



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

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

Summary record of the 862nd meeting (Chamber A)

Held at the Palais des Nations, Geneva, on Friday, 31 October 2008, at 10 a.m.

Chairperson: Ms. Simms (Vice-Chairperson)

Contents

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

Seventh periodic report of El Salvador

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The meeting was called to order at 10 a.m.

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

Seventh periodic report of El Salvador (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.*

2. **Ms. de Innocenti** (El Salvador), introducing the report (CEDAW/C/SLV/7), said that article 3 of the Constitution of El Salvador prohibited gender-based discrimination. The Government had ratified International Labour Organization (ILO) Convention No. 155 concerning Occupational Safety and Health and the Protocol thereto. The National Policy on Occupational Safety and Health had been established in 2006, and the draft general law on the prevention of workplace risks had been presented to the Legislative Assembly for adoption. The Solidarity Network Programme had been established in 2004.

3. Based on the evaluation of the 2005-2009 plans of action, the Inter-Institutional Juridical Commission of the Salvadoran Institute for the Advancement of Women (ISDEMU), lead agency of the National Policy on Women, had created social development, sustainable economic development, citizen protection and promotion, and institutional areas of action with corresponding performance indicators. ISDEMU had organized networks charged with national gender training, awareness-raising and domestic violence prevention programmes and was a member of a number of national committees formed to treat various women's issues. ISDEMU was also responsible for reviewing domestic law in order to eliminate discriminatory legislation and to bring secondary legislation in line with international conventions.

4. The Government had increased the budget allocation to ISDEMU by 68 per cent as from 2006. Contributions from agencies operating internationally had also increased. In 2008, ISDEMU had held the presidency pro tempore of the Council of Women's Ministers of Central America (COMMCA) for the first time. It had also organized the II Ibero-American Conference on Gender, held during the 18th Summit of the Ibero-American Heads of State and Government, in order to design and implement an Ibero-American

programme for preventing domestic and gender-based violence among young people. In cooperation with the National Women's Institute (INMUJERES), ISDEMU had also organized the 6th Meeting of the El Salvador-Mexico Bi-National Commission in order to draw up a convention on cooperation in implementation of the Gender Equity Model in the public and private sectors.

5. ISDEMU was the lead agency for the National Plan to Prevent and Deal with Domestic Violence, approved in 2002. The Government had implemented a Safe Country Plan to prioritize public investment in and effective access to basic services for the treatment and prevention of domestic violence. ISDEMU also coordinated the Inter-Institutional Commission to Prevent and Address Domestic Violence, which offered a 24-hour hotline for victims, psychological counselling, awareness-raising workshops and shelters for abused women and children. In addition, ISDEMU monitored women's access to justice and the respect for due process with regard to the relevant legislation.

6. Since 2004, the Penal Code had been amended in order to criminalize human trafficking and Legislative Decree 114 had established the National Committee against Human Trafficking. In addition, guidelines on human trafficking had been drafted for the Foreign Service and a shelter for national and international victims of trafficking had been established. Additional regional and national measures had been taken to study human trafficking in Latin America, to ensure the treatment and repatriation of child and adolescent victims of trafficking and to draft police procedures for such crimes.

7. The health-care modernization and reform process had identified five priorities: a focus on women; health services for women at all stages in their lives; the introduction of indicators to monitor the quality of care; decentralized resource allocation; and funding. The Health Solidarity Fund (FOSALUD) had been created to provide health-care access to women in rural areas; pregnant women in those areas also had access to maternal and perinatal care. The Ministry of Public Health and Social Assistance, and the Ministry of Education were leading national prevention and care programmes to address issues such as HIV/AIDS, prevention of adolescent pregnancy and provision of sex education. The maternal mortality rate per 100,000 live births had decreased from 99.7 in 1994 to 50.7 in 2007.

8. The illiteracy rate among women had decreased from 19.9 per cent in 2000 to 16.1 per cent in 2007. Gender equality and equity training studies and programmes had been offered in an effort to eradicate traditional gender stereotypes in the job market and to promote women's access to non-traditional careers and vocations. A public service office had been established in order to ensure that pregnant teenagers and mothers were allowed access to education, as guaranteed by the Constitution. The National Education Plan 2021 sought to ensure access to quality education for men and women on the basis of equal opportunity.

9. The Government had ratified ILO Conventions Nos. 100, concerning Equal Remuneration; 111, concerning Discrimination (Employment and Occupation); 156, concerning Workers with Family Responsibilities; and 182, concerning the Worst Forms of Child Labour. It had also prepared a National Plan for Progressive Eradication of the Worst Forms of Child Labour. The Ministry of Labour had taken action to promote gender equality and equity in the labour force; strengthened training programmes and created a special gender unit to combat discrimination in the workplace; and held job fairs with special emphasis on jobs for women. National policy, legislation and regulations ensured equal opportunity for persons with disabilities.

10. Priority had been given to implementation of the Family Code in order to change traditional roles that placed women at a disadvantage. The Government had also taken steps to decrease the gender gap and increase the visibility of the contribution made by women in decision-making positions by incorporating women into its cabinet; 28.7 per cent of such posts had been held by women during the period from 2005 to 2009. Women held 33.3 per cent of Supreme Court justice and reserve justice seats; 16.7 per cent of parliamentary seats; and 25 per cent of reserve seats in the Legislative Assembly. The Vice-President of the Republic, the Minister for Foreign Affairs, the Minister of Education and a number of deputy ministers were women.

11. As a long-term national strategy, the Government considered social development to be the greatest challenge and sought to generate economic stability and progress through local development. The World Bank had noted that El Salvador's economy had shown signs of recovery and considered it to be one of the Latin American countries best positioned to attain the

Millennium Development Goals by 2015. The United Nations Development Programme (UNDP) had ranked El Salvador in the medium human development bracket. Significant challenges, including the need for greater empowerment for women, remained; the Government was optimistic and committed to improving the status of protecting their human rights.

Articles 1 to 6

12. **Mr. Flinterman** asked whether the judiciary could set aside a law which conflicted with the Convention and if so, whether it had ever done so. He welcomed the reference, in the replies to the list of issues and questions (CEDAW/C/SLV/Q/7/Add.1, p. 9), to a web page containing a summary of Supreme Court cases that had invoked the Convention; it would also be interesting to learn whether it had been invoked in any cases by the lower courts. He would also like to know whether the definition of discrimination against women, contained in article 1 of the Convention, was reflected in the definition of the term in domestic law. He wondered whether women were aware of their right to access to the courts and whether there was a legal aid scheme for women who could not afford to pay for the services of a lawyer. Lastly, he wondered when the Government planned to ratify the Optional Protocol to the Convention.

13. **Ms. Šimonović** wondered whether training in the use of the Convention was provided to judges and lawyers. She would also like to learn whether the report had been adopted by the Government and submitted to parliament and whether consultations with non-governmental organizations (NGOs) had been held. If the report had not been adopted by the Government, she wondered how the Government knew of the work of the Committee.

14. **Ms. de Innocenti** (El Salvador) said that the Convention prevailed over domestic law and that had been invoked in a number of cases. The Supreme Court and lower courts could invoke the Convention, and there was no other body of law that conflicted with it. The definition of discrimination contained in the Convention was in line with that of domestic law. A staff of public advocates represented women and men who could not afford legal services. The Optional Protocol was still being considered by the Legislative Assembly. A number of programmes promoted judicial literacy with respect to the Convention, though there were gaps that the Government was working to

diminish. The report had been approved by the Government and, as required by law, four NGOs were members of ISDEMU and had been included in the reporting process; however, it was important to further cultivate cooperation with NGOs. Consultations with members of parliament had been conducted and the delegation would attempt to work more closely with them in the future and would report on the outcome.

15. **Ms. Tavares da Silva** asked what the status of ISDEMU was, whether it had access to the Government at the level of the Council of Ministers and how it was involved in the development of gender-sensitive policies. She would also like to know whether gender budget resources had been reduced and what the relevant budget allocations were. Since ISDEMU seemed to focus on domestic violence, she would like to know about measures to address other forms of gender-based violence. More information was also needed on the mandate and resources of ISDEMU and its ability to address the needs of the most vulnerable groups of women; its status should be elevated so that it could perform its functions more effectively.

16. **Ms. Šimonović** asked what general temporary special measures had been adopted and whether domestic law recognized article 4, paragraph 1, of the Convention as legal grounds for their implementation.

17. **Ms. Shin** requested that the next periodic report should follow the reporting guidelines of the Committee. She explained the meaning of the term, “temporary special measures”, and noted that the report contained insufficient information about them, in particular those designed to promote women’s participation in political and public life. She wondered whether domestic law authorized the use of such measures and whether they would be considered discriminatory. The Government should offer incentives to political parties and other institutions and impose penalties if they did not meet quotas for women’s participation.

18. ISDEMU had implemented a number of measures against domestic violence. The title of the Programme to Improve Family Relations was misleading since it was, in fact, aimed at combating violence within the family. Similarly, the project on Monitoring and Reduction of Crimes of Violence against Men and Women also concealed the nature of the violence targeted; its name should specifically refer to violence against women and children. She would welcome

details concerning the prosecution, sentencing and treatment of offenders; more detailed statistics on the number of women killed in acts of domestic violence; and additional information on the situation of sexual harassment, including prosecution of the perpetrators. Lastly, data collection should be more detailed and systematic.

19. **Ms. Tavares da Silva** asked whether there were programmes to promote cultural change with regard to sexist stereotypes. There seemed to be persistent impunity of offenders, victims seemed reluctant to file complaints and a number of cases involving women’s death from domestic or sexual violence had not been investigated. ISDEMU should consider the recommendations of the Follow Up Mechanism to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (the Convention of Belém do Pará) concerning the phenomenon of violent deaths of women. A more comprehensive and proactive Government approach was needed in order to achieve cultural change.

20. **Ms. Zou Xiaoqiao** asked whether practical measures had been taken to implement the relevant legislation and programmes against violence and whether impact assessments and oversight measures had been put in place. She would welcome information on any programmes that the Government had implemented in order to address the problem of domestic violence victims’ limited resources and lack of awareness of their rights, as well as on the legal assistance available. She wondered whether sufficient human and financial resources had been provided for implementation of the 2004 amendment to the Domestic Violence Act and would like information on the greatest obstacles to be overcome; the Government needed a long-term comprehensive plan to raise public awareness.

21. **Ms. Chutikul** requested additional information on the low rate of sentencing in human trafficking cases; the judicial authorities seemed to need further training. She wondered whether there were any witness protection programmes and whether one shelter for victims was sufficient to meet the demand. She would also welcome information on training offered to victims while they were in the shelter. The delegation should indicate whether the National Committee Against Human Trafficking had investigated the murders of female sex workers and should respond to the Committee’s question, on page 4 of the list of

issues and questions (CEDAW/C/SLV/Q/7), regarding the abduction of girls and women. She would welcome more information on how traffickers of persons were brought to justice and on any studies of trafficking and prostitution; if there were none, she recommended that they should be conducted.

22. **Ms. de Innocenti** (El Salvador) said that the Board of Directors of ISDEMU included four NGO representatives, several Government ministers and representatives of the Office of the Prosecutor-General. A high-level legal committee met monthly and as needed to study discriminatory legislation, consult with ministers and present draft legislation to the Legislative Assembly. ISDEMU had direct access to the President and to high-level officials, including those of the National Secretariat for the Family. She agreed that it should be established permanently and at the same level as the State ministries and a number of measures, including the amendment of legislation, had been taken in that regard.

23. Combating domestic violence and sexual abuse of children were priority issues. Regional and central offices had been established to handle all gender-based training and awareness-raising campaigns focusing on stereotypes. Municipalities had launched community training initiatives, and 77 of them had established solidarity networks that provided water and electricity to rural areas. Other initiatives targeting all groups of women had been implemented; for example, one municipality had changed the structure of its kitchens by installing stoves to alleviate the burden of cooking on the floor. Large diesel-powered grain mills had also been erected in order to eliminate the three-hour walk to the nearest mill. A number of women heads of household had begun business ventures as a result of such projects.

24. With regard to temporary special measures, legal codes had begun to change as new standards had been introduced, and solidarity networks had been established. The Family Solidarity Fund (FOSOFAMILIA) worked directly with ISDEMU to provide open credit lines to women micro-entrepreneurs. While municipal gender units were large and assumed local responsibility for investing in empowering women, there were also twelve training and production centres to enhance the efforts of municipalities. Furthermore, the National Secretariat for the Family had established a programme to provide immediate assistance to women in case of disasters.

Training in stereotype awareness was under way across the country, giving priority to the most remote areas.

25. **Ms. de Ramírez** (El Salvador) said that there were support programmes for marginalized women; in particular, three organizations worked directly with indigenous women and government organizations. The Ministry of Education had established a committee responsible for education policy on issues related to indigenous communities, including efforts to save the Nahuatl language. The Committee's request for gender-specific data broken down by factors including age, race and ethnicity had been taken into account by the Directorate General of Statistics and Censuses in its 2007 census, which had found that 0.2 per cent of Salvadorans considered themselves to be indigenous.

26. Regarding stereotypes, under the National Education Plan 2021, comprehensive education was being promoted through efforts to include gender-related issues and education on the prevention of gender-based discrimination in the curriculum at every educational level. A six-module sex and life education programme had been designed, with participation from the religious, civil and government sectors, to inculcate Salvadoran values and provide sex and gender education in the schools, as well as training for teachers, in an effort to change sexist stereotypes.

27. In April 2008, legislative reforms negotiated with the participation of teachers' unions had allowed cases of sexual harassment in the workplace to be brought directly before the courts rather than administrative bodies; as a result, 28 cases had resulted in sentences ranging from 6 to 37 years' imprisonment. At the elementary school level, 70 per cent of teachers were women and while that percentage was lower in higher education, the majority of teachers were also women.

28. **Mr. Martínez** (El Salvador), elaborating on the responses of his colleagues, said that the first Supreme Court case in which the Convention had been invoked had been related to domestic violence, the second to child support and visitation rights and the third to the rights of a separating unmarried couple. The Convention had been invoked in 12 other cases, which were detailed on the Supreme Court's website.

29. The National Committee Against Human Trafficking representatives had drafted the National Plan of Action to Combat Human Trafficking. El Salvador was both a country of transit and a country of origin for migrants; migrants flowed from El Salvador

to the United States, and El Salvador served as a bridge to and from countries in Africa and Asia. Action to be taken included the establishment of a unified registry at immigration offices to enable the collection of accurate land, air, and maritime travel data for streamlined investigation and action. A shelter had been established to provide women and children who were victims of trafficking with free lodging, emotional support and employment training.

30. The name of the Programme to Improve Family Relations had to be considered within its historical context; established just four years after the end of the armed conflict, it had been considered a positive name that generated social peace. The name could be changed, but only with a concurrent change in cultural mentalities. The project on Monitoring and Reduction of Crimes of Violence against Men and Women had been named by the Spanish Agency for International Cooperation, which had provided funding for the project. As Spain was part of the network of service providers, it was important to maintain consistency in programme names.

31. The Domestic Violence Act established penalties for offenders that were based on encouraging behavioural change, so long as the aggression committed was not criminal in nature. Therefore, therapy was often ordered in such cases. Impact studies that focused on women victims of domestic violence had shown that 90 per cent of them had noted a decrease in violent behaviour by their partners after gender sensitivity training. On 25 November 2008, the results of an impact study on aggressors' responses would be released. The penalties showed that domestic violence and sexual harassment were considered crimes. Statistics on sexual abuse and harassment were available and a number of aggressors had received prison sentences. In the education sector, accusations of sexual harassment were brought before the courts. One such case, brought against the national police in 2005, had gone to trial, but he did not yet know the outcome.

32. Domestic law did not refer specifically to "femicide", but gender-based murder of women was established as a crime in the Penal Code and carried severe penalties. A consolidated database included statistics on investigations of such crimes and served as the basis for official statistics. Statistical data showed a low rate of femicide, but even one such death was not to be tolerated. Court records were kept and

investigations were strengthened through community and institutional support, as well as training in forensics. Statistics also showed that 8 out of 10 married women had suffered some form of domestic violence. Measures had been taken to establish coordinated intervention, with the participation of a number of State ministries, in order to combat that cultural problem. Also available were multidisciplinary and inter-institutional assistance measures, including psychological support, social assistance, and legal aid. Legal reforms included important measures such as allowing the police to search homes based on suspicion of domestic violence. In such cases, even if the woman denied that she had been a victim, officers could require the aggressor to leave the home for up to eight hours if they suspected abuse. The new legislation on the punishment of traffickers had been adopted, though there were gaps in training for those responsible for its implementation. There had been three cases involving the kidnapping of girls and women with a view to organ trafficking. Studies of that problem had been conducted.

33. **Ms. de Peña** (El Salvador) said that the Government had directed its attention to a number of areas, including gender-based discrimination, and had allocated an additional 2 million dollars to the Ministry of Labour and Social Security, in part to recruit staff for compliance with Government standards. The Ministry of Labour and Social Security had programmes to train inspectors and judges on gender-related discrimination issues and to ensure protection against discrimination in the workplace, as well as a number of agreements with institutions designed to draw attention to gender issues, including through training and awareness-raising. A gender office supervised compliance with non-discrimination and equal treatment rules in the "maquiladora" (assembly plant) industry, to which inspectors had been assigned specifically.

34. **Ms. Halperin-Kaddari** said that she would like further information on whether and how the national machinery cooperated with other institutions and State ministries with a view to the protection of women.

35. **Ms. Shin** asked whether there had been impact assessments of the gender training provided to inspectors of "maquiladora" plants and whether more cases of sexual harassment had been reported following the introduction of that training. She would also like to learn of any systematic training provided to

inspectors not specifically assigned to “maquiladora” plants.

36. **Mr. Flinterman** said that the Committee would appreciate receiving, in the next report, an analysis of court cases in which the Convention had been invoked. He wondered whether the Committee’s general recommendations and its views on communications under the Optional Protocol formed part of the curriculum and training for judges. He would also like to know what remaining obstacles were hindering ratification of the Optional Protocol.

37. **Ms. Šimonović** said that she would appreciate responses to the questions raised regarding temporary special measures.

38. **Ms. de Innocenti** (El Salvador) said that while Salvadoran law was sufficient in itself, the Convention had been invoked in the aforementioned Supreme Court cases in order to strengthen them; it had also been invoked in other cases. A programme had been established to train members of the judiciary in various international instruments, and gender-training modules on issues such as violence and HIV/AIDS had been designed. Law students were also trained in the international conventions and instruments.

39. The question of the Optional Protocol’s adoption was currently before the Legislative Assembly and while a number of experts had participated in those negotiations, there was still disagreement. The delegation’s influence was limited to sending letters inquiring about the status of the negotiations.

40. Temporary special measures had been implemented, including establishment of the aforementioned solidarity network in a number of municipalities, and the FOSOFAMILIA initiative offering lines of credit for women. Gender units had been formed in urban and rural municipalities in order to allow women to develop their own empowerment organizations, programmes known as “positive initiatives” had been implemented and temporary measures for disaster situations had been designed.

41. **Ms. de Ramírez** (El Salvador) said that a number of measures ensured the education of girl children. While education systems were administered differently from place to place, all of them attempted to involve parents in the effort to increase the participation of girls and the Ministry of Education offered training in ways of encouraging such participation. Programmes in

municipalities with high primary school drop-out and repeat rates among girls focused on encouraging optional classes for girls. Constitutional reforms had been introduced in order to offer free secondary education, which had increased access to education for girls. Scholarships and funding to cover supplies and living expenses had also facilitated free higher technical education for girls, giving them access to non-traditional careers. Gender issues were emphasized in secondary education in the hope that girls would begin sexual relationships later than the cultural norm. Efforts were also being made to help pregnant girls continue to stay in school. Support was available to all girls, in or outside the educational system and regardless of why they might have left that system.

42. **Ms. de Innocenti** (El Salvador) said that the Ombudsman Office for Human Rights was the highest human rights regulatory body in El Salvador. The delegation also worked with the Office of the Procurator for Human Rights and communicated with other human rights bodies. It cooperated with a number of committees and organizations in revising standards, monitoring situations and offering advice. A considerable amount of work was also carried out at the local level in order to monitor and consider cases of violence against women. Such communication had been both smooth and timely.

43. **Ms. de Peña** (El Salvador) said that since training inspectors was very expensive, funds were being raised in conjunction with other bodies in order to cover the cost. Women in the “maquiladora” plants had been informed of their rights and follow-up had been provided.

44. **Ms. Šimonović** suggested that the delegation should consult the Committee’s general recommendation 25 for further clarification of the meaning of “temporary special measures”.

Articles 7 to 9

45. **Mr. Flinterman** noted that general recommendation 25 on temporary special measures clarified an obligation of States parties to the Convention and that the Government might find it helpful to invoke article 4.1 in implementing such measures. It was not sufficient to leave compliance to political parties; he wondered what remaining obstacles were hindering the adoption of temporary

special measures to ensure women's equal participation in political life.

46. **Ms. de Innocenti** (El Salvador) said that while much work remained to be done, some progress had been made. In order to be elected, it was necessary to be a member of a political party and those parties were required to take advantage of the available gender training and to implement their own equity measures. Some parties included a number of women, but placed them in positions where they had no chance of being elected; thus, the steps taken to date were not sufficient. The delegation would negotiate with and further train political parties on gender issues.

47. **Ms. de Ramírez** (El Salvador) clarified that democracy in El Salvador was a new thing; the country's first elections had been held relatively recently. The system was republican, representative and based on closed lists of candidates submitted by the political parties. A draft law on political parties, currently under consideration, would bring about cultural and systemic changes. Once a system of direct election was achieved, it would be easier to implement temporary special measures to increase women's participation. Efforts had been made to convince political parties to take the necessary measures in that regard and there had been some progress nationally and locally, including the unprecedented election of a woman Vice-President. Perhaps the focus should be on changing the electoral system.

48. **Ms. Zou Xiaojiao** said that she would like to know the percentage of women in political parties; whether the parties had committees for women; and, if so, whether those committees had any contact with the reporting delegation.

49. **Ms. Tavares da Silva** said that temporary special measures could be taken even in countries that maintained closed lists since as a minimum percentage of each sex could be required as a condition for acceptance of the list; she suggested that such measures should be taken.

50. **Ms. de Ramírez** (El Salvador) said that since the political parties needed women voters in order to win elections, they all had secretariats for women. The percentage of women's participation in the different parties varied but was considerable. Great strides had been made in civic participation at all levels. A proposal to require political parties to ensure that

40 per cent of the candidates on their lists were women was under consideration by the Legislative Assembly.

The meeting rose at 1 p.m.