

Call for Input: Report on the human right to education and the protection against violence and discrimination based on sexual orientation and gender identity (SOGI)

Methodology

This report was developed as part of the Santa Marta Center's contribution to the 2025 thematic report of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI). The primary focus of the call was the right to education and protection from violence and discrimination. The methodology behind this report reflects the Center's commitment to ethical documentation, survivor-centered approaches, and political clarity within a hostile context. The thematic coding and analysis process draws on the principles established by Braun and Clarke (2006) for identifying patterns within qualitative data, as well as Saldaña's (2016) guidance on creating consistent and analytically meaningful codes. A survivor-centered lens was employed, informed by human rights documentation standards (OHCHR, 2022) and feminist principles of power-conscious research (Crenshaw, 1991; Nagar & Geiger, 2007), ensuring that the experiences of SOGI-diverse youth are presented with integrity, accuracy, and accountability.

Objective and Framing

The report aims to present grounded, real-life experiences of LGBTIQ+ youth in El Salvador, particularly those who have faced educational exclusion, violence, or displacement, within a human rights framework. It seeks to expose systemic barriers to education, the consequences of social and institutional violence, and the urgent need for inclusive protections. The methodology reflects our belief that data alone is insufficient: it must be contextualized, politicized, and shaped by those living the realities being reported.

Stakeholder Identification and Inclusion

To reflect diverse perspectives and patterns of violence, seven stakeholder groups were identified as critical sources of testimony and analysis:

1. LGBTIQ+ youth who have recently gone on the educative system either college or high school or higher education.
2. Psychosocial and support staff providing direct care.
3. Educators, school staff, administrative staff

4. Civil society allies engaged in LGBTIQ+ and youth work.
5. Legal and advocacy professionals with knowledge of SOGI-based discrimination.

Stakeholder Identification and Inclusion

The information in this report was gathered through qualitative methods between March and April 2025, including:

- Semi-structured interviews with experts and youth
- Online forms
- Confidential written testimonies from former residents and allies.
- Review of internal documentation, including case notes, psychosocial reports, and crisis response protocols.
- Public records and media tracking relevant to education, queer rights, and violence in El Salvador.

All participants were informed of the purpose of the report and gave verbal or written consent. The option for anonymity was always respected, and pseudonyms were used where appropriate.

Ethical Considerations

Given the high risks that LGBTIQ+ individuals face in El Salvador, this report was developed with attention to confidentiality, care, and harm reduction. The following ethical principles guided our process:

- Voluntary participation and informed consent.
- Trauma-informed, non-pathologizing interview approaches.
- Ongoing psychosocial accompaniment available for youth participants.
- All identifiable data was redacted unless explicit permission was granted.

Additionally, our documentation reflects the structural violence queer youth face in El Salvador, and the unregistered legal status of the Santa Marta Center due to government hostility.

Data Analysis

After initial transcription and organization, qualitative data was analyzed thematically to identify common patterns, contradictions, and points of urgency, following the thematic analysis methodology outlined by Braun and Clarke (2006). Coding categories included: access to education, school-based violence, familial rejection, migration, displacement, and state omission or complicity. The process of thematic coding was guided by Saldaña's (2016) recommendations for structuring meaningful and actionable code categories.

To ensure analytical rigor, triangulation was employed (Denzin, 1978), comparing interviews, written testimonies, and internal documents. This methodological triangulation helped validate patterns and uncover contradictions across data types. Findings were discussed and reviewed collaboratively by the report team and key staff members, including individuals with lived experience, in alignment with participatory research approaches (Fine, 2012; Flick, 2018).

Thematic Findings

The testimonies and evidence gathered during this process reveal recurrent patterns of violence, exclusion, and systemic neglect faced by SOGI-diverse youth in educational settings across El Salvador. Rather than isolated incidents, these patterns reflect entrenched institutional and cultural dynamics that create unsafe environments and restrict access to quality education. As documented by Meyer (2003) in his minority stress model, structural and interpersonal stigma contribute to chronic psychological and social harm, particularly in spaces like schools where normative expectations are strictly enforced. Moreover, the erasure of sexual and gender diversity from curricula and the reliance on religious discourse to justify discrimination echo what Pascoe (2007) identifies as “institutionalized heteronormativity.” The absence of protective policies, paired with the selective enforcement of rules against queer students, demonstrates what Braun and Clarke (2006) describe as a patterned response—where systemic inequality becomes naturalized through everyday school practices. The following six patterns synthesize the most pressing issues raised by participants and stakeholders, offering a grounded view of how discrimination manifests and persists within the Salvadoran education system.

1. Discrimination Justified by Religion

Educators and school authorities frequently use religious beliefs particularly references to the Bible to justify homophobic and transphobic remarks, reinforcing exclusion and stigma against SOGI-diverse students. These justifications often substitute for formal policy in the absence of clear guidance.

2. Absence of Explicit Protections

There is a lack of clear laws or school policies protecting SOGI-diverse students from discrimination and violence. This institutional silence creates legal and social loopholes where abuse can occur without accountability.

3. Censorship of Comprehensive Sexuality Education

All references to sexual and reproductive rights (DDRR, EIS, DDSS) are censored or banned. Teachers are discouraged, or even penalized, for discussing gender identity or sexual orientation, leaving students without access to accurate, inclusive information.

4. Harassment by School Staff

In some cases, teachers and school authorities themselves are the perpetrators of verbal abuse toward SOGI-diverse students. Terms like “maricón” and “marimacho” are reportedly used by staff, especially when students come out or express non-normative gender behaviors.

5. Differential Enforcement of School Rules

Rules, such as bans on romantic relationships, are applied selectively, disproportionately affecting SOGI-diverse students. This uneven enforcement shows a hidden bias in school discipline practices.

6. Psychological and Educational Harm

Students face increased mental health risks, isolation, and academic disengagement due to hostile school climates. The lack of institutional support fosters dropout risk and internalized stigma, especially in rural or highly conservative areas.

Coding

To analyze the qualitative data gathered through interviews, chats, and survey responses for the SOGI Call for Input, we employed a thematic coding approach grounded in the methodologies of Braun and Clarke (2006) and guided by Saldaña’s (2016) principles for effective qualitative coding. The objective was to identify and organize recurring patterns of discrimination, exclusion, and resistance experienced by SOGI-diverse students in educational settings across El Salvador.

The coding was conducted at the semantic level, meaning that themes were identified directly from the explicit content of the data, without inferring meanings beyond what was stated. We focused on describing what is happening, who is involved, and how the dynamics of violence and exclusion are structured, using coding categories that capture these dimensions.

Code names were designed to be clear, descriptive, and operational, allowing for consistency and reliability in categorization. They follow a functional format that combines conceptual clarity with ease of application across multiple transcripts. This framework supports the identification of structural patterns and the articulation of grounded recommendations based on lived experiences.

The resulting codes provide a foundation for understanding how institutional, cultural, and interpersonal forces intersect to restrict the right to education and well-being for SOGI-diverse youth in El Salvador. These codes were then grouped into broader themes, which are presented in the following section.

1. Religious Justification of Discrimination

Code Name: REL_JUSTIFY

Description: References to religion or religious texts (e.g., the Bible) used to justify discriminatory attitudes or practices toward SOGI-diverse students.

Examples:

- Teachers citing the Old Testament to denounce same-sex relationships.
- Staff invoking “divine design” to oppose gender non-conformity.

2. Lack of Institutional Protections

Code Name: NO_POLICY

Description: Absence or avoidance of explicit policies that protect SOGI-diverse students from discrimination, bullying, or exclusion.

Examples:

- School rules that omit mention of sexual orientation or gender identity.
- Statements that “there are no rules against SOGI, but...”

3. Censorship and Educational Erasure

Code Name: EIS_BAN

Description: Prohibition or censorship of comprehensive sexuality education (EIS/DDRR/DDSS), especially topics relating to sexual orientation and gender identity.

Examples:

- Teachers avoiding or being forbidden from mentioning LGBT topics.
- Ministries banning curriculum content about gender identity.

4. Staff-Perpetrated Harassment

Code Name: STAFF_ABUSE

Description: Acts of verbal, psychological, or physical aggression by school personnel targeting SOGI-diverse students.

Examples:

- Teachers calling students “maricón” or “marimacho.”
- Staff outing students to families or peers.

5. Selective Discipline and Rule Enforcement

Code Name: DISC_BIAS

Description: Unequal application of school rules, with stricter enforcement against queer students or couples.

Examples:

- Banning “public affection” only for same-sex couples.
- Punishing a trans student for dress code violations while allowing cisgender students leniency.

6. Psychological and Educational Consequences

Code Name: EDU_HARM

Description: Evidence of emotional distress, disengagement from education, or self-censorship as a result of school-based discrimination.

Examples:

- Students dropping out due to bullying.
- Reports of depression, anxiety, or feeling unsafe at school.

Triangulation

Triangulation was conducted using a matrix-based approach to cross-validate findings from three sources: expert interviews, survey responses, and testimonies collected via chat. Key themes were mapped across these sources to identify converging evidence. For example, censorship of SOGI-inclusive education (‘EIS_BAN’) was confirmed in all data types, suggesting a structural pattern. In contrast, selective enforcement of rules (‘DISC_BIAS’) appeared strongly in interviews and surveys but less in testimonies, indicating either differential awareness or reporting hesitancy. This approach enhanced the reliability and depth of our thematic findings

Theme	Interviews	Survey	Chats/Transcripts
<i>REL_JUSTIFY (Religious justification of discrimination)</i>	Yes	<i>Indirectly implied</i>	Yes

<i>EIS_BAN (Censorship and Educational Erasure)</i>	Yes	Yes	Yes
<i>STAFF_ABUSE (Staff-Perpetrated Harassment)</i>	Yes	Yes	Yes
<i>NO_POLICY (Lack of Institutional Protections)</i>	Yes	Yes	Yes
<i>DISC_BIAS (Selective Discipline and Rule Enforcement)</i>	Yes	Yes	Some cases
<i>EDU_HARM (Psychological and Educational Harm)</i>	Yes	Yes	Yes

Analysis of the Findings

The six thematic patterns identified in this report do not represent isolated problems, but rather reflect a systemic architecture of exclusion that positions SOGI-diverse youth as inherently out of place within the Salvadoran education system. The repetition of these patterns across all data sources, interviews, surveys, and written testimonies, demonstrates that violence and discrimination are not anomalies but are instead normalized through silence, selective enforcement, and ideological control.

Together, these findings paint a clear picture: the Salvadoran education system, as it currently operates, reproduces heteronormativity and legitimizes exclusion through omission, censorship, and unaccountable authority. Without structural changes—both in policy and cultural norms—SOGI-diverse students will continue to be treated as illegitimate subjects within their own schools. The evidence gathered through this participatory and triangulated process demands urgent attention from educational authorities, international human rights bodies, and civil society organizations committed to equity and justice.

Information for the call for input

Drawing from the findings outlined above, this section presents a structured response to the Call for Input: Report on the Human Right to Education and Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (SOGI). The following input is grounded in documented evidence from interviews, testimonies, and surveys, and reflects the lived realities of SOGI-diverse youth in educational settings across El Salvador. Where applicable, responses correspond directly to the guiding questions issued by the Independent Expert.

1. Does your country have any laws, policies, or practices (at the central or local levels) that, explicitly or implicitly, affect SOGI-diverse students' right to be free from discrimination?

Yes. In El Salvador, there are no comprehensive national laws that explicitly protect SOGI-diverse students from discrimination in educational settings. While the Ley General de Educación (Decree 917, 1996) and the Ley de Protección Integral de la Niñez y Adolescencia (LEPINA) (Decree 644, 2009) establish broad anti-discrimination principles and the right to education, they do not include sexual orientation or gender identity as protected categories. This omission contributes to institutional ambiguity and leaves SOGI-diverse students vulnerable to both overt and covert discrimination.

In practice, the absence of explicit protections has enabled discriminatory practices at the school level. As documented in the Santa Marta Center's interviews and testimonies (2024–2025), educators often invoke “discipline” or religious morality to justify harassment or exclusion of students perceived as gender non-conforming or openly queer. Expert 3 noted that school regulations are sometimes combined with biblical references from the Old Testament to label students as “maricón” or “marimacho.” These slurs are used not just informally but in semi-official disciplinary processes, signaling the institutionalization of SOGI-phobic attitudes.

Although school regulations generally avoid direct mentions of sexual orientation or gender identity, many include vague prohibitions on “inappropriate behavior” or “romantic relationships,” which are disproportionately enforced against SOGI-diverse students. This form of implicit regulation often results in punishment, forced parental disclosure, or exclusion.

Moreover, under current Ministry of Education (MINED) directives, there is no mandate to include SOGI-sensitive training or curricula in public schools. In fact, as of 2023, under the administration of President Nayib Bukele, all public discussions of comprehensive sexuality education (CSE) that include gender identity or sexual diversity have been openly restricted (Alharaca, 2024). This political climate has intensified censorship in

schools and contributed to a chilling effect for teachers and administrators who might otherwise support SOGI-diverse students.

No recent national legislation has been introduced to protect SOGI students in education. On the contrary, the current political environment, marked by strong religious influence and rising authoritarianism, has made any such proposals politically unviable.

1.1. School policies or curricula regarding the recognition of SOGI diversity

There are no national education policies or official curricula in El Salvador that explicitly recognize or affirm SOGI diversity. The Ministry of Education (MINED) has not integrated sexual orientation or gender identity into any curricular or policy framework. Since 2021, the Bukele administration has actively dismantled prior efforts to implement Comprehensive Sexuality Education (Educación Integral en Sexualidad, EIS), leading to the removal of all content related to sexual diversity, gender identity, and bodily autonomy. This has created an institutional context in which references to SOGI diversity are not only excluded but treated as politically and morally dangerous.

This censorship is neither isolated nor accidental it reflects a broader political strategy to eliminate gender discourse across public institutions. By discouraging engagement with SOGI topics, the state has fostered a form of institutional complicity that rewards inaction and silence. As a result, schools have become environments where heteronormativity is upheld through omission, and where teachers and administrators operate without guidance or protections regarding inclusive education (Expert 2, 2025).

Within this climate, self-censorship among teaching staff is widespread. Educators often refrain from acknowledging SOGI diversity for fear of disciplinary action or community backlash. In some cases, internalized religious and moral frameworks are used to justify this silence. Teachers may refer to “moral values” or invoke biblical narratives when disciplining students perceived as gender non-conforming, further reinforcing institutional SOGI-phobia (Expert 3, 2025).

The erasure of gender and diversity content also affects teacher training institutions. University programs responsible for preparing future educators have reduced or eliminated gender-focused coursework, in part due to fear of political retaliation or financial penalties. This has weakened the pedagogical infrastructure needed to address SOGI-related topics at all levels of the education system (Catedrático 1, 2025).

These patterns reflect not merely neglect, but a coordinated withdrawal of institutional responsibility. SOGI-diverse students are left in an environment where neither curriculum, teacher formation, nor school culture provide pathways for recognition, protection, or affirmation.

1.2. Procedures to address bullying

There are no national anti-bullying protocols that specifically address violence or harassment based on sexual orientation or gender identity. While general frameworks under the Ley de Protección Integral de la Niñez y Adolescencia (LEPINA) particularly Articles 39 and 41, recognize the right to protection from violence in educational settings, these frameworks do not explicitly mention SOGI and are therefore insufficient in both scope and enforcement. Internal school rules may include anti-bullying clauses, but without reference to sexual and gender diversity, these measures are rarely activated in cases involving SOGI-diverse students.

In practice, the lack of explicit protections enables patterns of underreporting and impunity. Field data gathered by the Santa Marta Center (2024–2025) indicates that when SOGI-diverse students experience bullying, school authorities often minimize the severity of the violence or sympathize with the aggressors. Complaints are sometimes reframed as disciplinary issues related to the student's appearance or behavior, thereby normalizing victim-blaming.

Rather than receiving support, students who report bullying are frequently subjected to secondary victimization, including forced outings, disciplinary sanctions, or parental notification. In several documented cases, the act of reporting led to greater exposure of the student's identity and, in some instances, their removal from the school system entirely.

According to Expert 3, educators may justify these actions by appealing to “moral conduct” or religious teachings, suggesting that queer students invite conflict through their presence or expression. Expert 2 highlights that this institutional logic reflects a deeper structural failure to conceptualize violence against SOGI-diverse students as a human rights issue, leading to the collapse of basic protective mechanisms within the education system.

1.3. Practices by teachers or administrators to safeguard or restrict the right

Rather than safeguarding the rights of SOGI-diverse students, many teachers and administrators in El Salvador actively contribute to restricting them. Testimonies collected by the Santa Marta Center (2024–2025) reveal that school personnel often justify discriminatory actions through appeals to religious doctrine. These justifications frequently draw on interpretations from the Old Testament and are used to legitimize punitive practices against students perceived as queer.

Reported practices include the use of derogatory language such as “maricón” and “marimacho,” the refusal to use students' chosen names or pronouns, and, in some cases, the initiation of parental disclosure without the student's consent. These actions reinforce a school climate where gender diversity is treated as deviant and punishable.

Although some individual teachers may seek to offer informal support to SOGI-diverse students, they do so at personal risk and without institutional protection. No official training, protocol, or safeguarding mechanism exists to guide staff in creating inclusive

environments. As Expert 3 has noted, efforts to support queer students are typically isolated and carried out in secrecy to avoid administrative backlash. Expert 2 further emphasized that this systemic neglect reflects a deliberate refusal by the Ministry of Education to address SOGI-related issues as legitimate pedagogical concerns.

2. Are there any laws or policies that impact SOGI-diverse students' ability to access equal educational opportunities?

Yes. The absence of explicit legal protections for SOGI-diverse students in both national education frameworks and school-level regulations in El Salvador results in a context of de facto exclusion. Neither the Ley General de Educación nor LEPINA explicitly includes sexual orientation or gender identity among the categories protected from discrimination. This legal vacuum enables schools to enforce informal exclusionary practices with no accountability.

Among the most common practices are the refusal to recognize trans students' chosen names or gender identities in official records, the imposition of disciplinary sanctions targeting expressions of gender non-conformity, and the selective enforcement of uniform or grooming rules to punish students perceived as violating cisnormative expectations. These patterns were consistently observed in interviews and testimonies collected by the Santa Marta Center during 2024 and 2025.

In addition to these practices, structural and interpersonal violence leads many SOGI-diverse students to drop out of school. Testimonies describe youth who left due to persistent bullying, administrative neglect, or pressure from school staff and family members. In several cases, students were expelled or "voluntarily withdrawn" by families after school authorities interpreted their identity or expression as misconduct requiring disciplinary or moral intervention.

This exclusion is compounded by the systematic censorship of inclusive content in educational materials. In March 2024, public documentation by Alharaca revealed that schoolbooks distributed by the Ministry of Education had removed all content related to gender, sexuality, and bodily autonomy. The erasure of these topics further restricts access to affirming education, preventing SOGI-diverse students from seeing themselves reflected in the curriculum or accessing reliable information about their identities.

3. Have there been recent attempts to introduce, amend, or repeal such laws or policies?

No. In recent years, there have been no legislative or policy-based efforts in El Salvador to introduce protections for SOGI-diverse students. On the contrary, the current administration has taken active steps to suppress discussion of gender and sexual diversity within public education.

Between 2022 and 2023, references to gender theory, gender identity, and sexual diversity were systematically removed from both teacher training programs and public school materials. This censorship was not formally announced through official government channels but was widely reported by civil society organizations, educators, and independent media outlets such as Alharaca, which documented the removal of inclusive content from official schoolbooks in early 2024. These actions reflect a clear pattern of regression rather than reform.

The prevailing political climate, characterized by centralized authoritarianism and strong religious conservatism, has made it politically unviable for lawmakers or education officials to propose inclusive reforms. In this context, teachers who attempt to address SOGI-related topics in the classroom face professional risks, including reprimands, reassignment, or institutional pressure to conform to the dominant ideological line.

This environment not only inhibits legislative progress but also contributes to a culture of fear and censorship within the education sector, further entrenching the exclusion of SOGI-diverse students from rights-based protections and affirming content.

2. Are there laws, policies, or practices that affect students' right to information, particularly regarding SOGI diversity?

Yes. In El Salvador, students' right to access information related to sexual orientation and gender identity is severely restricted due to a combination of legal omission and active censorship. Although no law explicitly bans SOGI-related content in schools, the Ministry of Education (MINED) has removed all inclusive references to gender identity, sexual orientation, and comprehensive sexuality education (CSE) from public school materials.

This censorship was exposed publicly in March 2024, when the media outlet Alharaca revealed that schoolbooks distributed by MINED had been systematically re-edited to eliminate all content relating to gender and sexuality. These changes were implemented without public consultation or official notice but were confirmed by educators, civil society organizations, and students across the country (Alharaca, 2024).

The result is that students and teachers lack formal, state-approved resources that address SOGI diversity. This restriction not only deprives students of access to accurate and affirming information, but also reinforces a culture of silence and misinformation. In schools where these topics are treated as taboo, students are left without vocabulary, support, or reference points to understand their own identities. The absence of institutional guidance also increases the likelihood of stigma, bullying, and isolation for those perceived as different.

The removal of content on gender and sexuality is not an isolated pedagogical decision, but part of a broader ideological project that intentionally obstructs the circulation of knowledge related to bodily autonomy, sexual rights, and diversity. As noted by Expert 2, this political strategy serves to enforce heteronormativity through omission, while

simultaneously discouraging teachers from engaging with these topics for fear of administrative consequences.

2.1. This could include school rules regarding the provision of inclusive sexuality education or the discussion of topics related to SOGI diversity.

Yes. In public schools across El Salvador, there is a de facto prohibition on inclusive sexuality education. Since 2021, under the current administration, the Ministry of Education (MINED) has removed all references to Educación Integral en Sexualidad (EIS) that address gender identity, sexual diversity, or consent. While this exclusion is not always codified in formal policy, it is implemented through internal directives and unofficial instructions, effectively silencing any discussion of SOGI topics in the classroom.

Educators interviewed by the Santa Marta Center (2024–2025) reported being warned against addressing issues related to gender or sexuality, especially under the justification that such topics “go against traditional values” or are incompatible with the moral framework promoted by the school. This has created an environment where self-censorship is widespread, and even well-intentioned efforts to promote inclusion are discouraged.

As noted by Expert 3, school regulations are often interpreted through a religious lens, particularly by referencing biblical teachings. This combination of institutional policy and moral discourse results in the systematic suppression of content related to sexual orientation and gender identity. The chilling effect extends beyond classroom instruction and into broader school culture, where both students and teachers are discouraged from even naming or acknowledging diversity.

2.2. Have schools offered LGBT-related resources on campus? Have they established working relationships with LGBT support networks in the broader community? What is the nature and extent of these relationships? Do students have access to these resources and support networks? Does that access extend to their parents and guardians? How is access to these resources and support networks cultivated?

In El Salvador, schools generally do not offer LGBT-related resources on campus, nor do they maintain institutional relationships with LGBTIQ+ support organizations in the broader community. Public schools operate without protocols or referral systems to connect students to external services, meaning that access to resources is neither guaranteed nor facilitated by the educational system.

Students who do manage to access supportive networks typically do so outside school hours and without institutional support, often relying on personal research or informal peer recommendations. This places the burden entirely on the student and limits access to those with pre-existing awareness or access to digital tools.

In rare cases, private educational institutions with more progressive leadership have permitted external organizations to conduct workshops or offer awareness-raising sessions. However, these initiatives are not systematic and frequently face resistance from conservative parents' associations or school administrators, leading to their cancellation or restriction. Even when allowed, such efforts are typically disconnected from broader pedagogical frameworks and are treated as optional or extracurricular.

Testimonies gathered by the Santa Marta Center reveal that SOGI-diverse students tend to find support only after a crisis, such as being expelled, dropping out, or facing violence at home. It is often at this point that they are referred to shelters or community-based organizations such as the Santa Marta Center. In these cases, access to resources occurs post-crisis and outside formal educational structures, highlighting a systemic failure to provide early intervention or institutional pathways to support.

Parents and guardians are rarely engaged in the cultivation of support networks. On the contrary, in many documented cases, they are themselves the source of rejection or violence, which further discourages schools from involving them in issues related to sexual orientation or gender identity. As a result, there is no meaningful institutional effort to ensure that either students or their families are connected to LGBTIQ+ affirming resources.

3. What are the rights and roles of parents in processes aimed at addressing issues around the right to information for students? Are there national laws, policies, or practices that require public and/or private schools to address bullying or violence in educational settings, including on the basis of SOGI? If so, do these policies provide for protective and remedial processes to ensure the students affected are able to receive adequate, effective, and timely remedies and continue their education?

In El Salvador, parents hold a central role in determining what information is considered acceptable for students within the school environment, particularly regarding sexuality, gender identity, and moral formation. While this is presented as a form of parental engagement, in practice it often functions as a gatekeeping mechanism that restricts access to inclusive content. In many cases, parental authority is mobilized to suppress discussions of SOGI-related issues, reinforcing school environments that are hostile to queer students.

This dynamic has serious implications for student safety. The Santa Marta Center has documented multiple cases in which schools, when confronted with incidents of bullying or discrimination, chose to summon parents rather than protect the student, framing the student's identity or expression as a behavioral issue that families were expected to "correct." This response often results in forced outings, domestic punishment, and in some cases, withdrawal or expulsion from the school. Rather than serving as protective figures, parents are frequently positioned as enforcers of heteronormative discipline.

At the policy level, there are no national laws that require schools to explicitly address bullying or violence based on sexual orientation or gender identity. While general provisions under LEPINA, particularly Articles 39 and 41, affirm the right of children and adolescents to a life free from violence, these protections are broad and do not reference SOGI as a category of vulnerability. As a result, schools are not legally obligated to take specific preventive or remedial measures when SOGI-diverse students face harassment or exclusion.

The lack of legal clarity is compounded by the absence of institutional protocols to ensure accountability. There are no established complaint procedures, oversight bodies, or school-based mechanisms tailored to respond to violence against queer students. This institutional gap allows discriminatory practices to persist without consequence and leaves SOGI-diverse students without access to timely or effective remedies.

3.1. Is there institutional tolerance of violence within schools? How are anti-bullying policies enforced? How are SOGI-diverse students protected from physical, verbal, or psychological violence?

Yes. In many educational settings in El Salvador, there is a pattern of institutional tolerance toward violence against SOGI-diverse students. Although some schools include generic anti-bullying clauses within internal codes of conduct, these measures are rarely enforced when the violence targets queer or trans students. The absence of specific language recognizing SOGI-based violence contributes to the perception that such incidents are either irrelevant or acceptable within the school environment.

Field data collected by the Santa Marta Center (2024–2025) indicates that teachers and school staff may not only ignore incidents of violence, but in some cases actively participate in it, particularly through the use of homophobic or transphobic slurs and disciplinary humiliation. As confirmed by Expert 3, verbal abuse is frequently rationalized under the guise of “moral guidance” or “discipline,” allowing hostile behaviors to continue unchecked.

There is no national enforcement mechanism in place to monitor anti-bullying efforts. Likewise, there are no independent oversight bodies tasked with addressing discrimination in schools, nor are there school-level grievance systems designed to support SOGI-diverse students. As a result, queer and trans students often remain unprotected, unable to report violence without fear of retaliation, and without institutional pathways to ensure their safety and dignity.

There is no national enforcement mechanism to oversee anti-bullying efforts, nor is there an independent oversight body focused on discrimination in schools. In practice, queer students are left unprotected and without access to grievance mechanisms that could ensure safety or redress.

3.2. What role do school authorities and government officials play in ensuring the safety of SOGI-diverse students? Are there measures in place to mitigate potential abuse experienced by students at home because of their SOGI status?

School authorities and government officials in El Salvador do not play a protective role in ensuring the safety of SOGI-diverse students. In many cases, their actions serve to intensify rather than mitigate harm. Testimonies gathered by the Santa Marta Center reveal that when a student is perceived as queer or gender non-conforming, school staff may respond by contacting parents, framing the student's identity as a behavioral problem, or recommending corrective action at home. These actions often result in forced outings, emotional punishment, or the student's removal from school.

Cases of physical or psychological violence against queer students, whether occurring within the school or at home are routinely ignored or reframed in ways that minimize the student's experience. When abuse is reported, school psychologists and staff tend to prioritize family unity over the student's safety, reinforcing the idea that maintaining parental authority is more important than protecting the child. This practice leads to re-victimization and institutional abandonment.

In extreme cases, the lack of protection from both the school and the home results in early displacement, expulsion, or homelessness. Without intervention mechanisms or referral pathways to external protection systems, SOGI-diverse students face heightened vulnerability to long-term exclusion and harm.

4. How do laws, policies, or practices in your country affect the right to health for SOGI-diverse students?

In El Salvador, laws and institutional practices fail to ensure the right to health for SOGI-diverse students, both in terms of service provision and policy inclusion. While the right to health is recognized in the Constitution and in general frameworks such as LEPINA and the Health Code, there are no policies that explicitly address the health needs of LGBTIQ+ youth, nor are there educational policies that mandate inclusive health services within schools.

This legal and policy vacuum leaves SOGI-diverse students without structured access to mental health support, sexual and reproductive health information, or referral pathways that consider their specific realities. Instead, schools either ignore these needs or reinforce stigmatizing narratives, often rooted in heteronormative and cisnormative assumptions.

4.1. Are health services, including mental health support, or sexual and reproductive health education accessible, particularly in relation to SOGI-diverse identities?

No. In public education settings, health services are extremely limited and are not designed to address the realities of SOGI-diverse students. Mental health services, where

they exist, are typically provided by school psychologists who are neither trained nor institutionally supported to engage with issues related to gender and sexual diversity.

Sexual and reproductive health education, once partially included through earlier EIS efforts, has been dismantled in recent years. As noted by Expert 2 and confirmed in Santa Marta Center interviews, any discussion of sexual orientation, gender identity, or bodily autonomy has been removed from school content, and professionals are discouraged from addressing these issues in any format.

As a result, students do not receive accurate, relevant, or affirming information about their own health, and may internalize messages of shame, silence, or pathology. The absence of inclusive health education and support structures directly undermines the well-being of queer and trans students, often leaving them isolated or misinformed during critical stages of adolescence.

4.2. What is the status of schools' willingness and ability to provide inclusive and affirming health services, counseling, or referral networks for SOGI-diverse students?

The willingness and institutional capacity of schools to provide inclusive and affirming health services is extremely low. Testimonies gathered by the Santa Marta Center indicate that most school psychologists and counselors operate under religious or moral frameworks that pathologize or reject queerness. In some cases, staff have discouraged students from exploring their identities or attempted to steer them toward "corrective" advice rooted in heteronormative assumptions.

There are no formal referral systems in place to connect students with external support services, nor do schools maintain relationships with LGBTIQ+ community health organizations. As a result, any access to affirming care depends entirely on the initiative of the student and the willingness of individual staff to act outside institutional expectations, often at professional risk (Expert 3, 2025).

4.3. What are the broader health outcomes for SOGI-diverse students as a result of such practices? Is there available national or institutional disaggregated data on health for students? Is this data disaggregated by sexual orientation and/or gender identity? Please include links to available data sets, if publicly available.

There is no publicly available national or institutional data in El Salvador that disaggregates student health outcomes by sexual orientation or gender identity. The Ministry of Health and the Ministry of Education do not collect or publish indicators related to the specific health status of SOGI-diverse populations in school settings.

As a result, the broader health outcomes of SOGI-diverse students remain undocumented at the institutional level. However, qualitative evidence from shelters, community health centers, and psychosocial service providers suggests that these students face

disproportionate mental health burdens, including anxiety, depression, and suicidal ideation, often in direct correlation with school-based exclusion and family rejection.

Without disaggregated data, it is impossible to design evidence-based policies or evaluate the effectiveness of interventions, further entrenching invisibility and systemic neglect.

5. Are there laws, policies, or practices that impact SOGI-diverse students' right to privacy in educational institutions?

Yes. In El Salvador, the right to privacy for SOGI-diverse students is neither guaranteed by law nor respected in practice within educational institutions. Although general privacy protections exist under LEPINA and the national education framework, these are not interpreted or enforced in ways that address the specific vulnerabilities of queer and trans students.

Instead of safeguarding personal information, schools often become the first site of forced disclosure. Practices such as calling parents when a student expresses non-conforming gender identity or same-sex attraction are widespread. In many documented cases, school personnel disclose information about a student's identity without their consent, either as a disciplinary measure or under the assumption that parental correction is needed.

There have been no notable legal or policy reforms aimed at strengthening privacy protections for queer youth in schools, nor are there known judicial precedents that defend the confidentiality of SOGI status in education settings.

5.1. This could involve required disclosures of students' gender identities or sexual orientations (forced outing), lack of protections for confidentiality in health or counseling services, or public disclosure of students' personal information. Have there been any notable legal or policy challenges regarding the privacy rights of SOGI-diverse students in schools?

Forced outings are a common and harmful practice. When students are perceived as queer or gender non-conforming, schools often initiate communication with parents or guardians without consent, framing the issue as a behavioral concern rather than a matter of identity. This approach is routinely applied by teachers, counselors, and administrators and is presented as part of their "disciplinary responsibility."

Confidentiality in school-based psychological services is also limited. Testimonies collected by the Santa Marta Center indicate that school psychologists do not always respect confidentiality when students disclose their SOGI status, especially when the

student is a minor. Rather than protecting the student, professionals often prioritize parental authority and institutional image.

There have been no documented legal challenges or public efforts to establish privacy standards that protect queer students from this kind of exposure. The legal invisibility of SOGI categories within educational policy contributes directly to these violations.

5.2. Are there protections in place to ensure that students' sexual orientation and gender identity are kept confidential by school staff and administrators? Can students opt to have their sexual orientation and gender identity kept confidential from parents?

No. There are no national policies or institutional safeguards that guarantee confidentiality for students' sexual orientation or gender identity. School personnel are under no obligation to withhold this information from parents or guardians, and there is no mechanism for students to formally request that their identity be kept private.

In fact, administrative practices often assume parental oversight by default. Any expression of queerness or gender non-conformity can trigger institutional intervention that bypasses the student's autonomy. This places students in situations of heightened vulnerability, especially if their home environment is unsafe or hostile.

5.3. What are the rights and roles of parents in the protection of students' rights to privacy?

In practice, parents are granted near-total authority over the private lives of students, particularly in matters related to sexuality or gender identity. Educational institutions defer to parental control even when it contradicts the well-being or expressed wishes of the student. Rather than serving as a safeguard for privacy, parental involvement is often the source of forced outing, corrective punishment, or school withdrawal.

There is no clear legal framework that balances the right of the student to confidentiality with the role of the parent. This structural omission creates a legal and institutional environment in which students have no recognized privacy rights regarding their sexual orientation or gender identity, especially if they are underage.

6. Do any laws, policies, or practices in your country shape SOGI-diverse students' ability to fully realize their right to identity?

Yes. In El Salvador, the absence of legal protections and the presence of restrictive educational norms severely limit the ability of SOGI-diverse students to realize their right to identity. There are no national policies that guarantee the recognition of students' sexual orientation or gender identity in educational settings. Instead, institutional

practices often serve to erase or punish expressions of identity that fall outside heteronormative and cisnormative expectations.

6.1. This might include policies regarding students' ability to express their gender identity (e.g., through uniforms or names), access to facilities aligned with their gender identity (such as restrooms or locker rooms), or the legal recognition of their gender identity in school records.

There are no national or institutional policies that protect or enable students' right to express their gender identity. School dress codes are enforced according to the student's legal sex, with no accommodation for trans or non-binary students. Those who attempt to wear uniforms aligned with their gender identity risk disciplinary sanctions, verbal harassment, or administrative punishment.

Similarly, access to restrooms and locker rooms is assigned strictly on the basis of legal sex, with no formal process for requesting alternative arrangements. School administrators are not trained nor authorized to offer inclusive accommodations.

Regarding documentation, students' school records are based strictly on national identification documents, which cannot be modified to reflect gender identity unless a legal name or gender change has been approved. Since Salvadoran law does not permit legal gender marker changes for minors, trans students have no means to have their identities recognized in school records.

6.2. Do students have a right to change information about themselves retained by school administrators? This may include the right to make changes to their name and/or gender classification on official records.

No. Students do not have the right to request changes to their name or gender classification in school documentation unless the change has been legally recognized through the civil registry. This legal process is inaccessible to minors and remains complex for adults due to the lack of a gender identity law in El Salvador.

In practice, schools refuse to use social names or affirming gender markers unless they match the student's legal documents. While some individual teachers may informally refer to students by their chosen name, this is not supported institutionally and exposes both teacher and student to potential backlash.

6.3. Do any obstacles or penalties exist for students to freely express their sexual orientation or gender identity?

Yes. Students who openly express their sexual orientation or gender identity often face punitive consequences within schools, including social exclusion, verbal harassment, informal surveillance, and in some cases, disciplinary action. Testimonies collected by

the Santa Marta Center indicate that students are frequently accused of violating behavioral norms when they express gender non-conformity or disclose non-heterosexual identities.

Expressions of identity are interpreted as provocations or disruptions to school order. Students may be denied participation in school events, excluded from leadership roles, or pressured to behave “appropriately.” These practices have the effect of silencing queer and trans youth and reinforcing a hostile environment.

6.4. Have there been efforts to reform or introduce such laws or policies, either locally or nationally?

No. There have been no meaningful efforts at the national or local level to reform laws or policies to support the right to identity for SOGI-diverse students. On the contrary, recent years have been marked by the elimination of gender and diversity-related content from curricula, teacher training, and institutional policies.

Educational authorities have not promoted dialogue on this issue, and the broader political climate discourages any public official from advancing inclusive reforms. As a result, schools operate without guidance, and students remain unrecognized, unprotected, and structurally erased.

7. In your country, is data collected on the enrollment of students in school that is disaggregated based on sexual orientation and gender identity? If so, what entity is responsible for collecting and producing such data? If data is publicly available, please include the relevant hyperlinks.

No. In El Salvador, there is no official data collection system that disaggregates student enrollment or educational outcomes by sexual orientation or gender identity. The Ministry of Education (MINED) collects general data on enrollment, retention, and academic performance, but none of these indicators include SOGI as a category of analysis.

Furthermore, there are no public or institutional mechanisms in place to capture the educational experiences of SOGI-diverse students, either through administrative records, surveys, or independent monitoring systems. The absence of disaggregated data reinforces the institutional invisibility of queer and trans students and limits the ability of policymakers, researchers, or civil society to assess disparities, design interventions, or hold systems accountable.

As of April 2025, there are no publicly available datasets from MINED, DIGESTYC (Dirección General de Estadística y Censos), or the Ministry of Health that include sexual orientation or gender identity as variables in education-related data collection.

References

Alharaca [@alharaca_sv]. (2024, March 1). *El Ministerio de Educación ha eliminado todo el contenido relacionado con género y educación sexual de los materiales escolares oficiales* [Tweet]. X. https://x.com/alharaca_sv/status/1763010979472773435

Asamblea Legislativa de El Salvador. (1996). *Ley General de Educación* (Decreto No. 917). Diario Oficial.

Asamblea Legislativa de El Salvador. (2009). *Ley de Protección Integral de la Niñez y Adolescencia (LEPINA)* (Decreto No. 644). Diario Oficial.

Centro de Atención Santa Marta. (2024–2025). *Testimonios, entrevistas y análisis institucional sobre juventudes SOGI-diversas en el sistema educativo salvadoreño* [Data set].

(Expert 2). (2025). *Entrevista sobre censura educativa y estructuras institucionales de exclusión*. Centro de Atención Santa Marta.

Catedrático 1. (2025). *Entrevista sobre formación docente y currículo universitario en contextos de censura estatal*. Centro de Atención Santa Marta.

Expert 3. (2025). *Entrevista sobre prácticas de hostigamiento, violencia institucional y discursos religiosos en centros escolares*. Centro de Atención Santa Marta.

Ministerio de Educación de El Salvador. (2023–2024). *Estadísticas oficiales del sistema educativo salvadoreño*. <https://www.mined.gob.sv/estadisticas/>

Dirección General de Estadística y Censos (DIGESTYC). (2024). *Publicaciones y bases de datos nacionales*. <https://www.digestyc.gob.sv/>

Registro Nacional de las Personas Naturales (RNPN). (2024). *Procedimientos legales para el cambio de nombre y datos personales en menores y adultos*.



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