



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding observations of the Committee on the Elimination of Discrimination against Women: El Salvador

1. The Committee considered the seventh periodic report of El Salvador (CEDAW/C/SLV/7) at its 862nd and 863rd meetings, on 31 October 2008. The Committee's list of issues and questions is contained in document CEDAW/C/SLV/Q/7 and the responses of El Salvador in CEDAW/C/SLV/Q/7/Add.1.

Introduction

2. While expressing its appreciation to the State party for its seventh report, the Committee regrets that it does not follow the Committee's earlier guidelines for the preparation of periodic reports. The Committee also expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group.

3. The Committee commends the State party for the delegation headed by the Executive Director of the Salvadoran Institute for the Advancement of Women and composed of representatives of the Institute, the Ministry of Labour and Social Security, the Ministry of Education, the National Secretariat for Family Affairs, the Ministry of Public Health and Social Assistance and the National Civil Police. The Committee appreciated the open and constructive dialogue that took place between the delegation and members of the Committee.

Positive aspects

4. The Committee notes with satisfaction the efforts to implement the Convention through the comprehensive ongoing legislative reform which the State party has undertaken in the areas of employment, health, criminal law and domestic violence. In this regard, the Committee welcomes in particular the Domestic Violence Act, as well as the amendments to the Penal Code criminalizing trafficking in persons and sexual harassment in the workplace.

5. The Committee further welcomes the adoption of the New National Policy on Women 2005-2009, which covers a broad spectrum of areas, including education,



health, employment, political participation and violence against women. It also notes with appreciation the inter-institutional approach adopted by the State party in the elaboration and monitoring of policies and plans through the establishment of inter-ministerial committees, such as the inter-institutional committees on domestic violence and the National Committee against human trafficking, as well as the creation of gender units and offices. The Committee also welcomes the Solidarity Network Programme (Programa Red Solidaria) aiming at providing basic services to families living in extreme poverty as well as promoting gender equality and women's empowerment.

6. The Committee notes with appreciation the efforts undertaken by the State party to give adequate follow-up to its previous concluding observations. It also welcomes the commitment made by the State party to give due consideration to the implementation of the present concluding observations, including by presenting them to Parliament and the public at large.

Principal areas of concern and recommendations

7. While recalling the State party's obligation systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also calls upon the State party to submit the present concluding observations to all relevant ministries, other Government structures at all levels, to Parliament and the judiciary in order to ensure their effective implementation.

Parliament

8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government and it invites the State party to encourage its national Parliament in line with its mandate and procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.

Ratification of the Optional Protocol

9. While noting the efforts made to accelerate the process of ratification of the Optional Protocol to the Convention, the Committee expresses concern at the difficult negotiation process within the Legislative Assembly which hinders the ratification of the Protocol.

10. The Committee encourages the State party to continue to accelerate the process of ratification of the Optional Protocol to the Convention, as it strongly believes that such ratification would demonstrate an expression of political will and determination of the State party to work towards full implementation of the Convention and achievement of equality between women and men.

Visibility of the Convention

11. While noting with appreciation that according to Article 144 of the Constitution, international treaties concluded by El Salvador with other States or with international organizations constitute laws of the Republic on entry into force and can be directly invoked in national courts, the Committee is concerned at the limited awareness, including among legal professionals, of the provisions of the Convention, as shown by the limited case law where these have been used. The Committee is also concerned at the limited awareness of women of their rights, in particular vulnerable groups of women, namely rural and indigenous women, migrant women, domestic workers and women working in the “maquiladora” industry (assembly plants).

12. The Committee recommends that educational programmes on the Convention, including its Optional Protocol and case law, as well as programmes on women’s rights be introduced, in particular for all legal professionals, including judges, lawyers, prosecutors and law enforcement personnel, and for the public at large. It further urges the State party to take special measures, including comprehensive legal literacy programmes to enhance women’s awareness of their rights, aimed at vulnerable groups of women in particular, so that they may be able to exercise those rights.

Temporary special measures

13. The Committee is concerned that a clear understanding of temporary special measures, as well as the reason for their application according to article 4, paragraph 1, of the Convention, which is directly applicable, seems to be lacking in large parts of Salvadoran society, in particular in the areas of employment and political participation. Considering that article 4, paragraph 1, of the Convention provides legal grounds for the introduction of such measures and taking into account the low level of representation of women in decision-making positions, particularly their political representation, as well as their disadvantaged situation in the labour market, the Committee is indeed concerned at the absence of temporary special measures taken by the State party to achieve de facto gender equality.

14. The Committee recommends that the State party raise public awareness about the direct applicability of article 4, paragraph 1, of the Convention, as well as about the importance of temporary special measures in accelerating the process of achievement of gender equality. It also recommends that the State party introduce temporary special measures in line with general recommendation 25, inter alia, in the employment and political fields. Such measures should be designed with measurable goals, targets or quotas and timelines to allow their effective monitoring.

National machinery for the advancement of women

15. While acknowledging the important work undertaken by the Salvadoran Institute for the Advancement of Women to eradicate domestic violence and the key role it should play in the coordination of gender equality policies and gender mainstreaming in all areas of governance, the Committee is concerned at the lack of visibility of the Institute, as well as at the limited human and financial resources available to it, which seriously hamper its effective and efficient functioning.

16. **The Committee recommends that the State party strengthen the existing machinery for gender equality in order to make it more effective by providing it with adequate visibility, power and human and financial resources at all levels, and enhancing its capacity to coordinate and monitor actions at the national and local levels for the advancement of women and the promotion of gender equality. The Committee further calls on the State party to strengthen the cooperation between the Salvadoran Institute for the Advancement of Women and the Office of the Ombudsperson for Human Rights (Procuraduría para la Defensa de los Derechos Humanos).**

Data collection and analysis

17. The Committee regrets that the report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention or information on the impact and results of measures taken to achieve equality between women and men.

18. **The Committee calls upon the State party to put in place a comprehensive system of data collection, including measurable indicators to assess trends in the situation of women and progress towards women's de facto equality over time. It invites the State party to seek international assistance, as necessary, for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures taken and the results achieved in order to illustrate more comprehensively the situation of women in several areas, in particular with respect to the issue of violence. The Committee invites the State party to give special attention to the collection of data in respect of the most vulnerable groups of women, including rural and indigenous women, migrant women, domestic workers and women working in the maquila industry.**

Non-governmental organizations and women's associations

19. While welcoming the presence of a vibrant civil society in the State party, the Committee is concerned about the limited cooperation of the authorities with non-governmental organizations, in particular women's associations, in the implementation of the Convention. The Committee expresses concern at the apparent lack of understanding on the part of the State party about the key role of those organizations with respect to the implementation of the Convention and the promotion of gender equality.

20. **The Committee urges the State party to cooperate more effectively and in a systematic manner with non-governmental organizations, in particular women's associations, in the implementation of the Convention. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of its next periodic report.**

Sexist stereotypes

21. Notwithstanding various measures taken by the State party to eliminate gender stereotypes, the Committee is strongly concerned at the pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace and in society, which constitute

serious obstacles to women's enjoyment of their human rights, in particular their right to be free from all forms of violence, and impede the full implementation of the Convention. The Committee is further concerned that an overall strategy to eliminate sexist stereotypes has not yet been put in place by the State party.

22. The Committee urges the State party to increase its efforts to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society. Such efforts should aim at modifying stereotypical attitudes and cultural norms about the responsibilities and roles of women and men in the family, the workplace and in society, as required under articles 2 (f) and 5 (a) of the Convention, and strengthening societal support for equality between women and men. The Committee also urges the State party to adopt an overall strategy to eliminate sexist stereotypes, including through the inclusion of awareness-raising in school curricula, the training of teachers and the sensitization of the media and the public at large, including actions specifically targeting men and boys.

Violence against women

23. The Committee notes with appreciation the various measures undertaken by the Salvadoran Institute for the Advancement of Women to address the issue of violence against women, including domestic violence, child abuse and sexual assault, under the National Policy on Women's "Programme to Improve Family Relations". The Committee also welcomes the fact that complaints on the grounds of sexual harassment can now be brought to courts by victims of such acts. However, the Committee remains concerned at the high incidence of violence against women prevailing in the State party, notably intrafamily violence, sexual violence and abuse, rape and sexual harassment in schools and in the workplace. The Committee is also alarmed at cases of extreme violence manifested by the murder of women motivated by gender-specific causes. Furthermore, the Committee is concerned at the weak implementation of existing provisions criminalizing violence against women, the insufficient investigations into reported cases and impunity enjoyed by perpetrators.

24. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee also calls on the State party to monitor the implementation of the existing legislation criminalizing violence against women so as to ensure that women and girls who are victims of violence have access to protection and effective redress and that perpetrators of such acts are effectively prosecuted and punished and do not enjoy impunity. The Committee also recommends the implementation of gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health-service providers, so as to ensure that they are sensitized and can respond effectively to all forms of violence against women. The Committee also calls on the State party to take measures to modify social and cultural attitudes which are the root causes of most forms of violence targeting women, in particular murders motivated by gender prejudice.

Trafficking

25. The Committee notes with appreciation the measures taken by the State party to tackle the phenomenon of trafficking, such as the creation of the National Committee on Trafficking in Persons, the publication of the Foreign Service Handbook on combating trafficking in persons and the formulation of a strategy by the Office of the Attorney-General of the Republic for inter-institutional action against commercial sexual exploitation. The Committee is concerned, however, that there are insufficient investigations into cases of trafficking in women and girls and, consequently, that a very low number of perpetrators are prosecuted and punished. Furthermore, the Committee is also concerned at the lack of shelters available for trafficked women.

26. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls. It also calls on the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, ensure the protection of the human rights of trafficked women and girls, and provide for their rehabilitation. The Committee calls on the State party to ensure that trafficked women and girls receive adequate support to be in a position to testify without fear against their traffickers. The Committee further encourages the State party to develop awareness-raising programmes, conduct research on the root causes of trafficking, provide comprehensive training to lawyers, criminal justice workers, health-care providers and law enforcement officials in all matters concerning sexual exploitation and trafficking, and continue bilateral and multilateral cooperation with neighbouring countries.

Political participation and participation in public life

27. While acknowledging the presence of women in high-level appointed positions at the political level, the Committee is concerned by their low representation in elected bodies. It is also concerned at the apparent lack of both awareness and interest of political parties and their governing bodies of the democratic principle of women's full and equal participation in political and public life.

28. The Committee urges the State party to ensure that the forthcoming electoral law includes measures to guarantee women's equal participation, notably by ensuring a minimum percentage of both sexes, so as to ensure parity in the electoral process as well as in results, namely by encouraging the equal participation of women and men in electoral lists. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase of the representation of women in all areas of political and public life, in particular in elected bodies. The Committee also suggests that the State party implement leadership training programmes for women and carry out awareness-raising campaigns on the importance of women's participation in decision-making as a democratic requirement, and that it evaluate the impact of such measures and inform the Committee of the results of such evaluation.

Education

29. The Committee notes with appreciation the non-discriminatory provisions in the education law, the various proactive measures and programmes aimed at increasing the participation of girls in the school system, the literacy programmes targeting mainly women, as well as the flexible arrangements to allow girls who drop out of school to continue their studies. The Committee remains concerned, however, at the significant level of illiteracy of women, in particular in rural areas, and at the persistent high dropout and repetition rates at different levels of schooling which affect more girls than boys.

30. The Committee urges the State party to continue to take proactive measures to reduce the illiteracy rate of women and to continue to provide education, both formal and informal, to all women and girls, especially in rural areas. The Committee also urges the Government to design programmes to prevent dropouts by girls in primary education and to reduce the dropout rate of girls and young women, including pregnant students and young mothers, at secondary schools and universities, including through the use of incentives for parents, so as to provide young women with the necessary skills and knowledge to participate in the labour market on the basis of equality with men.

Employment

31. The Committee is concerned at the overall disadvantaged situation of women in the labour market, as shown by the significant wage gap between women and men, on which the State party's report provides no information, the occupational segregation — both horizontal and vertical — and the difficulty women have in accessing decision-making positions. The Committee notes with appreciation that in 2005, the Ministry of Labour and Social Security created the Special Unit on gender and prevention of discrimination in employment with the aim of closely monitoring compliance with labour standards in maquila enterprises and investigating cases of gender discrimination in the workplace. The Committee remains concerned at the critical situation of women's labour rights in the maquiladora industries, in particular the lack of access women in those industries face in relation to social security, the inadequate working conditions and exposure to violence and sexual harassment. It is also concerned at the precarious situation of domestic workers and women migrant workers in the informal and rural sectors.

32. The Committee requests the State party to take all appropriate measures, including temporary special measures and strengthening of equality mechanisms, to address women's disadvantaged situation in the labour market. It recommends that efforts be intensified to eliminate occupational segregation, both horizontal and vertical, and close the wage gap between women and men. It calls upon the State party to monitor the impact of measures taken and results achieved in both the public and private sectors and to report thereon in its next periodic report. The Committee urges the State party to strengthen the work of the Special Unit on gender and prevention of discrimination in employment so that the working conditions of women are effectively monitored, violators of the rights of women in the maquiladora industries are punished and women workers' access to justice is enhanced. The Committee further recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid

maternity leave, for female domestic workers and migrant workers in the informal and rural sectors. It requests the State party to include information about the impact of measures taken and results achieved in its next report. The Committee calls on the State party to adopt legislation guaranteeing equal pay for work of equal value, in line with general recommendation 13.

33. In spite of the existing legislation on child labour and the efforts and programmes undertaken to eradicate this practice, the Committee is seriously concerned that child labour persists in the State party, in particular among girls, and at its implications for their personal development and enjoyment of their right to education and health care.

34. The Committee urges the State party to strengthen its efforts to eradicate child labour and support education as a means of empowering girls and boys, so as to ensure that there is a clear understanding of and effective compliance with the minimum working age throughout the State party. The Committee urges the State party to take proactive steps to ensure that all children, especially girls, have access to basic education, health care and the protection of the minimum labour standards elaborated by the International Labour Organization.

Health

35. While noting with appreciation the large number of health policies, programmes and services elaborated by the State party, the Committee is concerned that vulnerable groups of women, in particular in rural areas, still have difficulties in accessing health-care services. The Committee is further concerned at contradictory statistics available on the issue of maternal mortality which did not allow it to gain a precise understanding of the situation. The Committee is alarmed at the high incidence of births among adolescents, as well as at the high number of illegal abortions, including among very young women, which have a negative impact on women's physical and mental health. The Committee is further concerned at the limited effectiveness of sex education programmes for girls and boys in school curricula. It also regrets the lack of information available on the issue of HIV/AIDS, as well as on the apparent feminization of this phenomenon in the State party.

36. The Committee draws attention to its general recommendation 24 and recommends that comprehensive research be undertaken into the specific health needs of women, including reproductive health. It also recommends the financial and organizational strengthening of family planning programmes addressed to women and men and the provision of wide access to contraceptives for all women and men, including teenagers and young adults. The Committee urges the State party to reinforce programmes on sex education for both girls and boys in order to foster responsible sexual behaviour. The Committee requests the State party to include information on the impact of programmes to reduce and prevent pregnancy among adolescents in its next periodic report, including on programmes to foster responsible sexual behaviour targeting both girls and boys. It also requests the State party to include information in its next report on death and/or illness as a result of or related to illegal abortion. The Committee urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the consequences of restrictive abortion laws. The Committee also urges the State party to address the gender

aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways to protect themselves from HIV/AIDS. The Committee urges the State party to ensure that women and girls are accorded equal rights and access to HIV/AIDS detection and related health care and social services.

Poverty and economic empowerment

37. While welcoming the State party's initiatives and social programmes aimed at empowering women living in extreme poverty, the Committee is concerned at the persistence of high levels of poverty and social exclusion of Salvadoran women, especially rural, indigenous and migrant women, as well as at obstacles in their access to basic social rights.

38. The Committee urges the State party to strengthen initiatives aimed at encouraging women's economic empowerment, such as the Solidarity Network Programme (Programa Red Solidaria), keeping in mind the specific situation of different groups of women. The Committee also encourages the State party to establish mechanisms to monitor regularly the impact of social and economic policies on women.

Beijing Declaration and Platform for Action

39. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

40. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Ratification of other treaties

41. The Committee notes that States' adherence to the nine major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of El Salvador to ratify the treaty

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

to which it is not yet a party, namely the International Convention for the Protection of All Persons from Enforced Disappearance.

Dissemination of concluding observations

42. The Committee requests the wide dissemination in El Salvador of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Article 20, paragraph 1

43. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Follow-up to concluding observations

44. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 24 and 28. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

Date of next report

45. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its combined eighth and ninth periodic report in 2014.
