



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-eighth session

Summary record of the 600th meeting

Held at Headquarters, New York, on Tuesday, 21 January 2003, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.05 p.m.

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

Combined third and fourth periodic report and fifth and sixth periodic reports of El Salvador (continued) (CEDAW/C/SLV/3-6; CEDAW/PSWG/2003/I/CRP.1/Add.2 and Add.4)

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

Articles 10 to 14

2. **The Chairperson** invited the delegation of El Salvador to answer the questions raised at the previous meeting concerning articles 10 to 14 of the Convention.

3. **Ms. Argueta** (El Salvador) said that the Salvadoran Institute for the Advancement of Women did more than merely provide training. It coordinated the work of other institutes in the following fields: education; labour; civil and political participation; security; agriculture and fishing; legislation; violence; family; and health. The reports had perhaps placed too much emphasis on training and not enough on communications.

4. The Institute had established an annual media prize, which was awarded to the print, television, radio, graphic, or children's media for their efforts to alter traditional stereotypes of women, raise awareness regarding violence against women and strengthen the image of working women. The prize marked a new step in promotion of the participation of women in all spheres of society.

5. A media commission and a code of professional ethics in the communications field had also been formed to discourage the use of sexist language. In addition, a women's section had been set up within the communications centres for use by students and teachers; unfortunately, as a result of earthquakes, those centres had been temporarily shut down for repairs. There were also document centres, connected to the Latin American Network for Information and Documentation in Education (REDUC), for use by the staff of the ministries and by university students.

6. The Legislative Assembly was currently considering a proposal to introduce legislation

establishing quotas for the participation of women in civic and political life. There were no affirmative action programmes currently under way.

7. Her Government had introduced measures to promote the participation of girls and boys in public life and to enhance their understanding and awareness of civic and political responsibilities. School children, starting at age 12, were asked to form their own political parties, choose candidates and participate in mock elections. In addition, each school had a board made up of parents and students that gave advice on school administration, and the student members were elected by their peers.

8. There had been a drop in the number of women representatives in the Legislative Assembly as well as in local political forums; that was a function of election results, as no policy existed to prevent the participation of women in public life. The next local elections would take place in March 2003; she hoped that in its next periodic report, her Government would be able to report that the decline had been reversed.

9. She, too, was frustrated by the lack of women ambassadors in the foreign service. As the immediate supervisor of all ambassadors in the service, she had endeavoured to encourage the appointment of women. New legislation was under consideration that would professionalize the diplomatic service. The problem, of course, was that women, especially those with children, were reluctant to accept appointments at the ambassadorial level. What was needed, in her view, were greater incentives to encourage women to accept such posts. Although there were few women ambassadors, women made up half of the foreign service staff.

10. Salvadoran citizenship could be acquired either by birth or by naturalization, and the criteria were the same for men and women. The child of any Salvadoran, whether a man or a woman, had a right to citizenship without distinction. Dual citizenship was also possible; citizenship could be lost only through renunciation. In all instances, the legal standards governing nationality were the same for women and men.

11. Her delegation had attempted to explain its use of the terms "equity" and "equality". She had taken note of the Committee's comments concerning the definition of those terms, and her Government would

endeavour to use them accordingly, both in action plans and in the next periodic report.

12. The training workshops had been provided for a group of women who had been identified as mayors in 50 communities. In El Salvador there were 23 women mayors who accounted for 9 per cent of the country's mayors. Her delegation had no further figures on the number of women working in local government, but would provide such information subsequently. A Central American survey of women employers was currently being conducted; upon its conclusion, her Government would be in a position to inform the Committee of the number of women employers in the country.

Articles 15 and 16

13. **The Chairperson** invited the members of the Committee to pose questions concerning articles 15 and 16 of the Convention.

14. **Ms. González Martínez** enquired as to why such a low percentage of women were provided with testing for cervical and uterine cancer, and whether that was so in both rural and urban areas. She also wished to know whether HIV/AIDS prevention programmes were targeted equally towards men, since in Latin American countries, men, particularly migrant workers, often refused to take measures to prevent infection and thus passed the illness on to their families. Moreover, women should be provided with sufficient information and autonomy to allow them to choose their own form of protection.

15. Further details should be provided on whether the State party had taken steps to privatize health services, a trend that was disadvantageous to the populations most in need. It was also unclear to what extent abortion contributed to maternal mortality. Lastly, it would be helpful to know whether the Government had established any programmes to assist migrants, particularly women, to return to their countries of origin.

16. **Ms. Ferrer Gómez** asked what measures the Government was taking to end illiteracy among women and girls, especially in rural areas. The meaning of distance learning should be clarified. Further information should be provided about pilot programmes in the schools to mainstream gender equality within the educational system. School drop-out rates among girls, particularly in rural areas, were

high as a result of geographical distance from the schools, as well as teenage pregnancy. The sixth report (CEDAW/C/SLV/6) stated that the number of teenage pregnancies had dropped from 33,000 in 2001 to around 440 in 2002. She wished to know whether those figures were correct and, if so, what had brought about those results. Figures comparing the drop-out rates of adolescent girls and boys would also be welcome. Lastly, the Government should indicate whether it had succeeded in establishing measures to allow pregnant teenagers to continue their studies.

17. She enquired whether the complaints office of the Ministry of Education kept statistics on reports of mistreatment and discrimination, whether sanctions had been imposed in such cases and, if so, of what type.

18. Since women earned on average 35 per cent less than men, it would also be useful to know what measures the Government envisaged to ensure equal pay for men and women in both the private and the public sectors. Details should also be provided on any measures being taken to require cosmetics factories to protect the health of women. Moreover, it would be useful to know how the 2000-2004 Plan of Action handled the matter of fair and equal remuneration for women.

19. Lastly, in view of the fact that the agriculture laws contained provisions which discriminated against women, the State party should indicate the chances of adoption of the new draft agrarian code.

20. **Ms. Gabr** commended the State party for its attention to social services, particularly health and education. Education was essential if women were to participate in the labour market and in political and social life. Information and clarifications would be welcome with regard to the disparity between rural and urban literacy. Moreover, the State party must adopt measures to ensure that rural girls were educated, such as one-class schools, a method that had been tried elsewhere. Steps should also be taken to prevent girls from dropping out of school. The Church seemed to be playing a positive role in the literacy effort; the media should also be participating.

21. It was unclear whether there was any coordination between the agencies and bodies that provided social services and what role civil society played in providing them. She also wished to know whether and to what extent bilateral and multilateral

international assistance was channelled to social services, such as education and health.

22. **Ms. Kuenyehia** asked whether, since pregnant teenagers were not dismissed from school in El Salvador, the Government had established appropriate subsequent childcare programmes for them. It would also be helpful to know whether there were statistics on how many mothers-to-be actually did not drop out of school, how long they stayed in school once the child was born, and what proportion of them were rural girls (sixth report, p. 17). The dramatic overall decline in teenage pregnancies in 2002, as recorded in the sixth report (p. 18), seemed a miracle indeed.

23. **Ms. Šimonović** said that at the time of El Salvador's second periodic report, the Committee had already commented on the absence of statistics; still, in the sixth report, very few gender-disaggregated data had been given. She wondered whether the Government gathered such data annually.

24. She wished to know the percentage of women who graduated from primary and secondary schools and universities, whether any formal human rights education, including any gender-specific courses, was offered in primary and secondary schools and universities, and whether an effort had been made to eliminate gender stereotyping in schoolbooks. Regarding article 11, she wished to know whether the parental leave policy extended to men.

25. **Ms. Tavares da Silva**, observing that according to the sixth report (p. 19), women earned on average 35 per cent less than men for equal work, asked whether the Government had taken any action to address the roots of the problem, which it saw as cultural and social in nature. She would also appreciate an explanation of the great imbalances in the earning power of women, depending on their field (fifth report (CEDAW/C/SLV/5), p. 25).

26. Regarding the use of contraceptives, the fifth report indicated (p. 29) that while virtually all women were familiar with at least one contraceptive method, less than 40 per cent used contraceptives. Since the sixth report indicated that the total fertility rate had declined (p. 22) and that family planning was a component of government programmes (p. 24), that discrepancy should be explained. She hoped that abortion was not being used as a contraceptive method.

27. **Ms. Patten** emphasized the importance of literacy and access to formal and informal education for women, because it was the key to their advancement in all fields and because only Government investment in it would ensure the country's sustainable development. Although there had been some discussion of the education budget and of teachers' salaries in the combined third and fourth report (p. 13), the sixth report had given no figures; statistics should be provided on how funds were now being allocated.

28. She also wished to know what gender-specific education the Government was providing to try to achieve full participation by women in administration and decision-making. A number of steps had been outlined in the sixth report (pp. 17-18), but no mention had been made of educating women in vocational, technical and scientific fields or of providing special programmes for unemployed women to help them develop entrepreneurial skills.

29. **Ms. Kwaku**, noting that the Government had made efforts to promote women economically and socially, especially by ensuring that they would receive credit from the Agricultural Development Bank, asked what percentage of such credit went to women generally and to rural women in particular, and if the Government had monitored whether the women had actually received the agreed credits. Also, she would be grateful for information on the nature of the discriminatory provisions in two of the agrarian laws and whether they had indeed been amended (fifth report, p. 31).

Articles 15 and 16

30. **Ms. Gnacadja** asked whether any new equal rights laws had been adopted since the sixth report. Since women had very little access to land in El Salvador, she, too, would like more information on the extent of the legal rights of women to acquire, use and dispose of property in their own name, regardless of marital status.

31. It should also be clarified whether women in detention had equal rights in practice, and whether women's inheritance rights were equal.

32. It was not clear whether the housing after the earthquakes had been only temporary.

33. Lastly, the State party should explain whether all the institutions which dealt with complaints about

violence against women followed the same rules and procedures for recording, investigating and deciding on complaints.

34. **Ms. Belmihoub-Zerdani** asked whether, when a woman entered into a marriage contract, there was any legal regime for the sharing or separation of property; whether, when a woman was awarded custody of the children in a divorce settlement, she kept the family residence or received a housing allocation and food assistance calculated according to the father's salary; whether both spouses had joint custody over the children during marriage; whether the Family Code legislated the conditions of adoption and inheritance rights of adopted children; whether a woman could call for DNA tests to prove the paternity of a presumed father who had not recognized a child born out of wedlock; and whether all marriages and their dates were registered officially.

35. A greater effort must be made to raise the low percentages of women in the most influential ministerial posts (sixth report, p. 13). It would be interesting to know if political parties were subsidized by the Government, and whether the Executive could introduce legislation mandating gender parity in the lists of candidates by imposing quotas.

36. **Ms. Argueta** (El Salvador) read out article 156 of the Penal Code which defined sexual harassment as an offence and made it punishable by 6 months' to 2 years' imprisonment, depending on the circumstances.

37. The Government's policy on women in the Plan of Action for 2000-2004 included the strategic goal of raising the productive capacity of women by promoting women's rights to property, capital, resources such as land, credit, technology, information or employment training, and to markets and trade, by means of gender mainstreaming and ensuring that the Agrarian Code and the legal regulations governing agricultural cooperatives were applied equally to women. The Legal Commission of the Salvadoran Institute for the Advancement of Women was at the same time reviewing the laws in the field to suggest gender-specific revisions and to harmonize them with international law on agrarian issues.

38. The first item on the 2003 agenda of the Legal Commission was a revision of all laws on responsible paternity. At the moment, the Government was not envisaging the establishment of paternity leave.

39. Since one out of four Salvadorans was a migrant abroad, the issue of dealing with involuntary returnees was therefore a priority. Under its "Welcome Home" programme, the Government provided immediate housing, food aid and language services, where necessary, to all male and female involuntary returnees and tried to find jobs for them as a way of offering services to that vulnerable group. Such returnees often posed health problems, particularly since information on infectious diseases which they might be bringing back depended on the privacy policy of the deporting country — a controversial question. Also, especially among young people, the involuntary returnees were prone to antisocial behaviour, ranging from tattooing to gang activities, and they posed a considerable law-and-order problem. The Government had specialized services for that group and, together with non-governmental organizations, tried to rehabilitate and find employment for them.

40. Regarding the availability of statistics, the Government did have some gender-disaggregated data, but not in all areas. With international cooperation, it was in the process of completely overhauling its statistical and census centre to improve data gathering and updating and gender disaggregation. At the moment, she could give the Committee some statistics about rural access to credit broken down by sex: in 2002, women had received over \$1 million in credit and capital grants for small family businesses, representing 67 per cent of the total credit allocated, as against 23 per cent for men.

41. **Mr. Avelar Bermúdez** (El Salvador), speaking as Deputy Minister of Labour and Social Security, said that both the constitutional provisions on labour rights and the Labour Code itself were indeed applicable to female workers in the *maquila* industry. The working day in the *maquila* industry was eight hours long and the workweek was 44 hours long; overtime could be agreed between workers and employers. Although *maquila* workers were paid by the hour, they were guaranteed the minimum wage under article 147 of the Labour Code.

42. Under a new policy introduced in 2002, a Central American regional centre had been established to provide information on occupational hazards and to investigate the causes of contamination in the workplace. The recent incident of contamination in a factory in the customs-free zone was still being investigated, with the active involvement of the

Minister of Labour and the Attorney-General of the Republic. Thus far, it had been determined that the substance which had triggered the problem was one not normally used in production at that factory.

43. All *maquila* workers were covered by the social security system. Privatization of the public health services was forbidden by law — (that policy had been strengthened by a legislative decree adopted in late December 2002); however, individuals were permitted to provide services within the framework of the social security system. Male and female workers had access to clinics in the customs-free zone (the heart of the *maquila* industry) with full enjoyment of their social security benefits, although, in isolated cases, employers caused problems by not paying their social security contributions.

44. Awareness-building activities with regard to the concept of equal pay for work of equal value were designed to close the gap between the wages of male and female workers. With international cooperation, every effort was being made to improve not only gender-disaggregated wage statistics but also statistics broken down by industry.

45. **Ms. Padilla de Escobar** (El Salvador), speaking as Minister of Public Health and Social Welfare, described the three-pronged structure of reproductive services in El Salvador, focusing on the pregnancy, childbirth and the post-natal period, the time frame in which 70 per cent of maternal deaths occurred. According to the definitions established by the World Health Organization (WHO), the three main direct causes of maternal mortality in El Salvador were toxæmia, haemorrhaging and sepsis. No information was available on abortion, which was illegal.

46. Cervico-uterine cancer was viewed as a public health problem in El Salvador; the low testing rate was due to cultural constraints, which prevailed despite all the information and training offered in that area. The Ministry of Health subsidized 80 per cent of reproductive health services. The Government had decided that health services would not be privatized as part of overall legislative reform; in fact, in June 2000, the President had declared that all public health facilities must render services free of charge.

47. The National AIDS Prevention Programme was responsible for the control and treatment of HIV/AIDS. An information campaign was under way with a view to changing attitudes towards the use of contraceptives

and increasing the involvement of men in reproductive health issues.

48. Maternal mortality rates were monitored through, inter alia, the National Family Health Survey, carried out every five years by a non-governmental organization. Efforts by the Ministry of Health to establish a national mechanism to monitor maternal mortality had recently been set back by a rash of strikes. The maternal mortality rate had decreased to 62 per 100,000 live births; however, the authorities took into account that the monitoring mechanism at the national and local levels was still far from perfect. Her Government was also fully aware that the use of family planning methods in El Salvador was very low despite its efforts to promote its reproductive health programme.

49. **Ms. Guerra de Quintana** (El Salvador), speaking as Deputy Minister of Education, said that access to education had increased in both rural and urban areas through efforts to integrate informal basic programmes offered in community child welfare centres with formal education and adult school. The problem of low school enrolment was also being tackled through a massive literacy campaign, organized by the Ministry of Education with the support of universities and non-governmental organizations, which sought to reduce illiteracy by 1 per cent per year. Currently, the programme was benefiting 100,000 illiterate persons every year, covering the equivalent of two academic years in one, to help students not performing at their grade level. To some extent, it also provided job training in such non-traditional areas as electrical and electromechanical work, particularly for middle-school children who could then continue their vocational training at a higher level.

50. The Government had responded to a determination that it took approximately 9 1/2 years for a Salvadoran child to attain the sixth-grade level by changing teaching methods and reorganizing the school system. As part of that initiative, special courses were offered not only to slow learners and those who were kept back a year, but also to talented and gifted students. New textbooks had been chosen and the curriculum had been overhauled.

51. Currently, the number of girls in school was slightly higher than that of boys. There was no difference between boys and girls in the rate of promotion from grade to grade; however, more boys

than girls remained in school after the sixth grade. The fact that, on average, children had 5.5 years of schooling in the rural area and 6.5 in the urban area was a serious problem that must be addressed.

52. Poverty and child labour were the main causes of girls dropping out of school. Girls tended to be two to three years older than the standard age for their grade level, which aggravated the risk of their dropping out during elementary school and, in turn, the problem of adolescent pregnancy. Adolescent mothers were encouraged to leave their children in child welfare centres or with other family members while they returned to school. Distance learning, tutoring on Saturdays and Sundays and educational technology, such as videos (not always available in rural areas), were used to supplement and reinforce lessons.

53. Between 1992 and 2000, school enrolment had increased from 24 per cent to 43 per cent at the pre-school level; in the first and second cycles, the 106 per cent school enrolment figure in 2000 reflected the presence of overage students in classrooms. Intensive efforts must be made to improve the current enrolment figure of 53 per cent in the third cycle. Education was compulsory and free up to the ninth grade.

54. Gender stereotypes had been eliminated from both the content and illustrations of textbooks on basic subjects taught from kindergarten to the sixth grade, and gender awareness was incorporated in the curriculum of both primary and middle schools. The Ministry of Education also drew on studies of girls in universities and its own internal studies to determine ways and means of improving girls' education; recently, it had released a brochure entitled "*Yo también puedo*", which highlighted the lack of gender discrimination in the classroom. The Ministry was still in the process of editing statistics, including gender-disaggregated statistics, from the year 2000.

55. **Ms. Argueta** (El Salvador) added that the Government had assisted 160,000 girls between 3 and 15 years of age, approximately 10,000 of whom had received personalized guidance and counselling. A high proportion of adolescents (86 per cent) had turned down offers of assistance with contraception, the overwhelming majority preferring abstinence for fear of contracting sexually transmitted diseases.

56. The Legal Commission of the Salvadoran Institute for the Advancement of Women, responsible for harmonizing domestic legislation with international

norms on women's rights, had found that there was no gender discrimination in inheritance matters under the Civil Code as concerned property of either testate or intestate decedents.

57. Female heads of household had been given preference in the provision of emergency housing following the earthquakes of February 2001, which had destroyed one third of the houses in the country.

58. **Ms. López de Ortiz** (El Salvador) said that the 1993 Family Code, which had eliminated earlier discriminatory provisions against women, had in article 41 established three possible matrimonial regimes for the division of wealth if a marriage was terminated: separation of property, shared income or deferred common ownership. Women, when they entered into a marriage, chose one of the three, and thus had full control over property. In the case of a divorce, it was the woman who kept the family residence for herself and her children, and women also received alimony.

59. All marriages were indeed registered country-wide in the Marital Status Registry. Both parents had custody of the children, although custody was given to only one in the case of a divorce. Under the Family Code, adopted children had equal rights.

60. Regarding the determination of the paternity of children born out of wedlock, a bill before Congress, which would soon be adopted, reversed the burden of proof and stipulated that the man had to prove that he was not the father.

61. **Ms. Argueta** (El Salvador) thanked Committee members for their constructive questions and comments.

62. **The Chairperson** urged the delegation to ratify the Optional Protocol to the Convention and the amendment to article 20, paragraph 1, and to ensure that the Committee's concluding comments on the report were widely disseminated. She hoped that the State party's seventh periodic report would be submitted on time and would include more complete gender-disaggregated data.

The meeting rose at 5.20 p.m.