

List of Issues and Difficulties for the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, from the perspective of the Office of the Human Rights Procurator of El Salvador

Introduction

1. This document presents the List of Issues and Difficulties that the Salvadorian State faces for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The problems have been identified taking into account the Final Observations of the CEDAW Committee of November 7th of 2008 and the Eighth and Ninth Consolidated Reports presented by El Salvador in 2014¹, in accordance to the article 18 of the Convention.

Ratification of the Facultative Protocol

2. It still persists, in the Salvadorian State, particularly in the Legislative Organ, the resistance to make effective the ratification process of the Convention Facultative Protocol². This resistance derives from the notion, by the Legislative Organ, that the ratification of the Facultative Protocol would give tools to some sectors of the society and social organizations to demand the Salvadorian State before the Committee.

Visibility of the Convention

3. It is worrisome that the justice personnel, that knows the international legal instruments on women rights, choose not to apply them due to the prevalence of sexists and patriarchal stereotypes.

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSLV%2F8-9&Lang=es . CEDAW/C/SLV/8-9

² Office of the Human Rights Procurator of El Salvador (PDDH). *Follow up to the Individual Contribution of the Human Rights Procurator of El Salvador, David Ernesto Moralez Cruz, presented on march 15th 2014, for the Universal Periodic Exam to the State of El Salvador, Second Cycle, 20th Session, October 2014*. El Salvador. 2014. Page 3.; and

PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

Special temporary measures

4. The special measures implemented by the Salvadorian State, in particular the reform of the article 37 of the Political Parties Law proved that the gender quota on the candidates list to the Legislative Assembly and the Central American Parliament effectively increased the participation of women in the elections of march 2015, by having a composition in the Legislative Assembly of 32% women (54 seats) and 68% men (114 seats) of the 84 proprietary positions and the 84 substitute positions. In the same order, of the 20 deputations to the Central American Parliament, the elected women were 35% and 65% were men, being the same for proprietary and substitute positions.
5. However, in the elections of Plural Municipal Councils, it can be affirmed that the application of the gender quota did not translate into a proportional representation in all the positions that women occupy at a municipal level. Only in the substitute councilors, the result reached over 30% of elected women, while in the election of mayors, only 10% are women at the national level.

Mechanism for the advancement of women

6. While it is true that the Salvadorian Institute for the Development of Women (ISDEMU), has gone through a transformation and strengthening in the past few years, it is still necessary that this mechanism gains budgetary and human resources reinforcement, to advance in the defense of women human rights and promote their autonomy.

Data Analysis and Recollection

7. We congratulate the positive effort of the public institutions that conform the Economic Autonomy Commission of the Sustantive Equality System, for initiating the disaggregation by sex of the statistic information produced. We consider important that, for the Equality Monitoring and Statistics System and the Violence against Women National Data, Statistics and Information System to work efficiently and reflect the reality data, the public institutions that have competencies in helping women reach their physical and decision-making

autonomies need to capture and arrange the information in a disaggregated way.

Non-Governmental Organizations and Women Associations

8. There has been an important advancement of the ISDEMU in working with women civil organizations and incorporating them in the decision organs of the institution³, nevertheless, there is a low coordination with some organizations of the civil society, particularly with those who are following the sentences imposed to women due to the crime of abortion or aggravated homicide in detriment of their newborn children.
9. ISDEMU must continue strengthening its links with the networks of women who defend human rights, with emphasis in the defense of those who are in a special condition of vulnerability, like the water and environment defenders and the LGBTI population.

Sexist Stereotypes

10. It is required the development of procedures and specific legal tools that contribute to the cease of the impunity of crimes of symbolic and psychological violence, committed by public and private institutions, as well as common citizens.⁴
11. Despite the implementation of special laws, there has been an increase of violent deaths of women since the last reported period. It is worrisome that the latest measures approved in the past few months by the Salvadorian Government, in consensus with all political parties, like the deployment and acting of the Special Battalions, will increase the violent deaths of women in the form of "collateral damage" or new forms of violence as vendettas between delinquent groups and between delinquent groups and the security and justice institutions. The violent deaths of women occur under the sentimental and familiar connection of women with men who are in conflict

³ Government of El Salvador. *Eight and ninth consolidated report presented by El Salvador in 2014*. El Salvador. 2014. Page 16.

⁴ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

with the law (gang members) and the generalized increase of violence in El Salvador.

12. The current law and the procedural safeguards given by the article 57 of the Law for a Life Free of Violence for Women (LEIV), have not been harmonized, and because of this, the special protection for children and teenagers is not guaranteed, because the pregnancy and rape of children under 18 years old is not recognized as a serious violation of human rights.⁵
13. A slow process for the creation of the Specialized Units for the Attention of Women who have Suffered Violence persists, in the institutions that the law requires⁶. There is also a slow process for the specialization of the personnel assigned to these units.
14. El Salvador still requires to move forward in the implementation of tagged budgets in the General Budget of the Nation, in order to guarantee the application of the LEIV.⁷
15. The Salvadorian Justice System attends deficiently women who have suffered some kind of violation to their rights, in many of the cases revictimizing them, without applying the victimology approach and the due diligence principle.⁸
16. The Special Fund for Women Victims of Violence does not have a specific mechanism for fundraising, and thus, the programs for compensation for women who have suffered violence are not being executed.⁹
17. The Report on the State and Situation on Violence against Women in El Salvador, presented annual by the ISDEMU, has the limitation of not establishing precise recommendations from the results of the monitoring performed to the institutions.¹⁰

⁵ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

⁶ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

⁷ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

⁸ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

⁹ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

¹⁰ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 56.

Women Trafficking

18. Despite the efforts of the Government of El Salvador, there are still criminal networks linked to human trafficking, especially female children and women, many of them deceived with the promise of a job abroad or that are running away from the violence suffered in El Salvador.

Education

19. There is still a considerable amount of female children, teenagers, and women that abandon their studies because of an unwanted pregnancy, in most of the cases related to statutory rape and rape, and in some cases, early marital unions and assumption of domestic roles.
20. There is an insufficient offer of programs that provide day care for children of teenagers and child mothers, as well as alternative programs that guarantee the continuity of their life projects.¹¹
21. Despite the existence of directions given by the Ministry of Education, there is a discriminatory practice from teachers and the teaching community towards child mothers and teen mothers.¹²

Employment

22. When checking the most recent Multiple Purpose Home Survey (2014), it is proven that the salary breach between men and women is 18.33%, which indicates that there still persists the fact that men earn, in average, a higher salary than women, and that the breach in favor of men persists in almost all the branches of economic activity.
23. Another element of concern is that, amongst the main reasons to not search for a job, 70% of women do not search for one because they focus on domestic duties.
24. It also concerns that 37.3% of women, between 15 and 24, does not study or work.

¹¹ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 58.

¹² PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 58.

25. In the case of the household workers it is evident that it is a sector who has been historically discriminated and invisibilized, in many cases with characteristics of slavery, due to their long hours, treatment received and lack of work benefits. Even when there have been taken steps, like the creation of a special regime of health and maternity of the Salvadorian Institute of Social Security (ISSS), to which a little bit more of 2% of household workers have enrolled, it has become evident that there is an urgency to demand the responsible institutions to speed up the normative conditions to ensure the working rights of household workers, who are estimated at around 4.4% of the Economically Active Population (PEA) of El Salvador.
26. The Salvadorian State needs to continue working to improve the poor conditions and non-existing working benefits of homeworkers, especially in the case of the embroiderers that work in the textile industry.
27. The vulnerability conditions for sex workers persists, as well as the workers for adult entertainment, because there are no laws or regulations that protect them.
28. It is considered positive the starting of the effort for Valorization of the Unpaid House Hold Work, between ISDEMU, the General Direction of Statistics and Census, and the Central Reserve Bank. However, the Government of El Salvador required the visibilization of the Unpaid Work in the public accounts.

Health

29. There still persists in El Salvador a high rate of teenage pregnancy, and a rise of pregnancies in children below 14 years old, which has the consequence of undermining the possibilities of the development of the life project of children and teenagers.
30. It also persists, the naturalization of the sexual and marital relations of children and teenagers with older men, with even 20 years of difference, where an uneven relation of power prevails that limits the integral development of children and teenagers.

31. The teaching staff of the Ministry of Education instructed in Integral Sexual Education, is estimated in 5.5%¹³ of the whole teaching staff, which proves the need to increase the efforts to instruct the whole teaching staff.
32. Due to the absolute prohibition of abortion in the Salvadorian laws, the State requires to create indicators and gather information that would allow to measure mother deaths related to diseases provoked by obstetrics related complications or high risk pregnancies who are incompatible with the mother's life.¹⁴
33. It is necessary to explicitly recognize the Obstetric Violence as a form of specific violence against women, including the article 23 of the LEIV.

Declaration and Action Platform of Beijing

34. The Salvadorian State has difficulties to fully implement the special laws and policies formulated, due in part to budgetary constraints and the resistance of the population and public workers, especially in the justice and security system, to apply the norms and policies.

Ratification of other treaties

35. There is, in the Legislative Assembly, a resistance for the ratification of The International Convention for the Protection of All Persons from Enforced Disappearance.
36. The Salvadorian Government created the Interinstitutional Committee for the ratification of the Treaty 189 of the International Work Organization (IWO)¹⁵, that has the objective of “influence in the social and political actors for the recognition and visibilization of the house hold work in El Salvador”. It is urgent that the Committee speeds up its work in order that the Salvadorian State signs and ratifies this Treaty, because it englobes important aspects in favor of house hold workers.

¹³ UNFPA. *Country programme document for El Salvador 2016-2020*. El Salvador. 2015.

¹⁴ PDDH. *Special Report on the State of Reproductive and Sexual Rights with emphasis on female kids, teenagers and women in El Salvador*. El Salvador. 2015. Page 58.

¹⁵ The Committee is composed of five governmental institutions: the Work and Social Prevision Ministry, the Health Ministry, the Ministry of Foreign Relations, the Salvadorian Institute for Social Security, the Technical and Planning Secretary of the Presidency and the Salvadorian Institute for the Development of Women.

Diffusion of final observations

37. There is limited follow up to the fulfillment of the observations of the CEDAW Committee by the Salvadorian State, which requires to be systematic and include the participation of all public institutions for its fulfillment.

The Office of the Human Rights Procurator of El Salvador manifests its commitment to continue the monitoring of the list of issues identified and to prepare the Individual Contribution of this institution, for the 68th Session of the CEDAW Committee, which will be held from February 13th to march 13th of 2017, in the offices of the United Nations at Geneva.

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