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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
17-20 May 2005

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the
second periodic report of EL SALVADOR concerning the rights covered
by articles 1 to 15 of the International Covenant on Economic, Social and
Cultural Rights (E/1990/6/Add.39)**

I. GENERAL INFORMATION

1. Please provide updated information on factors and difficulties that impede the State party's ability to implement its obligations under the Covenant.
2. Please indicate whether the national human rights institution (Procuraduría de Defensa de los Derechos Humanos) complies with the Paris Principles, set out in General Assembly resolution 48/134.

II. GENERAL LEGAL FRAMEWORK

3. Please indicate whether the Covenant can be invoked before the courts and give examples of case law in which the Covenant has been applied.
4. Please indicate the extent to which non-governmental organizations have been involved in the preparation of this report.
5. Please provide information on the results achieved in the implementation of the Peace Agreement of January 1992 in ensuring that the population of the State party fully enjoys economic, social and cultural rights.
6. Please provide information on measures taken by the State party to educate and sensitize all the actors involved in human rights issues.

III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2 (2) - Non-discrimination

7. Please list the legal and other measures adopted by the State party to combat various forms of discrimination, in particular discrimination in employment on grounds of gender, legal provisions that discriminate against women, discrimination against the indigenous populations, and social and economic discrimination against older persons and persons with disabilities.

Article 3 - Equal rights of men and women

8. Please provide information on the progress made in applying the principle of equality between men and women.
9. Please provide information on the results of the programme of action 2000-2004 under the National Policy on Women and whether the State party intends to launch a new plan of action, and, if so, what resources will be allocated for its implementation.
10. Please provide updated information on the representation of women in political life and in the judicial system, as well as statistics on women's overall participation in the labour market, disaggregated by sector.

IV. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6 - The right to work

11. Please provide additional information on the creation of new jobs and on the extent to which the unemployment and real underemployment rates have been reduced, especially within the framework of the free trade agreements.

Article 7 - The right to just and favourable conditions of work

12. Please indicate whether the current minimum wages (report, para. 161) allow for the purchase of the basic family basket of goods.

13. Please provide information on measures adopted to combat sexual harassment in the workplace.

14. Please indicate what specific initiatives have been taken to ensure equitable and non-discriminatory working conditions for women, in particular in the service and assembly sectors, in domestic service and the informal sector, including measures to guarantee adequate salaries and to prevent unfair dismissals.

15. Please explain why, as stated in the report (para. 198), inspections carried out by the Department of Occupational Safety and Hygiene covered 150,598 men and only 5,342 women in the period from 1 June 2001 to 31 May 2002.

16. Please describe the measures taken to provide employment and non-discriminatory working conditions for persons with disabilities.

17. Please provide updated information on the extent of child labour, especially in agriculture and in the informal sector, as well as information on measures taken to address this problem.

Article 8 - Trade union rights

18. Please indicate which officials fall under the category of “members of the State administration” (ibid., para. 210), who do not have the right to join and establish trade unions.

19. Please indicate the effects on freedom of association and the right to strike of the provision on collective bargaining that has, in practice, not allowed for any strike in the State party to be considered lawful (ibid., paras. 229-230).

Article 9 - The right to social security

20. Please provide information on the new private individual retirement savings scheme (SAP) managed by the Pension Fund Administrators. In particular, please indicate whether it is compulsory, whether and how this change has affected the number of persons eligible for pensions and the amounts of such pensions.

Article 10 - Protection of the family, mothers and children

21. Please provide information on current legislation relating to the family and the protection of minors, and indicate whether any draft legislation or reforms are being contemplated to bring the legal and institutional order into line with the real needs for the protection of the family and children.
22. Please provide updated information on the incidence of domestic violence in the State party and on measures taken to combat domestic violence, specifically the reforms of the Domestic Violence Act, the Penal Code and the Family Code.
23. Please provide information on the protection afforded to households headed by women and indicate to what extent non-matrimonial unions are recognized in terms of rights and responsibilities, especially relating to the custody of children.
24. Please provide information on measures adopted to address the problems of trafficking in women and children for the purposes of sexual exploitation, as well as the illegal adoption of children.
25. Please provide information on the phenomenon of *maras* (youth gangs) and on steps taken to address problems related to these youth gangs.

Article 11 - The right to an adequate standard of living

26. Please provide information on how the natural disasters of 2001 affected policies to combat poverty, indicating any significant progress that has been made and the strategies that the State party has pursued in the past five years to reduce extreme poverty.
27. Please provide information on the results of nutrition programmes for children, especially those intended to increase breastfeeding, the Salt Iodization Act and programmes to fortify sugar, wheat flour and cornflour with iron and folic acid.
28. Please provide information on public policies concerning food safety, especially those aimed at the rural sector, and on the effects that the free trade agreements may have on small-scale producers and rural families in terms of their subsistence.

Article 12 - The right to physical and mental health

29. Please provide information and statistical data on the coverage of the public health system, in particular information on those persons who lack access to any form of health protection, and on the steps the State party intends to take to guarantee such persons access to adequate health services.
30. Please provide updated information on women's reproductive and sexual health and on legislation on abortion in the State party.
31. Please provide additional information on prenatal care and assistance during childbirth and on maternal mortality rates before and after birth.

32. Please provide additional information on rehabilitation and care for persons whose mental and physical health has been affected by armed conflict.
33. Please provide information on public environmental policies.

Articles 13 and 14 - The right to education

34. Please provide updated information on the increase in public spending on education and on the volume of resources earmarked for free primary education.
35. Please provide information on whether State subsidies (ibid., para. 753) make secondary education affordable to all, and whether the State party intends to extend free public education to the secondary level.
36. Please provide data on the real costs to families of children's primary and secondary school attendance.
37. Please provide information on the difficulties encountered by the State party in ensuring that children in rural areas have access to primary and secondary education.
38. Please provide information on human rights teaching at all levels of education.

Article 15 - Cultural rights

39. Please indicate how many indigenous groups there are in the country and how many members each group has, and indicate what progress has been made by the Indigenous Affairs Unit (ibid., para. 886) in recognizing and supporting these groups, particularly with regard to the enjoyment and exercise of their cultural rights.
40. Please provide information on action taken by the State party to implement the Convention on Biological Diversity and the Mesoamerican Biological Corridor.
