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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF EL SALVADOR
FOR THE 48TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of El Salvador (El Salvador) for the 48th session of the Universal Periodic Review (UPR).

Background

2. El Salvador is a country in Central America with a population of approximately 6.3 million people.¹ El Salvador is predominantly Christian, with 39.1% of the population identifying as Catholic, 36.9% as Evangelical, 1.5% as Jehovah’s Witness, 0.7% as Adventist, and 19.9% belonging to no religion.²

3. El Salvador’s last review was held on November 4, 2019.³ As a result of the review, El Salvador received 207 recommendations, 152 of which it supported.⁴ It was recommended by Norway, but only noted by El Salvador, that the government “[g]uarantee women’s sexual and reproductive health and reproductive rights, by amending legislation on abortion, in a transparent consultation process that includes civil society.”⁵ It was also recommended by Egypt, and supported by El Salvador, that the government “[c]ontinue measures for the promotion and protection of the rights of migrants, particularly children and youth, as well as combating trafficking in persons.”⁶

Legal Framework

Abortion

4. Article 1 of the Constitution of El Salvador states that “El Salvador recognizes the human person as the origin and the end of the activity of the State, which is organized to attain justice, judicial security, and the common good. In that same manner, it recognizes as a human person every human being since the moment of conception.”⁷

¹ *El Salvador*, BRITANNICA (Apr. 2, 2024), <https://www.britannica.com/place/El-Salvador>.

² *Religion Affiliation in El Salvador as of 2020, by Type*, STATISTA, <https://www.statista.com/statistics/1067070/el-salvador-religion-affiliation-share-type/>.

³ *Universal Periodic Review – El Salvador*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/sv-index> (last visited Apr. 3, 2024).

⁴ *El Salvador Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/SV/ElSalvador_Infographic.pdf (last visited Apr. 3, 2024).

⁵ OHCHR, UPR of El Salvador, <https://documents.un.org/doc/undoc/gen/g20/000/15/pdf/g2000015.pdf?token=EX1HcGANSMh63fydre&fe=true> (last visited Jun. 7, 2024).

⁶ *Id.*

⁷ CONSTITUTION OF EL SALVADOR 1983 (REV. 2014) art. 1, https://www.constituteproject.org/constitution/El_Salvador_2014.

Protections for life are also codified in El Salvador’s Penal Code, which prohibits abortion under all circumstances.⁸

5. El Salvador is also a party to the International Covenant on Civil and Political Rights (ICCPR).⁹ Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹⁰ In addition, El Salvador has a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

Human Trafficking

6. Under Article 4 of the Constitution of El Salvador, “[e]very person in the Republic is free. No one who enters its territory shall be a slave nor the individual who traffics in slaves be a citizen. No one shall be subjected to servitude or to any other condition that injures their dignity.”¹¹

7. Article 54 of the Special Law Against Human Trafficking 2014 states that “[w]hoever gives, recruits, transports, transfers, receiv[es] or accept[s] people, inside or outside the country or facilitate, promote or encourage, to run or allow others to do any activity of human exploitation . . . shall be punished ten to fourteen years in prison.”¹²

8. Moreover, under the ICCPR, “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹³

9. El Salvador is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁴ Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women

⁸ *El Salvador: Court Hears Case on Total Abortion Ban*, HUMAN RIGHTS WATCH (Mar. 23, 2023), <https://www.hrw.org/news/2023/03/23/el-salvador-court-hears-case-total-abortion-ban>.

⁹ *Ratification Status for El Salvador*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=55&Lang=EN (last visited Apr. 4, 2024).

¹⁰ International Covenant on Civil and Political Rights art. 6, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹¹ CONSTITUTION OF EL SALVADOR 1983 (REV. 2014) art. 4, *supra* note 7.

¹² Special Law Against Human Trafficking 2014 art. 54, <https://antislaverylaw.ac.uk/country/el-salvador/>.

¹³ ICCPR art. 8, *supra* note 10.

¹⁴ *Chapter XVIII Penal Matters: 12 a Protocol to Prevent Suppress and Punish Trafficking in Persons. Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18 (Apr. 11, 2024, 9:15 AM).

and children, from revictimization.¹⁵

Abortion

10. El Salvador has remained steadfast in protecting the lives of preborn babies. As stated above, El Salvador’s Constitution “recognizes as a human person every human being since the moment of conception.”¹⁶ This is a position that El Salvador has reaffirmed since its last UPR, despite recommendations calling for the government to expand access to abortion.

11. In October 2021, El Salvador’s Congress voted to maintain its current laws on abortion.¹⁷ One congresswoman commented after the vote stating that “[w]e have legislated in favor of protecting life from its conception.”¹⁸ Further, the President of El Salvador, Nayib Bukele, committed to not expanding access to abortion by stating that, “I have decided, to dispel any doubt, not to propose any kinds of reform to any items related to the right to life.”¹⁹

12. Even though it was recommended that El Salvador expand access to abortion, the government is committed to not bowing down to fringe international pressure. In March 2023, the Legislative Assembly President, Ernesto Castro, affirmed that “[w]e will always respect the Constitution and not what some foreign organizations try to impose on us.”²⁰ Further, not only is El Salvador protecting the rights enshrined in its own Constitution, but it is also protecting the rights enshrined in numerous international human rights documents. For example, the UDHR states that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”²¹ It also provides that “[e]veryone has the right to life.”²² Likewise, the U.N. Charter recognizes and affirms the “dignity and worth of the human person.”²³ The ICCPR also states that “[e]very human being has the inherent right to life.”²⁴ Additionally, since the 1994 Cairo Conference on Population and Development, Member States have had an affirmative commitment to “reduce the recourse to abortion”²⁵ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family*

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1. *Adopted on* Nov. 15, 2000, 2237 U.N.T.S. 319.

¹⁶ CONSTITUTION OF EL SALVADOR 1983 (REV. 2014) art. 1, *supra* note 7.

¹⁷ *El Salvador Lawmakers Overwhelmingly Reject Challenge to Country’s Complete Abortion Ban*, CBS NEWS (Oct. 21, 2021), <https://www.cbsnews.com/news/el-salvador-abortion-ban-upheld-by-congress/>.

¹⁸ *Id.*

¹⁹ *Salvadoran President Rules Out Allowing Abortion, Same-Sex Marriage* REUTERS (Sep. 17, 2021), <https://www.reuters.com/world/americas/salvadoran-president-rules-out-allowing-abortion-same-sex-marriage-2021-09-17/>.

²⁰ *Bukele’s Party Will Not Allow Legal Abortion in El Salvador*, TELESUR (Mar. 22, 2023), <https://www.telesurenglish.net/news/Bukeles-Party-Will-Not-Allow-Legal-Abortion-in-El-Salvador-20230322-0009.html>.

²¹ G.A. Res. 217 (III), A Universal Declaration of Human Rights, pmbl. (Dec. 10, 1948) (emphasis added), <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>.

²² *Id.* art. 3 (emphasis added).

²³ U.N. Charter pmbl., <https://www.un.org/en/about-us/un-charter/full-text>.

²⁴ ICCPR art. 6, *supra* note 10.

²⁵ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev. 1, https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/a_conf.171_13_rev.1.pdf

planning.”²⁶ El Salvador’s position is fully consistent with these international instruments that enshrine fundamental human rights and require the protection of life.

13. El Salvador is also justified in not supporting calls to expand access to abortion, as protecting life and limiting abortion is actually the majority position of U.N. Member States. In fact, out of the 193 Members States of the U.N., an overwhelming majority (108) of them have strict limits on abortions.²⁷ Even among the countries that have legal abortions, nearly all of them impose gestational limits.²⁸

14. In addition to protecting the lives of preborn babies, El Salvador has a compelling interest in protecting the lives of women. It has been shown that abortion can result in long-lasting harm to the mother. This is particularly true in Latin America and the Caribbean, where complications from abortion account for 9.9% of maternal deaths in the region.²⁹ One recent study looked at data from seventy health facilities across six countries in Latin American and the Caribbean and examined complications that were related to abortion.³⁰ The data was collected from 7,983 women who had experienced complications from abortions.³¹ Of these women, 49.5% experienced moderate complications (heavy bleeding, suspected intra-abdominal injury, or infection), and 3.1% experienced potentially life-threatening complications (severe hemorrhage, severe systemic infection, or suspected uterine perforation).³² Furthermore, it has also been documented that women who have undergone abortions have experienced negative psychological side effects, from shame to drug abuse to suicidal thoughts.³³

15. All of these reasons show why El Salvador is fully justified in prohibiting abortion. El Salvador has continued to affirm its commitment to protecting the fundamental right to life.

Human Trafficking

16. In El Salvador, human traffickers exploit individuals who are attempting to migrate to Mexico and the United States in search of employment and a better life.³⁴ Human traffickers work with corrupt officials to smuggle migrants across borders undetected.³⁵ Victims are often kidnapped and are at risk of being sexually abused and extorted.³⁶ These migrants find themselves being exploited for forced labor or are sexually exploited once they reach their intended destination.³⁷ Unfortunately, the scale and scope of human trafficking in El Salvador

²⁶ *Id.*

²⁷ *The Worlds Abortion Laws*, CTR. FOR REPRODUCTIVE RTS., [HTTPS://REPRODUCTIVERIGHTS.ORG/MAPS/WORLDS-ABORTION-LAWS/](https://reproductiverights.org/maps/worlds-abortion-laws/) (last visited Apr. 11, 2024). (pdf link did not work but this website shows the same info from the same source)

²⁸ *Id.*

²⁹ Mariana Romero, *Abortion-Related Morbidity in Six Latin American and Caribbean Countries: Findings of the WHO/HRP Multi-Country Survey on Abortion (MCS-A)*, *BMJ GLOBAL HEALTH* (AUG. 20, 2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8404437/>.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ See, e.g., Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 *J. OF AM. PHYSICIANS & SURGEONS* 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

³⁴ *El Salvador*, ORGANIZED CRIME INDEX, https://ocindex.net/country/el_salvador (last visited Apr. 11, 2024).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Profili Dei Paesi El Salvador*, SVILUPPO UMANO INTEGRALE, <https://migrants-refugees.va/it/blog/country-profile/el-salvador/> (last visited Jun. 7, 2024).

is not well documented.³⁸ This is in part because of corrupt police officers and public officials who work with the traffickers to smuggle individuals.³⁹

17. Contributing to El Salvador's human trafficking problem is a lack of resources for law enforcement, which has resulted in few human trafficking investigations being carried out.⁴⁰ Further, El Salvador's lack of ability to control its border makes it easy for criminals to smuggle victims in and out of the country.⁴¹

18. Since its last UPR, however, El Salvador has taken some steps to address human trafficking and strengthen its capabilities to combat it. For example, more than 1,000 police officers participated in workshops and seminars about human trafficking.⁴² Additionally, the government has created nineteen offices across fifteen municipalities that are solely dedicated to human trafficking and providing aid for victims.⁴³

19. Below, we have highlighted some recent examples of human trafficking, including cases involving government authorities and police.

20. In November 2023, police arrested ten individuals in El Salvador for running a migrant trafficking ring.⁴⁴ The individuals charged their victims up to \$15,000 a person to be smuggled to the United States.⁴⁵ Among those arrested, were two members of the national police.⁴⁶

21. In October 2022, police arrested eleven individuals for human trafficking.⁴⁷ The individuals charged their victims between \$10,000 and \$15,000 each to be smuggled from El Salvador to the United States.⁴⁸ The individuals also smuggled unaccompanied children for \$15,000.⁴⁹

22. From June 2021 through May 2022, authorities arrested 302 people with ties to human trafficking.⁵⁰ Authorities found that in many of the cases, the individuals lured victims by

³⁸ *Forced Criminal Activities Along Mexico's Eastern Migration Routes and Central America*, UTGRV, <https://www.utrgv.edu/human-trafficking/blog/central-america/el-salvador/index.htm> (last visited Apr. 10, 2024).

³⁹ *El Salvador*, *supra* note 34.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Vanessa Morales, *Combatting Human Trafficking in El Salvador*, BORGEN PROJECT (Feb. 18, 2021), <https://borgenproject.org/human-trafficking-in-el-salvador/>.

⁴³ *Id.*

⁴⁴ *Authorities in El Salvador Dismantle Smuggling Ring, Arrest 10 Including 2 Police Officers*, AP (Nov. 14, 2023), <https://apnews.com/article/el-salvador-migrants-migration-smuggling-crime-cf608a31933b401bce0f8fa4e07e4073>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *El Salvador Nabs 11 Who Charged Migrants \$15,000 to Reach US*, AP (Oct. 25, 2022), https://ca.finance.yahoo.com/news/el-salvador-nabs-11-charged-201925047.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlMmNvbS8&guce_referrer_sig=AQAAADqK5OaBts9iFseZKpl92rBma72ZR-TQpC8x-YhEwYMtD7dQOUJn6Bug2S2dRcyfw2dN25lswUZYQxNY-UGE3uImCaUkGrNSYhRJLXu4TUraKGSrMmZ-TEwm8tlHGzTVNP99TZ7rP_dm3zsNyJdIrbJgijK-x_8YfRefR42jYf2.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *El Salvador Authorities Fighting Human Trafficking*, PRENSA LATINA (July 24, 2022), <https://www.plenglish.com/news/2022/07/24/el-salvador-authorities-fighting-human-traffickers/>.

promising them that they will be provided with guides, vehicles, and will receive safe passage.⁵¹

23. On August 2, 2021, a former mayor, along with two other individuals, were charged for their roles in running a human trafficking ring.⁵² The individuals were accused of smuggling forty people and charging them up to \$12,000 each to be smuggled from El Salvador to the United States.⁵³

24. In July 2021, another mayor was convicted for leading a different human trafficking ring.⁵⁴ His criminal network charged individuals between \$3,000 and \$4,000 each to be smuggled to the United States.⁵⁵

Recommendations

25. We want to commend El Salvador for taking a stand to protect life and rejecting recommendations that call for expanding access to abortion. El Salvador will continue to face international pressure to expand access to abortion, but we are encouraged by the government's efforts since its last UPR to reaffirm that it will continue to uphold its Constitution and protect the fundamental right to human life in accordance with its moral and legal duty to protect the lives of preborn babies.

26. Additionally, we are encouraged by the steps El Salvador has taken since its last UPR to combat human trafficking. We can already begin to see that El Salvador's efforts to train law enforcement are working and we are encouraged that El Salvador has arrested public officials who are complicit and are actively involved in human trafficking. Further, because traffickers use lies and deceit to lure their victims, the government must conduct awareness campaigns to show people the dangers of human trafficking. Additionally, because human trafficking involves transporting victims out of the country, the government must provide increased resources to secure the border and stop the smugglers and victims before they leave the country.

⁵¹ *Id.*

⁵² Alex Papadovassilakis, *El Salvador Mayors Cash in on Migrant Smuggling*, INSIGHT CRIME (AUG. 5, 2021), <https://insightcrime.org/news/el-salvador-mayors-cash-in-on-migrant-smuggling/>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*