

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN. CEDAW



WOMEN'S RIGHT IN EL SALVADOR, ALTERNATIVE REPORT

funde
Fundación Nacional
para el Desarrollo

SEPTEMBER 2008



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PRESENTATION

Five years passed since the presentation of the first Alternative Report to the Committee of CEDAW, with the enthusiasm resulting of the collective work regarding the observance by the State of the Convention that guarantees human rights of women in El Salvador. This led to learn how to monitor the activities developed by the State, allowing the search and confirmation of the level of observance of the Convention. We found a level of diversity and dispersal of information that helped to express how much women were considered subjects of rights. CLADEM offers Salvadorian women the opportunity to generate a second report. Last experience helped duplicate the number of organizations that worked in the previous report, forming groups divided by topics, and keeping socialization meetings. This Report is the outcome of collective efforts of the organizations that, through respect, cooperation and dedication, built this critical vision regarding the observance of the CEDAW in El Salvador.

Yolanda Guirola and María Auxiliadora Rivas, members of CLADEM ES, were responsible for this process, with the participation of the following organizations: Asociación Cristiana Femenina de El Salvador, Asociación Cristiana de Jóvenes de El Salvador, Asociación Salvadoreña para la Formación y Capacitación Integral Sostenible, CEMUJER, Comité de Género de la Confederación Sindical de Trabajadores Salvadoreños, Flor de Piedra, Fundación de Waal, Fundación Nacional para el Desarrollo, FUNDEMUSA, Instituto de Investigación, Capacitación y Desarrollo de la Mujer, Movimiento de Mujeres Mélida Anaya Montes, Mesa Sindical de Trabajadoras de la Maquila, Movimiento Salvadoreño de Mujeres, Organización de Mujeres Salvadoreñas por la Paz, Organización de Trabajadoras del sexo y la Alianza para la Salud Sexual y Reproductiva.

I. NATIONAL CONTEXT

In El Salvador there have been important social advances in the last years as a result of a diversity of factors, like: The migrations and the increasing number of remittances, what has its impact in the growth of national income per capita. In the Report on Human Development from El Salvador, 2005, it is established that the Salvadorian population in the United States generated in 2004 a personal income equivalent to 127% of the Salvadorian GDP. Most of \$3.315,7 millions that El Salvador received of remittances in 2006 came from that population. As a result, we can conclude that the main network of social welfare in El Salvador is the one that lays on the familiar solidarity of remittances and the link with the Salvadorian communities abroad. That year, remittances were the 18% of the GDP and more than 300% the social public budget. For many homes in the country, remittances are the main source of income or sometimes the only one.¹ Besides, according to the Central Bank of Reserve, the Gross Domestic Product, GDP, for 2007 was of 4.7% and the total of remittances received was of \$3,695.3 millions USD, the equivalent to 18.1% of GDP.

It is worth mentioning that the phenomenon of the immigration helps lower the rates of poverty, since a high percentage of the ones that emigrate are poor, diminishing at the same time the pressure generated on the State for the demand of education, health and employment. Data from the General Direction of Migration show that in the first semester of 2005, about a thousand Salvadorians were leaving the country on a daily basis. Between January 1997 and May 2005, more than 1.8 millions would have left the country, and 2.5 / 3 millions of people would be abroad.² Poverty in El Salvador would be harder if homes receiving remittances did not have them anymore. Data from the Multiple Purposes Homes Poll, show that these homes have an income per capita 50% higher than the ones that do not receive

¹ UNDP. Cuadernos sobre Desarrollo Humano Mayo 2007 N° 6. El Salvador, 2007.

² Idem.

remittances. Approximately half million of Salvadorian population would live in extreme poverty without remittances.

Contrary to what was expected, the dollarization plan adopted in 2001 has not produced the expected effects in economic growth, exports, attraction of foreign investments and the generation of employment, though it has contributed to a relative reduction of the interest rates, what has led to recover the credit rates for the private sector. This especially affects credits for housing and consumption and also more refinancing for companies that had debts with banks.³

In 2005 a tax reform approved in 2004 was applied, establishing measures to reduce the circumvention of certain tax laws, especially in the value-added tax and in the income tax. A new tax was added in the sale of weapons, ammunition and gunpowder, and taxes to alcoholic beverages and beer were increased.

For the financial year 2006, the State general budget increased 10.6% in relation to 2004, with emphasis in the area of social development, 1,584.7 millions USD, equivalent to 37.4% of the total; public debt, 7,980 millions USD, equivalent to 18.8% of the total; and support to economic development and general debts, 483,4 millions, equivalent to 11.4%. . The area of administrative Leadership increased 23.2%. Even though the area of social development has been assigned the greatest part of the budget, the sum of 2006 is lower than the one of 2005, the same happens in the area of support to economic development. The expansion of bureaucracy and the debt payments is evident, affecting economic and social development. Only the resources assigned to pay the debt are equivalent to the budget for administrative leadership, the judicial system and civil security. They are also equivalent to the amount of general debts and the public companies production, and three times the amount assigned for economic development.⁴

During 2003-2005, El Salvador grew less than the rest of Centro American countries, and also less than almost every country in the world. According to estimates from the Central Bank of Reserve, the economy of the country grew 4.2% in 2006. In the last two years, the domestic rhythm of inflation has been affected by the expansive effects of the higher prices of petrol. In 2006, domestic inflation was of 4.9%, a rate relatively high for dollarized economy.⁵

Despite the commercial agreements signed with Mexico, Chile, Panama, Dominican Republic and more recently with the United States, the net exports of maquila have had negative growth rates since 2004, while the imports have been increasing, reaching 42% of the GDP in 2006. Commercial deficit was more than 22% of GDP that year. El Salvador is in the position 14 out of the 15 economies with the highest commercial deficit in the world, and it is the seventh country with the highest private consumption in the world as a percentage of the GDP.⁶

Commitments signed by El Salvador in the context of Millennium Objectives have not reached the expected advances, especially in the promotion of gender equity and the autonomy of women, in the field of education, employment and political participation. The unbundling of quantitative indicators of gender equity shows that there are important asymmetries between cities in the access of men and women to education, more than one hundred cities (more than one third of the total of cities in the country) would need great efforts to level opportunities.⁷ In the labor field, there has been increased participation of women in the labor market, regarded as a breakthrough in terms of their economic

³ Idem.

⁴ Universidad Centroamericana José Simeón Cañas. ECA, Estudios Centroamericanos, 688-689. El Salvador, 2006.

⁵ Idem.

⁶ Idem.

⁷ UNDP. Cuadernos sobre Desarrollo Humano May 2007 N° 6. El Salvador, 2007.

independence and autonomy. However, it shall be taken into considerations the conditions of the labor insertion. Poorest women get low-paying jobs, with no social benefits, and a harder work with no proportion with their income. Then, a qualitative analysis of the main aspects like equity in salaries, establishment of children's centers to help mothers that work, labor training programs to help their insertion in the most productive areas and in decision-making positions.

Salaries of female workers represent an average 88.5% of their male colleagues. 80.7% in the urban area and 86.55% in the rural area, according to data of 2006.⁸ Regarding political participation, advances are not satisfying, since there is still low proportional representation of women at city councils, in the Legislative Assembly, the Supreme Court of Justice, and other public spaces.

An important fact to be highlighted is that in May of this year data from the VI Population and Housing Census from the previous year were presented. The results show that the total population of El Salvador is 5,744,113 people, in the urban area there are 3,598,836, and 2,145, 277 in the rural area. The General Direction of Statistics and Census (Dirección General de Estadística y Censos – DIGESTYC) calculated that before Census 2007 the projections estimated a total of 7,104,999 people for that year, according to the information from Census 1992 and different parameters like the birth, mortality, and net migration rates.

These differences will produce some differences, like in the analysis of the average rate of growth in the country. Before Census, it was assumed that El Salvador had grown at an average rate of more than 2.1% / year between 1992 and 2007. Estimates from the new Census show a lower average rate of demographic growth, of about 1.1% / year. Since fertility rates are descending and young population is entering into the Economically Active Population, the opportunity to reach development faster, finance educational improvements and generate better conditions of growth and employment appears. However, El Salvador is in risk since that population might be part of the emigrants, especially considering that the educational level of those who emigrate is better than the ones who stay in the country.⁹

When dividing by gender the last Census, we can see the following:

Gender		%
Men	2,719,371	47.3
Women	3,024,742	52.7

These data also show that considering the criteria of age and gender of the population, El Salvador is a country with a young population (35%) between 5 and 19 years; the population in active age between 15 and 64 represents almost 60% of total population¹⁰.

II. ARTICLES 1 - 3

MEASURES ADOPTED BY THE STATE TO ELIMINATE DISCRIMINATION

⁸ UNDP. Human Development Report 2007-2008. El Salvador, 2008

⁹ UNDP El Salvador Informe sobre Desarrollo Humano 2007-2008

¹⁰ Consulted document on www.minec.gob.sv

Government mechanisms Public Policies

It is worth mentioning in this report what has been expressed in 2003, when El Salvador presented the third and fourth combined reports and fifth and sixth reports, regarding the financing of the Salvadorian Institute for Women Development (Instituto Salvadoreño para el Desarrollo de la Mujer - ISDEMU), which has not been recognized legal and financial capacity that allow its constitution as governing body of Women National Policy. ISDEMU has not managed to define nor implement a global policy against discrimination that is assumed for different government agencies. It has not been able to incorporate a gender perspective to the design and execution of sector policies, nor has any mechanisms to control the observance of commitments derived from the Constitution. The more relevant example is the lack of position facing the negative of ratification of the Optional Protocol of CEDAW, which has been under consideration by Legislative Assembly for five years.¹¹

ISDEMU has considered intrafamily violence as a priority of its activities, developing different actions that are not connected to any organizations of the civil society, like groups of women.

DISCRIMINATION IN THE LEGAL SPHERE

The Labor Code, in the Second Title of Work subject to Special Regimes, includes Chapter III of Domestic Work, where it establishes regulations like article 80, regarding the working day, which is not defined. Besides, contractual relations established in this case are significantly different from the rest of salaried employees. 12-hour-working day establishes a discriminatory effect in relation with general working day, which cannot exceed 44 hours during daytime or 39 hours during the night. (Article 161). Also, in article 83 there are established the causes for the termination of the individual labor contract, with no responsibility for the employer: 3. "For serious acts of infidelity or insubordination against the employer, his spouse, ascendants, descendants, or any other person that permanently live home". This regulation has been used to hide acts of rape, sexual abuse and mistreatment against domestic workers that are fired when they do not consent sexual desires of the employer and his sons or when they are pregnant. Discrimination expressed in the legislation about domestic service labor relations, exposes workers to exploitation and abuses.

Family Code has been valid for 15 years, keeping discriminatory regulations regarding the result, like COOPERATION, article 39, that expresses: "No spouse could limit the right to the other to develop legal activities or start studies or improve his/her knowledge, and for that, they have to share cooperation and help, considering the organization of life at home, so those activities, improvement or studies do not impede the observance of the duties imposed by this Code..." The reality of the country, marked by stereotypes and roles assigned for women considered as mothers responsible for home and children, impedes the access to what is established in that regulation, excluding women from the possibility of a paid job and studies.

Another regulation that is still valid is the one that regulates the NON-MATRIMONIAL UNION, article 118 "The non-matrimonial union regulated by this Code, is the one constituted by a man and a women that with no legal obstacle to establish marriage, live freely together, on a continuous, stable and notorious basis, for a period of three or more years..." JUDICIAL NOTIFICATION, article 123 "For the exercise of the rights recognized by the non-matrimonial union, a previous judicial notification of its existence is required. *This notification will be extinguished in case of death of one of the cohabiting members or the end of the union. Every time that the status of cohabiting member is required, in order*

¹¹ CLADEM EL SALVADOR, Derechos de las Mujeres en El Salvador, un Reporte Alternativo. January 2003.

to exercise any right recognized by this Code, this one shall be legally declared". REVOCATION OF THE ACTION, article 125 "The notification of existence of the non-matrimonial union shall be requested within the following year counting from the date of the rupture or the death of one of the cohabiting members, on pain of revocation..."

These discriminatory regulations for women have contributed to promote lack of responsibility of cohabiting members, who do not divorce from the previous couple. Also, the ignorance of the law and the lack of information about it, are factors that influence the non-observance of these regulations, leaving women vulnerable in the exercise of their rights.

VIOLENCE AGAINST WOMEN

Violence is still the highest expression of inequity of power between men and women in El Salvador, in all spheres of life. Although there have been some advances like the National Policy for Women and the Law against Intrafamily Violence, the sexist perspective about women and their rights subsist, what has not allowed to generate in the country the idea of the existence of gender violence, predominating the familiar perspective of keeping the woman in the private sphere, subject to violence in familiar relations. As an example for that, the Salvadorian Institute for Women Development (ISDEMU) develops programs – almost exclusively – related to intrafamily violence. In 2002, it created the "National Plan for Prevention and Attention of Intrafamily Violence".

Crimes against Sexual Liberty: Rape and other sexual crimes

The Criminal Code valid since 1998 contemplates crimes against sexual liberty, introducing substantial improvements of the concepts. However, sexual violence persists unpunished due to the lack of proceedings and reliable records. Victims of rape are re-victimized, exposing themselves to declare facing the stigma and forensic examination, what causes them psychological harm. Rape in the couple is not regulated, keeping the criteria of intimacy. As part of the crimes related to Other Attacks to Sexual Liberty, we can find SEXUAL HARASSMENT, which does not contemplate any mechanisms of prevention or protection for victims that do not denounce because of the hierarchical differences with the aggressors, they are not guaranteed the labor stability, nor even in the educational centers.

The Office for the Defense of Human Rights, made a poll in the governmental sector, in which sexual harassment appeared to be the most frequent: 42% declared they knew about sexual harassment cases, especially in Civil National Police 68%, the Salvadorian Institute of Social Security (ISSS) 54%, the Ministry of Health, 53% and the Ministry of Education 52%. According to the people consulted, the institution with fewer incidences of sexual harassment is the Solicitor General Office. The institutions that less cooperated in the consultation were the City Halls (16%), the Ministry of Health (13%) and the ISSS (13%). The reasons victims gave for the lack of denounces were "fear to lose the job"; "fear to reprisals that could be taken against them", and "fear of potential gossip".¹²

Intrafamily Violence

The Committee on the Elimination of the Discrimination against Women, after the presentation by El Salvador of the third and fourth combined reports, and the fifth and sixth reports in 2003, made some observations, like number 258 "The Committee urges the State Member, considering General Recommendation 19 regarding violence against women, to apply practical measures to monitor and supervise the observance of the legislation, evaluating at the same time its effectiveness and making the

¹² UNDP. Op. Cit., Page 241-242

necessary adjustments, ensuring the legal consequences of conciliation, provided by law, are not at the expense of the victim".¹³ It is unknown whether this recommendation has been taken into account.

The Program for the Improvement of the Familiar Relation from ISDEMU, has as its objective "give an answer to the need of prevention and attention of intrafamily violence and the strengthening of the observance of the agreements ratified by the country, in the context of the International Conferences for prevention, sanction and eradication of violence against women". It is through which intrafamily violence denounces are received, giving denouncing women attention in crisis. This Program reported 7,582 denounces for the second semester of 2004 and the first semester of 2005, regarding different forms of violence, representing intrafamily violence the 60%, affecting women 93.23% and men 6.77%.¹⁴ In the first semester of 2005 it is reported an increment of 22% in cases of intrafamily violence affecting women since the second semester of 2004.

YEAR	SEXUAL AGGRESION			CHILDREN MISTREAT			INTRAFAMILY VIOLENCE			TOTAL
	FEMALE	MALE	TOTAL	FEMALE	MALE	TOTAL	FEMALE	MALE	TOTAL	
2004	530	94	624	1,486	1,235	2,721	5,197	461	5,658	9,003
2005	467	59	526	1,094	1,047	2,141	3,741	292	4,033	6,700
2006	793	100	893	1,562	1,369	2,931	4,495	297	4,792	8,616
2007	920	103	1,023	2,468	1,516	3,984	5,700	204	5,904	10,911
2008	489	58	547	1,278	779	2,057	3,193	83	3,276	5,880
TOTAL	4,181	576	4,757	9,772	7,548	17,320	30,135	1,949	32,084	54,161

Self research considering data presented by ISDEMU to the Family Commission of the General Assembly, 2008.

Women organization that are part of the Center-American Feminist Network against violence against women, in a research recorded that in 2005 there were 291 denounces of teenagers of all ages received at their organizations, regarding sexual aggression. From the total of intrafamily violence denounces, 4201 were made by women. The group of women between 20 and 41 years is the one that has received more violence (2.751), followed by female kids and youngsters from 12 to 23 years, with 1,623 denounces recorded.¹⁵ They receive emotional attention and legal counseling, establishing in some cases, contact with the Civil National Police, ISDEMU or the Solicitor General Office, in other cases they are accompanied to the court. These denounces are not recorded, since there is no mechanism of communication with ISDEMU.

The Law against Intrafamily Violence introduced a valid reform sent August 1st. 2002, that designates the ISDEMU as the governing body for the observance of the public policies for prevention and attention of intrafamily violence. It has to promote activities, plans, projects and programs in the interinstitutional level for the better treatment of intrafamily violence. Even though there have been different efforts like the National Plan for Prevention and Attention of Intrafamily Violence in 2002, the Manual of application of the Law against Intrafamily Violence, in 2003, the Technical Guide for Health Attention for people affected by intrafamily and sexual violence, in 2004. These have been disperse, product of initiatives of some State institutions, in some cases along with civil society organizations, some of them conformed by women, no coordinated by the governing body, and with no official

¹³ CLADEM EL SALVADOR. Jurisprudencia sobre Derechos Humanos de las Mujeres. Comités Monitores de Derechos Humanos de Naciones Unidas. 2007

¹⁴ ISDEMU, Serie Investigaciones 1. La Salud de las Mujeres en El Salvador. Morbimortality. 2005.

¹⁵ The organizations that are part of the Network: CEMUJER, ORMUSA, Las DIGNAS and Las MÉLIDAS. The research was called Alternative Report on Intrafamily Violence, El Salvador, 2006. It was made to be presented to the Regional Audience of the Interamerican Commission of Human Rights on Domestic Violence that was installed in Guatemala on July 2006.

mechanism to monitor and permanently inform about the effectiveness of the application of such instruments.

It is necessary to assign budget for the implementation of public policies for the rehabilitation and social insertion of victims of violence. There is only one shelter of ISDEMU that covers the elementary demands. There have been some programs of sensitization and training in institutions like the Civil National Police, the Judicial System, and the Legislative Assembly, like conferences or short workshops, not linked to a permanent interinstitutional Plan. One of the most relevant aspects is the lack of uniformity in the report regarding cases of violence reported by different State institutions, what makes data get dispersed and contributes to the lack of reliability in the statistics presented.

WOMEN'S DEATH

Violence against women has its maximum expression in the death, which has not been properly recognized by the State, persisting lack of acknowledgement and response by the State. Despite two years ago a Single Form is being used for the collection of data from the institutions in charge of keeping records, there is still dispersal, contributing to misinformation, hiding the reality, presenting an image that is not related to the level of violence present in the country.

According to data from the Prosecutor General Office in 2005 3,781 homicides were reported. Civil National Police reports 3,801 and according to records from the Legal Medicine Institute, the amount was of 3,812 (390 were women). In 2006, the Prosecutor General Office reported 294 deaths of women between January and September; the Legal Medicine Institute reported until August of that year 286 dead women, a 74.3% in relation the last number from the previous year.¹⁶

During the period that goes from 2003 to 2006, the Legal Medicine Institute¹⁷, reports the following deaths due to homicides:

Year	2003	2004	2005	2006
Gender				
Male	2156	2673	3,422	2,607
Female	232	260	390	316
Total	2388	2933	3,812	2,931

Source: Self research considering data from the Statistics Department.
Legal Medicine Institute Boletín sobre Homicidios Año 1 Nro. 1. October 2005
Año 2. Nro. 1 January 2006; Año 2 Nro. 3 2006.

Civil National Police¹⁸, during the period that goes from January 1st 2007 to June 29th 2008 reported the following cases, divided by gender:

+18 years	YEAR	
Gender	2007	2008

¹⁶ El Faro. Las muertes anónimas de la violencia. San Salvador, 2006. The document can be consulted at: www.elfaro.net/secciones/noticias

¹⁷ Information published by the Forensic Statistics Unit of the Legal Medicine institute "Dr. Roberto Masferrer". El Salvador, 2007

¹⁸ Policía Nacional Civil de El Salvador. Homicide Comparative Report from January 1st 2007 to June 29 2008.

		(Until June 29th)
Male	1438	1300
<i>Female</i>	<i>148</i>	<i>116</i>
Not determined	3	5
Total	1589	1421

Underage		
Gender	2007	2008 (Until June 29th)
Male	125	102
<i>Female</i>	<i>24</i>	<i>23</i>
Total	149	125

Self research considering the Homicides Report from the National Civil Police 2007-2008

In 2005, the organization called Flor de Piedra recorded 13 deaths of female sex workers, 11 of whom happened in their labor places, 7 were perpetrated with gun fires and 6 evidenced tortures. That number only includes women that the organization has confirmed that had a sex related work. “However it remains unknown the number of sex workers that might have been murdered. It is hard to know, since many women crimes are not in the news. There is no disaggregation of labor sector of murdered women and sex work is often underground.”¹⁹

The ISDEMU, governing body of the National Women Policy and regulator of the observance of the State policies of prevention and attention of intrafamily violence, expressed in a digital newspaper, through its Director, that the death of women is worrying but the lack of information is due to the confidentiality these cases are dealt with. “We know because of the media, who call the police. But in general investigations most of these cases are linked to gangs or gang relations and there must be some cases in which women were probably not engaged with gangs but it is precisely for that reason. What I am not sure about is whether they have been killed for the fact of being women”.²⁰

RECOMMENDATIONS

- **Define attributions form the Governing Mechanism of the National Women Police.**
- **Check the Family Code in order to eliminate the discriminatory regulations against women, like the ones that make non-matrimonial unions more difficult.**
- **Check and reform the Labor Code, eliminating the discriminatory regulations against women, changing the Title relative to Domestic Work.**
- **Incorporate rape in the couple relations as a crime.**
- **Implement interinstitucional policies so as to promote sexual abusers to be denounced and sanctioned.**
- **Activate in the ISDEMU, the interinstitutional mechanism for the collection of information regarding intrafamily violence.**
- **Constitute a national mechanism of statistics of women deaths.**

¹⁹ Concertación Feminista “Prudencia Ayala”, document with demands on March 8th 2007. Quote of the release issued by the Organization Flor de Piedra on November 2005.

²⁰ El Faro. Interview published in the News Section as part of the article Las Muertas anónimas de la Violencia. El Salvador, November 27th 2006.

III. ARTICLE 5 SOCIAL AND CULTURAL PATTERNS AND STEREOTYPES

The Committee on the Elimination of the Discrimination against Women, in the Observations made to the Third and Fourth Combined Reports and Fifth and Sixth Reports presented by El Salvador on January 2003, introduces Observation 266 recommending to "develop policies and implement programs for women and men to help ensure the elimination of stereotypes associated to traditional roles in family, employment, politics and society". There have not been important advances in this area, the media have not contributed to form a public opinion sensitive to gender in the population, so as to influence the behavioral social and cultural patterns. Publicity keeps gender stereotypes in all the media, at every hour and the program schedule on TV channels reproduces the traditional schemes in advertisements, soap operas, musical programs and children entertainments.

National Women Policy in its Objective 2 regarding Education, proposes actions tending to the elimination of sexist language, discriminatory practices at school, at work, health and media. It also includes inclusion with gender equity as a value in the formal educational curricula. Even though formal aspects are necessary, these will not produce the changes expected unless there is "will to ensure" a real implementation, what implies formation processes and sensitization of people in charge of education, officials and public agencies clerks in different levels of authority.

RECOMMENDATIONS

- **Elaborate a policy to control discriminatory messages against women that ensures the creation of effective mechanisms to monitor the media.**

IV. ARTICLE 6 HUMAN TRAFFICKING

El Salvador is a transit, target and source country for women and underage trafficking related to sexual exploitation. At the same time, Salvadorian emigrants have been victims in many cases of slave work in the transit and target countries. Salvadorian women and kids are trafficked from the rural and eastern area of the country to the urban area for prostitution.²¹ The Salvadorian government does not fulfill completely the minimum standards for the elimination of human trafficking that was typified as a crime since 2004 in the Criminal Code, which was aggravated on November that year, establishing that when the victim is under 18 years or incapable, the penalty will increase a third part of the maximum. It is also established penalty of prison from three to six years for those who promote or urge any form of human trafficking.

Article 367 - B

Whom by himself or as part of an Organization - national or international - with the objective of obtaining an economic benefit recruits, transport or receive people, inside or outside the national territory, so as to develop any activity of sexual exploitation, keep them in forced work or services, in slavery related practices or for the extraction of organs, illegal adoptions, forced marriages, will be subject to penalties from 4 - 8 years of prison.

Those who promote or urge any of the previous activities will be sanctioned with penalty of 3-6 years of prison.

²¹ Publication of the United States Embassy in El Salvador: 2004 Report on Human Trafficking.

Article 367-C

The crime defined in article 367-B will be sanctioned as maximum penalty and inhabilitation of his profession during the time of the penalty in the following cases:

- 1. In case it was perpetrated by officials, public clerks, public authorities and agents from the National Civil Police.*
- 2. When the victim is under 18 years or incapable.*
- 3. In case it was perpetrated by a person abusing of the superiority originated in relations of trust, domestic, educational, work or any other one.*
- 4. If as consequence of the previous crime the passive subjects suffer privation of their liberty abroad, if they are victim of any other crimes or if they died due to fraudulent or negligent causes.*

There is no acknowledgement of violence or deception to obtain consent of neither the victim, nor the conditions of vulnerability or the offer of economic benefits that are vital for the identification of the situations that put them at risk of trafficking. Sexual trafficking in its different expressions is not only possible due to the existence of the offer and demand, but also because the institutional and legal context in the country has no articulation and is not consistent. Then it is a daily situation that remains unpunished. This influences the lack of clarity of the specialized agencies in organized crime from the Police and the Prosecutor's Office, with relation to the consideration of human trafficking in the same level as kidnapping and drug-trafficking. At the same time, since there is one sort of trafficking typified, then it is difficult to identify it and investigate, and also to establish related crimes.

In different Reports from the U.S. State Department about Human Trafficking in El Salvador, it is considered that the government has limited resources to give protection to victims of human trafficking, having developed with UNICEF support, campaigns in the media to warn about the association between trafficking and illegal migration and, with the U.S. government support, the Salvadorian Institute for the Childhood and Teenagers Protection sponsored in 2004 advertising campaigns. They included posters, radio and TV that warned about situations of trafficking involving underage people. The government developed along with the International Labor Organization (ILO) on June 2007 a pilot project against trafficking that consisted on the training of more than 700 teachers and 28 thousand students warning about risks of commercial sexual exploitation. The civil society has made different efforts, and the more importance is the "National Policy for the Eradication of Human Trafficking in El Salvador", that was developed after a huge process of consultations with governmental and non-governmental organizations. It was presented on May this year, as the outcome of a project developed by women organization CEMUJER.²² The policy was developed by the National Committee on Human Trafficking.²³

Regarding women trafficking, there has not been a response by the State according to the level of importance of the facts. The government, with the assistance of the International Organization for Migration, training for 1,500 policemen in all the country, frontier forces also received training to detect

²² CEMUJER develops a Project called: "Uniting efforts to strengthen the rule of law against sexual commercial exploitation human trafficking", with the support of the Catholic Agency of Cooperation of Holland, CORDAI. It takes part in the Project: "Strengthening the protection of children and teenagers against the sexual commercial exploitation in Central America", through which several documents have been published, like "Basic Manual for the police intervention with children and teenagers that are victim or at risk of commercial sexual exploitation", edited by ECPAT International and Fundación Paniamor, in 2004, and "Towards a non-re-victimizing intervention with children and teenagers that are victims of commercial sexual exploitation in the Judicial System". "Aportes desde El Salvador", edited by ECPAT International and CEMUJER, in 2005.

²³ The National Committee against Human Trafficking was created by Executive Regulation 114, published in the Official Bulletin. 224 Volume Number 369 from December 1st 2005. The Presidency and the Permanent Secretary are in charge of the Ministry of Foreign Relations.

trafficking activities and irregular migrations, prioritizing underage people that go from one border to another. There is no report regarding the governmental efforts to reduce the demand of sexual commercial activity during 2007.²⁴ In that year, the Salvadorian Institute for the Childhood and Teenagers Protection developed a network with 11 shelters for underage that were victims of trafficking. However, women had a limited access to a shelter organized by ISDEMU.

Criminal Proceedings.

There have been efforts regarding cases of commercial sexual exploitation. However, denounces of labor exploitation and domestic slavery were not generally investigated.²⁵ 2 cases of labor trafficking have been identified. Proceedings and results have been totally different. In the case of TEAM BAHAI, it was taken to Tribunal 2 of the city of Santa Tecla and is now under examination and with substitute measures, and in the case of ROOSHINGING GARMEN, there was an agreement and was filed in the same city of Santa Tecla, after the payments of debt of salaries and the payment of the civil tort to a Chinese citizen. The agreement was made in the context of the Labor Code.

Since the validation of the law, there have been proceedings regarding trafficking, with a minimum number of sentences.

Number or processed	Year	Sentenced
17	2003	1
19	2004-2005	3
67	2006	4
46	2007	5

Self research considering data from the Report on Human Trafficking from the U.S. State Department. 2008

RECOMMENDATIONS

- **The Salvadorian State shall obtain statistics disaggregated by gender and age that show the actual situation of trafficking and sexual exploitation of people.**
- **The Salvadorian State shall provide the institutions in charge of the investigation and sanction of the crime of human trafficking and sexual exploitation with the enough resources to do their job, and for the establishment of mechanisms for the protection of victims and witnesses.**

V ARTICLE 7

WOMEN PARTICIPATION IN PUBLIC AND POLITICAL LIFE

²⁴ the U.S. State Department. Forth Report on Human Trafficking in El Salvador, 2007. San Salvador, 2008.

²⁵ Idem.

In El Salvador, participation of women in politics, from the public spaces and from the possibility for them to express their opinion in the decision-making, is still a pending right. Different efforts have been made to reach this right, like the Convention for the participation of more women in politics that was subscribed by different women organizations, the Asociación Nacional de Regidoras, Sindicas y Alcaldesas Salvadoreñas y la Asociación de Parlamentarias y ex Parlamentarias Salvadoreñas, where it was established that despite some political parties promoted in their statutes more participation and representation of women in institutional charges and as candidates, those measures had not been generalized, and were insufficient to ensure the promotion and participation of women in the charges and their actual incidence in case they obtained them.²⁶

Another important process was the "Campaign for 100 thousand signatures for Democracy", urged by ANDRYSAS, the UNION DE MUJERES and Colectiva Feminista para el Desarrollo Local, trying to influence in the elections of 2006.²⁷ On November 2007, different organizations presented to the Legislative Assembly a project for the reform of the Electoral Code in order to promote women participation and to make the system more democratic. Up to the moment this has not been approved.

In El Salvador, after the Peace Agreements that were signed in 1992, there have been 3 presidential elections and 5 parliamentary elections and of City Councils. In 2004 presidential elections, the vice-presidency of the Republic was for a woman.

In the elections for the Legislative Assembly for the period 2006-2009, there was a rise in women representation regarding the previous period 2003-2006. However, the difference with men is still huge.

Period	Number or Members of Parliament		Percentage of Members of parliament that are owners	
	Owners	Alternates	Women	Men
Period 2003-2006	9	22	10.71%	89.29%
Period 2006-2009	14	21	16.70%	83.3%

Self research considering data from the Supreme Electoral Court.

The percentage of major women has increased from 6.4% in the period 2003-2006 to 8.30% in the present period 2006-2009. From a total of 262 city halls, only 22 have major women. It has not been possible to increase this percentage, which is the same than the one of periods 1997-2000 and 2000-2003.²⁸

Out of 5 political parties legally recognized and that have representation in the Legislative Assembly, only one has in its statutes the promotion of women and youngsters participation in the direction of the party and in the lists of candidates with chances to win, Establishing that "Their participation will be proportional to the level of affiliations reached, and never less than 35% shall be women...".²⁹

²⁶ The Convention was subscribed on March 8th 2002 in San Salvador, contemplating 6 Axis for Work, amongst them it was to achieve the political parties established a minimum of 40% of female candidates in their proposals for the elections that would be celebrated in 2003.

²⁷ Friedrich Ebert Stiftung, Colectiva Feminista para el Desarrollo Local. "Proceso Electoral 2006: Una mirada feminista sobre la participación política de las mujeres". El Salvador, 2006.

²⁸ Supreme Electoral Court. Special memories of elections, 2000-2006.

²⁹ FMLN, article 9 of the Statutes.

In the area of democratization, El Salvador has important obstacles that prevent from taking measures that promote a better and more effective women participation in elective charges, taking into account that the State institutions, like the Supreme Electoral Court and the Legislative Assembly, are the ones that shall show political will to change the actual rules that limit the exercise of constitutional rights.

RECOMMENDATIONS

- Establish positive measures to ensure women's participation in various public spheres
- Speed up proceedings of women's organizations requests relating to reforms to the Electoral Code

VI. ARTICLE 10 WOMEN'S RIGHT TO EDUCATION

The Republic's Constitution contemplates the right to education in the 53rd article as inherent rights to the human person, pointing out that all the Republic inhabitants have the right and duty to receive basic and nursery education that prepares them to perform as useful citizens.

In the country, in terms of access to education, there are great differences between regions, being the metropolitan area the one that shows the highest percentage of average schooling, with 7.5 years of study approved, which represents 1.7 more years of study than the national average by 2006 (5.8 grades of study approved). The situation regarding literacy presents a similar prospect as the metropolitan region is positioned with 90.3%, 9 percentage points for Comalapa, 81.2%, following Los Volcanes region, Norte del Río Lempa and Golfo, with 80.6%, 76.1% and 73.6% of literate population, respectively.³⁰ The net enrollment rates in primary education during the period of 1991-2005 shows a 12 percentage points increase as climbing from 78% to 90%. As far as the literacy rate among young people aged 15 to 24, was 95% by 2005. The illiteracy rate for people of 10 years old and over has constantly declined going from 22.2% in 2001 to 14.9% in 2005, indicating a progress in rural areas where the corresponding percentage dropped from 36.7% to 23.1% during that period. Compared with urban areas though, it remains high since those areas registered a drop near to four percentage points, diminishing from 13.8% to 9.7%.³¹

It should be pointed out that progress in the enrollment rates registered at the basic level, contrasts with the ones at the high school level which are too low:

SCHOOL ENROLLEMENT RATES

YEAR	BASIC RATE	MEDIUM NET	BASIC RATE	MEDIUM NET
2003	96.4	46.3	86.0	30.7
2004	97.5	47.4	86.7	31.6

Source: Self research based on data from DIGISTYC

³⁰ UNDP. Human Development Report 2007-2008. El Salvador, 2008

³¹ UNDP. Notebooks on Human Development N°. 6. El Salvador, 2007

Achieving Millennium Goal number 3 (ODM 3) which refers to promoting gender equity and women's empowerment, proposes eliminating gender disparity in primary and secondary education, which, according to trends displayed by gender equity indicators in the educational field, "has already been achieved", not existing in El Salvador significant difficulties between genders in access to education, the relation between boys and girls in primary and secondary education was since 1991 of 99% from 100% at the present, being similar in urban and rural areas.³²

Despite such progress, access to high school education in the country remains low, and the gap between the poor and not poor is still large. High school enrollment rates for poor students only reach 20% compared to 36% for non poor students. The progress in statistical terms can not mask the reality lived there, it is well known that in El Salvador nearly 10% of girls and boys between five and 17 years of age, participate in the labor market. The gaps in education are evident from the segment of boys and girls with ten years of age or older. For this group the education gap is 0.39 years of study approved and gets to an average of two years of study approved in the case of 16 year-old minors. The possibility of moving forward in the different education levels is higher for those who were not forced to enter the labor market at an early age, reaching 8.3 years of approved schooling on average .³³

The cross-countries studies show that El Salvador's performance in certain educational variables, such as basic literacy, enrollment in secondary education and average years of schooling, remains low. The lack of resources and inefficiency are reflected in high dropout and repetition rates, also affecting the occurrence of sexual harassment, sexual abuse, pregnancies that are not part of the official reports.

Another important aspect to take into account is found in a study sample of 12 countries, including El Salvador, in relation to salaries of male and female teachers, where it was clear that salaries are higher than those of other workers with similar activities. Rural teachers, however, received an average lower pay of 10 to 30% comparing to the salary of urban teachers. Teachers in El Salvador, according to the study, were earning 37% more per worked hour than employees with similar characteristics in other activities. Public school teachers were better paid than those working in private school. It is estimated that 90% of them have another job, limiting their dedication to educational work. According to a recent World Bank study (2005), comparing to other Central American countries, says that teachers in Honduras work seven hours less than the official working week, in El Salvador they work even less time.³⁴

RECOMMENDATIONS

- **The State must allocate the necessary resources to stop school desertion due to economic reasons or pregnancy. It shall also establish effective measures to prevent sexual harassment in schools**
- **Ensuring the effective implementation of sexual education in the school curricula.**
- **The State shall adopt urgent measures to raise the quality of education, monitor the suitability of teachers, establish permanent training courses that will allow the use of gender as a category of analysis**
- **Reviewing salary policies in order to avoid disputes on the basis of geographical area**

³² Idem.

³³ UNDP, Human Development Report 2007-2008, El Salvador, 2008.

³⁴ UNDP, Cuadernos sobre Desarrollo Humano, N°. 6, May 2007

VII. ARTICLE 11 RIGHT TO WORK WITHOUT DISCRIMINATION

As for unemployment, in El Salvador female rate (4%) is lower than men's (8.5%), due to the strong presence of women in the informal sector, with lower hourly allocation and in a situation of under-employment. As a result of increased labor force participation of women, the income provided to households has been crucial in reducing poverty, particularly in urban households where the magnitude of poverty was reduced by about ten percentage points. In the labor market, differences between men and women are evident in the activity rate by gender and in the type of activity and industry branch where they are concentrated. There are female-dominated activities or predominantly male activities; and there's also a tendency for men to prevail in the top positions of the same branch of activity. According to the Multi-Purpose Household Survey (Encuesta de Hogares de Propósitos Múltiples - EHPM 2006), 82% of the female labor force is concentrated in four industries: wholesale and retail trade (42%), manufacturing industry (18.4%), domestic service (10.6%) and community, social and health services (10.5%). Among women workers in the industry sector, almost half of them (44.7%) work in low-wage activities, predominantly in maquiladoras. Female workers' salaries represent an average of 88.5% comparing of male's, with a percentage of 80.7% in urban areas and 86.5% in rural areas.³⁵

Situation of workers in Maquilas

According to the Central Bank (BCR – Banco Central de Reserva), the workforce employed in the maquilas in El Salvador is mostly female workers. Nationally, it is estimated that 83.96% of people working in this sector are women; 80.69% of them are workers, 0.54% are technicians, 1.31% are administrative assistants, 1.30% are supervisors and 0.11% are managers

Major participation of women in the maquila sector can be explained, first, by the sexual division of labor, mainly because the activity is concentrated in textile clothing, activities that were traditionally undertaken by women. Secondly, the needs of capital accumulation has identified women's work as a phenomenon that increases the rate of capital gains due to cultural patterns of our society which conceive female labor force as less rigid and less expensive than that of men and consequently, women are more attractive to investors because it allows to reduce costs.

In terms of salary, in 2007, it was established that in the maquila industry, for a regular daytime hour, 8 hours of work worth US\$ 5.40³⁶

With regard to occupational safety, in 2006, the Salvadoran Institute of Social Security (ISSS - Instituto Savaldoreño de Seguro Social) reported a total of 6573³⁷ labor accidents, reported by employers of the manufacturing industry, as caseload. However, this data is not disaggregated by gender. This figure turns out to be high considering that there are 159.000 active registered workers in this sector. Here it is not disaggregated by gender either, though it represents a high percentage. **The total of female contributors to the ISSS is 274.419 workers³⁸.**

With regard to the draft Law on Prevention of Occupational Hazards, Concertación por un Empleo Digno (Coalition for a Decent Work) in the Maquila CEDM, and other women's

³⁵ UNDP. Human Development Report El Salvador 2007-2008

³⁶ This amount was established by the National Council of Minimum Salary and can be found at <http://www.mtps.gob.sv/default.asp?id=59&mnu=376>

³⁷ ISSS. 2007 Statistics, Department of Statistics, April 2008. Website: <http://www.iss.sv/estadistica/BOLETIN%202007.pdf>

³⁸ Ídem.

organizations have participated in various events throughout the consultation process since 2004, presenting initiatives and introducing the need to incorporate a gender perspective in that law. It's already been four years since the proposal was promoted by the Ministry of Labor and the Parliamentary Group FMLN though it is still in the stage of analysis, study and adaptation. Lack of political will to assume the approval of the Act by the Congress is pretty clear.

Violence in maquilas

According to the Prosecutor General's Office, the allegations of sexual harassment indicate that women are always the primary victims:

Year	Gender*	
	F	M
2003	756	59
2004	790	68
2005	687	51
2006	596	73
2007 (January-July)	271	32
Total	3100	283

Self research from statistics provided by the Methods management and the FGR's Statistics

Ways to monitor rules' compliance

With regard to inspections by the Ministry of Labor and Social Security, in general terms, in 2006³⁹, there were 121 inspections, of which 7 were for harassment and dismissal of pregnant women, 3 for non-paid salaries earned by pregnant women and 1 for homosexual discrimination. In 2007⁴⁰, there were 6 requests for inspection by dismissal and discriminatory acts towards pregnant women and 1 request for non-paid salaries earned by a pregnant worker. Specifically in the maquilas, there were 569 inspections resolved in 2007⁴¹.

Social Security

The social security system covers only urban and state workers; however, the coverage rate was reduced by the year 2004, and 58.6% urban workers became uncovered. Agricultural, domestic and own-account workers are excluded. They should choose to go to health units or Public Hospitals, where "voluntary" payments are requested – which are actually compulsory in practice – for one to be treated. The following table shows the number of women who have no access to social security:

Social Security System Coverage

Year	Total of Women	Payment of national insurances to ISSS	Benefited by the ISSS	Collective Insurance	Individual Insurance	No Medical insurance
2003	3,474,450	318,559	274,880	59,932	1,156	2,819,923

³⁹ Data provided by the Special Unit for Gender and Prevention of Work discriminatory Acts of the Ministry of Labor and Social Security.

⁴⁰ Idem.

⁴¹ Idem.

2004	3,526,383	302,248	315,792	55,219	843	2,852,281
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Source: self report with data from EHPM 2003 and EHPM 2004

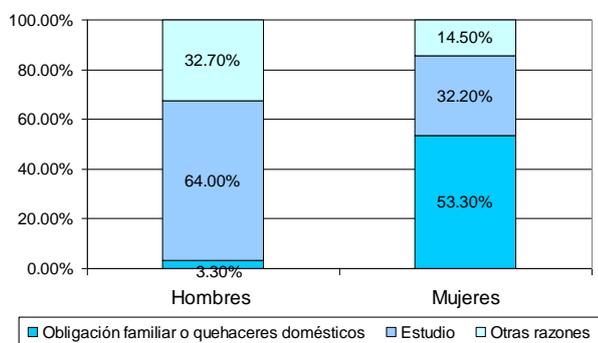
In accordance with the Pensions Superintendence statistics, there are 570,325 women⁴² members of the Pensions Saving Scheme⁴³; however, this data is not sufficient to fully present the insecurity experienced by workers in possession of this right, as established by Social Watch.

“(...) in the system persists the weakness to abandon large sectors of the population located in informal activities, underemployment, agricultural workers, as well as people rendering service in the housework area.”

Masking women’s productive work

It is important to point out that this indicator tries to measure where there is a gender division of work based on gender, assigning women the reproductive work (or as extension of it) within the household and men paid work outside the home.

As with most researches on the labor economy focuses on employment or paid work and leaves out the household activities. The DIGESTYC Multi-Purpose households Survey, shows how household work done by women – as indicator of prevalence, is masked and counted in national calculations as population economically inactive.



Source: Self-made based on the DIGESTYC Multi-Purpose Households Survey

In that sense, economically inactive population is defined as group of people who being on a working age do not work and are not actively seeking employment. Students and housewives are example of this group”. In fact, the most important reason for which men are not part of the work force is studies with 64%, however only 32.2% of women indicated that reason for not joining the labor force. These data show quite clearly that there is still a clear division of labor based on sex, assigning women the household work as an extension of the reproductive role and men only paid work outside the home. And as stated by the Human Development Report 2007 – 2008, as calculating the total work – in summation of the reproductive and the social reproduction work is that women work an hour a day more than men: They spend 10 hours to work, both inside and outside the home, for a given pay or without receiving any payment; them, however, spend 9 hours to all activities that fit into the category of work⁴⁴.

Employment generation for women since trade liberalization

The Free Trade Agreement between Central America, Dominican Republic and the United States, includes a “Labor Chapter”⁴⁵, in a very limited scope because although it was established as a

⁴² This information can be found at www.socialwatch.org/es/informesNacionales/118hml

⁴³ Pensions Superintendence (Superintendencia de Pensiones). El Salvador. Revista de Estadísticas Previsionales No 21 January-March 2006

⁴⁴ UNDP (2008). *Informe sobre Desarrollo Humano El Salvador 2007-2008. El empleo en uno de los pueblos más trabajadores del mundo*. San Salvador, Chapter 8 “Mujeres y Hombres en el mundo del trabajo: persistencia de la inequidad, Page 227.

⁴⁵ This Chapter contains: Declaration of Commitments, Enforcement, Process Guarantees, Institutional Structure, Mechanisms of Labor Cooperation, Building Capacities, Industrial Cooperatives Consultations, List of labor Arbitrators, Labor Law.

compromise to observing the national labor legislation and fundamental rights of the ILO⁴⁶, it does not have bidding effects with any other articles in the Treaty: furthermore the incorporation of the gender subject and mechanisms to guard it were absent in the Treaty. The chapter, although contains specifications on support to the creation of policies that promote decent employment leaves sole discretion to the Labor Affairs Council⁴⁷ to define the priorities of cooperation and strengthening of capacities in labor matters. In this section also rescues the civil society's participation in some decisions, but does not define the way in which organizations will be defined, selected and retained in the decision-making instances, so that such participation becomes ambiguous and leaves it again at the discretion of the Council.

RECOMMENDATIONS

- **Implementation of affirmative actions aimed to reforming the Labor Code in relation with discriminatory rules on household work, the inclusion of sexual harassment and shared responsibility in the case of motherhood**
- **The Salvadoran state must adopt measures aimed to general participation of women in the labor market**
- **Deep surveillance in the maquila centers, to prevent discriminatory actions towards working women, demanding the necessary measures to be established to perform work in acceptable hygienic conditions, fair wages and social benefits. Giving effect to the 270 Observation of the Committee on the Elimination of Discrimination against Women, 2003.**
- **The Salvadoran state must take actions to eradicate discrimination against women, especially regarding wage gaps and access to leadership positions**

VIII. ARTICLE 12

RIGHT TO HEALTH WITHOUT DISCRIMINATION

CONTEXT

In El Salvador the Constitution provides that the public sector provides free care to all people without resources, however the model of service's supply presents major weaknesses which affect primarily women, who have historically been the health caretakers in homes. There is no effective access especially for the rural population which constitutes 40% of the total population and the indigenous, 9% of the total. The coverage of the health system should be 83% of the uninsured population, by the Health Ministry, 16% by the Salvadoran Social Security Institute and 1.5% by the private sector, however, the MSPAS estimated the coverage of their services by year 2005 as 59%; ISSS estimated as 11.2% in 2006. Although the entire uninsured population should have access to public health services, the 2006 Households Survey showed that among people who were injured or became ill, 43% self-medicated or did not consult and 57% who consulted: 69.4% did so in the MSPAS, 9.9% in the ISSS,

⁴⁶ Free Trade Agreement between Central America, Dominican Republic and the United States of America, Chapter 16. Article 16.8 "... Labor Law means Laws or regulations of a party, or the same provisions that are directly related to the following internationally recognized labor rights: a) the Rights to association, b) the right to organization an collective negotiation, c) the prohibition of forced or compulsory labor, d) a minimum age for employment of children and the prohibition and elimination of the worst forms of child labor, e) acceptable work conditions for minimum salaries, hours of work and occupational safety and health..."

⁴⁷ It is established for each country and it would consist on ministerial representatives to monitor the progress and implementation of the Chapter. This Council will have to eventually meet with the public to discuss the status of implementation of commitments, but these meetings are subject to the discretion of the Board.

0.35 in the Military Hospital, 15.9% in private hospital or clinics, 4.5% in NGOs, traditional healers and others.⁴⁸

Disparities in the attention paid in urban and rural areas are maintained, for instance hospital cares to births in 2004, was 87% and 54% respectively.⁴⁹ There were also differences between more urbanized and more rural Departments, for example pregnant women's pre natal control was 68% in San Salvador (capital) and 41% in the Sonsonate Department. In the MSPAS for 2006 only 19% of women of childbearing age were using family planning, 51.8% received prenatal care, 42.4% were attended at delivery by trained personnel and 42.4% received post-natal control. The consultations for sexually transmitted infections by women constituted 96% of total care. 73% of the infections were reported in the group of 10 to 39 years of age. There is no data of the ISSS.⁵⁰

The only maternity hospital that exists in El Salvador was built in 1953 and currently is uneven. Below it there are nine meters of mud (...) the old pipes, which have left to escape the liquid flowing by them, have led to the deterioration of the foundation in the structure that has experienced at least five earthquakes in its history"⁵¹. In June 2003, the World Bank approved a loan that included benefits for seven hospitals including the Maternity which would be replaced, however, after five years has not yet begun the construction of the new hospital, denying women who use the service, the right to receive integral, accessible and quality hospital care, in optimum hygienic conditions.

WOMEN'S HEALTH

The model of health services supply reflects conceptual limitations that exist about what constitutes health. Birth control, childbirth, breastfeeding, postpartum and family planning services are promoted, however there is a marked disruption of supplies, equipment and drugs to deal effectively with the taking of vaginal cervical cytology, often lacking medicines for gynecological diseases. It only has a mammography team in the public health system, having to resort to private practice or fail to do the exam which constitutes a serious risk because of lack of diagnosis and subsequent treatment.

During her life cycle, women demand health services as a result of their reproductive function, their higher life expectancy, their higher morbidity and their variable responsibility as family and community caretakers, not having reciprocal access not only to health but to all the resources that are necessary to achieve and maintain their well-being in health: from nutrition to social security and pensions. It's appropriate to say that the higher morbidity in woman may be associated to their social disadvantage since they're limited to reproductive work either directly or indirectly.⁵²

Between 2003 and 2004, adolescents aged 15-19 experienced as primary disease respiratory tract infections, leaving urinal tract infection in second place, which changed from a 5.48% in 2003 to a 5.82% in 2004. The third morbidity cause is related to pregnancy and postpartum. In 2003, from 19,467 consulted cases (4.17%) rose to 21,965 in 2004, 0.58% more than the previous year.⁵³

⁴⁸ UNDP. Human Development Report 2007-2008. El Salvador, 2008

⁴⁹ El Salvador's Demographic Association (2004). FESAL Family's Health National Survey, 200-2003 San Salvador.

⁵⁰ Op. Cit. Page 208

⁵¹ El Faro. Article published on February 19th, 2007, quoted in the document that Concertación Feminista Prudencia Ayala prepared on March 8th, 2007.

⁵² ISDEMU, Investigations Series N° 1. Women's health in El Salvador: Morbimortality. 2005.

⁵³ Idem.

THREE PRIMARY CAUSES OF MORBIDITY IN ADOLESCENTS AGED 15-19

1 ^a Respiratory infections
2 ^a Urinary infections
3 ^a Pregnancy and postpartum complications

In grown people between 20 and 59 years old, the first two morbidity causes were experienced, while the third one changed to non-inflammatory disorders of the female genital organs. In this group, women between 20 to 29 years also presented pregnancy, postpartum, and migraine complications. It's considered that every year these diseases are included in the list of the top ten causes for morbidity, and none of them report any decrease, on the contrary every year it raises 1 to almost 2%. Morbidity changes when we talk about 50-59 year- old women, where the primary disease is arterial idiopathic hypertension. More than 95% of all cases are included in this category, followed by diabetes mellitus which is a psychosocial influenced disease as stress, depression, low self-esteem, familiar and social support. In the 60 years-old-and-older group, hypertension takes the first place, making note that it affects mostly to woman, acute respiratory tract infections gets in second place and third place is taken by chronicle respiratory tract infections.⁵⁴

MORTALITY

In 2005, violence was the second cause of death in women younger than 20 years old who presented injuries affecting different parts of the body (13.43%). Pregnancy, labor and postpartum complications are the fourth cause of death in 15 to 19 year-old women (10.45%). In a 6 months period, between October 2007 and April 2008, there was an increase of pregnancies of more than 5% and the percentage went from 28.3% to 32.4% adding the consequential risks that an early motherhood implies.

ABORTION

With regard to abortion, the Public Health and Social Assistance Ministry reported for 2005 a total of 1,162 **abortions** on adolescents aged between 10 to 19 years old, 3% of these were septic abortions. There are no specific figures that determine the amount of induced abortions because they are penalized since 1998. However, it is well known that abortions take place in non-legal places with non-authorized staff.⁵⁵

VIH-AIDS affects groups especially between 20 to 34 years old (51%). However, people between 15 and 49 years old, gather up 80% of total cases, meaning that the higher incidence is targeted on people in reproductive age and sexually active. The tendency to feminize the infection gets increasingly visible, since the difference between men and women went from 3.2 man per woman in 1991 to 1.7 man per woman in 2006, the index of VIH/AIDS positive in pregnant women decreased from 0.22% in 2004 to 0.09% in 2006, high prevalence of VIH/AIDS is estimated in most risked and vulnerable populations such as sexual workers whose percentage is 3.6%.⁵⁶

Mother mortality reported by the Ministry of Public Health and Social Assistance for adolescents in the years 2003, 2004 and 2005 was 15.3%, 26% and 21.4% respectively, reaching the second place among the top ten mortality causes in woman between 15 and 19 years old in 2003. There are also other

⁵⁴ Op. cit. Page 38-41

⁵⁵ Data, Monitoring and Evaluation Unit of Public Health and Social Assistance Ministry. 2005

⁵⁶ Ministry of Public Health and Social Assistance. Fight Against HIV/AIDS in El Salvador, a Nation Commitment. (La lucha contra el Sida en El Salvador, un compromiso de la Nación). San Salvador, May 2007.

causes of mortality in adolescents mothers such as postpartum complications, anemia and hypertension induced during pregnancy. VIH/AIDS is the second cause of hospital deaths in 25 to 29 year-old groups and it's the third one in 20 to 24 year-old groups.⁵⁷

RECOMMENDATIONS

- **Raise the levels of diffusion of programs such as Control and prevention of breast cancer, adolescent pregnancy, contraception and pregnant women's care to contribute to the protection of women's health.**
- **Acknowledge the Recommendation 44 from the Committee on Economic, Social and Cultural rights, emitted in 2006, referring to reform abortion legislation and to consider exceptions to general abortion prohibitions in therapeutic abortion cases..**
- **Build a Maternity Hospital with the required conditions to provide full needs to the Salvadorian women.**
- **Check the supply model of health services**
- **Use sensibility and awareness measures that contribute to achieve that health staff provides tender and quality attention, without discrimination in the fields of occupation, gender, age or type of illness.**

IX. ARTICLE 14 WOMEN IN RURAL AREAS

Context

According to the information given by the VI Population Cense⁵⁸, there are a total of **1,102, 219** woman living in rural areas while there are **1, 043, 058** men. Women of these areas have a limited access to social services like health, education, a house, drinkable water and electric power. Although their growing participation in the economy of the country, with their work inside and outside their houses, they can't enjoy the "benefits" of a rural producer. Women in rural areas are a participating and strategic part of the family farming system, but inside the barriers of the generic division of this work, she's responsible for the social reproduction of the family group, while men are in charge of production. However, this is one of the system's contradictions, women are reproducing the workforce and provide the unpaid labor in various productive activities, yet they are not considered as such.

It's important to highlight that since the Free Trade Agreement between Central America, Dominican Republic, and the United States of America DR-CAFTA still active, it becomes an alternative to employment development, even in rural areas, because it will improve – at first sight- agro industrial activities, such as poultry, sugar and milk productions⁵⁹. Highly related with this agreement, there's the recent grade from El Salvador to the Challenge of the Millennium Account which⁶⁰, though it has been advertised as a governmental strategy for poverty reduction, it has as principal component, the connectivity it provides through the construction of the North Longitudinal Highway. Its purpose, however, has been clearly exposed recently: to facilitate “an expanded access to regional and international markets, types of productions that can successfully compete in those markets and types of

⁵⁷ Ministry of Public Health. Op. Cit.

⁵⁸ “VI Censo de Población y V de Vivienda 2007”. The document can be found at www.minec.gob.sv

⁵⁹ Así lo indica el Informe sobre Desarrollo Humano 2007 – 2008 ““El empleo en uno de los pueblos más trabajadores del mundo”. El documento puede consultarse en <http://www.pnud.org.sv/2007/idh/content/view/25/101/>

⁶⁰ Details and more information: <http://www.mca.gob.sv/>.

investments needed in human capital, also the productive companies and physical infrastructure that appeared thanks to the appliance of CAFTA-DR⁶¹. Combined to this, the Solidarity Network Presidential Program⁶² is also being executed, running since 2006 and which purpose is the mitigation of poverty conditions for the families who live in those sectors along the highway, such as other zones of the country as well, providing money transfers (between \$15 y \$20 dollars to each family) in exchange to make families comply with the sanitary controls and the school attendance of boys and girls, also by giving the chance to access to productive micro credits (from \$100.00 to \$500.00) and basic services access.

Labor Casualization and Impoverishment of incomes

In the rural field, besides participating in domestic labor, women also get involved in the following paid activities⁶³: Transport and commercialization of vegetables, fruits and cereals, manufacture of fiber crafts, mud and marine products and also as domestic employees, among others. Also, ISDEMU stated⁶⁴ that there is a sharp gender division on rural women's labors, as well as the economic difference in regards to earned incomes.

According to the minimum salary table elaborated by the Ministry of Labor and Social Security, for male and female agricultural workers the day job pay equals UDS \$2.86⁶⁵.

Rural Women and poverty

What has been settled without a doubt in the last years is the growing feminization of rural poverty, shown in the fact that, though quantitatively there are more poor rural households headed by men, the tendency has been to increase those headed by women, whose economic dependence is also greater.

Despite this, the Solidarity Network Presidential Program has been presented not only as “the main component to fight against poverty” and the “most important (governmental) initiative in the social area”⁶⁶, but its concept focuses on mothers the primary responsibility that children improve their nutritional and educative condition, with the money transfer they receive.

According to this logic, overcoming poverty would be driven, especially since 2005, based on assumptions such as⁶⁷:

- It "**Focuses on the family** as a subject of state intervention, while conventional services have aimed at the individual”, scheme under which a break is pretended.
- It is considered that “The decision to make use or not the basic services (according to their economic and cultural possibilities), lies in the family ... because it’s the sphere where all factors that tend to perpetuate poverty from generation to generation can be found”.

⁶¹ See <http://www.mca.gob.sv/administrador/archivos/0/archivo62.pdf>.

⁶² Official site:

http://www.redsolidaria.gob.sv/index.php?option=com_content&task=view&id=726&Itemid=51.

⁶³ In October 15th, 2006, celebrating the International Day of Rural Women, ISDEMU published the following bulletin: <http://www.isdemu.gob.sv/boletines%20e%20investigaciones/2006/octmujrur.pdf>

⁶⁴ Idem.

⁶⁵ Quantity valid from November 15th, 2007, decreed by the National Council of Minimum Salary in accordance with the Executive Decree N°. 106, published in the Official Journal N° 207, Volume 377, dated November 7th, 2007, and that can be found at:

<http://www.mtps.gob.sv/default.asp?id=59&mnu=376>

⁶⁶ See: http://www.redsolidaria.gob.sv/index.php?option=com_content&task=view&id=18&Itemid=36.

⁶⁷ Before, following site: <http://www.casapres.gob.sv/especiales/redSolidaria/index.html>.

- **The woman's home** becomes the principal promoter and manager of this program benefits.. It has a gender approach and promotes the equal access of women to its benefits.

We find a return to the notion that the proper scope of women is primarily related to the family and that it's still her primary responsibility to address the need of home and their sons and daughters, now even assuming the obligation to avoid or reduce the risk of their scope or deepen poverty.

According to studies conducted by the IDESMU and FISDL related to the head of household by gender:

Head of household, by gender, total rural country 2005-2006

	Year 2005					Year 2006				
	WOMEN		MEN		TOTAL	WOMEN		MEN		TOTAL
		%		%			%		%	
Head of household	178,735	29.1	435,785	70.9	614,620	188,304	29.5	450,355	70.5	638,659

Source: IDESMU-FISDL. Table built based on the information of the Multi-Purpose Household Survey, EHPM, 2005, Ministry of Economy, General Office of Cense and Statistics, Social Statistics Division.

Figures reflect that households headed by women present an increase in 2006 comparing to 2005 from 29.1% to 29.5%, a scope of 0.4%.

Recommendations:

- **The State of compliance to the 262 observation emitted by the Committee on the Elimination of Discrimination against Women, in 2003, referring to “Develop strategies for poverty eradication that gives priority attention to rural and indigenous women in resource allocation budget, and to take appropriate steps to know their situation with a view to formulating specific policies and programs that can improve their socioeconomic status, and ensure that they receive the services and support they need.”**