



# Economic and Social Council

5 October 2022

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## Committee on Economic, Social and Cultural Rights

### Seventy-second session

#### Summary record of the 36th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 28 September 2022, at 4 p.m.

*Chair:* Mr. Abdel-Moneim

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#### Consideration of reports (*continued*)

##### (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

###### *Sixth periodic report of El Salvador (continued)*

*The meeting was called to order at 4 p.m.*

#### Consideration of reports (*continued*)

##### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)**

###### *Sixth periodic report of El Salvador (continued) (E/C.12/SLV/6; E/C.12/SLV/Q/6; E/C.12/SLV/RQ/6)*

1. *At the invitation of the Chair, the delegation of El Salvador joined the meeting via video link.*

2. **Mr. Uprimny** (Country Task Force) said that he wished to know what percentage of the national budget was set aside for education every year and would appreciate further information on preschool education in the State party. He would also be interested to learn how the State party measured the quality of the education provided in its schools and whether it had identified any disparities in learning outcomes between different groups of children, for example, between publicly and privately educated children. Information on sexual and reproductive health education would also be welcome, as would information on the steps taken to broaden access to the Internet.

3. While he acknowledged the progress that had been made in reducing the national illiteracy rate, he wished to know what measures had been taken to close the literacy gap between men and women. He also wished to know what steps were being taken to overcome urban compared to rural and income-related disparities in relation to access to education, to boost enrolment in schools and to reduce the dropout rate, especially among children in rural areas. He would be interested to learn more about the State party's inclusive education policy and its impact; for example, what percentage of children with disabilities as a whole had access to inclusive education? It would also be useful to hear what measures had been adopted to promote indigenous languages and to allow indigenous persons to study in those languages. He also wished to know whether the State party had a general anti-discrimination law.

4. The dissolution of the Directorate General of Statistics and Censuses and the transfer of its mandate to the Central Reserve Bank was a worrying development. While the State had the right to restructure its institutional framework as it saw fit, the Central Reserve Bank's primary function as a centre for economic decision-making was at odds with the monitoring function of the former Directorate and could give rise to a conflict of interest. He wondered whether the State party would consider establishing an independent authority for statistics in order to ensure the accessibility and transparency of public information.

5. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting with the State party.

6. **A representative of El Salvador** said that the mortality rates for new mothers and newborn babies were 24 maternal deaths per 100,000 live births and 5.1 infant deaths per 1,000 live births. Those low figures demonstrated the effectiveness of the measures that the Government had taken under its mother-and-child health strategy, within the framework of the Caring Births Act. The Growing Together Policy included measures to promote healthy neurodevelopment in children, strengthen children's health-care services, encourage healthy eating, support the family, schools and the community in establishing caring environments, and protect and promote children's rights. Under the recently adopted Promotion of Breastfeeding Act, breastfeeding rooms, human milk banks and human milk collection centres had been established in public and private health facilities throughout the country.

7. The Caring Births Act provided for a humane approach to health care; accordingly, women who underwent abortions received the

same quality of care as all other persons who passed through the health-care system. In fact, such women and their families received special support to help them to cope with the personal loss that the abortion entailed. Professionals throughout the health-care system underwent special training on the humane treatment of pregnant women, the procedures to be followed in the event of obstetric complications and women's rights. With regard to the case of Manuela, special support, including counselling and medical assistance, was being provided to the woman's family. In accordance with the ruling of the Inter-American Court on Human Rights in the case, the medical professionals involved in the incident and decisionmakers at the relevant health-care facilities had undergone special additional training on human rights and obstetric emergencies. Training on medical secrecy was being organized and the guidelines in that regard were being updated. The average number of abortion-related deaths per year had remained at around 1.3 deaths for the past 10 years.

8. The Ministry of Health had increased the availability of specialized services, such as those offered by sentinel surveillance clinics for sexually transmitted infections, for high-risk groups, including lesbian, gay, bisexual, transgender and intersex persons. Twenty such clinics currently existed in El Salvador. In addition, 15 "friendly clinics" had been established, offering specialized, stigma-free support to lesbian, gay, bisexual, transgender and intersex persons. The support provided in such clinics was free of charge and all discussions held there were confidential. Technical guidelines on the comprehensive care of lesbian, gay, bisexual, transgender and intersex persons had been developed and the Government was working with civil society organizations on measures to eliminate discrimination on the grounds of gender identity and sexual orientation in health-care facilities. Information, including statistical data, on the lesbian, gay, bisexual, transgender and intersex community in El Salvador and on the measures taken to provide special assistance to that group was gathered and held in a centralized database.

9. The Ministry of Health and the Ministry of Justice and Public Security had concluded an interinstitutional cooperation agreement on health care in prisons, under which a range of health services were provided and various health-promotion strategies were carried out. A number of prisoners had been trained to act as health counsellors within their prisons; they were tasked with promoting prisoner engagement with health programmes and strategies, for example, programmes aimed at the prevention of communicable diseases such as tuberculosis and HIV. Preventive measures were also taken to address viral and bacterial infections among prisoners. Technical guidelines on the comprehensive care of persons deprived of liberty had been developed; they included special measures for the care of women that covered sexual and reproductive health care. More than 90 per cent of the prison population, including the juvenile prison population, had been screened for HIV. The Government was taking steps to ensure that, in the near future, all new prisoners would be screened for HIV and tuberculosis upon entering prison.

10. **A representative of El Salvador** said that a number of domestic laws provided for the protection of women's rights, including the Special Comprehensive Act on a Violence-Free Life for Women, the Act on Equality, Equity and Elimination of Discrimination against Women and the Domestic Violence Act. The Legislative Assembly had recently revised the Act on the Salvadoran Institute for Women, strengthening the Institute's role as the lead agency for the advancement of women's rights.

11. Under the Act on Equality, Equity and Elimination of Discrimination against Women, all State institutions were mandated to establish gender equality units to promote the principles of equality, equity and non-discrimination and to ensure the inclusion of women's rights in policies, plans and programmes. In that connection, the Government had provided training on women's rights to more than 15,000 public officials. The Social Development, Protection and Inclusion Plan 2019–2024 contained specific measures related to gender equality, while the National Equality Plan 2021–2025 promoted women's advancement and independence in areas such as health and education. The Policy on Social Co-responsibility for Caregiving in El Salvador, due to be launched in the next few months, would help to address the gender gap in labour market participation.

12. The Government's national support system for women affected by violence served as a mechanism for inter-agency management and coordination, ensuring the provision of comprehensive and specialized care for victims, including medical and psychological support. In addition, the Policy Plan for Women's Access to a Violence-Free Life included measures for preventing violence against women and providing victims with support and access to justice. The Strategy for the Prevention of Violence against Women was being rolled out at the municipal level, and information on the prevention of gender-based violence was being disseminated by mobile help desks throughout the country. Subject to the enactment of a bill recently tabled by the Government, El Salvador planned to exchange knowledge with Spain and Peru on gender-based violence and femicide to inform its policies in those areas.

13. The Government had taken steps to improve the provision of information and statistics on gender-based violence. The Ministry of Justice and Public Security had produced regular reports on acts of violence against women since 2015, and the findings of the first ever national survey on sexual violence against women and girls had been published in the second half of 2019. In addition, in collaboration with the central bank of El Salvador and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Government had recently produced a report on the cost of violence against women. According to the Attorney General's Office, 81 femicides had been committed in El Salvador in 2021. Of the cases of violence against women handled by the Office in 2020, around 36 per cent had involved physical violence, around 31 per cent sexual violence, and around 30 per cent patrimonial violence, or violation of women's property rights.

14. In investigating and prosecuting cases of violence against women, the Attorney General's Office gave due consideration to intersectionality, taking into account factors such as the age, sexual orientation, social standing, ethnicity and migration status of victims. The Office had specific protocols for investigating hate crimes, including offences that were aggravated by hostility towards persons of a particular sexual orientation or gender identity. It also had a special unit for investigating cases of femicide. In a joint initiative between the Attorney General's Office and the United Nations Population Fund, steps were being taken to provide legal, social and psychological support to the families of victims of femicide.

15. **A representative of El Salvador** said that, in accordance with article 117 of the Constitution, which established an obligation on the State to protect natural resources and environmental diversity and integrity and to promote sustainable development, the Government assessed the environmental impact of development projects and monitored and limited activities that were liable to cause environmental damage. It also provided technical guidance to enable project owners to carry out any other specialized studies

required by law. The granting of environmental permits was subject to public consultation, during which stakeholders – including indigenous peoples – could consult technical details and environmental impact studies on projects and submit their opinions and observations, including via an online platform. There were also public consultations on the development of national environmental plans and policies.

16. The steps taken by the Government to limit the environmental impact of landfill sites included the installation of chimneys to vent harmful gases away from nearby populations. Extreme weather events linked to climate change, which directly affected the most vulnerable communities, were primarily attributable to the activities of the most polluting nations, and not of El Salvador.

17. **A representative of El Salvador** said that, to address the power imbalance between stakeholders in development projects, the Government planned to strengthen provisions related to free prior and informed consent in the National Policy for Indigenous Peoples, which was currently under review, and in the bill on indigenous peoples, which would shortly be put before the Legislative Assembly for adoption. The Government had consulted indigenous leaders, women's groups and young persons' groups in drafting the bill. Municipal ordinances also contained provisions on free prior and informed consent.

18. **A representative of El Salvador** said that some 35,000 homes had been constructed following the roll-out of the Government's new housing policy, which set minimum targets for the provision of decent housing, particularly for vulnerable persons. The Government had not evicted anybody from their homes; rather, it had resettled persons living in precarious conditions, who had voluntarily left their homes. It had also provided logistical and social support to those persons.

19. Measures were being taken to stimulate the construction of decent housing for lower-income persons. The Ministry was working on the socioeconomic and cultural rehabilitation of the historic centre of San Salvador with a view to returning it to residential use. A housing project known as El Espino had been developed to provide housing for families that had been living in the streets. Other measures included a specific housing development programme in the village of El Mozote and its surrounding areas, a programme to upgrade housing for low-income families nationwide, the credit programme operated by the Social Fund for Housing, the development of housing plots in Dos Quebradas and the institutional property legalization programme. The allowances granted under the Sustainable Families poverty eradication strategy had also increased threefold or fivefold, depending on the circumstances.

20. **A representative of El Salvador** said that children's rights were a national priority and the Government was committed to eradicating all forms of child labour. In terms of the legal framework for combating child labour, article 38 (10) of the Constitution set out the conditions for the employment of minors, while the Labour Code gave the Ministry of Labour and Social Security the power to conduct inspections to identify cases of unlawful child labour. Other relevant laws in that regard included the Child and Adolescent Protection Act and, as of 2023, the Growing Together Act. At the international level, El Salvador was a party to the International Labour Organization Minimum Age Convention, 1973 (No.138), the Workers with Family Responsibilities Convention, 1981 (No.156) and the Worst Forms of Child Labour Convention, 1999 (No.182). The Organization's monitoring bodies had not made any specific comments or recommendations on the issue of child labour in El Salvador, which was a positive sign. Under the current Government, approximately 5,000 child labour inspections had been conducted, during which not a single child had been found to be unlawfully engaged in any of the worst forms of child labour. There was a plan targeted at children in street situations, led by the office of the first First Lady and the National Council for Children and Adolescents. The Ministry of Education cooperated with the Ministry of Labour and Social Security in its efforts to eradicate child labour. The Ministry of Labour and Social Security also participated in bipartite and tripartite forums to tackle the issue of child labour.

*The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.*

21. **A representative of El Salvador** said that, in the context of the International Decade of Indigenous Languages 2022–2032, the Government had reaffirmed its strong commitment to promoting the three indigenous languages of El Salvador. The Nahuatl language, which had four dialectal variants, was spoken by approximately 200 persons throughout the country. However, as a result of educational efforts, the number of new speakers was increasing. Both the Cacaopera and the Lenca languages were extinct in El Salvador, but the Ministry of Education and the Ministry of Culture were working together to revitalize them both in the east of the country. A national plan for indigenous languages would be launched in the coming months. During the coronavirus disease (COVID-19) pandemic, Nahuatl language classes had been broadcast on the Channel 10 educational television station and posted on social media. As part of a new indigenous editorial series, *The Little Prince* had been translated into Nahuatl. A range of bilingual Spanish-Nahuatl materials was being developed: a bilingual collection of 52 Nahuatl legends would be published later in 2022, while the Tree of Life collection was made up of more than 40 bilingual children's books focusing on issues of identity. Work was also under way on the publication of titles in the Cacaopera and Lenca languages. A number of Nahuatl language and identity immersion nests for young children were in the process of being developed. A national register of Nahuatl speakers was being established so as to better respond to the needs of that language community. The Government attached great importance to the Nahuatl language and to its speakers, who were the key to protecting the language from extinction. Every effort was being made to save the Nahuatl language, with a view to it becoming an official language of El Salvador.

22. **A representative of El Salvador** said that education was one of the three pillars of the President's plan of government, along with security and health. Even during the pandemic, investment in education had increased, rising from 3.7 per cent of gross domestic product when the Government had taken office in 2019 to 4.1 per cent in 2020 and 5.1 per cent in 2022. The additional resources invested in the education sector were being used primarily to improve educational infrastructure, including classrooms and playgrounds, to ensure that they were conducive to learning. The school meals programme was also being strengthened. Education was a fundamental right for all in El Salvador, in accordance with article 53 of the Constitution. Article 55 established that the objectives of education included achieving the integral development of the individual; contributing to the construction of a more prosperous, just and humane democratic society; instilling respect for human rights; combating intolerance and hate; promoting identification with Salvadoran values; and fostering the unity of the Central American people.

23. Free university education had been introduced in 2021, benefiting more than 61,000 students enrolled in higher education. Article

4 of the General Education Act established the obligation for the State to promote the full access of the eligible population to the education system through a strategy aimed at democratizing education that included the development of appropriate physical infrastructure and the provision of relevant staff and teaching aids. The Growing Together Act, which would come into force in 2023, also contained a range of provisions on education, including on the free and compulsory nature of education and the State's obligations to allocate a sufficient budget to ensure quality education and school infrastructure for all and to ensure universal access to education, including art and sports, without discrimination on the grounds of disability, pregnancy or any other condition. The fact that a child did not have identity documents must not be an obstacle to school enrolment or completion.

24. The President was convinced that investing in education was essential to the country's development. In the framework of the United Nations Transforming Education Summit, broad consultations had been held with a range of stakeholders, including parents, students, pregnant women and children with disabilities. The First Lady, herself an education professional, was leading an in-depth transformation of the education sector, including the development of early childhood education services as part of the Growing Together Policy. There would be much progress to report in the area of early childhood education by the time of the State party's next dialogue with the Committee.

25. The Ministry of Education was committed to closing the digital gap for all students. To that end, it had distributed some 750,000 laptops and 300,000 tablets to students, depending on their grade. The Ministry had also ensured the continuity of education during the pandemic. The diagnostic tests administered at the end of lockdown had shown that children's educational level had not suffered during the period of remote learning, as it had in other countries in the region. By the third week of lockdown, printed guidebooks had been distributed to children by a network of teachers. Special websites had been set up to make available educational material for students, and domestically produced classes had also been broadcast on national television. Students and teachers had been provided with data packages to ensure that everyone had access to educational resources online. All of those measures had required a significant investment from the education budget but had proven to be worth the expense. The pandemic had created additional challenges in the area of early childhood education, as many parents had been reluctant to send their children to preschool for health reasons. In 2022, some 30,000 children had entered preschool education. Coverage had increased considerably, but there was still room for improvement in that area.

26. With regard to the quality of education, a new exam for high school graduates had been introduced in 2021 and until now had been administered online. The new test was less traditional and punitive than before and took account of socioemotional issues as well as purely academic aspects, which was especially important in the context of the pandemic. Salvadoran students took the standardized tests administered under the Programme for International Student Assessment (PISA) and the Comparative and Explanatory Study. Following a meeting of the ministers of education of the Central American Integration System, El Salvador had led a project to develop a road map for accelerated post-pandemic educational recovery, which would soon be implemented. There were also plans to develop standardized tests for students in Central America that were more adapted to the regional educational context.

27. **The Chair** said that, given the limited time remaining, the delegation could provide any outstanding replies and comments to the Committee in writing.

28. **Mr. Uprimny** said that he would welcome information on any plans to modify the tax system, which was currently primarily based on indirect taxes, so as to contribute to further reducing poverty and inequality. He would also be interested to hear what was being done to address the very high level of external debt, which threatened the sustainability of social expenditure policies.

29. **Mr. Hennebel** said that the Committee was grateful for the detailed replies to its questions. Nonetheless, it did not agree with the justifications provided to defend the absolute prohibition of abortion in the State party's laws, which were among the most repressive in the world. The State party's interpretation of international human rights law, including article 4 (1) of the American Convention on Human Rights, was incorrect. It was clear from the *travaux préparatoires* of the Convention and the jurisprudence of the Inter-American Court of Human Rights that abortion was entirely compatible with the protection of the right to life. The absolute prohibition of abortion was not compatible with international human rights law or the Covenant. In its general comment No. 22 (2016) on the right to sexual and reproductive health, the Committee called on States to adopt legal and policy measures to liberalize restrictive abortion laws; to guarantee women and girls access to safe abortion services and quality post-abortion care, including by training health-care providers; and to respect the right of women to make autonomous decisions about their sexual and reproductive health. That position was shared by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women. The Inter-American Court of Human Rights had also likened the abusive use of the criminal justice system in respect of abortion to a form of institutional violence aimed at imposing the control of the State and patriarchal forces on women's bodies. While he doubted that the State party would be convinced by the Committee's arguments, the fact that the delegation had agreed to engage in a dialogue on the matter was encouraging.

30. **Mr. Mancisidor de la Fuente** said that the Committee was grateful to the very high-level delegation for what had been a very constructive dialogue, despite the initial differences of opinion. The Committee trusted that the delegation would accept its concluding observations, which would draw attention to both positive developments and areas of concern, in the spirit in which they were intended, namely, to help improve the human rights situation in El Salvador. He also encouraged the State party to disseminate the concluding observations broadly.

31. **Ms. Mira** (El Salvador) said that her delegation had been grateful for the opportunity to present the progress and changes being made with the aim of ensuring the realization of the human rights of the Salvadoran people. El Salvador was now one of the safest countries in the world both for its residents and for visitors. El Salvador was committed to respecting its obligations under the Covenant. It was important to keep in mind that El Salvador was turning a new page in its history to improve the quality of life of its people and remedy problems that previous administrations had simply ignored, most notably the widespread insecurity caused by terrorist groups. The Government was also doing its best to turn the pandemic into an opportunity to create a more inclusive system of public administration that addressed the needs of the most vulnerable groups in society. The Committee could serve as an

important ally in the Government's efforts to promote and protect economic, social and cultural rights. The delegation would submit additional information in writing and looked forward to the Committee's concluding observations, which it hoped would be relevant and specific.

32. **The Chair** said that the Committee would carefully consider all of the delegation's replies in drafting its concluding observations.

*The meeting rose at 6.05 p.m.*