



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
4 February 2009

Original: English

**Committee on the Elimination of Discrimination
against Women**
Forty-second session

Summary record of the 863rd meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Friday, 31 October 2008, at 3 p.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Seventh periodic report of El Salvador (continued)
(CEDAW/C/SLV/7; CEDAW/C/SLV/Q/7 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of El Salvador took places at the Committee table.*

Articles 10-14

2. **Ms. Zou Xiaojiao** asked whether there were targets and plans for specific groups of women, in particular rural and indigenous girls. She would like more information on targets for the elimination of gender-based discrimination under the National Education Plan 2021, and detailed statistics on school dropout rates, broken down by factors including gender, region and ethnicity. It would be interesting to learn how many girls had been expelled owing to pregnancy and how such cases had been reported and handled. Specifically, she would like to know whether discriminatory rules had changed in public and private schools. Regarding follow-up to and treatment of cases of sexual harassment in the schools, she wondered what technical and legal procedures were followed.

3. **Ms. Arocha Domingez** said that she would appreciate information on the types of violations that the inspection system had found in the “maquiladora” (assembly plant) industry, and on the measures taken to punish the perpetrators of such violations, including foreign employers. She would also welcome statistics on the total number of Salvadoran women working in the “maquiladora” industry. She would like to know whether work with civil society would continue until the draft law on the prevention of workplace risks was adopted and would appreciate statistics on the impact on women of the Free Trade Agreement with the United States of America. She would welcome details on the types of child labour violations identified, particularly in the case of domestic workers. Lastly, she wondered whether labour inspections included migrant workers and what types of work migrants performed. It would be interesting to learn whether the Inter-Institutional Juridical Commission of the Salvadoran Institute for the Advancement of Women (ISDEMU) cooperated with other Central American

organizations for women on issues related to migrant workers.

4. **Ms. Halperin-Kaddari** expressed concern that the terms “equality” and “equity” continued to be used interchangeably; that lack of clarity could pose an obstacle to the achievement of equality on the labour market. She asked how affirmative action in respect of employment was defined and whether quotas had been implemented. She would also like more data on vertical and horizontal gender segregation. There was some confusion about the definition of “pay equity”; the reporting delegation should refer to the Committee’s general recommendation 13 for clarification. Information on wage disparities between men and women and gender-disaggregated statistics on access to social security benefits would also be welcome.

5. **Ms. Arocha Dominguez** commended the Government’s commitment to implementation of the Millennium Development Goals, in particular with regard to reduction of the maternal mortality rate (Goal No. 5). However, she regretted that the Government had not followed the Committee’s guidelines when drafting the report and recommended that they should be followed in the future. She requested information on women’s life expectancy and the main causes of death and would appreciate information on any programmes for addressing those causes. Official data on maternal mortality rates were inconsistent; an overview of maternal mortality trends in the last decade would be useful. It would also be interesting to learn the Government’s position regarding illegal abortion and to have official statistics on deaths resulting therefrom. Information on teen pregnancy and birth rates would be helpful in order to measure the impact of sexual education programmes. Lastly, she would appreciate information on HIV/AIDS rates, broken down by sector, and on HIV/AIDS prevention programmes, their methods and their impact.

6. **Ms. de Ramírez** (El Salvador) said that the national literacy rate for both urban and rural areas had increased; however, that increase had been slower in rural areas. Therefore, the Ministry of Education, in cooperation with civil society and other organizations, had created special programmes for rural areas and vulnerable groups of women. One such programme targeted adult literacy; another focused on the goal of 100 per cent literacy in the 15-to-24 age group and 97 per cent literacy in the 25-to-59 age group by 2010.

Lower literacy rates were related to structural poverty and educational indicators were similar for extremely poor and indigenous populations. Since the dropout rate was slightly higher for girls than for boys, educational support programmes for girls had been launched, particularly in the municipalities with the highest dropout rates. A follow-up programme allowed each community to identify issues related to dropout rates and to establish a plan of action. Another programme focused on distance education in order to allow girls who dropped out to continue their studies, regardless of why they had left school. Pregnant teenagers were not required to leave school; however, those who did so had non-traditional options for continuing their education. A large number of girls took advantage of such opportunities; most students in those programmes were girls and many of them were single mothers. In an effort to prevent discrimination, no data was collected on specific reasons for dropping out of school, but efforts would be made to break down that information by category in the future.

7. **Ms. de Peña** (El Salvador) said that of the 120 “maquiladora” factories, 56 were in the free trade zone. There were approximately 66,800 “maquila” workers, 80 per cent of whom were women. A number of actions had been taken for the benefit of migrant workers, including an agreement to monitor migrant workers from Honduras and Nicaragua and amendments to the Labour Code designed to regulate the treatment of migrant workers from Central America. Labour and immigration officials worked cooperatively to supervise and monitor the special situations of migrant workers. Regarding property ownership, thousands of people had benefited from programmes for the legal transfer of land to indigenous people, particularly women. Programmes had also been implemented in order to improve the standard of living of poor and marginalized populations.

8. The draft law on the prevention of workplace risks was being discussed in the Legislative Assembly, and enterprises were required to comply with International Labour Organization (ILO) Convention No. 155 concerning Occupational Safety and Health and the Protocol thereto. Efforts had been made to create a culture of dialogue, the impact of which was evident in the decrease in workers’ complaints. El Salvador had been one of the first countries to obtain international assistance for special programmes to combat child labour, which had benefited millions of

children and their families. A national committee worked with a number of organizations to promote strategies for eradicating child labour. Lastly, the National Commission for Microenterprise and Small Businesses had launched a technical assistance programme for production and marketing in the handicrafts and agricultural sectors.

9. **Ms. de Abrego** (El Salvador) said that some of the statistics on maternal mortality were dated. However, a baseline for maternal deaths, based on data for the period June 2005 to May 2006, indicated that maternal mortality had declined. Most maternal deaths related to complications from high blood pressure, haemorrhage or infection; very few related to abortion. There were approximately 10,000 abortions per year. Life expectancy for women was 72 years. As teenage pregnancy programmes were relatively new, it would take some time for their impact to be assessed. However, the adolescent birth rate had been stable for several years. There was a slightly higher incidence of HIV/AIDS in women than in men. Campaigns to prevent HIV/AIDS had been developed with a gender perspective and offered a number of prevention strategies for various sectors of the population.

10. **Mr. Martínez** (El Salvador) said that life expectancy for women had been influenced by the Government’s decision to offer more consistent medical monitoring for older women. One programme, carried out with support from the Health Solidarity Fund (FOSALUD), taxed fuel to fund enhanced access to health care in rural areas. Initiatives were under way to monitor maternal and perinatal health and to work cooperatively with the national health system in areas where maternal mortality was particularly high. As abortion was illegal, it was difficult to obtain information about its incidence. Medical staff were trained to identify such cases, but there had been no reports. There had been cases of qualified staff who had performed mobile illegal abortions, but they had been arrested. The HIV/AIDS prevention programme had been successful; it focused not only on abstinence, but on faithfulness and the use of condoms.

11. **Ms. de Ramírez** (El Salvador) said that cases of sexual harassment in schools were referred directly to the judicial system. Offending teachers could be removed from the classroom and psychological help was available to victims. There was a programme to train teachers and students on how to proceed in cases of sexual harassment. In areas with large numbers of

migrant workers, no cases had been referred to the courts or to the Ministry of Education. Teachers were trained in the importance of diversity and of compliance with the law. The Government was aware that the children of migrants had a right to education and was working to ensure their access through programmes that included initiatives to fully equip the schools in areas along El Salvador's borders.

12. **Ms. de Innocenti** (El Salvador) said that migrants in transit through El Salvador were not considered criminals; they were not imprisoned, but were housed while appropriate investigations were carried out. There had been a number of cases involving women victims of trafficking.

13. The term "equity" was used in conjunction with the term "equality" as a value-added tool to highlight the situation of women. It was obvious that women were not treated with equality. For example, a rural school had been erected with equal access for men and women but a year later, all the students were men; the women did not attend owing to their traditional roles. The use of the word "equity" was designed to combat such situations and mentalities. Positive initiatives were being taken to help women by lessening the burden of household chores and facilitating their access to water and fuel. Salaries in Government posts were fixed, and therefore equal, for both sexes; however, in other sectors, women were paid 20 per cent less than men for the same work.

14. **Ms. Tan** asked whether the Solidarity Network Programme had improved the living conditions of people in extreme poverty and, if so, in what way. In particular, she would like to know whether there were potable drinking water and electricity in homes and affordable and accessible health-care facilities in rural areas; she would also appreciate recent figures on the maternal and infant mortality rates in those areas. It was not clear whether the dropout rate for girls had decreased since the previous report. In light of the technical assistance and specialized attention aimed at eliminating discrimination against rural women and reducing their poverty levels, she wondered why significantly more men than women had obtained assistance. She would like to know whether there were special programmes to combat poverty among rural women over 50 years of age and whether there was a plan to grant social security rights to agricultural and domestic workers.

15. **Ms. Halperin-Kaddari** said that she would welcome clarification of the provisions on marriage in the Family Code; in particular, she would like to know whether article 38 covered issues such as enhanced earning potential, non-monetary contributions and access to pensions and life insurance. She would appreciate confirmation that the property rights of members of non-marital unions were the same as those of married people and statistics on the number of non-marital unions and on the number of marriage permits granted to children under 18. There was a high rate of international adoptions and some sources indicated that women were urged to become pregnant in order to provide more babies for adoption. She would appreciate clarification of that issue.

16. **Ms. Tan** asked how perpetrators of domestic violence were punished, how many deaths from domestic violence had been committed in 2008, whether a study on the preventability of those deaths had been conducted, what preventive action had been taken and whether any impact assessment of current programmes had been made. She also wondered how long aggressors spent in social rehabilitation programmes, how many participants in those programmes were repeat offenders, whether the penalties for repeat offenders were more severe and how many cases in which the police had had to remove the aggressor from the home had been reported.

17. She would appreciate statistics on divorce and information on spousal support granted to wives and the children, including how long they received such support. It would be helpful to know who had responsibility for the children following a divorce, whether divorced wives were entitled to a share of their husbands' assets, whether women received free legal aid if they could not afford representation, how long it took for a divorce to become final, what recourse divorced women had if their former husbands did not comply with court orders, whether there had been any studies of the economic impact of divorce on women and children and whether marital rape was established as an offence under domestic law.

18. **Ms. de Sol** (El Salvador) said the Family Code stated that couples must choose one of three systems of patrimony before they married. The partner in a marriage who devoted time to non-monetary tasks had the right to a compensatory pension and to insurance and social security. Free legal assistance was available. If a pregnant minor wished to marry, her parents could

consent to the marriage or the Prosecutor-General could decide on the case. There had been no reports of women being forced to become pregnant in order to provide a child for adoption. Children of non-marital unions had the right to financial support until they finished school, regardless of their level of education. The time required to finalize a divorce varied from case to case; where there was mutual consent, less time was needed but in general, the process should not take longer than one year.

19. **Ms. de Ramírez** (El Salvador) said that according to the 2007 census, there had been a drop in the illiteracy rate. The adult literacy programme focused on continuing education for older adults, particularly women. In fact, it was women who took the greatest advantage of the programme. The Ministry of Education had determined that fewer children in rural areas were leaving school, a fact which indicated that their living conditions had improved. Solidarity Network Programme funds had been allocated to schools for needs including uniforms, shoes, books, and transportation. Nutrition, access to potable water, electricity and housing facilities in general had also improved.

20. **Mr. Martínez** (El Salvador) said that initiatives such as the national health network had improved direct access to health-care facilities for rural women. National maternity centres targeted rural women in order to decrease the maternal mortality rate. All the maternal deaths reported were in urban areas. The maternal mortality rate among rural women had dropped somewhat as a result of programmes implemented by FOSALUD. A number of projects were under way with a view to combating the high infant death rate in rural areas.

21. Where an act of domestic violence did not constitute a criminal offence the aggressor had access to therapy. Where aggressors did not agree to receive such therapy, they were deemed to have committed a crime and were prosecuted. Data on the number of deaths from domestic violence in 2008 were not yet available. Crimes of domestic violence were prosecuted, as was aggression by the police. Marital rape was included in article 162 of the Criminal Code.

22. **Ms. Sayes Morán** (El Salvador) said that acts of aggression by the police aggressors were handled in the same way as aggression by any citizen, with an

additional internal report submitted to the head of disciplinary action for police officers.

23. **Ms. Tavares da Silva** said that she would welcome information on the average wage differential between women and men.

24. **Ms. Shin** suggested that upon return to El Salvador, the reporting delegation should invite all stakeholders to a public forum and report on the concluding remarks made by the Committee. She wondered what the greatest obstacle to implementation of the Convention had been.

25. **Ms. Halperin-Kaddari** said that she, too, would like to know more about wage gaps. She also wondered how couples became aware of the patrimony systems when they married, how “property” was defined and how the issue of intangible property was handled.

26. **Ms. Arocha Dominguez** recommended that the next report should take into account the findings of the follow-up and impact assessments of the inspection system concerning the most common types of offences in the “maquiladora” and domestic industries.

27. **Ms. de Innocenti** (El Salvador) said that while it was illegal to pay women less for equal work, in practice the average wage was 20 per cent lower for women. Suggestions made by the Committee would be taken into account. The most difficult obstacle to implementation of the Convention was El Salvador’s patriarchal system and although progress had been made, it was slow.

28. **Ms. de Sol** (El Salvador) explained that a notary or other public official explained to couples seeking to marry a number of details about the institution. The couple was then required to sign a certificate that indicated all the terms and agreements entered into upon marriage.

29. **Ms. de Peña** (El Salvador) said that the most common offences found during inspections were failure to pay overtime wages and denial of the right to social security benefits. The Ministry of Labour could become involved in resolving such problems through a number of administrative and judicial procedures.

The meeting rose at 5 p.m.