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

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

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

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

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

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

WHEREAS, A serious aspect of violence against LGBTI people in El Salvador are the actions of organized crime groups who often target LGBTI individuals because it is believed that law enforcement will not investigate or prosecute such incidents; and
WHEREAS, Under Salvadoran law, a person can only change their name under exceptional circumstances and the name must reflect the same gender assigned at birth; therefore, transgender individuals are precluded from changing their names in accordance with their gender identity and expression, which creates barriers to their ability to exercise other liberties such as the right to vote; and

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

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

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

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

WHEREAS, In spite of what the Public Health Ministry's directive recommends, this policy has not been publicized or explained to public officers, resulting in LGBTI persons continuing to be mistreated in public health services because of their sexual orientation or physical appearance - for example, trans women's gender identity and expression are not

Supervisors Campos, Wiener, Avalos, Mar
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recognized by health centers and they are often treated as men, barring them from access to holistic health care, including medical, psychological, sexual and reproductive care; and

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

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

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

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

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

RESOLVED, That the City and County of San Francisco urges the newly elected government of the Republic of El Salvador to adopt all necessary legal, administrative and/or
 judicial measures to guarantee the protection and promotion of human rights without any
distinction based on a person’s sexual orientation, gender identity or gender expression. In
particular, we urge that the new administration:

a) Pass anti-discrimination legislation explicitly protecting LGBTI individuals from all forms
   of discrimination, including in education and employment, in both the public and private
   sector; and

b) Pass legislation providing for the legal recognition of the right to identity and permitting
   individuals to change their name and gender on official identity documents (DUI)
   without any requirement of sexual reassignment surgery or other medical interventions.
   In the interim, allow transgender individuals to use the “also known as” option to
   include the name with which they identify on their DUI; and

c) Proceed with effective and transparent police investigations on past and present
   incidents causing human rights violations against persons on the basis of their sexual
   orientation or gender identity; and

d) Clearly define what constitutes a hate crime and implement a hate crime law. Collect
   data on LGBTI crime victims and establish a system for classifying those crimes which
   could be considered LGBTI hate crimes; and

e) Implement a comprehensive LGBTI sensitivity training plan in cooperation with the
   Sexual Diversity Directorate for all government employees, including police, health and
   education sector employees.
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July 08, 2014 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 7/8/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board