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El Salvador: Information Gathering Mission Report - Part 2

ISSUE PAPER

EL SALVADOR: INFORMATION GATHERING MISSION REPORT

PART 2

THE SITUATION OF WOMEN VICTIMS OF VIOLENCE AND OF SEXUAL MINORITIES IN EL SALVADOR

All the sources of information contained in this document are identified and are publicly available

RESEARCH DIRECTORATE
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OTTAWA

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This Paper was prepared by the Research Directorate of the Immigration and Refugee Board of Canada based on approved notes from meetings with oral sources, publicly available information, analysis and comment. All sources are cited. This Paper is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed or conclusive as to the merit of any particular claim to refugee protection. For further information on current developments, please contact the Research Directorate.

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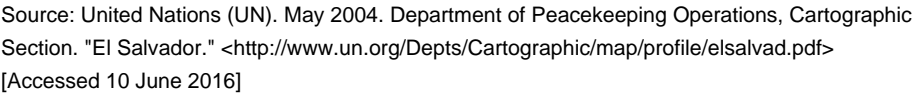
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MAP



CAP

ALDES

Asistencia Legal para la Diversidad Sexual - El Salvador (LGBTI Justice Clinic)

CEMUJER

Norma Virginia Guirola De Herrera Institute for Women's Studies (Instituto de Estudios de la Mujer Norma Virginia Guirola de Herrera)

Ciudad Mujer

Comprehensive Support Centre for Women

COMAR

Comisión Mexicana de Ayuda a Refugiados (Mexican Commission for Refugee Aid)

CONASOJ

Coordinadora Nacional de Sindicatos y Asociaciones del Órgano Judicial (National Coordinating Committee of Unions and Associations of Workers in the Judiciary)

CSJ-SP

Corte Suprema de Justicia, Sala de lo Penal (Supreme Court of Justice, Criminal Chamber)

FESPAD
Fundación de Estudios para la Aplicación del Derecho (Foundation for the Study of Applied Law)

FGR
Fiscalía General de la República (Office of the Attorney General)

IGSP
Inspectoría General de Seguridad Pública (Office of the Inspector General of Public Security)

IML
Instituto de Medicina Legal (Legal Medicine Institute)

IRB
Immigration and Refugee Board of Canada

IRCC
Immigration, Refugees, and Citizenship Canada

ISDEMU
Instituto Salvadoreño para el Desarrollo de la Mujer (Salvadoran Institute for the Development of Women)

ORMUSA
Organización de Mujeres Salvadoreñas por la Paz (Salvadoran Women's Organization for Peace)

PDDH
Procuraduría para la Defensa de los Derechos Humanos (Office of the Ombudsperson for the Defence of Human Rights)

PNC
Policía Nacional Civil (National Civil Police)

RAD
Refugee Appeal Division

RPD
Refugee Protection Division

SRE
Secretaría de Relaciones Exteriores (Mexican Ministry of Foreign Affairs)

UNIMUJER-ODAC
Unidades Institucionales de Atención Especializada a las mujeres en Situación de Violencia de la Oficina de Denuncia y Atención Ciudadana (Institutional Units for Specialized Assistance to Women Victims of Violence)

UNHCR
United Nations High Commissioner for Refugees

USCIS
United States Citizenship and Immigration Services

1. INTRODUCTION

In 2013, Canada and the United States began working together to identify opportunities to establish new modes of cooperation in the areas of asylum and immigration; this collaboration is known as the Asylum Cooperation Action Plan

(ACAP). The ACAP, through the department of Immigration, Refugees and Citizenship Canada (IRCC), approached the Immigration and Refugee Board (IRB) of Canada to seek the IRB's interest in supporting the capacity building activities to be undertaken in the Americas with the objective of improving asylum systems in the region. In May 2015, the Deputy Chairperson of the IRB's Refugee Protection Division (RPD) participated in a meeting between Canada, Mexico and the United States, where it was agreed that the IRB would undertake a number of activities to support the development of quality refugee status determination by Mexico. One of these activities involved IRB participation in a joint information-gathering mission (henceforth referred to as the "mission") to El Salvador, in conjunction with representatives from the United States Citizenship and Immigration Services (USCIS), the Mexican government's Commission for Refugee Aid (Comisión Mexicana de Ayuda a Refugiados, COMAR), and the Secretariat of Foreign Affairs (Secretaría de Relaciones Exteriores, SRE) of Mexico, under the auspices of the United Nations High Commissioner for Refugees (UNHCR) in Mexico and El Salvador. A representative of the Mexican Embassy in San Salvador also participated. The joint mission was carried out from 11 to 15 April 2016. Following the completion of the joint mission, the IRB conducted its own research for one further week in El Salvador. The purpose of this was to meet with additional expert sources not included in the joint mission agenda due to time constraints, to gather corroborating and contrasting information, and to enable the IRB's Research Directorate to develop new contacts, strengthen existing ones, and obtain information uniquely needed to support the IRB's decision-making on refugee status determination now or in the future.

The purpose of the mission to El Salvador was to gather information related to state efforts to combat crime; the structure of criminal gangs, their areas of operation, activities, and recruitment practices; the situation of gender-based and domestic violence against women; the situation of LGBTI (lesbian, gay, bisexual, trans, and/or intersex) people; and the efficacy of the police and judiciary to provide recourse to victims of crime, investigate and prosecute crimes. This report summarizes the information gathered by the representatives of the IRB during both the joint mission and during the IRB's additional week of research.

The IRB would like to thank the Embassy of Canada in San Salvador and the UNHCR offices in San Salvador and Mexico for providing logistical support and assistance during the mission.

2. METHODOLOGY

The mission consisted of a series of meetings with experts and officials from relevant governmental, non-governmental, academic, and research- focused organizations. For details on the organizations and individuals consulted during this mission, please refer to the section entitled Notes on Interlocutors at the end of this Paper. The interlocutors chosen as oral sources to be interviewed were identified by the delegation based on their position and expertise. However, the list of sources should not be considered exhaustive in terms of the scope and complexity of human rights issues in El Salvador, given the time constraints that the delegation had to undertake the mission. Meetings with interlocutors for the joint mission were coordinated by the office of the UNHCR in San Salvador and took place in the interlocutors' offices or at the UNHCR headquarters in San Salvador. Meetings with interlocutors for the IRB's second week were coordinated by the Canadian embassy in San Salvador and the UNHCR office in San Salvador; taking place at these locations or in the interlocutors' offices, with the exception of the interview with the Legal Office Assistance for Sexual Diversity in El Salvador (Asistencia Legal Para La Diversidad Sexual El Salvador, ALDES) which was conducted over the phone. All interviews were conducted in Spanish, with the exception of the one with ALDES which was conducted in English.

Interview questions posed to interlocutors were formulated in line with the Terms of

Reference for the mission (see Appendix 1). Interviews were conducted using a semi-structured approach to adapt to the expertise of the interlocutor(s) being interviewed. The Terms of Reference were developed in consultation with joint mission participants, and the IRB's decision-makers from the Refugee Protection Division (RPD) and the Refugee Appeals Division (RAD). Interlocutors' responses to these questions varied depending on their willingness and preparedness to address them, and the length of time granted for the interview.

In accordance with the Research Directorate's methodology, which relies on publicly available information, interlocutors were advised that the information they provided would form the basis of a report on country conditions. This report would be publicly accessible and used by decision-makers adjudicating refugee claims in Canada. Furthermore, interlocutors were asked to consent to being cited by name for the information they provided.

This Paper is the second of two, separate Issue Papers that present the information gathered by the IRB during the mission to El Salvador. The first Paper examines the situation of crime, gangs, internal relocation, and state protection mechanisms available for victims of crime. This Paper will provide information about the situation of gender based and domestic violence against women, as well as the situation of LGBTI people, and the legal recourse available to them.

This Paper may be read in conjunction with several IRB publications, including Responses to Information Requests SLV105267 of 17 September 2015, SLV105266 of 15 September 2015, and SLV104903 of 16 July 2014.

3. OVERVIEW

El Salvador has an estimated population of 6,141,350 people and a land area of approximately 20,721 square kilometers; approximately the size of New Jersey.¹ The Central Intelligence Agency's *World Factbook* provides the following information on age structure in El Salvador: 27.31 percent of the population are between 0 and 14 years of age (male 860,122/female 816,855), 20.71 percent are between 15 and 24 years of age (male 638,989/female 632,741), 38.1 percent are between 25 and 54 years of age (male 1,077,378 /female 1,262,585), 6.8 percent are between 55 and 64 years of age (male 186,570/female 230,939), and 7.09 percent of people are 65 years old and over (male 192,713/female 242,558). Many Salvadorans fled the country during the 1979-1992 civil war and sought refuge in the United States, Canada, Mexico, Guatemala, Honduras, Nicaragua and Costa Rica. As of 2016, about 20 percent of the Salvadoran population lives abroad.²

A 2011 report on violence against women in El Salvador by the UN Special Rapporteur on Violence Against Women states that

El Salvador has come a long way in institution-building and human rights protection since the end of the 12-year civil war and the signature of the peace accords in 1992. [...]

Despite the return to peace and the establishment of democratic institutions, there are high rates of poverty inequality and unemployment, together with alarming levels of crime, impunity and declining trust in public institutions, and significant challenges to the country's consolidation of democratic governance and human development. [...]

With a homicide rate of over 65 per 100,000 inhabitants - the highest rate in

Central America [compared to 1.45 per 100,000 population in Canada in 2014³] - and alarming levels of other expressions of violence, including injuries, robberies, extortions, and domestic and gender-based violence, El Salvador is considered to be among the most violent countries in the world today. The proliferation of small and light weapons and the actions of violent gangs (maras) contribute to such levels of violence. Homicide rates for women have also increased alarmingly in recent years and are currently the highest in the region.⁴

The US Department of State's *Country Reports on Human Rights Practices for 2015* states that the main human rights problems in El Salvador, such as domestic violence, discrimination, sexual exploitation of women and children by armed groups and gangs, as well as discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons have "stemmed from widespread corruption; [and] weaknesses in the judiciary and the security forces that contribute to high levels of impunity."⁵ *The Guardian*, a London-based English language newspaper, reports that El Salvador is considered to be the "homicide capital of the world," with one murder every hour and a homicide rate of approximately 90 per 100,000 people in 2015, which makes it "almost 20 times deadlier than US and 90 times deadlier than [the] UK."⁶ *La Prensa Gráfica*, a San Salvador-based Spanish language newspaper, published a map of the most violent municipalities in El Salvador in 2015.⁷ The map is included in Appendix 2.

The US Department of State's *Country Reports on Human Rights Practices for 2015* notes that

although the law prohibits discrimination based on gender, women suffered from cultural, economic, and societal discrimination. The law requires equal pay for equal work, but according to the 2014 World Economic Forum Global Gender Gap Report, the average wage paid to women for comparable work was 55 percent of compensation paid to men. Men often received priority in job placement and promotions, and women did not receive equal treatment in traditionally male-dominated sectors, such as agriculture and business. Training was generally available for women only in low- and middle-wage occupations where women already held most positions, such as teaching, nursing, apparel assembly, home industry, and small business.⁸

4. WOMEN VICTIMS OF VIOLENCE

4.1 Situation

The Law on Equality, Equity and Elimination of Discrimination Against Women (*Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres*) of 2011 promotes equality between men and women in education, employment and political participation, among other domains.⁹ However, according to the US Department of State's *Country Reports on Human Rights Practices for 2015*, women "did not enjoy equal treatment" in legal rights compared to men.¹⁰ According to the Norma Virginia Guirola De Herrera Institute for Women's Studies (Instituto de Estudios de la Mujer Norma Virginia Guirola de Herrera, CEMUJER), societal attitudes towards women are "sexist and misogynist" and "patriarchal," which foster the conditions that lead to violence against women. Interlocutors from the Salvadoran Women's Organization for Peace (Organización de Mujeres Salvadoreñas por la Paz, ORMUSA) and the government's Secretariat of Social Inclusion (Secretaría de Inclusión Social), reported that violence against women is a serious

problem in El Salvador, including violence perpetrated by gang members and domestic violence. InSight Crime, an organization that analyzes and reports on organized crime in Latin America and the Caribbean,¹¹ reports that, according to an official from the UN Office on Drugs and Crime (UNODC) official,

femicides linked to Central America's Mara gangs can be traced back to Los Angeles in the 1980s, where the Maras first arose. As the Maras developed, a new form of social cohesion arose – one which continues to be an essential trait of these groups today – in which the Maras became a gang member's true "family," while relatives became gang "property" ...

Consequently, during disputes between gangs, women are frequently caught in the crossfire, with girlfriends, sisters and mothers targeted by rival gangs. In many cases, female relatives of imprisoned Mara members make easy targets for revenge killings, as the males are unable to protect them.

What's more, according to the Mara "code of honour," if a member betrays or abandons his own gang, their most vulnerable "possession" is attacked – which usually means the rape or murder of his sister or wife.¹²

ORMUSA indicated that gang members control not only territories, but families living in those territories. Women are considered to be the "property" of gang members.¹³ Women and girls are forced to become girlfriends (jainas) of gang members; they cannot say "no" to a gang member, or they would be killed.¹⁴ There are cases of girls younger than 15 years old who are taken from their homes by gang members for 3 to 4 days, sexually abused and returned to their families. In some cases, mothers have to pay weekly extortion (renta) fees to gang members for them not to sexually abuse their daughters. Older women are forced to cook, clean and take care of the children of gang members.¹⁵ According to the representative of ORMUSA, young women are more affected by violence from gangs.

Gang members who are in prison continue to control the lives of their girlfriends.¹⁶ According to El Faro women are forced to smuggle drugs into prisons and to collect extortion, among other activities.¹⁷ Women are obligated to visit gang members in prisons and they cannot be seen in a company of another man anywhere, otherwise they will be killed.¹⁸ ORMUSA noted that, although men are imprisoned, the interlocutors gave the opinion that it is "impossible to break the cycle of violence against women" because of the high incidence of domestic violence and the difficulties for them to leave their neighbourhoods.

4.2 Statistics

According to a 2016 article published by InSight Crime, El Salvador has the highest female murder rate in the world, with 8.9 homicides per 100,000 women in 2012 compared to 6.3 homicides per 100,000 women in Colombia, 5.3 in Brazil and 4.8 in Mexico.¹⁹ The Salvadoran Institute for the Development of Women (Instituto Salvadoreño para el Desarrollo de la Mujer, ISDEMU) indicated that in 2014, one woman was murdered every 40 hours and that in 2016, on average, one female was killed every 18 hours in the first four months. CEMUJER indicated that, in 2016, a woman is killed every 10 hours and a woman is sexually assaulted every 3 hours. A report on situation of violence against women in El Salvador published by ISDEMU states that, according to the data compiled by the National Civil Police (Policía

Nacional Civil, PNC), the Office of the Attorney General (Fiscalía General de la República, FGR), and the Legal Medicine Institute (Instituto de Medicina Legal, IML), there were 1,062 violent deaths of women registered between January 2012 and June 2015. The same report notes that, between January and June 2015, the rate of violent women's deaths was 6.73 per 100,000 inhabitants.²⁰

ISDEMU provided the following statistical information compiled by the PNC regarding violence against women in 2015, and between January and March 2016:

| | January - December 2015 | January - March 2016 |
|---|-------------------------|----------------------|
| Femicides²¹ | 13 | 59 |
| Homicides | 53 | 118 |
| Domestic violence | 454 | 228 |
| Sexual violence | 105 | 89 |
| Other violations of women's rights | 72 | 74 |
| Human trafficking | 16 | 4 |

ISDEMU indicated that the PNC reported that, between January and March 2016, the following departments had the highest rates of:

- Femicides: San Salvador, San Miguel, and Santa Ana;
- Domestic violence: San Salvador, Usulután, and Cuscatlán; and
- Sexual violence: San Salvador, La Libertad, Ahuachapán, and San Miguel.²²

Several interlocutors noted that violence against women and domestic violence are underreported in El Salvador.²³ Women do not report violence to the authorities because of lack of confidence and the widespread belief that the criminal justice system is ineffective and that perpetrators were unlikely to be prosecuted.²⁴ Women and young girls who are subjected to physical and sexual abuse by gang members are reluctant to report it because of fear of reprisal, as they can be seen by gang members as police informants.²⁵

4.3 Legislation

The Special Comprehensive Law for a Violence-free Life for Women (*Ley Especial Integral para Una Vida Libre de Violencia para las Mujeres*), aimed at addressing violence against women, was passed in 2011 and came into effect on 1 January 2012.²⁶ Article 2 of the Law defines women's rights and Article 57 outlines the procedural guarantees for women victims of violence.²⁷ Article 2 refers to the enjoyment, exercise and protection of women's human rights, including "respect of their life and physical, psychological and moral integrity; respect for the dignity inherent in their person, and protection of their family; and freedom and personal safety," among others.²⁸ Article 57 guarantees women who may be facing violence that their privacy shall be protected, they shall not be discriminated against, and they shall receive timely and proper help and protection from the PNC, among others.²⁹ Article 2 and Article 57 are included in Appendix 3.

The Law Against Domestic Violence (*Ley contra la Violencia Intrafamiliar*) was enacted in 1996 and last amended in 2013.³⁰ The Law Against Domestic Violence establishes mechanisms to prevent, punish, and eradicate domestic violence.³¹

Article 3 of the law defines domestic violence as [translation] "any act or omission, direct or indirect, which causes harm, physical, sexual, or psychological suffering, or death to members of the family."³² The protection measures provided by the Law as well as the responsibilities of the PNC upon notification are included in Appendix 4.

4.4 State Protection

4.4.1 Police and Judiciary

A representative of the Among Friends Association (Asociación Entre Amigos) indicated that crimes can be reported to authorities by phone, in person, or in writing. Other interlocutors also indicated that incidents of violence can be reported to the Attorney's General Office (Fiscalía General de la República, FGR), the PNC,³³ or through *Ciudad Mujer* (Comprehensive Support Centre for Women).³⁴

ORMUSA indicated that there are special police units with staff qualified to assist women victims of violence, which are open 24 hours a day. These units are called Institutional Units for Specialized Assistance to Women Victims of Violence (Unidades Institucionales de Atención Especializada a las Mujeres en Situación de Violencia, UNIMUJER). There are 16 UNIMUJER units present in the following municipalities in the country: Puerto de La Libertad, Santa Tecla (La Libertad), El Pedregal (La Paz), Cojutepuque (Cuscatlán), San Salvador Norte (Apopa), San Salvador Centro, Sensuntepeque (Cabañas), Chalchuapa (Santa Ana), Jiquilisco (Usulután), Cantón Cara Sucia (municipality of San Francisco Méndez, Ahuachapán), Barrio Santuario (San Vicente), Chalatenango, San Juan Opico, Aguilares (San Salvador), Suchitoto (Cuscatlán), Ayutuxtepeque (San Salvador).³⁵

However, ORMUSA noted that these units are monitored by gangs and women are afraid to go there to report domestic violence because gang members will perceive them as police informants providing information about gangs. ORMUSA pointed out that with a growing number of gangs, the number of domestic violence complaints has decreased as women fear to be considered as "informants" and therefore, prefer not to file complaints.

4.4.2 Special Courts

Interlocutors indicated that the establishment of specialized courts to oversee cases of violence against women was in progress.³⁶ The first special court was scheduled to open in June 2016 and the other two in January 2017.³⁷

Decree 286 of 2016 establishes the creation of specialized courts that will deal with cases of domestic violence and violence against women, as well as oversee compliance with protection measures established by the law.³⁸ According to the Decree, the specialized courts will be created in the following municipalities:

- San Salvador, which will have jurisdiction over the departments of San Salvador, La Libertad, Chalatenango, La Paz, Cabañas, Cuscatlán, and San Vicente;
- Santa Ana, with jurisdiction over the departments of Santa Ana, Ahuachapán, and Sonsonate; and
- San Miguel, with jurisdiction over the departments of Usulután, San Miguel, La Unión, and Morazán.³⁹

According to the Chief Justice of the Criminal Chamber of Supreme Court of Justice (Corte Suprema de Justicia, Sala de lo Penal, CSJ-SP), these specialized courts will have psychologists, lawyers, social workers, and educators to assist in protective measures ordered by the court and assist in collection of evidence.

4.4.3 Awareness Campaigns

According to a report on violence against women provided to the Research Directorate by a representative of ISDEMU, between July 2014 and June 2015, the government conducted several awareness campaigns across the country in order to prevent violence against women.⁴⁰ For example, the Ministry of Justice conducted a campaign focusing on prevention of violence against women between July 2014 and December 2015 in 10 municipalities of the country: Santa Tecla, San Salvador, San Miguel, Santa Ana, Soyapango, La Unión, Mejicanos, Ciudad Delgado, Acajutla, and San Martín.⁴¹ The campaign allowed local government authorities to develop their own plans focusing on prevention of violence against women.⁴²

4.4.4 Effectiveness of State Protection

Several interlocutors noted that there are problems in the implementation of laws regarding violence against women in El Salvador.⁴³ ORMUSA stated that after the implementation of the 1996 Law Against Domestic Violence, last amended in 2013, violence against women did not decline. Also, the Special Comprehensive Law for a Violence-free Life for Women, which explicitly recognized four components: prevention, care, prosecution, and punishment, and mandated the establishment of special services for women in public institutions, has not been properly implemented.⁴⁴ Some judges, for example, have deemed the law as [translation] "unconstitutional" and "deliberately" refuse to implement it because they claim that it "unequally protects women with respect to men."⁴⁵ The Vice-minister of Justice and Public Security indicated that the Special Comprehensive Law for a Violence-free Life for Women [translation] "faced many obstacles of a cultural nature because some judges are not aware and updated on these rights, and cultural issues such as machismo persist and that became a bulwark in its implementation." CEMUJER indicated that a "sexist bias" prevail among state institutions such as the PNC, the FGR, and the judiciary. Police authorities are overwhelmed with cases related to gang violence; thus cases of domestic violence or violence against women are not a priority.⁴⁶ Interlocutors pointed out that women do not have confidence in authorities to file complaints with them.⁴⁷

ORMUSA indicated that impunity for gender-based violence remains a problem and the government does not take steps to improve the situation. The Secretariat of Social Inclusion similarly stated that there are high levels of impunity in El Salvador regarding violence against women and domestic violence. ORMUSA indicated that some prosecutors register femicides as deaths in connection to the indictable crime of "illicit associations" or other "less serious crimes." According to investigations conducted by ORMUSA at prosecutors' offices, 10 out of 11 femicides committed by gang members were registered as previously mentioned. Also, out of 978 cases of violence against women reported in 2014, only 4 resulted in convictions.⁴⁸ Among Friends Association stated that officials of the PNC and the FGR often re-victimize persons reporting a crime. For example, some police officers and prosecutors blame women for provoking an assault. ORMUSA estimated that 70 percent of the prosecutors do not have training in dealing with violence against women.⁴⁹

The Office of the Ombudsperson for the Defence of Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) stated that FGR does not have resources or the capacity to investigate all the complaints they receive. The judiciary and the police are very weak in El Salvador and there is lack of trust in the judicial system and the police.⁵⁰ Similarly, the Chief Justice of the Criminal Chamber of Supreme Court of Justice stated that the justice system faces challenges such as lack of administrative and economic resources, lack of adequate investigations by prosecutors, and corruption among judges. Other interlocutors also indicated that

Judicial corruption was a problem in El Salvador. Only 5 to 7 percent of all complaints made before authorities result in conviction.⁵²

Sources indicated that communities consider gangs as an authority and turn to the gang instead of the police.⁵³ El Faro provided an example of a gang leader solving a domestic violence case by forcing the abusive husband to stop his abuse towards the wife and to pay child support.

4.5 Support Services

4.5.1 Ciudad Mujer (Comprehensive Support Centre for Women)

Several interlocutors indicated that Ciudad Mujer is a "good" model of services for women provided by different governmental institutions within one space.⁵⁴ A Secretariat of Social Inclusion publication on Ciudad Mujer indicates that these centres are an initiative of the government of El Salvador with four fundamental pillars: "a comprehensive approach to gender based violence, sexual and reproductive health for women, economic empowerment for women, and dissemination and promotion of women's fundamental rights."⁵⁵ Ciudad Mujer centres provide the following services:

- Community education: workshops and conferences on themes such as sexual and reproductive rights (including prenatal and postnatal care, and family planning), access to housing, family law (including alimony and inheritance), labour law, gender-based violence, political participation, literacy, and access to banking.
- Sexual and reproductive health: services provided by specialists in areas such as internal medicine, pediatrics, dentistry, gynecology, obstetrics and family planning, prenatal and postnatal care, prevention of sexually transmitted diseases, and reproductive health for adolescents.
- Economic empowerment: job training, and access to "economic and financial literacy" through micro-credit.
- Attention to gender based violence: crisis intervention, advocacy, and support groups.
- A childcare lounge: childcare services provided to women "to move properly throughout the different services they require" at the centres.⁵⁶

Services in the centres are provided exclusively by women.⁵⁷ The first Ciudad Mujer centre was opened in 2011, and there are six Ciudad Mujer centres in El Salvador in the following municipalities:

- Colón (provides services to the municipalities of Armenia, Ciudad Arce, Colón, Jayaque, Sacacoyo, San Juan Opico, Talnique, and Tepecoyo, and has an estimated coverage of 162,000 women);
- Usulután (covers the municipalities of Concepción Batres, Ereguayquín, Ozatlán, San Dionisio, Santa Elena, Santa María, and Usulután, and has an estimated coverage of 75,000 women);
- Santa Ana (covers the municipalities of Chalchuapa, Coatepeque, El Porvenir, San Sebastián Salitrillo, and Santa Ana, and has a "potential" coverage of 200,000 women);
- San Martín (covers the municipalities of Ilopango, San Martín, Soyapango, Tonacatepeque, Oratorio de Concepción, San Bartolomé Perulapía, and San Pedro Perulapán, and benefits approximately 300,000 women);
- San Miguel (covers the municipalities of Chinameca, Lolotique, Moncagua, Nueva Guadalupe, Quelepa, and San Miguel, and benefits

- approximately 157,000 women); and
- Morazán, which "will be opened soon" (will provide coverage to 46,000 women in the municipalities of Chilanga, El Divisadero, Guatajiagua, Jocoro, Lolotiquillo, San Carlos, San Francisco Gotera, Sensembra, Sociedad, and Yamabal).⁵⁸

Between 2011 and April 2016, the Ciudad Mujer centres provided assistance to more than 45,000 women.⁵⁹

Women victims of domestic violence, rape, and sexual harassment can access services of the following government institutions in the Ciudad Mujer centres: ISDEMU, FGR, IML, PNC, and the Ministry of Public Health, among others.⁶⁰ Interlocutors noted that Ciudad Mujer centres do not provide shelter for women with ties to gangs⁶¹ or who are under 18 years old.⁶² Interlocutors also pointed out that Ciudad Mujer centres operate only between 8:00 a.m. and 3:30 p.m.,⁶³ leaving women without help on weekends and during the night hours.⁶⁴ According to the Secretariat of Social Inclusion, Ciudad Mujer centres do not operate outside these hours due to the lack of funding and resources.

4.5.2 Shelters

The Special Comprehensive Law for Violence-free Life for Women established the creation of shelters supervised by the ISDEMU.⁶⁵ According to Article 26 of the law, the shelters "provide services for women and their affected family members who are in conditions of risk and vulnerability created by violent situations."⁶⁶ Interlocutors indicated that there are two government shelters in El Salvador: one for women victims of domestic violence and one for women victims of human trafficking.⁶⁷ Both shelters are run by ISDEMU.⁶⁸ ISDEMU indicated that the shelter for women victims of domestic violence can accommodate 15 women with their children for a period of time from two to twelve months, and the shelter for trafficked women can accommodate women for up to three years. However, according to ORMUSA, both shelters accommodate women only for up to 5 days.

According to ISDEMU, shelters accept women with girls less than 18 years old and boys under 9 years old. Boys aged 9 years or older are not accepted due to "possible [gang-related] violence or aggression." These boys can be housed in a private shelter.⁶⁹ ORMUSA also noted that women who require medical attention cannot be admitted to the shelters. Interlocutors indicated that women are not admitted to government shelters if they have ties to gang members⁷⁰ or organized crime.⁷¹ In these cases, ISDEMU assists them in finding a private shelter.⁷² ISDEMU could not comment on the number of private shelters available in the country, but noted that some of the private shelters are run by religious organizations. ORMUSA noted that while it is helpful for women victims of violence to find temporary living accommodation with support networks, including family members or friends, interlocutors expressed the concern that there were not enough services offered to women victims of violence in the country.

4.5.3 Helplines

ISDEMU runs a 24/7 free telephone help line called Line 126 (Línea 126)⁷³ for women victims of domestic, physical, sexual, psychological, and economic violence, or sexual harassment.⁷⁴

4.6 Possibility of Relocation and Traceability of Women

Fleeing Violent Situations

On the question of whether a woman facing threats from a former spouse or partner could relocate to another part of the country, several sources indicated that it would be very difficult for women to relocate.⁷⁵ For example, a woman from San Salvador moving to Santa Ana or San Miguel will face problems finding employment because the employment situation for women in those places is precarious. Women earn 25 percent less than men, 60 percent of women are employed in the informal sector, and they have less access to social services. Women's economic status does not allow them to move to another apartment or buy another house, and the government does not provide welfare services specifically for women.⁷⁶ Moreover, it would be difficult for women to move to another neighbourhood because of territorial control by gang members, as she might be perceived to be associated with a rival gang.⁷⁷

Regarding the traceability of women fleeing their partners, interlocutors indicated that it is easy to locate someone who moved to another part of the country.⁷⁸ According to the Inspector General of Public Safety (Inspector General de Seguridad Pública, IGSP), it is possible for a person to move to another part of the country when that person was victim or witness of a crime, however if the perpetrator wants to find the victim, it is "very possible that he will." ORMUSA indicated that aggressors could track women using various methods, such as asking family members or third parties, including colleagues from work, or through the officials, because of the widespread corruption. ORMUSA stated that for a woman who is being pursued after fleeing a violent situation, it is "easy to find a woman in the capital and even easier to locate someone in rural areas."⁷⁹ The Foundation for the Study of Applied Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD) stated that, according to them, it is "easy" to identify a new person in the community because communities are closed off to outsiders and the person will be asked by the gang that operates in the place where she arrives to produce their identification (Documento Único de Identidad, DUI) in order to identify where they come from and which gang is in control of that territory.⁸⁰ Interlocutors noted that gangs have an efficient nationwide network of contacts⁸¹ and "sophisticated communications systems."⁸² Dr. Mauricio Gaborit, Professor of Social Psychology at the Central American University "José Simeón Cañas," expressed an opinion that when a person leaves a neighborhood controlled by a gang and moves to another area, the gang can locate that person in less than 24 hours. If a person moves to a neighbourhood with the same gang, the gang members will know if he or she had a problem with the gang in the original neighbourhood. If the person moves to a neighbourhood where a different gang controls the territory, he or she will be perceived as the enemy and might be killed.⁸³

5. SITUATION OF SEXUAL MINORITIES

5.1 Situation

Several interlocutors indicated that LGBTI persons in El Salvador are discriminated against, ill-treated, marginalized,⁸⁴ and persecuted.⁸⁵ The Salvadoran Red Cross indicated that social violence affects the LGBTI population. The LGBTI Justice Clinic (Asistencia Legal para la Diversidad Sexual/LGBTI, ALDES) stated that due to marginalization and discrimination, which includes family members and the society at large, LGBTI persons face obstacles when trying to access education at schools, employment, and health care. They also face obstacles accessing housing as landlords refuse to rent them a place.⁸⁶ The Among Friends Association noted that in order to secure employment, LGBTI individuals must hide their gender identity or sexual orientation. The Organization for the Promotion and Defense of Human Rights of LGBTI Persons (Organización para la Promoción y Defensa de los DDHH de

la Población LGBTI, COMCAVIS-TRANS) similarly stated that transgender persons are four times more discriminated than women, and they also face problems when trying to access education, banking and credit, and employment in the private and public sectors. Employment for transgendered persons is limited, and is usually in sex work, and as street vendors and hairdressers. In 2015, three LGBTI persons committed suicide because of lack of family or state support. LGBTI persons are also the object of police ill-treatment and harassment, extortion, physical violence, sexual violence, and physical and psychological violence. They are also forced by gangs to smuggle illegal goods and drugs into prisons.⁸⁷

According to ALDES, LGBTI persons organize an annual gay pride parade in El Salvador, and organize vigils, protests, and press conferences to communicate their situation at a "larger scale," although society is hostile toward them. ALDES also noted that there are some clubs and bars for LGBTI persons, and they hold entertainment events, but these are known only within the LGBTI community as they prefer to keep a lower profile in order to prevent anti-LGBTI or homophobic people from appearing.

5.2 Statistics

Interlocutors indicated that there is a lack of statistical information on violence against LGBTI persons in El Salvador.⁸⁸ According to the Among Friends Association, when an LGBTI person files a complaint, authorities identify in the complaint the type of crime committed but not the sexual orientation of the victim, even though the form includes an information field to indicate the sexual orientation of the victim. COMCAVIS- TRANS similarly stated that the FGR only has statistical information on the gender of the victim and not the victims' sexual orientation for cases committed against LGBTI persons. COMCAVIS-TRANS indicated that it has documented more than 600 cases of killings of LGBTI persons between 1993 and April 2016, but authorities have not investigated any of these cases. A report produced by El Faro indicates that human rights organizations have denounced that from 1995, more than 500 LGBTI persons have been killed and none of these crimes have been investigated.⁸⁹ The Trans Murder Monitoring project, a research project by Transgender Europe and the academic journal on LGBT issues, *Liminalis*, that "systematically monitors, collects and analyses reports of homicides of trans and gender-diverse people worldwide,"⁹⁰ states that in El Salvador, there have been 27 transgendered persons reported murdered between 2008 and 2016; including 3 in 2014, 7 in 2015, and 5 in 2016.⁹¹

Several sources noted that LGBTI individuals do not have confidence in the authorities and do not report crimes committed against them,⁹² and when they report it with the PNC and the FGR, these authorities do not take their complaints.⁹³ The Among Friends Association provided the "recent" example of a transgender woman who was shot several times at a convenience store. The transgender person received adequate treatment at the hospital but the PNC was never called by the hospital. Days later, when the transgender person went to file a complaint, authorities refused to take it.⁹⁴

5.3 Legislation

A report published by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) in May 2016, entitled *State-sponsored Homophobia: A World Survey of Sexual Orientation Laws: Criminalisation, Protection and Recognition*, indicates that same-sex acts in El Salvador have been legal since the 1800s.⁹⁵ Same-sex marriage is not recognized, and Article 33 of the Constitution of El Salvador defines family relations as the "stable union of a man and a woman."⁹⁶

Interlocutors noted that El Salvador has made some progress in the area of protection of rights of LGBTI persons. Decree No. 56 (*Decreto No. 56*) issued on 12 May 2010, prohibits discrimination based on grounds of gender identity and sexual orientation.⁹⁷ The Decree states that:

[translation]

Art. 1. - All forms of discrimination on grounds of gender identity and/or sexual orientation are prohibited in the activities of the public administration.

Art. 2. - For purposes of this Decree, the institutions and other bodies that make up the public administration are prohibited from:

a) engaging in any act or practice that directly or indirectly constitutes a form of discrimination on grounds of gender identity and/or sexual orientation; and, b) fostering, encouraging, defending or supporting any act or practice that directly or indirectly promotes the non-acceptance of a specific person or groups of persons, and that incites discrimination or the practice of hostile actions against such persons on grounds of gender identity and/or sexual orientation.

Art. 3. - The heads of the various agencies and bodies that make up the public administration must carry out an exhaustive review of the policies, programs and projects that pertain to them, and adopt or propose the corrective actions required if, in the design or practical implementation of the same, there are actions or practices that directly or indirectly constitute or that could generate any form of discrimination on grounds of gender identity and/or sexual orientation.

One of the criteria they shall use to evaluate the performance of their personnel will be adherence to the provisions of this Decree.

Art. 4. - The heads of the various agencies and bodies that make up the public administration must ensure the creation of a culture of respect and tolerance within the activities carried out by such agencies and bodies, regardless of the gender identity and/or sexual orientation of a person.⁹⁸

The Criminal Code was also amended to address "hate crimes."⁹⁹ It includes, as special aggravating circumstances, threats motivated by [translation] "racial, ethnic, religious, [and] political hatred," as well as by the sexual "identity, gender expression or sexual orientation."¹⁰⁰ The Criminal Code establishes a punishment of between three and six years of imprisonment for hate crimes based on sexual orientation.¹⁰¹

However, Among Friends Association indicated that El Salvador has "a very impressive legal framework, but its application is inefficient." COMCAVIS-TRANS indicated that there were no comprehensive laws protecting LGBTI persons in El Salvador, and those that exist are not implemented by authorities. For example, some public officials have indicated that current legislation does not oblige them to apply Decree No. 56, leaving it to their discretion whether they decide whether to apply it or not.¹⁰² ALDES similarly indicated that Decree No. 56 only applies to government workers, but there are no sanctions for officials who do not apply it. Violent crimes against LGBTI persons are not registered as "hate crimes," as per the Criminal Code amendment.¹⁰³ When a LGBTI person is killed, for example, the FGR registers it as a homicide and does not investigate the circumstances of the crime

that could provide evidence of the special aggravating circumstances outlined in the Criminal Code and, this way, obtain the maximum sentence possible. To date, there have been no crimes registered as a "hate crime."¹⁰⁴ Among Friends Association also indicated that the Law Against Domestic Violence does not apply to same sex couples, and that laws protecting women from violence do not apply to lesbian couples.

5.4 State Protection

In order to file a complaint, LGBTI persons victims of violence can contact the PNC, the FGR, or call the emergency numbers 911 and 913.¹⁰⁵ Police abuse can be reported to the PDDH.¹⁰⁶

Interlocutors indicated that there were cases of police abuse against LGBTI persons.¹⁰⁷ Both Among Friends Association and COMCAVIS- TRANS noted that they have provided training to police officers on human rights related to LGBTI persons.¹⁰⁸ According to the representative of COMCAVIS-TRANS, five transgendered women left the country in 2016 because they suffered police beatings, and physical and sexual assaults from police officers. Among Friends Association provided an example of police abuse reported to the PDDH by an LGBTI individual, in which case a police officer was tried, but not punished for the offence.

COMCAVIS-TRANS and ALDES indicated that police officers and prosecutors do not investigate cases of violence against LGBTI persons. Incidents of violence against LGBTI persons are not a priority for prosecutors or police officers because they are overwhelmed with cases of violence related to gangs.¹⁰⁹ LGBTI persons also do not have confidence in the authorities¹¹⁰ and most LGBTI crimes are not reported because LGBTI people are not taken seriously by authorities.¹¹¹ ALDES emphasized that an investigative structure in El Salvador exists, but it is not functioning. Sources provided the example of Tania Vásquez, a transgender woman who was killed in 2013 and whose case has not been solved.¹¹² Authorities promised a full investigation report for May 2014, but, to date, no report has been delivered.¹¹³ ALDES indicated that, "supposedly," there is a report prepared by the PNC, but "no one has access to that report and no one knows what is in the report." COMCAVIS-TRANS pointed out that lack of state protection, gang violence, and lack of support, increased migration of LGBTI persons. The representative of Among Friends Association indicated that their organization operates in San Salvador, Chalatenango, Cuscatlán, and Cabañas, coordinating with state institutions in the provision of services to LGBTI persons to minimize displacement. However, the representative also indicated that "it is difficult to tell [a LGBTI person] to remain in the neighbourhood and not migrate as there is no state protection in the country."¹¹⁴

5.5 Support Services

5.5.1 Shelters

Interlocutors indicated that there were no shelters for LGBTI person in El Salvador.¹¹⁵ COMCAVIS-TRANS specified that there are neither public nor private shelters for LGBTI persons. COMCAVIS-TRANS indicated that private shelters refuse to admit persons from the LGBTI community.

5.5.2 Helplines

The website of the Presidency of the Republic of El Salvador indicates that the

Secretariat of Social Inclusion launched the 24/7 call center "131" that provides to LGBTI persons psychological and emotional assistance, as well as information and guidance on their rights.¹¹⁶ However, interlocutors noted that the hotline does not operate during night hours or on the weekends¹¹⁷ when most cases of violence against LGBTI individuals occur.¹¹⁸

5.6 Possibility of Relocation and Traceability of LGBTI persons Fleeing Violent Situations

According to interlocutors, it was very difficult for an LGBTI individual to move to another part of the country.¹¹⁹ Territorial control by the gang members makes it difficult for people to relocate within El Salvador.¹²⁰ According to ALDES, LGBTI person moving to another part of the country will face societal discrimination, as well as other gang groups. Several interlocutors pointed out that El Salvador is a small country and it is very easy to locate a person who has moved to another part of the country.¹²¹ In addition, gangs have very good methods of communication between them and can easily locate a person.¹²² COMCAVIS-TRANS provided the example of a gay person in San Miguel who was threatened by his cousin, a gang member who had been detained by the police, and who asked him to pay for his lawyer. When the cousin and his clique learned that he refused to the request, the clique went after the gay person's roommate, a transgender woman; the gang members extracted one of her eyes as a sign of what could happen to him if he did not pay for the lawyer. The gay person moved to San Salvador but was later found by the gang and he had to leave for Mexico with the Assistance of COMCAVIS-TRANS, where he was granted an humanitarian visa.. In most cases, it is hard for LGBTI persons to find a job and they are unable to move to "safer" neighborhoods because they do not have the economic capacity to do so.¹²³ For more information on possibility of relocation, see Section 3.6 of this Report. For information on gangs in El Salvador, see Part 1 of this information-gathering mission report, as well as Response to Information Request SLV104900.

NOTES ON INTERLOCUTORS

Asistencia Legal para la Diversidad Sexual - El Salvador, ALDES (LGBTI Justice Clinic)

ALDES is an NGO based in San Salvador that promotes "the health, security, dignity and human rights of the LGBTI community in El Salvador through the legal empowerment of LGBTI individuals." On 18 April 2016, the Research Directorate conducted a telephone interview with Dr. Ana Montano, a lawyer with ALDES.

Asociación Entre Amigos (Among Friends Association)

Asociación Entre Amigos is an NGO founded in 1994 in San Salvador. The NGO focuses on the promotion of human rights for LGBTI community and persons with HIV. It provides legal assistance to the LGBTI community in San Salvador, Chalatenango, Cuscatlán, and Cabañas. On 18 April 2016, the Research Directorate met with William Hernández, Director.

Coordinadora Nacional de Sindicatos y Asociaciones del Órgano Judicial, CONASOJ (National Coordinating Committee of Unions and Association of Workers in the Judiciary)

CONASOJ is an umbrella organization of 10 organizations that advocates for the rights of workers in the judicial system. On 12 April 2016, the joint mission met with Roswal Solórzano, National Coordinator.

Corte Suprema de Justicia, Sala de lo Penal, CSJ-SP (Supreme Court of Justice, Criminal Chamber)

The CSJ-SP hears appeals on criminal cases sentenced on second instance by the District Criminal Court. Other functions include supporting the modernization of the judicial system, and presiding over the board of directors of the Legal Medicine Institute (Instituto de Medicina Legal, IML). On 14 April 2016, the joint mission met with Justice Doris Luz Rivas Galindo, Chief Justice of the CSJ-SP.

Cruz Roja Salvadoreña (Salvadoran Red Cross)

The Salvadoran Red Cross provides assistance to victims of natural disasters, national emergencies, and violations of human rights. Two years ago they launched a project to assist victims of violence with the support of the Spanish Red Cross and the European Union. It also provides assistance to victims of internal displacement and coordinates with other entities to provide assistance to victims of gender violence. On 19 April 2016, the Research Directorate conducted held a meeting with Amanda Castro, Coordinator of the Unit for the Assistance to Victims of Social Violence.

El Faro

El Faro is an electronic newspaper based in La Libertad that does investigative journalism on issues such as corruption, organized crime, migration, culture, and human rights. Carlos Martínez, journalist and founder of El Faro, has researched gangs in El Salvador and to some extent in Guatemala for the past five years. On 14 April 2016, the joint mission conducted an interview with Carlos Martínez, Journalist and Founder; Daniel Valencia, Editor; and Fred Ramos, Photojournalist.

Fundación Cristosal (Foundation Cristosal)

Foundation Cristosal is an independent, Episcopal non-profit organization that works on issues related to forced displacement due to violence and the protection of victims. On 11 April 2016, the joint mission held a meeting with Celia Medrano, Chief Program Officer.

Fundación de Estudios para la Aplicación del Derecho, FESPAD (Foundation for the Study of Applied Law)

FESPAD is an organization that promotes constitutional and democratic state building and the rule of law. It also promotes the protection of human rights on the basis of the dignity, freedom and equality of the human person, through the knowledge and application of the law and contributes to the development of just and democratic societies. It is dedicated to labour rights, criminal justice, and the prevention of violence against children, youth, women, and LGBTI people. On 19 April 2016, the Research Directorate held a meeting with Abraham Abrego, Executive Director.

Inspectoría General de Seguridad Pública, IGSP (Office of the Inspector General of Public Security)

The IGSP is the government agency responsible for overseeing the PNC and the National Academy of Public Security (Academia Nacional de Seguridad Pública, ANSP). The IGSP works under the authority of the Minister of Justice and Public Security. On 11 April 2016, the joint mission met with Tito Edmundo Zelada Mejía, Inspector General.

Instituto de Estudios de la Mujer Norma Virginia Guirola de Herrera, CEMUJER (Norma Virginia Guirola De Herrera Institute for Women's Studies)

CEMUJER is a center for women's studies founded in 1990. It is a feminist NGO focusing on promotion of human rights for women, children, and young adults. On 18 April 2016, the Research Directorate met with Ima Rocío Guirola, Representative.

Instituto Salvadoreño para el Desarrollo de la Mujer, ISDEMU (Salvadoran Institute for the Development of Women)

ISDEMU was created in February 1996. ISDEMU is a government agency responsible for formulating, directing, implementing and monitoring compliance with national policies on women, as well as promoting women's rights. Its highest authority is the

Board of Directors, which is chaired by the Secretariat of Social Inclusion. On 14 April 2016, the joint mission met with Yanira Argueta, Executive Director.

Dr. Mauricio Gaborit, Professor of Social Psychology, Central American University "José Simeón Cañas"

Dr. Gaborit specializes in violence, social cognition, gender, and historical memory. He has published extensively on these areas as well as on migration in Central America. Among his publications are "Recalibrando la mirada al pasado: reconciliación y perdón en el posconflicto" [Reassessing A Look at the Past: Reconciliation and Forgiveness in the Post-conflict] in *Estudios Centroamericanos* (2015), "Psychological Homelessness and Enculturative Stress among US-Deported Salvadorans: A Preliminary Study with a Novel Approach" in *Journal of Immigrant and Minority Health* (2014), and the book *La esperanza viaja sin visa: Jóvenes y migración indocumentada de El Salvador* which was published in 2012. The Research Directorate held a meeting with Dr. Gaborit on 21 April 2016.

Organización de Mujeres Salvadoreñas Por la Paz, ORMUSA (Salvadoran Women's Organization for Peace)

ORMUSA is a feminist organization that promotes gender equality and the economic, social, and political empowerment of women. One of the areas that ORMUSA works on is public safety and as such, it has a national observatory that collects information on violence against women. On 12 April 2016, the joint mission met with Janneth Urquilla, Director, and Silvia Juárez, Representative.

Organización para la promoción de los Derechos Humanos de la Población LGBTI, COMCAVIS-TRANS (Organization for the Promotion and Defense of Human Rights of LGBTI Persons)

COMCAVIS-TRANS is an NGO created in 2008. The NGO promotes and defends rights of LGBTI persons in El Salvador. COMCAVIS TRANS is based in San Salvador and provides services in the departments of Santa Ana, Sonsonate, San Miguel, La Paz, La Unión, Usulután and Cabañas. On 12 April 2016, the joint mission met with Karla Avelar, Director.

Policía Nacional Civil, Subdirección de Investigaciones (National Civil Police, Office of the Deputy Director of Investigations)

On 21 April 2016, the Research Directorate met with Juan Carlos Martínez, Deputy Director.

Procuraduría para la Defensa de los Derechos Humanos, PDDH (Office of the Ombudsperson for the Defence of Human Rights)

The PDDH is an independent institution that is part of the Public Ministry (Ministerio Público) and is responsible for human rights education, protection, and promotion. On 11 April 2016, the joint mission conducted an interview with Sandra Rivera, Deputy Ombudsperson for Civil and Political Rights.

Secretaría de Inclusión Social (Secretariat of Social Inclusion)

Secretariat of Social Inclusion is a government institution, created in 2009, whose mission is to create favourable conditions for the social protection, development, and full realization of the rights of the population with a focus on human rights and gender. On 13 April 2016, the joint mission met with Vanda Pignato, Head of the Secretariat of Social Inclusion.

Viceministerio de Justicia y Seguridad Pública (Vice- ministry of Justice and Public Security)

On 20 April 2016, the Research Directorate held a meeting with Luis Roberto Flores, Vice-minister.

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APPENDIX 1

Terms of Reference

1. Witnesses to crime and corruption
 - a. Current extent of individuals who report police corruption or witness a crime by a criminal gang especially with regard to drug-trafficking, kidnapping, and public sector malfeasance:
 - i. Statistics: national, state, and local;
 - ii. Legislative framework: national and state level.
 - b. Government and police effectiveness in assisting individuals who witness police wrongdoing or a criminal activity:
 - i. Police protection measures; whether a special police unit exists to investigate these types of crimes; availability and effectiveness of protection at the national, state and local levels;
 - ii. Accessibility to justice system: complaints procedure, whether protection for witnesses/whistleblowers is addressed; police response to complaints; judicial process for these types of complaints (e.g. are witness protection orders available and to what extent are they enforced);
 - iii. Whether special training of police and judiciary in dealing with witness protection cases exists;
 - iv. Whether police response to witnesses is measured or evaluated, including results;
 - v. Existence, scope and effectiveness of any witness protection programs.
 - c. Ability of victims to seek relocation:
 - i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);
 - ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the state and national levels;
 - iii. Level of communication among law enforcement agencies at the local, state, and federal levels;
 - iv. Known cases of victims being found by agents of persecution.
2. Gangs
 - a. Structure of main gangs

- i. Hierarchical division of main gangs as a whole and as cliques; scope of communication between leadership and cliques and within cliques; how are orders transmitted and executed;
- ii. The role of women in the maras;
- iii. Number of cliques and members.

b. Recruitment

- i. Methods of recruitment; have they changed after the mano dura policies? Target population (i.e. age, gender, social class, etc.);
- ii. Initiation process and processes practiced for promotion within;
- iii. Information on how to leave a gang; treatment of former gang members or people who try to leave; information about former gang members (also known as calmados); whether they are still active or collaborate with gangs.

c. Areas of operation

- i. Territorial division of gangs and cliques; how are territorial divisions established (rifa del barrio);
- ii. Conflicts and disputes between cliques and gangs for territorial presence;
- iii. Presence in rural areas.

d. National/transnational activities

- i. Local criminal activities: kidnapping, extortion, homicides; statistics;
- ii. International activities: drug trafficking, killings for hire; statistics;
- iii. Whether gangs can be considered transnational crime syndicates; relationship with drug cartels and other organized criminal organizations.
- iv. Capability to flee from gangs without being found; scope of their reach at the national and transnational levels.

e. State efforts

- i. Legislative framework;
- ii. Anti-gang units: whether a special police unit exists to combat gangs and investigate crimes committed by them; information on effectiveness, training, and resources; instances of corruption or excessive use of force; whether their effectiveness is measured or evaluated; statistics on arrests.
- iii. Accessibility to justice system: complaints procedure; police response to complaints; judicial process for these types of complaints; statistics on charges, convictions, and jail terms;

- iv. State protection programs: existence, scope and effectiveness of any witness protection program; whether the protection for victims, witnesses, and former gang members is addressed; accessibility to databases to find a victim; level of security used by authorities to protect these databases; known cases of victims being found.

3. Violence against Women

- a. Current extent of gender-based violence, including: domestic violence, sexual harassment and violence (including rape), and stalking:
 - i. Statistics: national, state-level, and local;
 - ii. Legislative framework; whether there have been any new developments nationally; or at the state-level.
- b. Effectiveness of the police and judiciary in addressing gender-based violence:
 - i. Police records; arrests and complaints; numbers of persons charged/arrested for committing gender-based crimes (as outlined in section a); numbers of those convicted; length of jail term (if found guilty); numbers of those released;
 - ii. Police protection measures; whether special police units exist to investigate these types of crimes; protection orders and enforcement;
 - iii. Accessibility to justice system: Complaints procedure, police response to complaints; judicial process for these types of complaints (e.g. are protection orders available);
 - iv. Whether special training of police and judiciary in dealing with gender-based cases exists;
 - v. Whether police response to gender-based violence is measured or evaluated by government agencies.
- c. Status of emergency shelter system:
 - i. Number of government-run shelters in operation and the capacity of each of these shelters (e.g., number of beds per shelter, trained staff);
 - ii. Accessibility and length of stay allowed;
 - iii. Options available after individual leaves shelter; whether social services follows-up with victim.
- d. Ability of victims to seek relocation:
 - i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);
 - ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the national

and state level;

- iii. Known cases of victims being found by their ex-partners.

4. Sexual Orientation

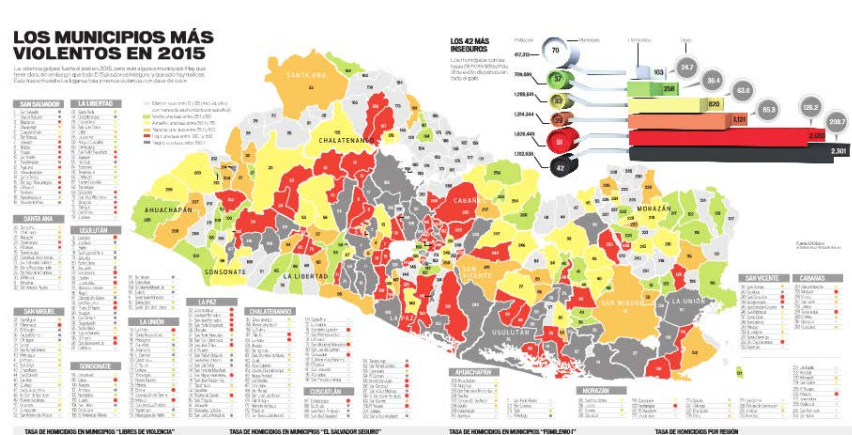
- a. Treatment by society; current extent of homophobia, discrimination, and harassment against members of the Lesbian, Gay, Bisexual, and Transgendered (LGBT) community:
 - i. Statistics on homophobic violence/hate crimes: national, state-level, and local;
 - ii. Incidents of homophobic violence against LGBT members (widespread, minimal, under-reported, etc.);
 - iii. Types of violations sustained by LGBT members (e.g., insults, harassment, discrimination, physical violence, homicide);
 - iv. Legislative framework; whether there have been any new developments nationally; or at the state-level.
- b. Police effectiveness in addressing wrongdoing/violence against LGBT individuals:
 - i. Police records; arrests and complaints; numbers of those charged for committing homophobic crimes (as outlined in section a); numbers of those convicted; length of jail term (if found guilty); numbers of those released (without conviction);
 - ii. Police protection measures; whether a special police unit exist to investigate these types of crimes;
 - iii. Accessibility to justice system: Complaints procedure, police response to complaints; judicial process for these types of complaints (e.g. are protection orders available);
 - iv. Whether special training of police and judiciary in dealing with LGBT cases exists;
 - v. Whether police response to LGBT violence is measured or evaluated.
- c. Ability of victims to seek relocation:
 - i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);
 - ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the national and state level;
 - iii. Known cases of victims being found.

APPENDIX 2

Map of Most Violent Municipalities in El Salvador in 2015

Homicide rates per 100,000 people

- White – homicide rate between 0 and 25
- Green – between 25 and 50
- Yellow – between 50 and 75
- Orange – between 75 and 100
- Red – between 100 and 150
- Black – above 150



Source: *La Prensa Gráfica*. 28 March 2016. "Los municipios más violentos de 2015." [Accessed 15 June 2016]

APPENDIX 3

APPENDIX 3: Articles 2 and 57 of the Special Comprehensive Law for a Violence-free Life for Women (*Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*)

Article 2. The Right of Women to a Violence-Free Life

The right of women to a life free of violence includes their being free from every form of discrimination, being valued and educated free from stereotypical expectations of behaviour and social and cultural practices based on concepts of inferiority or subordination. Likewise, it refers to the enjoyment, exercise and protection of their human rights and the freedoms enshrined in the Constitution and in current National and International Instruments on these matters, including the following rights:

1. Respect of their life and physical, psychological and moral integrity
2. Respect for the dignity inherent in their person, and protection for their family
3. Freedom and personal safety
4. Not being submitted to torture or humiliating treatment
5. Equal protection before the law and under the law
6. Simple and swift recourse to competent courts that protect her in the face of acts that violate her rights
7. Freedom of association
8. Freedom of religion and beliefs
9. Participation in public life, including public office

Article 57. Procedural guarantees for women who face violent acts

Women who may be facing violent acts shall be guaranteed:

- a. That their privacy shall be protected at all times. As a consequence, their sex life must not be exposed directly or indirectly to justify, minimize or relativize the damage done.
- b. That they shall be provided with a copy of the prosecution's indictment, the administrative accusation, the legal medical examination, and of any other document of interest for the woman dealing with violent acts; likewise, they shall be treated with dignity and respect, especially by the parties participating in the proceedings.
- c. That they shall be assisted, inasmuch as possible, by people of the same sex who are experts and trained in victim's rights, women's human rights, the perspective of gender and prevention of gender violence, in accessible locations that guarantee privacy, safety and comfort.
- d. That they shall not be discriminated against due to their sexual history or for any other reason.
- e. That their privacy shall be duly protected and the information in their case file shall be partially or fully withheld, to avoid the disclosure of information that could lead to them or their family members being identified, keeping confidential all information regarding their residence, telephone, and place of work or study, among others. This protection includes their family and close relatives.
- f. That they shall be informed and notified in a timely and truthful fashion regarding the actions taken during the entire judicial or administrative process, as well as regarding relevant resources and support services. Likewise, that they shall be provided with a copy of the administrative accusation and the prosecution's indictment, the legal medical examination and any other document of interest for the woman, guaranteeing dignified and respectful treatment.
- g. That they shall receive comprehensive, proper and timely care, which may extend beyond the duration of the administrative or judicial proceedings, regardless of the outcome.
- h. That they shall receive medical attention, proper and specialized treatment, when required. Likewise, the Protocol for medical attention in cases of sexual violence shall be used to prevent sexually transmitted diseases, as well as the Technical Guide to Medical Attention for Family Planning.
- i. That someone may be designated to accompany them throughout the entire judicial or administrative proceedings.
- j. That they shall not be coerced by testimony given during the proceedings.
- k. That emergency measures of protection or precaution established in this or in other laws currently in force shall be passed into law immediately.
- l. That they shall receive timely and proper help and protection from the National Civil Police, or from any other authority and from the community.
- m. That they may testify in special conditions of care and protection; likewise, that they may avail themselves of the option of presenting evidence ahead of the trial.
- n. That their emotional state will be taken into consideration when it comes to testifying during the trial, and that this will be assessed on a case-by-case basis.

- o. That they will receive information about their rights and the proceedings in a language or dialect that they understand, in a form accessible for their age and maturity.
- p. That they may request emergency protection and precautionary measures if the aggressor is granted early release.

The victims of the crime of human trafficking, in addition to the guarantees established above, will benefit from the following:

- 1. The sanctions or impediments established under immigration law shall not be applied to them, when the violations are the result of the activity carried out as part of the crime of which they have been victims.
- 2. They may remain in the country, in accordance with the law currently in force, and will receive documentation or a record certifying that situation.
- 3. Free legal advice on immigration issues.

Women who face acts of violence shall benefit from all the rights established in this law, in the rest of the legal code and in the International Agreements currently in force.

APPENDIX 4

Law Against Domestic Violence (*Ley Contra la Violencia Intrafamiliar*)

Protection Measures

Article 7.- The following measures are established to prevent, punish and eradicate different forms of domestic violence:

- a. issuing a court order requiring that the aggressor refrain from harassing, following, intimidating, threatening or carrying out other forms of abuse against victims of violence or any other person in the family group, whether or not sharing the same dwelling;
- b. issuing a court order requiring that persons involved in reported acts of violence refrain from engaging in acts of harassment, intimidation, provocation, threat or other similar acts that could lead to or be conducive to domestic violence, and other acts set out in the Family Procedural Law;
- c. prohibiting the aggressor from threatening the victim in both the private and public spheres;
- d. prohibiting the aggressor from drinking alcoholic beverages or ingesting narcotics, hallucinogens or substances that generate physical or psychological dependence, at the prudential discretion of the judge;
- e. issuing a court order requiring that the aggressor immediately vacate the common dwelling. If he/she refuses, assistance will be provided by the National Civilian Police;
- f. securing for the victim, at his/her request, a different place of residence as protection against future aggression;
- g. issuing a search warrant for the dwelling where, due to domestic violence, the physical, sexual, psychological and financial integrity of any of its inhabitants is at grave risk;
- h. suspending any permit allowing the aggressor to bear arms while the protective measures are in place, and ordering confiscation of

- weapons in his/her possession;
- i. temporarily suspending participation by the aggressor in the personal care, guardianship, upbringing and education of his/her minor children and his/her right to visit with them in the event of aggression;
 - j. prohibiting the aggressor from accessing the permanent or temporary residence of the victim and his/her place of work or study;
 - k. establishing a temporary support payment; once determined, ex officio implementation will take place;
 - l. granting exclusive use of the household goods to the victim for a fixed period. Special protection must be given to the dwelling and the household goods covered by the family property regime.
 - m. issuing a court order for police protection and assistance addressed to the public safety authority in the [victim's] neighborhood. The victim shall carry a copy of this order so that he/she can go to the nearest authority in the event of a threat of aggression outside the home; and
 - n. any other measure provided for in current family law.

Notification of the National Civilian Police

Art. 10.- Whenever the National Civilian Police becomes aware or is notified that a person is the victim of domestic violence, it must take the necessary measures to prevent that person from being abused, and must take the following steps:

- a. If the victim reports that he/she has suffered blows or injuries, even where invisible, or emotional damage, or is found unconscious, or where under any circumstances requires medical care, [the police] must help the victim and shall make the necessary arrangements to ensure that the required medical treatment and transportation to a medical service or care centre is provided so that assistance can be obtained;
- b. If the victim or family members express concern for their personal safety, or for that of the children or any other family members involved, [the police] must make the necessary arrangements to bring them to an appropriate place at which they can obtain assistance;
- c. Advise the victim of domestic violence of the importance of preserving evidence;
- d. Provide the victim with information on the rights conferred by this law and other information in this regard, and on governmental or private services available to victims of domestic violence;
- e. Arrest the alleged aggressor where the existence of and participation in domestic violence behaviours comes to light, when the acts constitute other crimes that are manifestations thereof and when this constitutes the crime of domestic violence as referred to in Article 200 of the Criminal Code. In all cases, the police shall take appropriate measures to prevent the aggressor from continuing the violent acts and shall protect the victim, and
- f. In its duty to help victims, and in those cases in which domestic violence does not yet constitute a crime, even where the victim does not so request, the National Civilian Police may issue a special temporary protection measure that will consist of ordering the alleged aggressor to leave the scene of the events for a period of up to forty-eight hours. Failure to observe this order carries criminal liability.

ENDNOTES

[1] US 23 May 2016.
[2] All information originates from US 23 May 2016.
[3] Canada 25 Nov. 2015, 4.
[4] UN 14 Feb. 2011, paras. 7, 8 and 10.
[5] US 13 Apr. 2016, 1.
[6] *The Guardian* 22 Aug. 2016.
[7] *La Prensa Gráfica* 28 Mar. 2016.
[8] US 13 Apr. 2016, 19.
[9] El Salvador 2011a.
[10] US 13 Apr. 2016, 19.
[11] InSight Crime n.d.
[12] InSight Crime 11 Feb. 2016.
[13] Meeting with ORMUSA; meeting with El Faro.
[14] Meeting with ORMUSA.
[15] All the information originates from the meeting with ORMUSA.
[16] Meeting with ORMUSA; meeting with El Faro.
[17] Meeting with ORMUSA.
[18] Meeting with El Faro; meeting with ORMUSA.
[19] InSight Crime 11 Feb. 2016.
[20] All information originates from El Salvador Nov. 2015, 8.
[21] A World Health Organization report on violence against women defines femicide as "the intentional murder of women ... Femicide is usually perpetrated by men, but sometimes female family members may be involved. Femicide differs from male homicide in specific ways. For example, most cases of femicide are committed by partners or ex-partners, and involve ongoing abuse in the home, threats or intimidation, sexual violence or situations where women have less power or fewer resources than their partner ... Femicide committed by someone without an intimate relationship with the victim is known as non-intimate femicide, and femicide involving sexual aggression is sometimes referred to as sexual femicide. Such killings can be random, but there are disturbing examples of systematic murders of women, particularly in Latin America." UN 2012, 1, 3.
[22] El Salvador n.d.a.
[23] Meeting with ISDEMU; meeting with ORMUSA; meeting with the Secretariat of Social Inclusion.
[24] Meeting with ORMUSA. meeting with the Secretariat of Social Inclusion.
[25] Meeting with ORMUSA.
[26] UN 8 May 2014, para. 35.
[27] El Salvador 2011b, Arts. 2, 57.
[28] Ibid., Art. 2.
[29] Ibid., Art. 57.
[30] El Salvador 1996.
[31] El Salvador 1996, Art. 1.
[32] Ibid., Art. 3.
[33] Meeting with ISDEMU; meeting with CEMUJER; meeting with the Secretariat of Social Inclusion.
[34] Meeting with CEMUJER; meeting with the Secretariat of Social Inclusion.
[35] El Salvador Nov. 2015, 43-44.
[36] Meeting with ORMUSA; meeting with the CSJ-SP.
[37] Meeting with ORMUSA.
[38] El Salvador 2016, Art. 2.
[39] Ibid.
[40] El Salvador Nov. 2015, 36.
[41] Ibid., 37.
[42] Ibid., 37-38.
[43] Meeting with ORMUSA; meeting with CEMUJER; meeting with Among Friends Association.
[44] Meeting with ORMUSA.
[45] Ibid.
[46] Meeting with CEMUJER.
[47] Meeting with ORMUSA; meeting with ISDEMU; meeting with the Secretariat of

- Social Inclusion.
- [48] All information originates from the meeting with ORMUSA.
- [49] Ibid.
- [50] Meeting with PDDH.
- [51] Meeting with FESPAD; meeting with CONASOJ.
- [52] Meeting with PDDH.
- [53] Meeting with Foundation Cristosal; meeting with El Faro.
- [54] Meeting with ORMUSA; meeting with ISDEMU; meeting with the Secretariat of Social Inclusion.
- [55] El Salvador n.d.b, 16.
- [56] Ibid., 22.
- [57] Ibid. 7.
- [58] Ibid., 19.
- [59] Meeting with the Secretariat of Social Inclusion.
- [60] El Salvador n.d.b, 17.
- [61] Meeting with ORMUSA; meeting with the Secretariat of Social Inclusion.
- [62] Meeting with ORMUSA.
- [63] ORMUSA indicated that it operates between 8:00 a.m. and 3:30 p.m., while the Secretariat of Social Inclusion indicated that the Ciudad Mujer centres operate between 7:30 a.m. and 3:30 p.m.
- [64] Meeting with ORMUSA; meeting with the Secretariat of Social Inclusion.
- [65] El Salvador 2011b, Art. 26.
- [66] Ibid.
- [67] Meeting with ISDEMU; meeting with the Secretariat of Social Inclusion.
- [68] Meeting with ISDEMU.
- [69] All information originates from the meeting with ISDEMU.
- [70] Meeting with the Secretariat of Social Inclusion; meeting with ISDEMU; meeting with ORMUSA.
- [71] Meeting with ORMUSA.
- [72] Meeting with ISDEMU.
- [73] Meeting with ISDEMU; El Salvador n.d.c.
- [74] El Salvador n.d.c.
- [75] Meeting with ORMUSA; meeting with ISDEMU.
- [76] All information originates from the meeting with ORMUSA.
- [77] Meeting with ORMUSA; meeting with ISDEMU.
- [78] Meeting with ORMUSA meeting with ISDEMU; meeting with FESPAD.
- [79] Meeting with ORMUSA.
- [80] Meeting with FESPAD.
- [81] Meeting with ISDEMU; meeting with Dr. Gaborit.
- [82] Meeting with Dr. Gaborit.
- [83] All information originates from the meeting with Foundation Cristosal.
- [84] Meeting with COMCAVIS-TRANS; telephone conversation with ALDES; meeting with Among Friends Association.
- [85] Meeting with the Secretariat of Social Inclusion.
- [86] Telephone conversation with ALDES.
- [87] All the information originates from the meeting with COMCAVIS-TRANS.
- [88] Meeting with COMCAVIS-TRANS; meeting with Among Friends Association.
- [89] El Faro 25 Jan. 2016.
- [90] TyT n.d.
- [91] TyT 2016, 2.
- [92] Meeting with COMCAVIS-TRANS; meeting with Among Friends Association.
- [93] Meeting with COMCAVIS-TRANS.
- [94] All the information originates from the meeting with Among Friends Association.
- [95] ILGA May 2016, 35.
- [96] El Salvador 1983, Art. 33.
- [97] El Salvador. 2010., Art. 1.
- [98] El Salvador 2010, Arts. 1-4.
- [99] Meeting with Among Friends Association; meeting with COMCAVIS-TRANS.
- [100] El Salvador 1997, Art. 155 (5).
- [101] Ibid.
- [102] Meeting with COMCAVIS-TRANS.

- [103] Meeting with Among Friends Association; meeting with ALDES.
- [104] Meeting Among Friends Association.
- [105] Meeting with Among Friends Association.
- [106] Meeting with Among Friends Association.
- [107] Meeting with Among Friends Association; meeting with COMCAVIS-TRANS.
- [108] Meeting with Among Friends Association; meeting with COMCAVIS-TRANS.
- [109] Meeting with Among Friends Association.
- [110] Meeting with Among Friends Association; meeting with COMCAVIS-TRANS; meeting with ALDES.
- [111] 111 Meeting with ALDES.
- [112] Meeting with ALDES; meeting with COMCAVIS-TRANS.
- [113] Meeting with ALDES.
- [114] Meeting with Among Friends Association.
- [115] Meeting with COMCAVIS-TRANS; meeting with Among Friends Association; meeting with ALDES.
- [116] El Salvador 17 May 2013.
- [117] Meeting with ALDES; meeting with COMCAVIS-TRANS.
- [118] Meeting with COMCAVIS-TRANS.
- [119] Meeting with COMCAVIS-TRANS; meeting with Among Friends Association; meeting with ALDES.
- [120] Meeting with ALDES; meeting with COMCAVIS-TRANS.
- [121] Meeting with Dr. Gaborit; meeting with FESPAD; meeting with ALDES.
- [122] Meeting with Dr. Gaborit; meeting with ISDEMU.
- [123] All information originates from the meeting with COMCAVIS-TRANS.

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