of equality and ultimately seeks to address the real inequalities that persist in our society. Article 63 (2) specifically recognizes the rights of the Indigenous Peoples of El Salvador. The two provisions provide the formal basis for ensuring that Indigenous Peoples are not subjected to discrimination, together with the recognition, on 23 March 2016, of the competence of the Committee on the Elimination of Racial Discrimination to receive complaints of discrimination in all areas related to the rights of Indigenous and Afrodescendent peoples.<sup>20</sup>

170. The declaration of the recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual communications, in accordance with article 14 of the Convention, provides a mechanism for preventing all types of racial discrimination and upholding, respecting and protecting principles and rights.

### **Article 7**

#### **Legislative and administrative measures taken in the field of education and teaching to combat prejudices which lead to racial discrimination**

171. In El Salvador, education is a fundamental right of every human being, recognized in article 53 of the Constitution as inherent in the human person, and preserving, promoting and disseminating this right is an obligation and a goal of the State. Article 55 provides that education has the following purposes: to ensure the comprehensive development of the personality in its spiritual, moral and social dimensions; to contribute to the constitution of a more prosperous, just and humane democratic society; to inculcate respect for human rights and the fulfilment of the associated duties; to combat any spirit of intolerance or hatred; to promote understanding of the national reality and identification with the values of Salvadoran nationality; and to foster the unity of the Central American people. Parents have a prior right to choose the education that their children receive.

172. Article 56 provides that all inhabitants have the right and the duty to receive preschool and basic education in order to become useful citizens. The State is required to promote the

<sup>20</sup> Acceptance by El Salvador of the individual complaints procedure, 2016. Information available at [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=55&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=55&Lang=EN).

establishment of special education schools. Preschool, primary and secondary education and special education must be free when provided by the State. To promote access to education for all individuals, as of January 2021, the University of El Salvador has been providing free higher education.

173. Under the recently adopted Growing Together Act for the Protection of Early Childhood, Children and Adolescents, the State has an obligation to ensure universality and inclusion in services and access to education for all children and adolescents, including in relation to artistic, sports and cultural education and the promotion of scientific and technological knowledge, artistic and cultural expression, Indigenous languages, identity and other expressions of culture, and to ensure that the timely enrolment and education of children and adolescents is initiated, continued and completed at all levels and in all types of schools without any form of discrimination.

174. Articles 58 and 59 of the Growing Together Act refer to the right to culture in relation to the right to participate in cultural life and the arts, as well as to the right to cultural identity, which entails the recognition of the right to know, preserve, develop and recover spiritual, cultural, religious, linguistic and any other element used to define cultural identity and the duty of the State to respect the cultural, artistic and historical values inherent in the social environment of children and adolescents.

175. The Salvadoran State is responsible for upholding the right to education at all levels and in relation to all types of education, including through the promotion of scientific and technological knowledge, artistic and cultural expression, Indigenous languages, identity and other cultural expressions. It must also promote the right to culture in relation to participation in cultural life and the arts and cultural identity.

176. Article 1 (1) of the General Education Act provides that “Education is a process of continuing personal, civic, moral, cultural and social learning based on a comprehensive conception of the human being and his or her dignity, values, rights and duties.” Article 4 of this same law provides that: “The State shall promote the full access of eligible people to the educational system as a strategy for the democratization of education. Such a strategy shall include the development of adequate physical infrastructure and the provision of competent personnel and relevant curricular tools.”

177. El Salvador has new legislation on support for early childhood, as mentioned in previous sections, such as the Growing Together Act, article 48 of which reaffirms the free and compulsory nature of education: “Education at all levels and in all forms shall be compulsory and free when it is provided by the State. Moreover, it shall be provided in an efficient and sensitive manner, with respect for learning rhythms and styles, ensuring the continuity of education.” The State is required to establish and support schools that have the facilities and pedagogical resources to provide comprehensive education. Accordingly, it must allocate a sufficient budget to that end.

178. The Ministry of Education, Science and Technology is committed to this legal framework and is working towards achieving the education that the Salvadoran population deserves. El Salvador, even in the context of the challenge posed by the situation caused by the COVID-19 pandemic, has raised the education budget to 5.1 per cent of gross domestic product. In 2019, investment in education sat at 3.7 per cent of gross domestic product. In 2020, it increased to 4.1 per cent, resulting in the increased availability of resources for the education sector; these resources have been invested in improvements to and the expansion of educational infrastructure, mainly in terms of the number of classrooms, recreational spaces, sanitation and support for the learning process in general, as part of a recently launched educational reform process aimed at transforming the education of Salvadoran children, adolescents and young people (see annex 4).

179. During the most complex period of the pandemic, which jeopardized the continuity of learning globally, the Ministry of Education, Science and Technology assumed the responsibility of ensuring that education would continue through multimodal education by making available printed material, televised and radio classes, the Google Classroom platform and other educational aids.

180. To mitigate the effects of the pandemic, steps were taken to prevent school dropout and pedagogical measures were put in place to ensure educational continuity, including the provision of school kits that now include textbooks on the subjects studied in each grade, uniforms and shoes, school supply kits according to educational level, a computer or tablet for every public school student depending on grade and age and a connectivity kit for every student, allowing them access to a variety of resources. During and since the pandemic, school snacks have been replaced with a food basket delivered to students' families, among many other measures.

181. In addition, steps have been taken to address the root causes of school dropout, including: improvement of reading and writing skills during the first and second cycles of basic education using textbooks, the "I Play, Have Fun and Read" booklet (delivered to 202,773 children in the first cycle and 10,823 teachers) and school and classroom libraries in the first cycle of basic education; implementation of a multimodal strategy for educational continuity (guides and websites containing educational material on languages, social studies, science, health and the environment); physical and art education using print and digital media, video and radio classes and webinars); responses to questions about lessons submitted by users, including students, teachers and family members by telephone and on social networks; implementation of a transition process for children from the age of 6 years through to first grade, using learning situations that take a holistic approach to ensure continuity and comprehensive development.

182. In the third cycle of basic education, since 2016, the Ministry of Education, Science and Technology has been implementing the Labour Initiation Programme for seventh, eighth and ninth grade students, to support adolescents at risk of dropping out of the system through technical training courses and robust emotional and academic counselling and by encouraging them to reconsider their attitude and stay in school. An early warning mechanism has been established to identify students at risk of dropping out.

183. The State is committed to the educational community and has held consultations with the people who make up that community. Systematic written, audio and photographic records were made of everything presented by attendees, both students and teachers, during the 35 consultations held between May and August 2022. During each consultation, the focus was on equality. There was also a focus on young people as "agents of change". Accordingly, a voice was given to pregnant teenage students, students from Indigenous communities, students of African descent, students with disabilities, students outside of the regular system who were studying under the Flexible Modalities Programme and returned migrants.

184. The consultations were conducted in Spanish, Náhuatl and sign language. In total, 16 of the consultations were held nationally and 19 were held regionally. Methodologies were designed to suit each group and support was provided to ensure that every attendee was able to experience and participate in each session satisfactorily. For example, sign language interpreters and expert staff were on hand to assist students with disabilities. Students from remote areas of the country were given support to travel to the venues. Teachers, Indigenous students and their families, Indigenous educators, pregnant students and returned migrants all participated in the national consultations.

185. The regional consultations were attended by students from the regular education system and their families, young and adult students taking part in the Flexible Modalities Programme and students with disabilities and their families. Also participating were various academics and specialists, such as university professors and deans, and the national and departmental directors from the Ministry of Education, Science and Technology.

186. In total, 1,191 people up to the age of 60 years old attended and participated in the consultations. Of these participants, 64.9 per cent were women and 35.1 per cent were men. The consultations provided the State with information that was useful for its participation in different forums, such as the Transforming Education Summit, and for the launch in 2022 of its national reform of the education sector, which is ongoing.

187. The State acted to ensure that its response to the COVID-19 pandemic did not result in inequalities in access to education, including by publishing guides on educational continuity and accelerated education, which were sent to teaching staff in the accelerated education programme, organizing remote one-on-one technical assistance for teachers

struggling with difficulties related to educational continuity and holding pedagogical consultations with users – students, teachers and families – by telephone and on social networks.

188. The Inclusive Education Policy is based on recognizing differences and adapting educational systems and services to the diverse needs and demands of students. Accordingly, the Government of El Salvador defines inclusive education as a range of educational services aimed at the gradual and effective elimination of barriers to access and participation that facilitate compliance with the effective right to a timely, comprehensive, high-quality and equitable education, in line with continuing efforts to transform and strengthen the educational system, empower schools and facilitate community participation in the entire pedagogical process.

189. The Government of El Salvador has also taken various measures to uphold students' right to education in the context of its reform of the education sector. These measures are aimed at ensuring access to and the continuity of education and include:

(a) Use of the website of the Ministry of Education, Science and Technology to provide educational material, including learning guides and microsites, for the educational community, facilitating access to the curriculum and learning experiences for teachers, parents and students;

(b) Creation of virtual classrooms for teachers of all levels, cycles and types of education, to facilitate learning experiences using diverse educational materials and taking due account of students' specific support needs;

(c) Production of educational television programmes, including educational channels and televised classes, on the different subjects taught at each educational level and cycle. Salvadoran sign language interpreters provide interpretation for all educational programmes, ensuring accessibility for all students. Educational programming is available from 7 a.m. to 4.30 p.m.;

(d) Development of the "Let's Learn at Home with the Radio" platform, part of the Educational Continuity Strategy of the Ministry of Education, Science and Technology, which complements and facilitates learning and supplements the learning guides for public-sector students from first grade to the second year of high school.

190. Several initiatives have been implemented to improve the accessibility and quality of education in El Salvador. These measures were carried out in a coordinated and strategic manner. First, learning guides, in print and Braille format, were delivered throughout the country. These guides play a fundamental role at all levels and in all forms of education, including special education.

191. As part of the Curricular Prioritization Programme, a set of self-teaching guides and educational microsites have been designed and made available on the website of the Ministry of Education, Science and Technology. These resources are intended to facilitate the learning process and ensure effective access to the curriculum. To complement these measures, multimedia material has been produced in the form of audiovisual resources. These materials meet universal accessibility criteria and are available to all students, regardless of their particular needs.

192. In terms of inclusion, mathematics and language textbooks have been printed in Braille to make them fully accessible to students with visual impairments.

193. Tiflopedagogical material, including school kits, have been delivered to students with visual impairments to facilitate educational continuity and ensure their access to learning experiences.

194. The "Let's Speak Salvadoran Sign Language" educational programme was produced to promote the learning of Salvadoran sign language. Multiple episodes were broadcast in 2020 and 2021, helping to raise awareness and educate people about this important aspect of inclusion. Salvadoran sign language courses have been organized nationally for teachers, health workers and the parents or relatives of students with hearing impairments. Technical guidance has been provided to teams in charge of designing and producing audiovisual

content and accessible web pages, including documents, presentations, videos, audio content and websites.

195. Since 1997, the Ministry of Education, Science and Technology has been assessing educational performance through the learning and aptitude test for secondary school graduates. In 2020, owing to the COVID-19 pandemic, an alternative assessment called the abilities and competencies test, known as “AVANZO”, replaced the learning and aptitude test for secondary school graduates.

196. This measure was a milestone, as it was the first time that the Ministry of Education, Science and Technology had carried out an online, virtual evaluation to measure the achievements of high school students, both in the public and private sectors. The AVANZO test is designed to provide the educational community with valuable information in three key areas:

- (a) Level of achievement of students in skills related to the basic subjects of the curriculum;
- (b) Social and emotional effects of the pandemic on students, using school-level data;
- (c) Specific results for parents to help them to understand the skills assessed at their children’s schools.

197. During the COVID-19 pandemic, curriculum adjustments were made and different strategies were employed so that children at the initial and preschool levels staying at home with their parents could continue to receive an education. Educational continuity guides and websites on the curriculum for initial education (infants up to the age of 3 years old) and preschool (4 to 6 years old) were designed, and educational programmes for young children were developed with Salvadoran producers (scriptwriters, actors and content managers), to be broadcast on national television. These programmes were: (a) “All About My Baby”, for the development of parenting skills; and (b) “Lulu’s House”, an edutainment programme for children up to 6 years old. Parents who decided not to send their children to school after the return to blended learning were given access to multiple learning platforms such as the television programme “Let’s Learn at Home”, the radio programme “Let’s Learn at Home with the Radio”, Google Classroom and printed textbooks.

198. A vocational interest questionnaire is now issued in addition to the aptitude questionnaire to improve the comprehensive assessment of students. This change in the evaluation system reflects the aptitude of the Ministry of Education, Science and Technology to adjust to challenging situations, such as the pandemic, and to continue to provide valuable information on the performance and well-being of middle-school students in El Salvador.

199. The Government of El Salvador offers free flexible education services for overage children and adults, which continued online during the pandemic and for which educational materials in digital and physical format and digital platforms were provided.

200. Following the carefully planned return to blended learning, the Salvadoran Government remains committed to strengthening education. This is reflected in the continuous delivery of educational materials and supplies in line with biosafety measures and the distribution of computers and tablets to public-sector students and teachers. The main objective of these measures is to reduce the digital divide among students.

201. To mitigate the impact of the pandemic, steps were taken to prevent school dropout and address its root causes, including the provision of school kits that now include textbooks on the subjects studied in each grade, uniforms and shoes, a computer or tablet for each public-school student depending on grade and age and a connectivity kit for each student, allowing them access to a variety of resources. During and since the pandemic, school snacks have been replaced with a food basket delivered to students’ families, among many other measures.

202. The “Links to Education” Universal Access to Educational Technologies Programme 2019–2024 is aimed at universalizing access to technological resources for 100 per cent of teachers and students in all forms of public-sector education from the early learning to

secondary levels; it is being rolled out gradually and has to date has given 1 million Salvadoran students access to a computer or tablet to support their learning.

203. El Salvador also has a national literacy programme, whose main objective is to reduce the illiteracy rate among young people and adults. In 2019, this programme served a total of 44,434 students. However, the COVID-19 pandemic led the Government of El Salvador to rethink its strategic approach to literacy.

204. Following this review, the programme was transformed into an updated initiative called Comprehensive Basic Education for Adults. The main purpose of this programme is to provide lifelong comprehensive basic education, incorporating a human rights-based perspective and promoting an intersectoral and community approach. The objective is to enable young people and adults to adapt to the demands of a globalized, constantly changing world.

205. This programme also seeks to effectively incorporate this group into today's society, responding to the various social, economic, political and cultural changes occurring in the country. It also focuses on strengthening the intellectual, social, affective and ethical capacities of the participants and helping them to acquire or improve their competencies and skills. This will allow them to consolidate habits, attitudes and values that will enable them to exercise their rights and duties in a responsible manner at a personal, family, local, national and global level.

206. The Government of El Salvador is taking measures to ensure that Indigenous persons have access to intercultural education in their own languages. The certification of teachers in cultural identity and the Náhuatl language has continued. Support is being provided to pupils from preschool to the first cycle from the Indigenous communities of Santa Catarina Masahuat and Santo Domingo de Guzmán (Sonsonate) through Náhuatl classes for Náhuatl speakers, to reinforce cultural identity and give continuity to the learning of the Náhuatl language.

207. Analyses of intangible cultural heritage and awareness of Náhuatl, Lenca and Kakawira culture were carried out in educational communities in certain municipalities in 2020 and 2021.

208. The publication "Pluricultural El Salvador" has been made available on the web page of the Ministry of Education, Science and Technology. Virtual classes have been organized to train teachers in cultural identity and the Náhuatl language and compilations of Lenca and Kakawira oral traditions have been produced for children.

209. Teacher training has been prioritized and has switched to a remote format because of the pandemic. Key areas such as digital citizenship, social and emotional skills and self-care have been addressed. The goal is to enable teachers to express their emotions and needs with professional support. There has also been a focus on strengthening understanding of the rights-based approach, in order to promote respect for and the promotion of the right to education. Training also covers generic competencies, such as didactic and communicative skills, as well as the use of computer technologies. Disciplinary skills in areas such as early childhood care, development and educational assessment are also strengthened.

210. El Salvador is coordinating with the National Directorate of Teacher Training of the Ministry of Education, Science and Technology on the continuous development of training sessions to build the capacities of all teachers in relation to working methods, the use of educational materials, planning, the monitoring of student learning, evaluation and certification. Technical assistance is being provided through visits to schools and virtual meetings to lend additional support in the topics covered by these training processes.

211. Steps have been taken to improve the average salary of teachers in rural/urban areas. The average salary of teachers stayed the same from 2019 to 2021; for level I teachers, the average salary was \$862.73, while for level II teachers it was \$784.29. These levels correspond to level of qualification: teachers with only a teaching diploma are placed at level II, while teachers with an undergraduate degree or above are placed at level I. There is no difference between rural and urban areas, but teachers working in a rural area receive an additional \$48.40. On top of their salaries, all teachers received a bonus of \$100 in 2019 and 2020 and of \$200 in 2021.

212. The Ministry of Education, Science and Technology is implementing the Comprehensive Healthy and Sustainable School Meals Strategy, which covers school meals, food and nutrition education, health promotion and community participation.

213. For the school meals component, a daily delivery of food is made for the preparation of snacks for students in the public education system. Breakfast and lunch are provided to students attending Saturday academies. Breakfast, lunch and two snacks are provided to students at comprehensive development centres. During the pandemic, these rations were replaced with food baskets delivered to students' families to ensure continued access in a comprehensive manner.

214. Nationally produced milk is distributed to ensure that students from preschool to middle school consume two glasses of milk a week. This is done in coordination with the Ministry of Agriculture and Livestock, which ensures the provision of raw materials for the School Lunches Programme.

215. As part of the Comprehensive Healthy and Sustainable School Meals Strategy, specifically the school lunches component, the Ministry of Education, Science and Technology organizes the daily delivery of food to be used in the preparation of snacks for students in the public education system. Breakfast and lunch are provided to students attending Saturday academies. Breakfast, lunch and two snacks are provided to students at comprehensive development centres. During the pandemic, these rations were replaced with food baskets delivered to students' families to ensure continued access in a comprehensive manner.

216. Nationally produced milk is distributed to ensure that students from preschool to middle school consume two glasses of milk a week. This is done in coordination with the Ministry of Agriculture and Livestock, which ensures the provision of raw materials for the School Lunches Programme.

217. Schools are also provided with funds for the purchase of local foodstuffs. The purpose of this measure is to improve the quality of school snacks using suitable products from local family farming. To achieve this, strategic alliances have been forged with local stakeholders and a multisectoral approach has been taken to collaboration with key institutions such as the Ministry of Agriculture and Livestock, the Ministry of Health, the Ministry of the Economy, the National Centre for Agricultural and Forestry Technology, the National Commission on Micro-Enterprises and Small Businesses and municipalities authorities.

218. The food and nutrition education component of the Comprehensive Healthy and Sustainable School Meals Strategy is aimed at improving the eating habits, health and hygiene of students and their families through training, diploma courses, workshops and work experience such as the School and Family Gardens Programme, which promotes hands-on learning and the linkage of subjects studied with the garden, thus achieving better learning results for students. School gardens promote agroecological food production, care for the environment and the use of the garden as a didactic resource in the different subjects of the educational curriculum, as well as giving students a positive way to use their free time.

219. Another important initiative is the Cultivating School Gardens and Productive Skills Programme of the Ministry of Education, Science and Technology, through which more than 25,845 kits containing agricultural supplies have been delivered to students from 1,095 schools in different municipalities, so that they can set up a family garden in their homes together with their parents. This measure is aligned with the "My New School" educational reform project, which seeks to encourage and stimulate the local economy and promote the tending of school gardens.

220. Regarding administrative measures, the Ministry of Education, Science and Technology is implementing the following strategies aimed at primary and secondary guarantees of students' rights in the educational environment: social risk prevention measures in accordance with a psychological and emotional care and family education model; mechanisms for student participation; and mechanisms for the protection of rights and strengthening of citizenship values in students and the promotion of equity and equality in school environments.

### Right to culture

221. In chapter II of the Culture Act, article 11 provides that: “The State shall guarantee Indigenous Peoples and ethnolinguistic groups the right to preserve, enrich and disseminate their culture, identity and cultural heritage and to produce new knowledge based on their ancestral wisdom and contemporary cultural heritage.”

222. The Ministry of Culture promotes the revitalization and strengthening of the cultural expressions of Indigenous Peoples, especially dances, ancestral commemorations and ceremonies and the Náhuatl language.

223. The Ministry of Culture is mandated by law to grant the National Culture Award annually to individuals or groups that stand out for their merits in this area. The 2022 edition of the National Culture Award recognized and distinguished efforts and achievements in the production and development of traditional material culture with symbolic value and identity among Indigenous Peoples and people of African descent, who preserve and transmit their traditional practices, knowledge, trades and identity based on their ancestral heritage.

224. The Government of El Salvador assisted in and supported commemorations, celebrations and ceremonies of Indigenous Peoples and people of African descent, including events that took place prior to the COVID-19 pandemic, such as the celebration of International Day of the World’s Indigenous Peoples in Cacaopera, in the department of Morazán. Mother Language Day was celebrated in Santo Domingo de Guzmán.

225. Subsequently, around 28 celebrations or commemorations of importance to identity and of multicultural importance have been held in several municipalities with Indigenous communities. For example, celebrations and commemorations were held for solstice and equinox ceremonies, Indigenous Women’s Day, Mother Language Day and the 1932 Massacre.

226. The Government of El Salvador has also supported activities related to the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and an event was held to celebrate International Day of Indigenous Peoples, in which 300 Indigenous people from communities throughout the country participated.

227. Support is being provided to traditional dancers in Panchimalco and Tacuba and to support the traditional dances of El Salvador, including the “Los Historiantes” in the municipality of Izalco and the municipality of Nahuizalco, both in the department of Sonsonate, “Los Negritos y los Centuriones” in the municipality of San Simón, department of Morazán, “La Cacica” in the municipality of Conchagua and “El Cuche de Monte” in the municipality of Ciudad Delgado, department of San Salvador.

228. Support has also been provided for a project promoting and revitalizing traditional dances by supplying costumes and other accessories to dancers of “La Negra Sebastiana de Tacuba”, “Los Negritos y los Emplumados de Cacaopera”, “Los Historiantes y los Chapetones de Panchimalco” and “Los Historiantes de San Miguel Tepezontes”. Costumes, musical instruments and other accessories were also provided to the dancers of traditional Salvadoran dances at the Dr. David J. Guzmán National Museum of Anthropology. This project, the cost of which amounts to more than \$16,000, has benefitted more than 90 dancers from different dance groups, and showcases on the history of traditional dances have been placed in various cultural centres. Support is also being provided for the traditional Salvadoran dance “Los Historiantes” in Santiago Nonualco, department of La Paz, for which costumes, accessories and footwear are currently being purchased.

229. Under Ministerial Agreement No. 061-2021, in December 2022 the Ministry of Culture declared the archaeological parks of Cihuatán, San Andrés, Casa Blanca and Tazumal as sacred ceremonial sites, in recognition of the spirituality of the Indigenous Peoples.

230. As a sign of the national commitment to promoting interculturality, the State has formed the Technical Committee for the Coordination of Efforts in the Process of Declaring the Practice of Ancestral and Community Midwifery as an Intangible Cultural Asset. This Technical Committee, which is composed of government institutions and associations of midwives, coordinates efforts to safeguard the knowledge and practices of traditional

midwifery; it also recognizes and strengthens the community work carried out by midwives to protect the health of Salvadoran women.

231. The Directorate for Restoring the Social Fabric carries out local work through committees, youth organizations and partnerships with leaders. Its main strategy for introducing prevention measures and ensuring access to opportunities involves the establishment of urban centres for well-being and opportunity. The various training, recreational, participatory and cultural activities that have thus been organized nationwide have had a positive effect in communities.

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