



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

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Forty-second session

20 October-7 November 2008

**List of issues and questions with regard to the consideration
of periodic reports**

El Salvador*

The pre-session working group considered the seventh periodic report of El Salvador (CEDAW/C/SLV/7).

General

1. Please provide information on the process of preparing the seventh periodic report. This information should indicate which Government departments were involved, the nature and extent of their participation, whether consultations were held with non-governmental organizations, and whether the report was adopted by the Government and presented to Parliament.
2. Please provide information on the status of data collection in the country in general, and to what extent such data collection takes place on a sex-disaggregated basis including in respect of rural and indigenous populations. Please also indicate how the Government collects data on the implementation of various provisions of the Convention, and how such data is used in policy and programme development and in monitoring progress towards the achievement of de facto equality between women and men.
3. Please explain the reasons why the report does not cover all the articles of the Convention, and kindly provide updated information on the implementation of articles 8, 9 and 16.

* Issued without formal editing.



Legislative and institutional framework

4. The report indicates that, according to Article 144 of the Constitution, international treaties ratified by the State party constitute laws of the Republic once they enter into force, and consequently prevail over domestic law. Please provide information on whether the provisions of the Convention have been invoked in national courts during the period under review and provide examples of pertinent case law.

5. In the context of the ongoing legislative review referred to in the report, please indicate whether any reform proposals have been drafted by the Judicial Commission with a view to achieving de jure and de facto equality of women with men in all fields, as recommended by the Committee in its previous Concluding Observations.¹ Please also provide updated information on the work plan prepared by the Commission for the next four years with respect to training for the judiciary and the security services on legislation for the protection of women's rights, including on the provisions of the Convention.

6. The report indicates that the Salvadoran Institute for the Advancement of Women, in its role as lead agency of the National Policy on Women, has developed three plans of action as policy implementation instruments, through inter-institutional and multidisciplinary coordination, at the government and non-governmental levels. Please provide detailed information on the implementation of these plans of action and their priority areas, in particular with respect to women's access to the political process, social services, health and medical care, education, employment, and social welfare. Please also provide detailed information on the impact of the measures already taken.

Stereotypes and education

7. In its previous Concluding Observations, the Committee on the Elimination of Discrimination against Women was concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of men and women in the family and in society at large.² The report indicates that the State party has undertaken various initiatives, such as the "Strengthening Values Programme", the "Education for Life Programme", and the "Better Families Project", with a view to eliminating traditional stereotypes relating to the roles and responsibilities of men and women in the families and in society at large, as recommended by the Committee.³ Please indicate whether an impact assessment has been carried out to identify the main achievements and difficulties of these programmes, and whether any remedial action has been taken. Kindly indicate whether the current budgetary allocation for these programmes is adequate. Please provide information on steps that have been taken to integrate gender

¹ See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), para. 250.

² *Ibid.*, para. 265.

³ *Ibid.*, para. 266.

equality and human rights norms into school curricula, as well as information on books that focus on equality in parenthood, with particular emphasis on responsible fatherhood.

8. Please provide sex-disaggregated statistical data on the participation of girls and boys, women and men in the different levels of the school system, including percentages in various academic areas at the university level, and on staffing at all levels of the educational system.

Violence against women

9. In its previous Concluding Observations, the Committee expressed concern at the persistence of violence against women in El Salvador.⁴ The report is silent on the fact that, in spite of the País Seguro (Safe Country) plan, violence in El Salvador has increased, and that women have been the principal victims. Please provide information on steps taken by the State party to protect victims of violence, particularly women, and conduct an assessment of the impact of the País Seguro programme, in accordance with the specific recommendation of the Committee on Economic, Social and Cultural Rights (E/C.12/SLV/CO/2, paras. 22 and 41) which reinforces CEDAW's concerns.

10. Please provide information on the causes, extent and prevalence of all forms of violence against women in El Salvador, including the results of any population-based surveys on violence against women or any other available statistical data or information, disaggregated by ethnicity and age and reflective of rural/urban distribution where possible. Please also provide information on concrete steps taken by the State party to implement other strategies, in particular those regarding investigation of alleged violence against women and girls; prosecution of perpetrators and compensation of victims; training and awareness raising programmes for the judiciary, the police, as well as legal literacy campaigns to inform women of their rights.

Trafficking

11. The Committee, in its previous Concluding Observations, urged the State party to take measures to combat the phenomenon of trafficking and sale of women and girls and exploitation of prostitutes and compile systematic sex-disaggregated data on these phenomena with a view to formulating a broad strategy to address these issues and punish perpetrators.⁵ Please provide data on the number of women and girls who are trafficked to, from and through El Salvador. Please also provide information on the implementation of the inter-institutional strategy against commercial sexual exploitation referred to in the report and its impact on women and girls.

12. The Special Rapporteur on violence against women, its causes and consequences indicated that persons in El Salvador reportedly pay between US\$ 4,000 and 5,000 to be smuggled into

⁴ Ibid., para. 257.

⁵ Ibid., para. 272.

the United States of America; however, many women and children do not make it to their final destination and have disappeared. Many are trafficked into commercial sex exploitation, and some are raped and/or found murdered near the Mexico/United States border (E/CN.4/2005/72/Add.2, para. 43). In her report, the Special Rapporteur also indicates that another dimension of trafficking involves the abduction and fraudulent adoption of children. Many infants, the majority of whom are girls, are allegedly taken from El Salvador for commercial or fraudulent adoptions in North America and in Europe. Please provide information on this, as well as on the strategies that the State has taken to prevent these types of violations of women and girls.

Participation in political and public life

13. In its previous Concluding Observations, the Committee expressed concern at women's low level of participation in politics and in high-level posts in all areas.⁶ The report indicates that women continue to face restrictions when participating and competing for decision-making posts. Please provide information on whether there has been any discussion on the use of temporary special measures, including through quotas, in order to accelerate the achievement of gender equality, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation Nos. 23 and 25, as recommended by the Committee.⁷

Employment; social and economic benefits

14. The Committee on the Elimination of All Forms of Discrimination against Women,⁸ and the Committee on Economic, Social and Cultural Rights (E/C.12/SLV/CO/2, para. 14) expressed concern at the precarious employment conditions faced by women working in maquila industries, where their human rights are frequently violated, particularly in relation to safety and health, including through lack of proper hygienic facilities. The report indicates that a Draft Law on the Prevention of Workplace Risks, which will serve as the regulatory framework for modernizing regulations on health and safety in all workplaces, particularly in the maquila sector, was being examined by the Legislative Assembly. Please provide detailed information on the draft law, as well as on its current status and any findings after the Parliamentary examination.

15. Please provide information on measures taken to ensure that the Ministry of Labour exercises due diligence in respect of violence and violations of labour standards in workplaces, particularly in the maquilas and private homes where girls and women work without protection; monitors the labour standards in the maquilas; investigates complaints; and brings perpetrators to justice. Also provide information on concrete steps taken by the Government to ensure that young girls are protected from economic and sexual exploitation.

⁶ Ibid., para. 273.

⁷ Ibid., para. 274.

⁸ Ibid., para. 269.

16. In its previous Concluding Observations, the Committee on the Elimination of Discrimination against Women was concerned about the lack of priority given to women in employment policy and recommended that measures be taken to ensure compliance with the provisions of article 11 of the Convention and the relevant International Labour Organization conventions ratified by El Salvador.⁹ Please provide information on steps taken to facilitate women's access to employment, uphold the principle of equal pay for work of equal value, ensure adequate working conditions; and guarantee that the social security system benefits to men and women equally.

17. Please provide statistical data on women's participation in the formal and informal labour market, disaggregated by sectors, and by urban and rural areas, as compared to men, including trends over time. Please describe any obstacles to the collection of such data as well as measures envisaged to overcome them. Please also provide information about pay gaps between men and women in different sectors. Also provide information on any initiatives being taken to ensure the participation of indigenous women in the formal labour market and their current engagement in the informal labour market.

Health

18. The report is silent on the fact that, under the State party's laws, abortion is illegal in all circumstances and that clandestine abortions are among the principal causes of maternal mortality. Please provide information on measures taken by the State party to address this issue in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights (E/C.12/SLV/CO/2, paras. 25 and 44). Please also provide statistics for death and/or illnesses due to or related to unsafe abortion, as well as information on reproductive health initiatives that are targeted at young women. Information on the impact of this issue on indigenous women should also be included.

19. In its previous Concluding Observations, the Committee recommended that the State party adopt measures to guarantee and expand access to health-care services, paying special attention to the implementation of programmes and policies for disseminating and raising awareness of sex education.¹⁰ The report lists the main strategies implemented by the Ministry of Public Health and Social Assistance in 2003-2005, in relation to sex education and services for women in urban and rural areas. Please indicate whether an impact assessment of these policies and programmes has been conducted, and if so provide information on results achieved, including lessons learned and best practices.

Vulnerable groups of women and rural women

20. The report indicates that the Ministry of Agriculture has incorporated gender equality in the "Policy Actions for Agriculture and Agribusiness Development 2004-2009, Centered on the

⁹ Ibid., paras. 267 and 268.

¹⁰ Ibid., para. 260.

Employment Pack”, as well as in the “Rural Economic Growth and Poverty Reduction Strategy”. Please provide detailed information on how these policies have improved the socio-economic situation of rural and indigenous women, and provided them with the services and support needed, as recommended by the Committee in its previous Concluding Observations.¹¹ Please indicate also whether women in the agricultural sector benefit from the Government’s land reform initiatives.

21. The report is silent on the precarious situation of migrant workers originating principally from Guatemala, Honduras and Nicaragua, as well as on the fact that women and children live in fear of deportation and are rendered victims of labour exploitation and ill-treatment in public schools, as raised by the Committee on the Elimination of Racial Discrimination (CERD/C/SLV/CO/13, para. 12). Please provide information on measures taken to guarantee the right of migrant women to be protected from economic exploitation and violence.

Optional Protocol

22. Please indicate any progress made towards ratification of/accession to the Optional Protocol to the Convention which the State party signed on 4 April 2001. Please also describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

¹¹ Ibid., para. 262.