

1 [Urging the Newly Elected Government of the Republic El Salvador to Respect and Uphold
2 the Rights and Protections of Members of the Lesbian Gay Bisexual Transgender and
3 Intersex Community of El Salvador]

4 **Resolution urging the newly elected government of the Republic El Salvador to respect
5 and uphold the rights and protections of members of the Lesbian, Gay, Bisexual,
6 Transgender and Intersex Community of El Salvador.**

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8 WHEREAS, The Republic of El Salvador recently elected President Salvador Sanchez
9 Ceren and Vice President Oscar Ortiz of the FMLN party through an internationally
10 recognized fair and democratic election; and

11 WHEREAS, The FMLN party’s platform promises to uphold civil liberties and invest in
12 local solutions to promote El Salvador’s social and economic development; and

13 WHEREAS, Even though sexual relationships between persons of the same sex are
14 legal in El Salvador, a national law does not exist to prohibit discrimination explicitly on the
15 basis of sexual orientation, gender identity or gender expression, which has allowed for
16 widespread discrimination and persecution to persist; and

17 WHEREAS, Many incidents of violence against Lesbian, Gay, Bisexual, Transgender
18 and Intersex (LGBTI) Salvadorans are neither published by the media, nor reported by the
19 victims or their families and victims often do not report physical, verbal, psychological,
20 religious and work-related violence they suffer because they are afraid of revealing their
21 sexual orientation to their families or at work; and

22 WHEREAS, A serious aspect of violence against LGBTI people in El Salvador are the
23 actions of organized crime groups who often target LGBTI individuals because it is believed
24 that law enforcement will not investigate or prosecute such incidents; and

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1 WHEREAS, Under Salvadoran law, a person can only change their name under
2 exceptional circumstances and the name must reflect the same gender assigned at birth;
3 therefore, transgender individuals are precluded from changing their names in accordance
4 with their gender identity and expression, which creates barriers to their ability to exercise
5 other liberties such as the right to vote; and

6 WHEREAS, According to various Salvadoran LGBTI organizations there have been at
7 least 149 reported homicides of LGBTI Salvadorans between 1999 and 2013, though many
8 more have gone unreported and uninvestigated; and

9 WHEREAS, After the change of the governing party in 2009, El Salvador has adopted
10 a more favorable attitude towards LGBTI Salvadoran - for example, in March of 2009 the
11 Public Health and Social Welfare Ministry passed a directive to eliminate all forms of
12 discrimination based on sexual orientation in public health services; and

13 WHEREAS, In May 2010, El Salvador created the Sexual Diversity Directorate, under
14 the Social Inclusion Secretary which works to promote the eradication of sexual orientation
15 and gender identity based discrimination and support the creation of public policies
16 guaranteeing basic human, economic, social, civil and political rights to persons of diverse
17 sexuality (lesbian women, gay men, bisexual, transgender and intersex individuals); and

18 WHEREAS, Despite these advances, lesbian, gay, bisexual and transgender persons
19 in El Salvador continue to face serious vulnerabilities and suffer discrimination based on their
20 sexual orientation, gender identity or gender expression; and

21 WHEREAS, In spite of what the Public Health Ministry's directive recommends, this
22 policy has not been publicized or explained to public officers, resulting in LGBTI persons
23 continuing to be mistreated in public health services because of their sexual orientation or
24 physical appearance - for example, trans women's gender identity and expression are not
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1 recognized by health centers and they are often treated as men, barring them from access to
2 holistic health care, including medical, psychological, sexual and reproductive care; and

3 WHEREAS, The San Francisco Bay Area is home to a large and vibrant Salvadoran
4 community of nearly 50,000 people and has a longstanding history of supporting the
5 advancement of human rights in El Salvador, evidenced by the important role it played during
6 the Sanctuary Movement of the 1980's in which San Francisco provided a safe-have for
7 Central American refugees fleeing civil conflict in El Salvador and throughout Central America;
8 and

9 WHEREAS, June is the month of San Francisco Pride and this year's theme, "Color
10 Our World with Pride," symbolizes the ongoing efforts to combat oppression and elevate the
11 dignity and freedoms of LGBTI people in the United States and around the world; and

12 WHEREAS, Organizations based in the San Francisco Bay Area including ALDES
13 (Asistencia Legal Para la Diversidad Sexual), the SHARE (Salvadoran Humanitarian Aid,
14 Research and Education) Foundation and CARECEN (Central American Resource Center)
15 have engaged in international solidarity work to promote greater protections against violence
16 and discrimination for LGBTI Salvadorans; and

17 WHEREAS, In January of 2014 CARECEN, in partnership with the SHARE Foundation
18 led a San Francisco Bay Area delegation to El Salvador that participated as international
19 election observers and met with local community leaders to discuss human rights including
20 LGBTI rights issues; and

21 WHEREAS, ALDES and the UC Berkeley School of Law, International Human Rights
22 Clinic conducted an investigative report on the climate of human rights for LGBTI persons in
23 El Salvador and made specific recommendations based on their findings; now, therefore, be it

24 RESOLVED, That the City and County of San Francisco urges the newly elected
25 government of the Republic of El Salvador to adopt all necessary legal, administrative and/or

1 judicial measures to guarantee the protection and promotion of human rights without any
2 distinction based on a person’s sexual orientation, gender identity or gender expression. In
3 particular, we urge that the new administration:

- 4 a) Pass anti-discrimination legislation explicitly protecting LGBTI individuals from all forms
5 of discrimination, including in education and employment, in both the public and private
6 sector; and
- 7 b) Pass legislation providing for the legal recognition of the right to identity and permitting
8 individuals to change their name and gender on official identity documents (DUI)
9 without any requirement of sexual reassignment surgery or other medical interventions.
10 In the interim, allow transgender individuals to use the “also known as” option to
11 include the name with which they identify on their DUI; and
- 12 c) Proceed with effective and transparent police investigations on past and present
13 incidents causing human rights violations against persons on the basis of their sexual
14 orientation or gender identity; and
- 15 d) Clearly define what constitutes a hate crime and implement a hate crime law. Collect
16 data on LGBTI crime victims and establish a system for classifying those crimes which
17 could be considered LGBTI hate crimes; and
- 18 e) Implement a comprehensive LGBTI sensitivity training plan in cooperation with the
19 Sexual Diversity Directorate for all government employees, including police, health and
20 education sector employees.

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