

ECONOMIC & SOCIAL RIGHTS REPORT ELSALVADO

Zoom on Shrinking Space for Civil Society



SUMMARY

How can the European Union (EU) better contribute to building an enabling space for Civil Society Organizations (CSOs) in El Salvador? How can the EU support the progressive realization of Economic and Social Rights - that is to say Freedom of Association and the Right to Organise, Decent Work and the Right to Social Protection for all - in connection with the implementation of the 2030 Agenda for Sustainable Development?

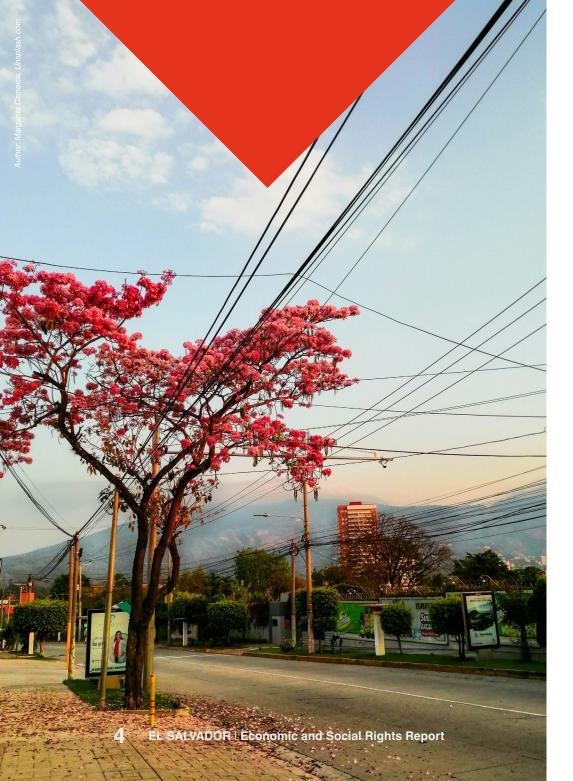
The SOLIDAR Network is active in El Salvador through its member and partner organisations. Building on its first Economic and Social Rights Report on El Salvador, under the leadership of its member, Asamblea de Cooperación por la Paz (ACPP), the current report takes a more detailed look at the first of these priority axes, analysing civil society's space in El Salvador and the extent to which an enabling environment for the flourishing of CSOs and HRDs exists in the country, while also paying special attention to the impact caused by COVID-19 on their work and freedom to operate.

The report concludes with recommendations for the EU and its Delegation to El Salvador on how to support the country and CSOs in continuing to build an enabling space for civil society and Human Rights Defenders.

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1. ABOUT THE SOLIDAR SOCIAL AND ECONOMIC RIGHTS MONITOR

In 2015, all United Nations member states signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 - with the aim of promoting policy coherence for development - the new European Consensus on Development announced the alignment of the development activities of the EU and its member states with the 2030 Agenda.

According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

- 1. Promote a model of sustainable development at the service of the greatest number and not of the few, making the full realization of human and environmental rights its main objective;
- 2. Ensure the progressive realization of economic and social rights, namely decent work, social protection and freedom of association.

The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR members and partners within the framework of the EU-funded program "Organizing International Solidarity" (OIS).¹ The scope of the ESRM is to engage in a structured dialogue with the EU, and to contribute to the EU Programming for the period 2021-2027, by collecting the views and recommendations of civil society organizations (CSOs) on the contribution of national and European policies and programs to the achievement of the Sustainable Development Goal, and especially of:



In February 2020, the SOLIDAR Network presented its first Economic and Social Rights Report on El Salvador,² which was structured around two priority axes:

- 1. Building Enabling Spaces for Civil Society Organizations (CSOs) and Human Rights Defenders (mainly linked to SDGs 16 and 17)
- 2. Promoting Decent Work and Social Protection for all (mainly linked to SDGs 3, 4, 8)

The aim of the current report is to take a more detailed look at the first of these priority axes, which has been identified by the SOLIDAR Network in El Salvador as a priority area in need of intervention and development. Especially, the report will analyse civil society's space in El Salvador and the extent to which an enabling environment for the flourishing of CSOs and HRDs exists in the country, while also paying special attention to the impact caused by COVID-19 on their work, ability and freedom to operate.

The report concludes with recommendations for the EU and its Delegation to El Salvador on how to support the country and CSOs in building an enabling space for civil society and Human Rights Defenders.

¹ A presentation of the OIS programme is available at: https://prezi.com/view/9zuxuivoqUSD3w1pGJSz

² https://www.solidar.org/en/publications/economic-and-social-rights-monitor-el-salvador

2. EU-EL SALVADOR COOPERATION AND CIVIL SOCIETY DIALOGUE

An 'enabling space for CSOs' is the set of conditions that allows civil society and individuals to organize, participate and communicate freely and without discrimination, and in so doing, influence the political and social structures around them (CIVICUS).³ The rights essential to civic space - the rights to freedom of association, freedom of peaceful assembly and freedom of expression - must be respected both in the context of the values, norms and attitudes of society, as well as in the legal framework, regulatory environment, access to finance and meaningful participation in decision-making of states and other relevant entities.

The 2012 EU Communication entitled 'The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations'⁴ confirmed the EU's desire to establish a stronger and more strategic dialogue with civil society organizations and to involve EU delegations in determining the path for CSOs' participation in policy-making processes. Human Rights Defenders (HRDs) as individuals must also be able to accomplish their mission safely and with integrity. Repression, censorship, threats or defamation against HRDs, whether they come from states or private actors, must be abolished.⁵ Support for HRDs is thus also an integral part of the European Union's external human rights policy. In situations where the state cannot guarantee the protection of HRDs, or when the state is the oppressor, the international community must intervene through powerful mechanisms of protection for HRDs.

The existence of an environment conducive to CSOs and HRDs is, finally, also a necessary condition for the achievement of the Agenda 2030 for Sustainable Development and its 17 Sustainable Development Goals (SDGs), namely Goal 16 - 'Promote the advent of peaceful and inclusive societies for the purposes of sustainable development' - and 17 - 'Partnerships for the achievement of the goals.'

³ https://monitor.civicus.org/FAQs/

⁴ https://eeas.europa.eu/delegations/burundi/5969/roots-democracy-and-sustainable-development-europes-engagement-civil-society-external-relations_en

⁵ The Declaration on Human Rights Defenders adopted by the General Assembly in its resolution A / RES / 53/144 recognizes the "valuable work of individuals, groups and associations in contributing to the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals", without discriminating between paid or voluntary work, or between professional and non-professional activity. Available at: https://undocs.org/en/A/RES/53/144



The European Union is one of the strategic partners of El Salvador. Their relations are based on a Political Dialogue and Cooperation Agreement (PDCA) and an Association Agreement, which strengthen political dialogue, trade relations and cooperation between the two parties. The EU has also been part of several electoral observation missions in El Salvador, the last of which in 2019.⁶

Current EU-EI Salvador development cooperation happens within the framework of the Multiannual Indicative Programme (MIP) 2014-2020, whose strategic objectives revolve around: (1) consolidating the democratic process and sustainable development in the country, with a particular focus on social inclusion, governance, human rights and environmental protection and adaptation to climate change; (2) consolidating progress made in democratisation and development, and ensure that essential reforms remain a priority; and (3) supporting the integration of El Salvador into the global economy.⁷

The EU considers the collaboration with El Salvador's civil society of utmost importance to achieve development objectives. For this reason, and on the basis of consultation with local NGOs and CSOs and national authorities, the EU and its member states active in the country⁸ developed the 2014-2017 Roadmap for Engagement

⁶ https://eeas.europa.eu/delegations/el-salvador/13619/el-salvador-and-eu_en

⁷ Ibidem

⁸ Spain, France, Italy, UK

with Civil Society.⁹ This established a series of priority goals to be achieved in El Salvador, the first of which being that national authorities establish mechanisms for regularly financing civil society organisations so as to strengthen their capacity. In addition, other priorities included ensuring citizens' and civil society's participation to public policy formulation and implementation processes.

In 2018, an Update on the Roadmap for Engagement with Civil Society¹⁰ was developed, covering the period 2018-2020, which reported on the state of civil society in El Salvador to date and proposed 3 updated pillars which would guide the EU's work to support civil society in the country, as well as their related priorities.

In addition to EU's efforts to support civil society, the Salvadoran government also committed to strengthening the capacity of and its relationship with civil society through the establishment of systematic mechanisms of public consultation, as part, among others, of objective 11 'Advance towards the construction of a concerted State, centered on citizens and oriented on results' of the El Salvador's Five-Year Plan for Development 2014-2019, which details the country's Vision for 2034.¹¹ However, it must be noted that this plan is expected to be replaced under the leadership of the new President, Nayib Bukele, who took office in July 2019.

EU – EL SALVADOR CIVIL SOCIETY ROADMAP

Pillar	Priority
<i>Pillar I:</i> Redouble efforts to promote an environment conducive to CSO participation.	<i>Priority 1:</i> National authorities promote, with the support of international cooperation, mechanisms for CSO participation in public policy consultation.
<i>Pillar II:</i> Encourage meaningful and structured participation of CSOs in national policies.	<i>Priority 1:</i> CSOs participate in national spaces for dialogue in a decentralized manner, incorporating territorial, sectoral and thematic representations of civil society.
<i>Pillar III:</i> Increase the capacity of local CSOs to effectively carry out their role as independent	<i>Priority 1:</i> CSOs create conditions for the establishment of alliances with think tanks for the development of capacities to present proposals before the national and municipal authorities.
development actors.	<i>Priority 2:</i> CSOs increase their capacity to participate in public policy formulation processes by presenting proposals to national and municipal authorities in specific areas of technical expertise.

9 Available at: https://eeas.europa.eu/delegations/el-salvador/13619/el-salvador-and-eu_en

10 Ibidem

11 https://observatorioplanificacion.cepal.org/sites/default/files/plan/files/ELSAL.pdf

17 PARTNERSHIPS FOR THE GOALS

6 PEACE, JUSTICE

AND STRONG



Protection of Human Rights Defenders

The 1983 Salvadoran Constitution recognises the right of every citizen to participate in public life and guarantees the freedoms of speech, assembly and association as essential elements of democracy.12

And yet, numerous instances of violation of such rights are reported by SOLIDAR members and partners in El Salvador and echoed by many human rights organisations. According to the report of the Studies' Foundation for the Application of the Law (FESPAD) on the situation of human rights defenders in El Salvador between 2018 and 2019,¹³ in fact, Human Rights Defenders face alarming threats in the country, including public defamation, harassment and censorship.

Our Network signals that violence against HRDs is a consequence of the widespread ignorance in society on the figure of an HRD, as well as of hostile political rhetoric and hate speech against activists. Defenders from different territories of the country have been marginalized and excluded from many spaces of political participation

for not responding to partisan interests, or for denouncing the lack and demanding the application of the human rights agenda in their territories. The most threatened activists in the country are women campaigning for the right to decide over their lives and bodies, defenders of territories and natural resources, and advocates of LGTBI individuals.

To mention but a few instances of violence against HRDs over the course of 2020 alone, Bertha Deleón, Human Rights Defense Lawyer, has suffered attacks on social networks, misogynistic attacks, hate speech, harassment and smear campaigns against her, for criticizing and expressing opposition to some of the president's positions;¹⁴ Monserrat Arévalo, another HRD, also received insults on social networks for denouncing the overcrowded and unsanitary conditions of the hotels hosting people going through guarantine due to Covid-19.15 Moreover, the leaders of the 7 communities comprising the municipality of Tacuba, in the Ahuachapán Department, were sued by the former municipal mayor due to their defense of their right to water and ownership of the water system in their territory.¹⁶ At the same time, organizations that are part of the Platform for

¹² https://www.constituteproject.org/constitution/El_Salvador_2014.pdf?lang=en

¹³ https://www.fespad.org.sv/publicaciones-defensores-as-de-derechos-humanos-en-el-salvador/

¹⁴ https://im-defensoras.org/2020/04/alerta-defensoras-el-salvador-funcionarios-del-gobierno-del-presidente-bukele-realizan-campanas-de-desprestigio-y-ataques-por-redes-sociales/

¹⁵ https://im-defensoras.org/2020/03/alertadefensoras-el-salvador-hostigan-e-insultan-en-redes-sociales-a-defensora-por-denunciar-condiciones-de-hacinamiento-e-insalubridad-de-personas-albergadas-en-cuarentena-por-covid-19/

¹⁶ https://asociacionprovida.sv/2020/02/7-comunidades-de-tacuba-continuan-en-lucha-por-la-defensa-de-sus-lideres-criminalizados-por-la-fgr-por-defender-su-derecho-al-agua/



Citizen Security have suffered virtual harassment, through media financed by the government, for expressing concerns on and requesting that the full Security Policy implemented by President Nayib Bukele be revealed and made available to the public.¹⁷

In 2018, the CSOs that belong to the Table for the Right to Defend Rights (*Mesa por el Derecho a Defender Derechos*) presented a bill to the Legislative Assembly proposing to legally recognize and protect the work of Human Rights Defenders in El Salvador. There are currently six law proposals on this topic under discussion, and the Mesa is working to ensure it is its proposal that gets approved, as the latter adopts both a gender perspective and respects the international framework on human rights.

Legislative and participatory framework for CSOs

The only policy in place to regulate the work and activities of CSOs is the Non-Profit Foundations and Associations Law,¹⁸ in force since 1996, which only recognizes the legal status of CSOs. Since 2018, a regional governance and governability mechanism - the Lima Agreement for Democratic Governance against Corruption -¹⁹ also exists, which establishes that states must allow the participation of vulnerable groups and CSOs in decision-making spaces. In addition, El Salvador also has other laws that require broad consultation with different sectors of society, such as the Social Protection law,²⁰ which establishes that in order to decide on an implementation plan, dialogues must be held by the government with organized civil society. During the mandate of former President Mauricio Funes, moreover, a Citizen Participation and Public Management Policy²¹ was implemented, which favored a greater incidence of civil society in government management and in the provision of public services.

- 18 https://tramites.gob.sv/media/Ley%20de%20ONG%C2%B4s.pdf
- 19 http://www.summit-americas.org/LIMA_COMMITMENT/LimaCommitment_es.pdf
- 20 https://www.asamblea.gob.sv/decretos/details/3376
- 21 http://library.fes.de/pdf-files/bueros/fesamcentral/08640.pdf

¹⁷ https://www.youtube.com/watch?v=-wTgyuwEvwl



Beyond these ad-hoc provisions, however, there is no legal element that obliges governments to involve CSOs in policy or decision making. SOLIDAR members and partners highlight this as a vulnerability for the civil society movement and therefore for citizens in El Salvador. The current government of President Nayib Bukele, for instance, seems not inclined to work with CSOs, and repeatedly made declarations to discredit HRDs and their work, for example referring to the critics of his Covid-19 response policies as 'hysterical voices'.²² The government has also been engaged in the gradual dismantling of the existing institutional framework for citizens participation, as well as of transparency mechanisms and mechanisms to access information, which have hindered CSO's ability to act and be involved in political decision making.

Our Network also reports that the Salvadoran government is strengthening the security forces of the country, so as to be able to control and repress to a greater extent the actions of civil society, especially those of organizations and entities that do not support or that criticize the government's decisions. There is also concern about the establishment of the Salvadoran Agency for International Cooperation (ESCO) by the government, that seeks to monopolise international cooperation by requesting that civil society organizations coordinate the cooperation efforts they wish to carry out from their territories exclusively through this new entity.²³

Finally, our Network warns that the executive has also made efforts to discredit institutions such as the Attorney for the Defense of Human Rights, the Prosecutor's Office and the Constitutional Chamber - spaces that contributed to the upholding of democracy in the country - and highlights that the next Salvadoran elections in 2021 could lead to a further deterioration of civic space in the country if the President's newly-founded party 'Nuevas Ideas' were to win a majority in legislative and municipal elections.

²² https://www.dw.com/es/oea-respalda-a-bukele-no-debemos-inventar-dictaduras-donde-no-las-hay/a-54020586

²³ https://www.eleconomista.net/actualidad/Gobierno-de-El-Salvador-pide-gestionar-la-cooperacion-con-agencia-20200723-0002.html



4. THE IMPACT OF COVID-19 ON EL SALVADOR AND CIVIL SOCIETY

According to the data gathered by the Economic Commission for Latin American and the Caribbean (CEPAL), all the Central American countries with the exception of Costa Rica will have a strong post-COVID 19 economic downturn that will affect the economic development of each country, and will result in severe economic and social consequences for their population. El Salvador accepted an IMF loan of \$389 million²⁴ to attend to the pandemic, which will generate an increase in taxes and municipal rates in the long term, affecting especially the pockets of the most vulnerable population.

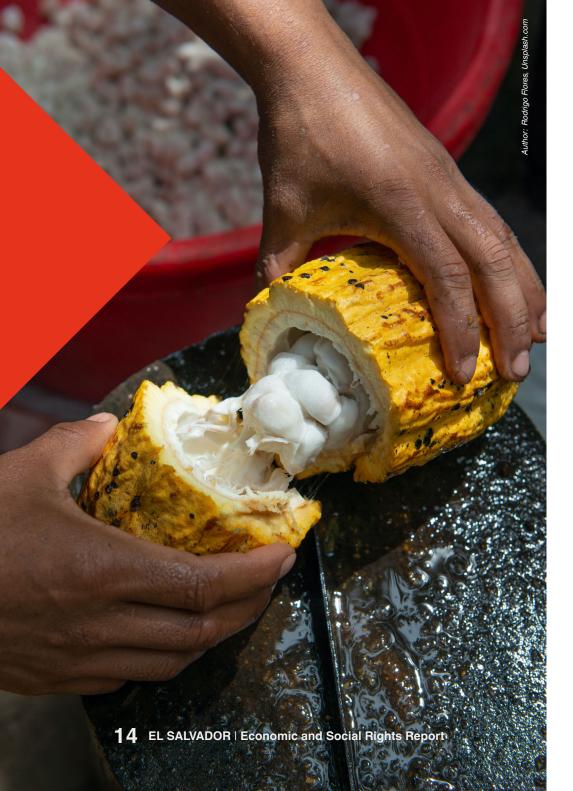
The Salvadoran health system has also been impoverished by the pandemic, and medical care continues to deteriorate. People with chronic degenerative diseases that were not adequately cared for during the COVID-19 outbreak will suffer a negative impact on their health in the short and medium term. The education sector has also suffered from a setback, and very little has been done to meet the needs of public student communities.



SOLIDAR members and partners also denounce that government's actions were not effective in preventing the contagion nor are there in place robust tools to shield the population from the economic consequences of COVID-19, including the rise in unemployment and decrease in salaries, which were present before and were only aggravated by the pandemic (according to the COVID-19 Labor Observatory of the Inter-American Development Bank (IDB), almost 80 thousand people were unemployed from March to August 2020). Within this context, it was CSOs that had to make extra efforts to serve the communities that were left unaided by the government during the pandemic.

In regard to the impact of COVID-19 on CSOs, SOLIDAR members and partners in El Salvador report that their work was severely disrupted, with projects that had already been won and approved failing to be executed. At the same time, it was difficult to redirect project funding to activities aimed at supporting vulnerable communities during the health crisis. The change of modality to teleworking and the parallel lack of sufficient technological resources also affected the work of CSOs, whose fieldwork activity had to be suspended. There were also complications in accessing mobility permits to do humanitarian work. Moreover, public policy monitoring work was disrupted as well, due to the difficulty in accessing data during the pandemic on issues such as instances of violence against women and feminicides. Many community-based CSOs also could not easily access or had the resources to purchase biosafety protection kits.

Finally, our Network reports that human rights defenders were afraid of carrying out their work due to the repression of the security forces, the imprisonments and extrajudicial executions that took place under the pretext of violation of Covid-19 confinement rules.



5. CONCLUSIONS AND RECOMMENDATIONS

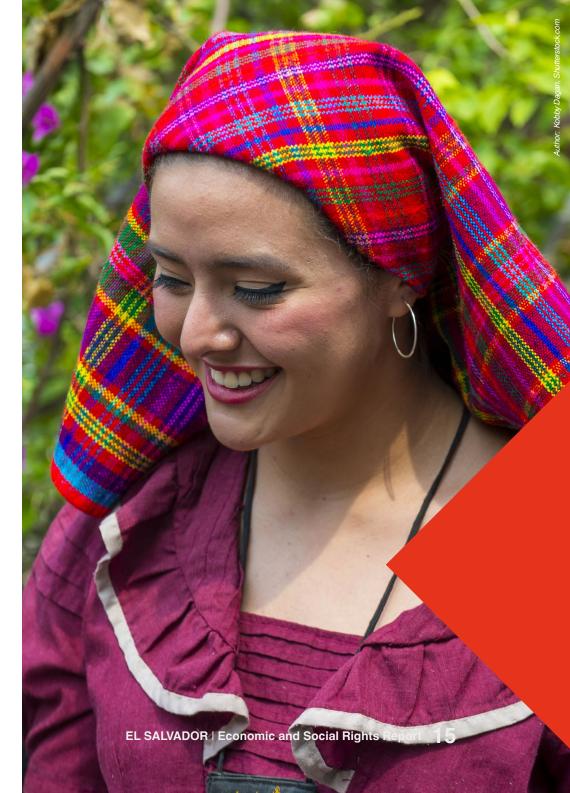
The existence of an enabling environment for CSOs and Human Rights Defenders is an essential prerequisite for the achievement of the 2030 Agenda on Sustainable Development and its SDGs.

The COVID-19 pandemic and its response policies, and the hardship that these have and will continue to cause on people's lives, especially when it comes to their ability to work, to access public services such as health and education, not to mention their ability to exercise fundamental freedoms such as freedom of assembly, make the promotion of economic and social rights and the strengthening of countries' civil society fabric all the more urgent. In a country like El Salvador, moreover, the pandemic risks to exacerbate long-standing problems in the labour market such as availability of decent work opportunities and guarantee of workers' rights, as well as to put pressure on an already strained health system. In addition, it offers a further excuse for governmental forces to curb down on CSOs' and HRDs' ability to operate, thus hampering citizens' democratic freedoms.

The ongoing EU Programming process represents a true opportunity to address these issues and make sure that economic and social rights, the achievement of the SDGs and of an enabling space for civil society will be the backbone of future EU work with partner countries, a work that SOLIDAR is ready to support. More particularly, and in line with the European Consensus and the 2019 Von der Leyen Commission priority to promote human rights and participatory democratic processes, **the SOLIDAR Network** considers that the next EU programs in El Salvador should keep supporting the development of an enabling environment for CSOs and HRDs by:

- **Promoting effective protection mechanisms for HRDs,** including the adoption of specific legislation defending and promoting their work;
- Supporting campaigns to highlight the positive role of HRDs in promoting the country's development;
- Establishing **regular dialogues with CSOs and HRDs** to ensure active and meaningful participation in decision making processes, at local, national and international level;
- Increasing support and resources for projects on the defence of human rights and promoting citizens participation in public affairs;
- Ensuring more resources are devoted to **capacity building** and organisational strengthening programs for CSOs;
- Including in post-COVID recovery targeted funding for CSOs working with vulnerable populations;
- Carrying out permanent **monitoring** of the social, political and economic situation in El Salvador, **making CSOs a key actor in the process.**





European COMMISSION's Priorities and SOLIDAR Members Work in El Salvador



GROWTH AND LASTING EMPLOYMENT, INCLUSION OF WOMEN

Solidar Suisse works with union groups to promote the right to decent work for workers.

Organization of Salvadoran Women for Peace (ORMUSA), local partner of **Asamblea de Cooperación Por la Paz (ACPP)** develops programs that promote equality, gender equity and the economic, social and political empowerment of women through actions advocacy, facilitating access to justice and local and national development, from a human rights perspective.

Fondo de Cooperación para el Desarrollo (FOS) works to strengthen social organizations so that they can exercise their political, social and economic rights, specifically the right to decent work and the right to social security in health.

PARTNERSHIP ON MIGRATIONS

Asociación Comunicando y Capacitando a Mujeres Trans en El Salvador (COMCAVIS TRANS), local partner of the Asamblea de Cooperación Por la Paz (ACPP), promotes assistance and training services to trans and LGBTI migrants, internally displaced persons, asylum / refugee applicants and deportees with protection needs.

GREEN DEALS

Asociación Salvadoreña de Ayuda Humanitaria (PROVIDA), local partner of Alianza por la Solidaridad, promotes participatory processes in risk management and resilience to climate change.

Association Foundation for Cooperation and Community Development of El Salvador (CORDES), local partner of Solidar Suisse, executes sustainable socio-economic programs and projects that guarantee food sovereignty and environmental sustainability.

The Salvadoran Foundation for Reconstruction and Development (REDES), local partner of Asamblea de Cooperación Por la Paz (ACPP) (ACPP): implements sustainable methodologies for food production for the food sovereignty of rural communities.

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European COMMISSION's Priorities and SOLIDAR Members Work in El Salvador



GOVERNANCE, PEACE, SECURITY AND STABILITY

Solidar Suisse promotes democratic participation and provides humanitarian aid in the event of disasters in disadvantaged regions and contributes to strengthening the resilience capacity of the most vulnerable people and communities.

Asociación para el Desarrollo de El Salvador, a local partner of Solidar Suisse contributes to the improvement of the living conditions of rural communities, integrating them into processes of social organization, in the construction of local power and in participation in public policies.

Asociación Salvadoreña de Ayuda Humanitaria (PROVIDA), a local partner of Alianza por la Solidaridad promotes participatory processes in comprehensive health, territorial development and institutional strengthening to improve the quality of life of the most vulnerable population with a focus on rights, gender and generational issues.

Humanitarian Aid, Consultancy for Development Programs and Projects (ASPRODE), a local partner of Alianza por la Solidaridad, works to strengthen the capacities of local communities, to claim and defend their right to a dignified, resilient life, with comprehensive health, social inclusion and critical thinking training. **Asamblea de Cooperación Por la Paz (ACPP)** develops programs focused on issues of food security, reducing the vulnerability of communities through the construction of housing and infrastructure, and strengthening the leadership of women and the recognition of their rights.

Salvadoran Community Promoters Association (APROCSAL), local partner of Asamblea de Cooperación Por la Paz (ACPP), develops various projects of active participation and leadership of women, community political-social organization, comprehensive health, public policies and local development.

Asociación Comunicando y Capacitando a Mujeres Trans en El Salvador (COMCAVIS TRANS), local partner of the Asamblea de Cooperación Por la Paz (ACPP), carries out national and international political advocacy in the promotion and defense of the Human Rights of trans and LGBTI people.

Fundación Salvadoreña para la Reconstrucción y el Desarrollo (REDES), a local partner of Asamblea de Cooperación Por la Paz (ACPP), implements social and political advocacy programs in rural communities, with a participatory, inclusive and gender approach. Execute training processes with girls and women for the prevention of violence.



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SOLIDAR is a European network of 60 NGOs working to advance social justice in Europe and worldwide. SOLIDAR voices the concerns of its member organisations to the EU and international institutions across the policy sectors social affairs, international cooperation and lifelong learning. For more info www.solidar.org © SOLIDAR December 2020



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Organising International Solidarity (OIS) A presentation of the OIS programme can be found at the following link: https://prezi.com/view/9zuxuivoqUSD3w1pGJSz/

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