

## EL SALVADOR

### CEDAW A/41/45 (1986)

314. The Committee considered the initial report of El Salvador (CEDAW/C/5/Add.19) at its 76<sup>th</sup>, 77<sup>th</sup> and 80<sup>th</sup> meetings, on 18 and 20 March 1986 (CEDAW/C/5/SR.76,77 and 80).

315. The representative of El Salvador, in his introduction, said that significant progress in the advancement of women had been made in his country owing to the policy advocated by President José Napoleón Duarte. Currently, there were six women Vice-Ministers and decentralized institutions headed by women, such as the Institute of Co-operative Progress and the Institute of Urban Housing. In the Legislative Assembly there were 10 women deputies elected by popular vote, and they constituted 10 per cent of the legislative members. Ten governors were women as were 32 mayors, who administered approximately 10 per cent of the towns of El Salvador.

316. Some members of the Committee commented on the frankness of the report, which followed the articles of the Convention and gave a good picture of the legislative situation of the country. They pointed out, however, that discriminatory legislation still existed and they would have welcomed more statistical data and a comprehensive overall perspective of Salvadorian society. They inquired what measures the Government was planning to undertake to remedy the situation. More information was requested on the economic profile of the country: what was the per capita income, land ownership and land distribution? More data was also requested on the political aspects and national administration, and membership of women in trade unions and the military government organizations as well as political preparation of the report and what steps would be taken to inform women of the proceedings of the Committee.

317. Some experts asked whether the principle of women's equality was limited to civil rights or whether it referred also to other rights, such as political and economic rights. Questions were asked as to whether the principles contained in the Convention had the force of law. Women seemed to be the victims of cultural and social prejudices and certain penal provisions, such as those regarding adultery and others contained in the Labour Code, constituted an unacceptable discrimination.

318. One expert asked how many cases of sexual discrimination were taken to Court and whether women had access to legal aid. One expert emphasized the need to achieve both de facto and de jure equality; this was not at all clear in the report and indicated a lack of awareness on the subject.

319. Several experts remarked that since the country was in a state of emergency, human rights violations had been reported and had been the subject of scrutiny by United Nations organs. One expert asked what consequences these violations had had on women regarding imprisonment, torture and disappearance. The same expert asked what legislative acts were adopted that violated human rights.

320. Furthermore, information was requested on a document entitled “Comprehensive population policy”.

321. Several experts wondered about the circumstances under which pregnant women could be transferred from their posts; some considered those measures as overprotective. It was asked what was the reason for the provision giving the employer a right to transfer pregnant women when their normal work consisted in dealing with the public.

322. Other experts sought more information on the Women’s Office and the functions of, and the number of cases dealt with by, the Attorney for the Poor. One expert asked about the degree of influence of the Roman Catholic Church in the social development of the country. Others asked how many children were affected by the practice of voluntary surrender of children for adoption, whether that system was related to the poverty in the country and whether it had social repercussions on the family.

323. Questions were asked concerning the magnitude of the problem of prostitution and if it was permissible below the age of 16.

324. One expert asked whether Salvadorians below the age of 18 were also citizens. Another one thought that the electoral law requiring a minimum age for women of 25 or 21 years constituted discrimination against the female sex. Some experts asked about the existence and programmes of women’s organizations and were interested in figures on the participation of women at the decision-making level and in trade unions.

325. Several members inquired about the percentage of women in the foreign service.

326. Members wanted to know the literacy rate for both men and women, whether women were encouraged to participate in the literacy campaigns, and what percentage of the population was reached by the educational television system. They also asked for statistical information for both sexes on all levels of education. Some experts wanted to know which sports were qualified as unsuitable for girls.

327. Some experts asked whether sanctions existed in cases of violations of the principle of equal wages for equal work. Several experts noted that certain types of work were prohibited only for women and children but not for men and it was asked on what grounds they were not considered unhealthy also for men. It also seemed that employers were quite free to decide what kind of work could be considered unsuitable for women. One expert wanted to know the length of apprenticeship contracts. Figures on the unemployment rates in the country were sought. One expert asked which occupations were not considered suitable after the fourth month of pregnancy. Another one pointed out that the benefits during maternity leave should be 100 per cent and not just 75.6 per cent of basic wages. Concern was expressed at the lack of day-care facilities.

328. As regards the benefits accruing to the lifetime companion covered by the social security system, questions were asked as to the required minimum duration of such unions.

329. Some questions concerned the number of beneficiaries in training and retraining programmes. One expert inquired about the rationale behind the existence of three types of maternity benefits; other experts asked for more information on the social security system.

330. Some experts asked whether abortion was legal or illegal, whether sanctions existed against women and/or doctors involved in abortions, and whether family planning was being practised.

331. Several experts remarked that no reasons were given in the report for the lack of child-care facilities and they requested more information on that question. Other experts were worried by the increase of children being given away for adoption and asked what was compelling women to take such drastic measures. Some experts requested statistical data on demographic factors such as mortality rates (infant and maternal), life expectancy and age groups, while others requested information on the percentages of births in maternity clinics and other locations.

332. Information was requested on programmes covering the needs of rural women, on the percentage of rural women and on rural reforms. One expert asked whether the husband or the wife was the landowner and whether rural women had access to bank loans. Another expert asked how the agrarian reform had affected women.

333. One expert wondered why the husband owed protection to his wife, whereas the wife did not have a similar duty. Another expert asked why the legal age for entering into marriage was lower than the legal age to vote. Other experts inquired about the property régime in marriages and wondered about the lack of legislation concerning the name of married women. The obligation of the wife to follow her husband was considered as discriminatory.

334. An expert praised the representative for the courage the country had shown in signing the Convention and for the frankness with which the report had been prepared, in recognizing that discrimination still existed despite the efforts made by the present Government.

335. In replying, the representative of the State party first expressed doubts as to whether the members of the Committee did not go beyond the scope of their competence by some of the questions asked and by raising matters that had already been discussed by the Human Rights Committee in Geneva. He was wondering why not one expert had protested the kidnapping of the President's daughter, which had been financed by other States Members of the United Nations. That kind of blackmailing should not be ignored by the Committee.

336. He then spoke about the new Constitution, which had been put into force in his country in 1983, that established the equality of all persons before the law. All other laws had to be adopted accordingly.

337. In the Constituent Assembly, 18 per cent of its members were women and, later, the President of the Legislative Assembly was a woman. That showed that women in El Salvador were strongly involved in the political life of the country.

338. The functions of the former Office of the Attorney for the Poor were currently being executed

by the General Prosecutor of the Republic. The Women's Office had been incorporated within that institution since 1983. After the cut of its subsidies from the Organization of American States, it was still financed from the State. As the general policy of El Salvador was aimed at promoting women's rights and women's organizations, the functions of the Women's Office were not limited to rendering merely social services, they concentrated on promotional and development activities, political participation, housing, education and employment.

339. The representative explained that his Government supported pluralistic political participation and equality of rights, independent of sex, social origin, economic conditions and political beliefs.

340. He stated that international treaties had legal force in his country and in case of conflict between treaty obligations and national laws, the treaties prevailed over existing laws.

341. Women in El Salvador had free use of property. Children born in and out of wedlock and adopted children had the same rights. In marriage, women and men had equal parental authority, women had the right to care for the children and the right to receive child support from the child's father. In marriage, the system of separation of property was valid. If women changed their maiden names to their husband's name, they did not become their husband's property.

342. Under labour law, equal opportunities and equal pay existed for both sexes. Women also enjoyed the same social benefits as men. They were protected from dangerous and unhealthy work and enjoyed additional benefits related to maternity. One of the experts referred to such practice as being over-protective and would welcome a revision of that legislation.

343. Also, non-working women could benefit from social security benefits. For women living with men in free unions, the same social security regulations existed. There was no minimum time for cohabitation. All that was necessary was that the man registered the woman he lived with; he could also do that if he was already married to another woman. Failing that, the woman could obtain the inclusion in social insurance by law.

344. Abortion was a crime except for health reasons for the mother or the child and in cases of scandal and rape.

345. Women in civil service were, under sanctions, guaranteed the same entitlements as men to promotion and other benefits.

346. The transferral of pregnant women to more comfortable jobs was not to be considered as a discrimination, but only as a favour, which they could use if they felt more comfortable.

347. Women were active in the country's foreign service. Military service was compulsory only for men, none the less about 10 women were to be found in the military ranks.

348. In El Salvador all public schools were co-educational and women could often be found in leading posts in school administration. Women had access to any type of sports; limitations referred merely to their sex in sports such as boxing.

349. Since their recognition of legal capacity, women could take the same legal steps as men without any prior authorization and they could be personally notified or summoned and could be witnesses.

350. Since the agricultural reforms of 1981, women could be active subjects and beneficiaries, they could own and labour land and be members of co-operatives.

351. The representative concluded by saying that he felt sure that the Committee members recognized the country's good intentions and its aspirations for peace.

352. In reply to some further questions, the representative of El Salvador said that the church did not exercise any pressure on the Government and did not try to impede the advancement of women.

353. Some experts were dissatisfied with the replies given and said that some of their questions had not been answered. The representative had been dwelling on the legal aspect, but he did not say anything about the de facto situation of women. Experts wanted to get demographic profiles and other statistical data.

354. A discussion was held between the representative of El Salvador and some experts concerning the committee's competence to ask questions regarding the human rights situation in a reporting State. Some experts expressed their view that women as well as men were hurt by the political, social and human rights situation in El Salvador. The representative said that it had not been made clear about the extent to which the Committee could discuss political questions. A few experts emphasized that the members of the Committee served as individuals and not as government representatives. The questions were only asked to learn about the true position of women in El Salvador.

355. Asked about the role of the Committee of El Salvadorian Mothers, the representative said that it enjoyed the same rights as other women's organizations to organize strikes and hold public protests. People in his country had also free access to newspapers.

356. Finally, the representative said that the subsequent report would contain sufficient expanded material.

## **CEDAW A/47/38 (1992)**

268. The Committee considered the second periodic report of El Salvador (CEDAW/C/13/Add.12) at its 198<sup>th</sup> meeting, on 27 January 1992.

269. Although commendable efforts had been observed, the Committee noted that the second report was not very different from the first one and on the whole failed to include the statistical data requested. More information was requested detailing the impact of the internal war on the situation of women and children, who constituted the most vulnerable groups.

270. The Committee hoped that the cessation of hostilities would be followed by specific measures, duly recorded, for the advancement of women, since it had been stated that such measures were being elaborated and that it was the Government's wish to apply them. It would like to know how the Government intended to involve women in the post-war planning.

271. Before replying to questions, the representative of El Salvador reminded the Committee of the crisis that the country had undergone in the 1980s and its grave consequences, particularly for the poorest sections of society, where a high percentage of women and children could be found. But with the conclusion of the negotiations between the Government and the Frente Farabundo Marti para la Liberación Nacional (FMLN) and the peace agreement of 16 January 1992, the country was entering a new phase of national reconciliation and reconstruction with a view to reintegrating all social groups in order to bring about economic and social recovery and equal opportunities for women and men. The Government's national reconstruction plan was currently in its first phase. During the last few years, the armed conflict had affected all sectors of the society and, as a consequence, had led to a decline in the economic and social situation. Through migration outside the country the family unit had deteriorated and violence had increased.

272. The representative gave an overview of the most important articles of the Constitution that were currently under review in order to promote the status of women. She mentioned articles that prohibited discrimination on the grounds of sex in marital relationships, remuneration, education and nationality. Under the Constitution, anyone had the right to life, physical and moral integrity, liberty, security, work, ownership and possession of property, and to the protection of those rights. Nobody could be obliged to change domicile except in special emergency circumstances. She said that a new civil code, which would protect women as essential members of the family, was in the process of being drafted. Many of the concerns expressed by the members in relation to socio-cultural prejudices, which seemed to emerge from the country report and were reflected in the legal dispositions in force, would be overcome by some of the provisions contained in that draft family code, which would be based on a broader concept of the family. The idea was that the new family code would not just amend, but rather abrogate, the whole first part of the Civil Code of 1860, dealing with family rights. The most important innovations referred to an equal marriageable age of 18 years for women and men and to full equality of personal and property rights and duties of both spouses. Divorce was contemplated when the spouses' life in common became intolerable. The spouses had to deal jointly with all domestic duties and had to contribute to the family household according to their means. For the administration of the family property,

the spouses could choose between the separation of goods, participation in the earnings and the association of earnings. De facto unions that had lasted for more than one year were considered equal to matrimonial unions with regard to inheritance, and to personal property rights. Parental authority was shared by both parents, and the right to choose a name were regulated by the new draft legal provisions.

273. In El Salvador, governmental institutions monitored the protection of women in society: the General Prosecutor's Office, which protected the family and gave legal assistance to persons with low income; the Attorney General, who started legal action in cases of violations of human rights regarding women; the Office of Women; the National Secretariat for the Family within the Women's Office; the Department for Women and Minors within the ministry of Labour and Social Security; and the Centre for Development for Rural Women within the Ministry of Agriculture. Any assistance provided by the Attorney General was free of charge. In addition to that, the General Prosecutor's Office had a programme that gave abandoned women access to credit.

274. The representative then replied to questions contained in the list that had been transmitted to the Government.

#### Article 2

275. The representative answered all the questions on article 2. She explained that the special committee to review Salvadorian legislation in the light of the Convention on the Elimination of All Forms of Discrimination against Women had completed its work in 1991 and had proposed a preliminary draft of the family code. The code had been submitted for comments to several ministries and government agencies as well as to non-governmental organizations. The comments would be made available to the legislative assembly. Some comments referred to the use of gender-neutral language and the elimination of any reference to "good conduct" as a precondition for founding a family. Others referred to the repeal of the 300-day waiting period for women after the dissolution of a marriage before being able to remarry, to family expenditure in the sense that housework should be estimated at the same value as the contributions made by the other spouse by paid work outside the house, to the equal sharing of household duties between the two spouses and to alimony duties of the child's father during the period of pregnancy and three months thereafter.

276. The special committee had women members, and three women lawyers had participated in the drafting of the new proposed family code. As the committee had completed its task, a team with similar functions in the Ministry of Justice would resume its work.

#### Article 3

277. The Committee asked what measures were being undertaken by government agencies to ensure adherence to human rights by official law enforcement personnel, and what measures would be taken to preclude any arbitrary action violating human rights by non-governmental groups.

278. The representative answered that through the reform of the Constitution, the Office of the Prosecutor had been set up for the defence of human rights. It had to monitor the respect for human

rights and investigate either ex officio or following a denunciation.

#### Article 4

279. The Committee asked several questions on the Office of Women in the Ministry of Culture and Communications. What was its size, function and budget. Had the Office of Women or any other body developed plans or programmes for the advancement of Women? Did it monitor equality of opportunities? Could the representative say how many cases it had dealt with? Had it taken steps to collect gender disaggregated statistics? And had any steps been taken to consult women's organizations in preparing the report?

280. The representative answered that the Ministry of Culture and Communications had ceased to exist under the present Government and had become one of the four secretariats attached to the office of the President of the Republic. The Office of Women had become part of the Ministry of Education and was coordinated by the Women's Unit in the National Secretariat for the Family. It had developed the following plans or programmes for the advancement of women: training programmes for female shop owners and women working in home education, a programme on women, health and development, a training programme on sex education, self-esteem and women's problems for persons in several government agencies and ministries. Other projects were the revision of Salvadorian legislation in the light of the Convention, in particular of the family, labour and penal codes; monthly seminars for women from governmental organizations and non-governmental organizations on the situation of women in different fields to complement the new draft laws and to raise consciousness; and a pilot project for setting up offices for the defence of women victims of family violence, which would cooperate with the General Prosecutor's Office, the General Attorney's Office, some ministries and non-governmental organizations. Other programmes included a legal literacy programme, workshops on the integration of women into development, a workshop on rural women and communication, a regional seminar on women, health and legislation, which initiated the setting up of a commission for women and the family within the Legislative Assembly. With the financial assistance of UNFPA, a profile of Salvadorian women was to be elaborated.

#### Article 5

281. The Committee noted that there was a need to strengthen maternal and child health-care and family-planning services, and it asked how single and abandoned mothers were assisted and what was done to prevent early motherhood.

282. The representative mentioned that the Adolescent Unit of the Department for the Family had worked out programmes for single mothers and it gave particular attention to pregnant teenagers and teenage mothers to reduce teenage pregnancy, to give them health care and labour protection and to provide them with additional nutritional and prenatal attention. The programme had been carried out in May 1990 in several provinces. It currently included most health centres in the Republic and provided teenage mothers also with financial assistance through the communal banks. In May 1990, clinics for victims of sexual abuse had been set up in several district hospitals under the supervision of the Secretariat for the Family to provide them with medical, psychological and legal assistance.



#### Article 6

283. The Committee asked if there were statistics on the number of women engaged in prostitution and measures to facilitate the distribution of condoms to avoid AIDS. It wondered if there had been any thought of rehabilitating those groups and what specific measures existed to detect exploiters. The Committee wanted to know if, as a result of the examination of the criminal law, there had been any amendment to give women greater protection, and if the rape of a prostitute carried the same penalty as other rape.

284. The representative replied that the National Department for the Family was currently preparing statistics on the number of women engaged in prostitution. Furthermore, a medical assistance programme was being carried out, which included weekly medical check-ups, tests for venereal diseases and HIV/AIDS tests. The Department provided the prostitutes with training in health matters and rehabilitation programmes. In the Penal Code there was a different penalty for rape, in general, and for the rape of a prostitute, however, the penal legislation was currently under review.

#### Article 7

285. The Committee asked for information on the percentage of women with legislative, executive and managerial responsibilities. It asked if any temporary measure had been devised to increase the number and what the percentage of women in diplomatic posts was.

286. The representative said that statistics would be provided in the third periodic report; there were some women in the legislative assembly and two women ministers, the Minister for Planning and the Minister for Education.

#### Article 10

287. The Committee stated that, according to the United Nations Children's Fund (UNICEF) data, approximately 400,000 children were totally outside the school system. The Committee asked what specific plans there were to provide a type of education that retained the children and whether schools with dining-rooms were being considered. There was a very high rate of drop-outs and of illiteracy. It asked what the results were of the schemes for literacy by radio. Given the fact that more women than men were illiterate, how did the Government intend to overcome that gap and were there specific literacy programmes for women. If not, why not? It asked what programmes there were to give effect to the Government's intention to implement the education of women.

288. The representative explained that the Ministry of Education had prepared an adult literacy programme for women and men and that primary education had been expanded. Furthermore, the programme, entitled "a glass of milk", provided children in primary schools with nutritional support.

#### Article 11

289. The Committee stated that it was obvious that women's participation in the labour market had increased and asked if any thought had been given to training women to enable them to work at management levels. It asked what percentage of women in the urban and rural areas had social security; if there were any government agency that investigated violations in the provision of benefits; why the retirement ages for women and men were so far apart; if there were different conditions of work and social benefits in the public and private sectors; and why women were in such large numbers in the administrative and commercial sectors. It was asked whether it was women's real choice and whether it contributed to lower earnings levels.

290. The Committee also asked if the Government planned to undertake a review of the protection legislation.

291. The representative said that detailed answers to the questions raised would be provided in the subsequent report. Women had access to technical and university education without limitation. The conditions for work and social benefits were mostly the same in the public and in the private sector. The different retirement ages of 55 for women and 60 for men were explained by the double burden, in the workplace and at home, often borne by women. Women were mostly involved in the informal, commercial and service sectors. The protection legislation was currently being reviewed.

#### Article 12

292. The Committee said that it was estimated that approximately 60 per cent of the population had no access to sanitary facilities. Malnutrition and anaemia together with frequent pregnancies were the most common causes of maternal mortality. It asked what measures were foreseen to reverse that situation to achieve as much success as the recently implemented vaccination scheme. It also would like to know how many women use the services of the "maternity hospitals"; to what extent children were born at home; whether all Salvadorian women were covered by the social security system; and whether they all received the so-called "maternity layette".

293. The Committee noted that there had been some improvement in reducing the high infant mortality and asked what measures had been the most productive and beneficial; and if there were plans to extend those efforts.

294. It also asked if there were preventive programmes and services to deal with the problem of AIDS.

295. Replies to questions posed under article 12 would be provided in a subsequent report.

#### Article 14

296. The Committee understood that only 40 per cent of the rural population had potable water and felt that the cooperatives and self-help groups acting jointly with the Government would be able to remedy the situation. It enquired whether there was any plan of that kind.

## Article 16

297. The Committee asked if the provision of article 182 of the Civil Code, which specified that the husband owed protection to the wife and the wife obedience to the husband, had been repealed.

It also asked if the Co-operation Committee for the Inter-American Commission of Women in El Salvador had recommended a repeal of the discriminatory provisions under articles 182, 145 and 180 and if there were many cases in which the wife voluntarily abandoned the husband.

298. Before concluding, the representative said that in her country equality between men and women was still an aspiration rather than a reality. Although it could not be achieved in the immediate future, it was an ideal that El Salvador wanted to become reality by overcoming the socio-political and economic problems and prejudices inherent in traditional patterns. The representative gave her Government's commitment to prepare the third periodic report shortly and to give therein a full account of the situation of women in her country and of the projects that would be carried out within the national reconstruction plan. Internal efforts would be paralleled by bilateral and multilateral help in order to spark off social development in countries like El Salvador, where development programmes had for so long been neglected.

299. Members of the Committee expressed their gratitude for the information provided and commended the competent manner in which that had been done. They showed understanding for the difficult period that the country had gone through and emphasized that if a country wanted to advance, it had to take into account the women's dimension for designing their policies and setting their objectives. The country's desire to achieve peace was praised and the hope was expressed that the international community would aid the national reconstruction effort.

300. They urged the Government, however, to include statistical data in the subsequent report. Despite its declaration to improve the status of women, the current report did not provide a detailed description nor a time-frame for an evaluation of the programmes for women. Although members were impressed by the policy to strengthen the family, they recommended to the Government that it modify discriminatory elements in the Civil Code to reflect better the Government's policies. The members noted with approval that the draft family code had been submitted to various interest groups for comments, expressed the hope that it would soon be enacted and asked if legislation had been proposed on the status of children in de facto unions. Further questions referred to the grounds for divorce and to whether distribution of property was done in an equitable manner after the dissolution of a marriage. It was asked how many women had been assisted by the communal banks, how many prostitutes had been covered by the available programmes and whether any programmes were designed to convince men that the double burden on women's shoulders was not fair.

301. In reply to the additional questions raised, the representative said that the lack of statistics was a serious problem. Some data were available on the programmes for young mothers and on sexual abuse. A detailed description of the programmes for women would be provided in the subsequent report. Regarding the Civil Code, the representative explained that what was aimed at was not a reform of the Civil Code, but a repeal of the whole part concerning the family, which should be replaced by the new draft family code. El Salvador had ratified the Convention on the

Rights of the Child, and a Code for Minors existed, details of which would be provided in the subsequent report. The draft family code provided for dissolution of marriage in case of death or presumed death of one of the spouses and dissolution of the matrimonial bond through divorce by mutual consent, because of separation of the spouses for one or more consecutive years or that life together for the spouses was intolerable. A divorce might be requested only by the spouse not responsible for the breakdown of the marriage. Under the new code the couple was free to choose between the three types of patrimonial régime mentioned above. If no choice was made, the court imposed on the parties the system of shared earnings. Regarding prostitution, it was said that about 600 women were protected by the programmes offered.

302. In its concluding observations, the Committee showed its appreciation for the Government's optimistic approach to the issue of the advancement of women considering the sufferings the country had undergone. The various agencies dealing with the status of women that had been mentioned and the access of women to communal banks were particularly commended. The Committee strongly asked for the inclusion of statistical data in the subsequent report and wished the Government every success in its undertakings.



## **CEDAW, A/58/38 part I (2003)**

231. The Committee considered the combined third and fourth periodic report and fifth and sixth periodic reports of El Salvador (CEDAW/C/SLV/3-4, CEDAW/C/SLV/5 and CEDAW/C/SLV/6) at its 599th and 600th meetings, on 21 January 2003 (see CEDAW/C/SR.599 and 600).

### Introduction of the reports by the State party

232. In introducing the reports, the representative of El Salvador informed the Committee about the major events that had taken place in her country since the submission of the previous report in 1988, most notably the signing of the Peace Agreements and the terrible natural disasters that had devastated the country in 1998 and 2001.

233. The representative stressed the inter-institutional and multidisciplinary nature of the delegation sent to introduce the reports, which demonstrated the importance that her country attached to the Convention.

234. The representative noted that since the ratification of the Convention in 1981, significant efforts had been made with regard to the advancement of women. Particularly noteworthy in that regard was the creation in 1996 of the Salvadoran Institute for the Advancement of Women, the government entity which oversees the implementation of the National Policy on Women by the various public authorities. A National Policy on Women had been formulated through a public consultation process that had been both technical and participatory in nature, and the policy had in turn served as the basis for the initial Plan of Action 1997-1999, which focused on 10 areas: legislation, education, health, civic and political participation, the family, the workplace, domestic violence, agriculture, fisheries and food, the mass media and culture, and the environment. More recently, El Salvador had launched a new Plan of Action 2000-2004, which mainstreamed a gender perspective in all public actions. In 2000, the Institute's Inter-institutional Legal Commission had been set up to bring domestic legislation into line with the international treaties ratified by El Salvador and to propose the necessary reforms to the Governing Board for corresponding legislative action.

235. The representative emphasized the great importance attached by her Government to women's participation in national political life and to women's access to political decision-making. Although there had been an increase in Salvadoran women's participation in national political life, the representative said that there were still barriers to their full participation, the reasons being a political system that was influenced by culture and tradition and by a political party system that had only recently begun to open up to direct participation and leadership by women.

236. The representative highlighted the advances achieved in the area of education, with an overall reduction in the illiteracy rate, especially in rural areas. Even though there was no discrimination in girls' access to the educational system, the female drop-out rate continued to be a matter of concern for the Salvadoran Government. Special attention had been paid to the issue of teenage pregnancy, and pregnant teenagers would no longer be expelled from school. Indicators had been developed to

include the school drop-out problem and teenage pregnancy in national research on fertility. Since 1999, El Salvador had been promoting women's access to non-traditional careers through a vocational guidance programme with a gender focus and had been breaking down the barriers that prevented women from entering non-traditional careers.

237. The representative told the Committee that a programme had been launched, involving various strategies, to include the issues of gender equality, human rights, mental health, violence prevention, sex education and reproductive health in the education system. The programme was the result of cooperation between the private sector, churches, the mass media and the educational community. Similarly, youth programmes had been developed which provided information on issues such as sexuality, HIV/AIDS prevention and prevention of domestic violence.

238. With regard to health, the representative informed the Committee that in 1999 a process of health-sector reform and modernization of the Ministry of Health had begun, focusing primarily on reproductive health from a gender perspective. The reform had been structured to extend beyond health centres to include the family, workplace and the educational sector. Since June 2002, preventive health services for women had been provided free of charge. One of the most notable results of those measures had been the decline in maternal mortality.

239. Special attention had been given to the employment situation of women working in the *maquila* sector. Special offices had been set up in free zones or special tax areas to mediate between employers and women workers, as well as units for monitoring and analysing labour relations. The main aim of the National Policy on Women, under its women and the workplace component, was to achieve equal opportunity in women's labour market participation by eliminating all inequalities, such as the gender wage gap and women's unequal access to positions offering greater power and higher salaries. In that regard, it was important to mention the formulation of a National Occupational Safety Policy, which was designed to integrate public and private efforts to promote a culture of workplace accident prevention that would guarantee the right to decent, safe working conditions while boosting productivity. Mention should also be made of El Salvador's National Policy Law and Regulations on Equal Opportunities for Persons with Disabilities, designed to benefit women with disabilities, and its National Policy, Law and Regulations for the Comprehensive Care of Older Persons, designed to combat age-based discrimination, especially against women.

240. The representative drew attention to the entry into force in 1994 of the Family Code, which introduced such innovations as voluntary family property regimes that guaranteed equality, recognition of the value of housework, repeal of the obligation for a woman to take her husband's domicile and incorporation of non-discriminatory grounds for divorce.

241. New laws had also been introduced to prevent and deal with cases of domestic violence and some existing legislation, such as the Labour Code, the Health Code, the Penal Code and the Code of Criminal Procedure, had been amended accordingly. The representative noted that a National Plan on Domestic Violence had been adopted in 2002, with the aim of preventing such violence through information campaigns and providing services to victims.

## Concluding comments of the Committee

### Introduction

242. The Committee welcomes the El Salvador delegation, headed by the Director-General of Foreign Policy, which through the inclusion of representatives of various institutions and disciplines has provided a broad overview of the progress made and the obstacles that remain to the achievement of gender equality in the country.

243. The Committee expresses appreciation to the State party for the considerable amount of information contained in its combined third and fourth and fifth and sixth periodic reports, which follow the guidelines for the preparation of reports, and for its responses to the list of issues and questions prepared by the pre-session working group, which provide additional information on the situation of women in El Salvador. The Committee is also grateful for the delegation's detailed oral responses, which permitted a constructive dialogue with the Committee.

244. The Committee takes note that the State party's National Policy on Women falls within the framework of the commitments made at the Fourth World Conference on Women, as well as the launching of the respective 1997-1999 and 2000-2004 Plans of Action, which mainstream a gender perspective into all their programmes.

245. The Committee recognizes and regrets that the State party has had to face severe natural disasters, such as Hurricane Mitch in 1998 and two consecutive earthquakes in 2001, which have resulted in the postponement of the implementation of programmes and plans aimed at the advancement of women.

### Positive aspects

246. The Committee welcomes the creation in 1996 of the Salvadoran Institute for the Advancement of Women as the government body which coordinates and oversees the implementation of the National Policy on Women.

247. The Committee congratulates the State party on its efforts to implement the Convention through the reform of existing legislation, including the Family Code, from which all pre-existing discriminatory legislation has been removed, the Domestic Violence Act, the Labour Code, the Health Code, the Penal Code, the Code of Criminal Procedure and the General and Higher Education Act., The Committee also commends the State party on the creation in 2002 of the Inter-institutional Legal Commission within the Salvadoran Institute for the Advancement of Women, ISDEMU, charged with bringing domestic legislation into line with relevant international treaties ratified by El Salvador and with proposing necessary amendments.

248. The Committee welcomes the inclusion of gender issues at all levels of the educational system, as well as the incorporation of teaching materials in such programmes and activities.

### Principal areas of concern and recommendations



249. The Committee is concerned that, although legislative reforms have been introduced in many spheres, such laws and policies have yet to be effectively implemented. The Committee is also concerned that the Constitution of El Salvador does not include a specific prohibition against sex-based discrimination or the definition of discrimination contained in the Convention and that El Salvador's legislation provides for equality in the exercise of civil and political rights but makes no mention of economic, social and cultural rights. The Committee is likewise concerned that only "serious" discrimination is punished by the Penal Code and that the Agrarian Code still contains discriminatory concepts.

250. The Committee encourages the State party to incorporate fully into its legislation the principle of non-discrimination set forth in the Convention, in order to progress towards de jure equality as an essential prerequisite for achieving de facto equality of women. The Committee also recommends that concepts that are not in keeping with the provisions of the Convention be amended or abolished, with a view to protecting and guaranteeing women's human rights.

251. The Committee is concerned at the weakening of efforts to provide training in, raise awareness of and disseminate the Convention.

252. The Committee recommends that the State party implement broad-based dissemination, training and awareness-raising programmes to familiarize the whole population with the Convention. Such programmes should be aimed at society in general, and Salvadoran women and the judiciary in particular.

253. Although the Committee welcomes the establishment of the Salvadoran Institute for the Advancement of Women as the government entity which oversees the implementation of the National Policy on Women, it is concerned at the fact that the Institute has neither the lead and normative role that it should have, nor the political, institutional and budgetary capacity to define, implement, monitor and guarantee a comprehensive policy for the elimination of discrimination against women to be executed effectively by the various sectors of government. The Committee further expresses its concern that there are insufficient active linkages between the Institute and women's organizations representing civil society.

254. The Committee encourages the State party to continue to strengthen the role of the Salvadoran Institute for the Advancement of Women as a lead and normative body by giving it an adequate budget and the requisite authority among State institutions to ensure the effective mainstreaming of a gender perspective and the promotion of gender equality. The Committee also recommends that the Institute establish, in practice, greater cooperation and joint work with women's organizations of civil society.

255. The Committee notes with concern that, while the Constitution refers to the principle of equality, the terms "equality" and "equity" are used as synonyms in plans and programmes.

256. The Committee urges the State party to note that the terms "equity" and "equality" are neither synonymous nor interchangeable and that the Convention is intended to eliminate discrimination

against women and to ensure equality between women and men.

257. While the Committee welcomes the effort made by the State party to combat domestic violence through the recent establishment of a National Plan on Domestic Violence, it views with concern the persistence of violence against women in El Salvador. The Committee is also concerned about the legal consequences of conciliation between aggressor and victim in the pre-trial phase, which could work to the detriment of the latter.

258. The Committee urges the State party, taking into account General Recommendation 19 on violence against women, to undertake practical measures to follow up and monitor the application of legislation, evaluating its effectiveness and making the appropriate adjustments, in particular so as to ensure that the legal consequences of conciliation provided for by law do not work to the detriment of the victim.

259. The Committee observes with concern the lack of necessary sex education programmes and their dissemination and the resulting impact on the high rate of teenage pregnancy, in particular in rural areas, and on the increase in the spread of sexually transmitted diseases and HIV/AIDS. The Committee is concerned at the obstacles that women face in gaining access to adequate health-care services, including those for the prevention of cancer.

260. The Committee recommends to the State party that it adopt measures to guarantee and expand access to health-care services, paying special attention to the implementation of programmes and policies for disseminating and raising awareness of sex education, particularly among adolescents, including information on contraceptives and their availability in society as a whole, taking into account that family planning is the responsibility of the couple and placing special emphasis on preventing and combating sexually transmitted diseases and HIV/AIDS.

261. The Committee is concerned at the high level of poverty among women, especially rural and indigenous women.

262. The Committee urges the State party to develop a poverty eradication strategy that gives priority attention to rural and indigenous women through the allocation of budgetary resources, and to take appropriate measures to inform itself about their situation with a view to formulating effective specific programmes and policies to improve their socio-economic situation and ensure that they receive the services and support they need.

263. Although the overall illiteracy rate has declined, the Committee is concerned that the problem persists, especially in rural areas. It is also concerned at the high drop-out rates among girls, especially in rural and indigenous areas.

264. The Committee recommends that efforts to address this problem should be intensified, through sustainable plans and programmes, particularly in rural and indigenous areas.

265. The Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of men and women in the family and in society at large.

266. The Committee recommends that policies be developed and programmes directed at men and women be implemented that will help to ensure the elimination of stereotypes associated with traditional roles in the family, the workplace, politics and society.

267. The Committee is concerned at the lack of priority given to women in employment policy, which could result in their increased vulnerability in the economic adjustment process taking place in the country, in particular, the insufficient measures taken to enable them to reconcile their family and professional responsibilities and the persistence of wage disparities for work of equal value.

268. The Committee recommends that the necessary measures should be taken to ensure compliance with the provisions of article 11 of the Convention and of the relevant International Labour Organization conventions ratified by El Salvador.

269. The Committee notes with particular concern the precarious employment conditions of women working in maquila industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. The Committee urges the State party strictly to enforce labour legislation in maquila industries, including their supervision and monitoring, especially occupational safety and health measures, and requests that information on this matter be included in its next report.

271. Although there is legislation on trafficking and mention is made of a bill on the exploitation of children, the Committee notes with concern the problem of exploitation of prostitutes and trafficking and sale of women and girls and the lack of studies, analyses and gender-disaggregated statistics on its incidence.

272. The Committee urges the State party to take measures to combat the phenomenon of trafficking and sale of women and girls and exploitation of prostitutes and to evaluate this phenomenon and compile systematic sex-disaggregated data on it with a view to formulating a broad strategy to address this problem and punish perpetrators.

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.

275. The Committee observes a lack of gender-disaggregated data in the reports, as well as insufficient information on indigenous women.

276. The Committee recommends the comprehensive and exhaustive compilation of sex-disaggregated data and urges the State party to include relevant statistics that show the evolution and impact of programmes on the country's female population, particularly indigenous women, and to include the data in its next periodic report.

277. The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1 of the Convention, concerning the meeting time of the Committee.

278. The Committee requests the State party to respond to the specific issues raised in these concluding comments in its next periodic report pursuant to article 18 of the Convention.

279. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to provide information on the implementation of those aspects of the above documents relating to relevant articles of the Convention in its next periodic report.

280. The Committee requests that these concluding comments be disseminated widely in the State party in order to make the people of El Salvador, particularly public officials and politicians, aware of the measures taken to guarantee de jure and de facto equality of women and such other measures as are necessary to that end. It also requests the State party to continue to disseminate widely, particularly among women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".