



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the tenth periodic report of El Salvador\*

#### Context and women, peace and security

1. In March 2022, the State party declared a “state of exception” to combat gang violence, suspending certain civil liberties, including due process, leading to over 65,000 arrests and reports of human rights abuses and overcrowded prisons. Although homicides have decreased, this measure has intensified gendered vulnerabilities. Women previously threatened by gangs now face harassment and fear from increased military and police presence. In addition, women who once depended on gang-related income are now financially burdened with supporting detained family members, and concerns for children’s safety are rising with reduced supervision. Women’s rights organizations face budget cuts, limited resources and operational restrictions, affecting support for victims of gender-based and intimate-partner violence. The State party’s security-focused approach has overshadowed support for women’s rights, sidelining efforts to address domestic violence and economic empowerment. In the light of the political and social developments in the State party since 2019, including power centralization, weakened democratic institutions and the implementation of the “state of exception”, please provide detailed information on how the State Party has sought to preserve women’s human rights in relation to all articles of the Convention. Please also inform the Committee about the measures implemented under the National Action Plan on Women and Peace and Security (2022–2024), the impact on women’s representation and participation in peacebuilding processes.

#### Visibility of the Convention

2. Please provide information on the following:

(a) Measures taken to raise awareness, specifically among women, including women affected by poverty, Indigenous women, Afrodescendent women, women with disabilities, migrant women and rural women, about their rights under the Convention and the Committee’s general recommendations; please indicate the steps taken to translate the Convention into Indigenous languages and to make it available to women and girls, including those with disabilities, in accessible formats, including in Braille and audiovisual materials;

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\* Adopted by the pre-sessional working group on 29 October 2024.



(b) Court judgments in which judges have invoked the Convention and the Committee's jurisprudence to decide court cases, including in family law, criminal law, civil law and labour law cases, as well as on the capacity-building programmes addressed to the judiciary and law enforcement officers in relation to the Convention and the Committee's general recommendations;

(c) Steps taken to ratify the Optional Protocol to the Convention.

#### **Legislative framework and definition of discrimination**

3. In accordance with the State party's obligations under articles 1 and 2 of the Convention, and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on the following:

(a) Measures taken to adopt a comprehensive definition of discrimination that protects women against direct and indirect discrimination, including intersecting forms of discrimination, in both the public and private spheres;

(b) Legislative and policy measures taken to address intersecting forms of discrimination faced by women;

(c) Legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, in particular women belonging to ethnic and national minority groups, migrant, refugee and asylum-seeking women, women with disabilities, older women and women and girls living in rural areas;

(d) Steps taken to ensure the full and effective implementation of the Law on Equality, Equity and the Eradication of Discrimination against Women, and of the Special Comprehensive Act on a Violence -Free Life for Women.

#### **Access to justice and legal complaint mechanisms**

4. Please provide information on the following:

(a) Mechanisms in place to safeguard non-derogable human rights and freedoms of women and girls during the "state of exception";

(b) Concrete measures taken to institutionalize and strengthen access to quality legal aid services that are adequately funded, to ensure the legal representation of women without sufficient means in criminal, civil and administrative proceedings relating to gender-based violence and discrimination;

(c) Outcomes of the implementation of the criminal prosecution policy on violence against women and the Protocol for the Investigation and Criminal Prosecution of Violent Deaths of Women by the Attorney General's Office;

(d) Measures taken to strengthen the functioning of specialized courts to deal with cases of gender-based violence and the legal complaint mechanisms to ensure timely and adequate responses to cases, including the allocation of sufficient human, technical and financial resources;

(e) Steps taken to design a comprehensive judicial policy to eliminate the institutional, social, economic, technological and other barriers faced by women, including accessibility for women and girls with disabilities, in obtaining access to justice, and to provide adequate human, financial and technical resources, including the provision of reasonable and procedural accommodations, as well as indicators and a monitoring mechanism for its implementation;

- (f) Measures taken to ensure that women who are victims of gender-based violence and discrimination have access to effective redress and to facilitate their access to quality legal aid;
- (g) Steps taken to enhance women's awareness of their rights and legal remedies available to them in all areas of the law;
- (h) Information on the impact of capacity-building programmes on women's rights and gender equality for lawyers, judges, prosecutors and police officers and, on the basis of the results, the steps being taken to enhance the quality of those programmes and increase the number of beneficiaries;
- (i) Steps taken to ensure that judges, prosecutors and police officers handle cases of gender-based violence and discrimination against women in a gender-sensitive manner and expand mandatory capacity-building to judges, prosecutors, lawyers, law enforcement officials and mediators on women's rights, including their right to access to justice;
- (j) Steps taken to design a strategy aimed at guaranteeing access to justice of disadvantaged and discriminated groups of women, such as Indigenous women, Afrodescendent women and women with disabilities, which addresses linguistic, accessibility and other cultural barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.

### **National machinery for the advancement of women**

5. Please provide information on the following:

- (a) Measures taken to ensure that the Salvadoran Institute for the Development of Women receives sufficient human, technical and financial resources to fulfil its mandate effectively, including its coordination role in the National Equality Plan 2021–2025 and the national policy for women's access to a life free of violence;
- (b) Actions to ensure the participation of women's organizations and civil society in decision-making processes within the Institute and other relevant bodies following recent legislative reforms;
- (c) Whether the Government has plans to establish a dedicated mechanism or fund to support women victims of violence, as stipulated in the Special Comprehensive Act on a Violence-Free Life for Women;
- (d) Mechanisms to promote the participation of, and consultations with, women's organizations, in particular those for Indigenous women, Afrodescendent women and women with disabilities, in the adoption and implementation of public policies and programmes by the national machinery for the advancement of women;
- (e) The current status of the proposed law of the Salvadoran Institute for Women, which was presented to the Legislative Assembly in 2018;
- (f) The results achieved through the functioning of the institutional information and statistics system, specifically regarding the gender statistics and indicators module;
- (g) The status of the new National Equality Plan.

### **National human rights institution**

6. Please provide updated information on the steps taken to address the 2022 recommendations by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to strengthen the Procuraduría para la Defensa de

los Derechos Humanos of El Salvador, ensuring its capacity to fulfil its mandate effectively and independently in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **Temporary special measures**

7. Please provide updated information on any temporary special measures taken by the State party, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to accelerate the realization of the substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as participation in political and public life and employment. Please also provide information on awareness-raising campaigns targeting governmental officials, policymakers, employers and the media on the non-discriminatory nature, value and importance of temporary special measures for national development.

### **Gender stereotypes and harmful practices**

8. Please provide detailed information on the measures taken to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, including awareness-raising and educational programmes and media campaigns to convey positive images of women as active participants in economic, social and political life, and the impact of those measures. Please also provide information on:

- (a) Measures taken to address discriminatory gender stereotypes and negative portrayals of women, including all forms of objectification of women in the media and advertisements, and the results of those measures;
- (b) Efforts made to monitor the negative portrayals of women in the media and social media, as well as in statements by public officials;
- (c) Steps taken to mainstream gender equality into the education curricula, including measures addressed to teachers, and impact assessments of capacity-building activities on women's rights and gender equality;
- (d) Efforts made to analyse and address gender-based stereotypes as a root cause of gender-based violence against women;
- (e) Measures taken to monitor the impact of such measures;
- (f) Measures taken to address hate speech and cyberviolence against women and girls.

### **Gender-based violence against women and girls**

9. Information received by the Committee indicates a high prevalence of gender-based violence against women and girls in the State party, including femicides, disappearances, psychological and sexual violence, as well as high numbers of reported domestic violence cases. The "state of exception" in place since 2022, which suspends several constitutional rights, has raised concerns about its impact on women's rights, including an increase in arbitrary detentions of women and limited access to justice mechanisms for survivors of gender-based violence. Please indicate the measures taken to:

- (a) Adopt a national action plan to address gender-based violence against women and include specific measures to address all forms of violence, including the emerging violence that women experience online;

- (b) Prevent all forms of gender-based violence against Indigenous women, Afrodescendent women, women and girls with disabilities, lesbian, bisexual and transgender women, intersex persons and women human rights defenders;
- (c) Establish specialized courts on gender-based violence against women in all provinces, including in rural areas;
- (d) Ensure the prosecution, conviction and punishment of perpetrators of gender-based violence against women, including sexual violence and domestic violence perpetrated by gang members and members of the armed forces;
- (e) Collect data on the number of prosecutions and convictions of perpetrators of sexual harassment or abuse or other forms of gender-based violence against girls in schools, for the past five years, programmes addressing the root causes of such violence, the number of teachers having received specialized training and the number of girls having benefitted from protection, redress and psychosocial support;
- (f) Prevent cases of gender-based violence against women in detention centres and centres for minors, and ensure that all types of institutions are supervised by independent authorities;
- (g) Provide victims with adequate psychosocial and trauma counselling and effective protection, rehabilitation and remedies, including compensation;
- (h) Document and investigate all cases of enforced disappearances of women in the State party, prosecute perpetrators and provide adequate reparation to the victims and their families;
- (i) Expand the coverage of shelters in the State party, including information on the number and accessibility of shelters for women and girls who are survivors of domestic and other forms of gender-based violence, including women with disabilities, and on the support available to victims;
- (j) Collect statistical data on gender-based violence against women and girls, for the past five years, disaggregated by age, ethnicity, disability, the relationship between the perpetrator and the victim and the types of sentence imposed on the perpetrators.

### **Trafficking and exploitation of prostitution**

10. Please provide information on the measures taken to:

- (a) Amend the Special Law against Trafficking in Persons to include a definition of trafficking in persons consistent with international law;
- (b) Enhance the identification, protection and rehabilitation of women and girls who are victims of trafficking and exploitation of prostitution, including steps to ensure their access to justice and comprehensive support services;
- (c) Improve international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking of women and girls, through information exchange and by harmonizing legal procedures aimed at the prosecution and punishment of perpetrators and ending impunity;
- (d) Strengthen the National Council against Trafficking in Persons, inter-institutional coordination and the capacity-building of law enforcement officials, judicial authorities and social workers to ensure timely and effective responses to trafficking cases;
- (e) Build the capacity of the judiciary and the police to effectively identify and investigate cases of trafficking and exploitation of prostitution in a gender-sensitive manner;

(f) Ensure that victims are not further revictimized, including by building the capacity of the judiciary and the police in the treatment of trafficking victims, addressing gender-based violence and ensuring their safety;

(g) Address the root-causes of trafficking, including poverty and exploitation in prostitution, and conduct education campaigns on the risks and dangers of trafficking for women and girls, in particular for migrant and rural women.

### **Participation in political and public life**

11. In line with its general recommendation No. 40 (2024) on equal and inclusive representation of women in decision-making systems, the Committee notes with concern the persistent underrepresentation of women in political and public life in the State party, despite legislative measures mandating gender quotas. Please provide information on:

(a) Specific measures taken to ensure the effective implementation of the gender quota system, in particular to increase women's representation in leadership positions at the municipal and national levels;

(b) Steps taken to address the barriers faced by women from marginalized groups, including rural, Indigenous and Afrodescendent women, in gaining access to political and public life, including diplomatic service positions;

(c) Efforts to investigate, prosecute and provide redress for acts of violence, harassment and intimidation against women participating in politics, including digital violence;

(d) The implementation status of the "Protocol for the prevention and attention of women victims of political violence" and any outcomes of its application in the 2024 elections;

(e) Measures taken to promote and protect women's participation in political and public life, including training and support programmes for women candidates and public office holders;

(f) Support systems to facilitate the full participation of women in political and public life, including by ensuring the availability of quality childcare facilities.

### **Education**

12. Information received by the Committee indicates that, despite earlier commitments and partial progress in implementing comprehensive sexual education in the national curriculum, recent government policies have led to the removal of all educational materials related to "gender ideology" from public schools, as well as the suspension of training for teachers. Please provide information on the following:

(a) Measures taken to reintegrate comprehensive age-appropriate education on sexual and reproductive health and rights at all levels of education, including on responsible sexual behaviour and modern contraceptives;

(b) Enrolment rates at all levels of education among girls and women, disaggregated by location (urban or rural area), whether the student is of Indigenous or African descent, disability status and migrant or refugee status;

(c) The school dropout rate among girls, for the past five years; please also indicate how the State party addresses dropout due to early pregnancy and the stigma attached to it;

(d) Strategies in place to address the high rates of early pregnancies, especially in rural areas, including the measures taken to ensure the continued

implementation of the National Cross-sectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents 2017–2027;

(e) Measures taken to address gender-based violence against women and girls in the school environment, including bullying, sexual abuse and hate speech;

(f) Women's career choices, disaggregated by age and location in urban or rural area, and the measures taken to encourage women and girls to choose non-stereotypical fields of study, such as information and communications technologies and science, technology, engineering and mathematics;

(g) Measures to address gender stereotypes in curricula and textbooks.

## **Employment**

13. Please provide information on the outcomes of the “gender equality seal” certification programme and the national policy on co-responsibility for care, and whether they have led to tangible improvements in women's employment conditions across different sectors. Please inform the Committee about economic empowerment initiatives for women implemented by the State party, including the Casa Mujer programme and the Inclusión Mujer credit line. Please also inform on the measures taken to:

(a) Close the gender pay gap;

(b) Promote access to formal employment for women, including rural women, women with disabilities, Indigenous and Afrodescendent women, and migrant women;

(c) Ensure the effective implementation and monitoring of laws prohibiting harassment and discrimination in the workplace;

(d) Ensure social protection for women working in the informal economy, including the recognition of maternity leave, paid sick leave and disability and old-age pension benefits;

(e) Promote the equal sharing of family and work responsibilities between women and men, and the provision of affordable quality childcare facilities and allowances for women heads of household;

(f) Ratify International Labour Organization Domestic Workers Convention, 2011 (No. 189).

## **Health**

14. Please inform the Committee about the current status and effectiveness of the Strategy for the Prevention of Pregnancy in Girls and Adolescents, particularly regarding its operational scope and any measurable outcomes to date. Please inform the Committee whether the national health policy 2015–2019, the policy for gender equality and equity in health and other strategic plans and regulations related to sexual and reproductive health remain in force, considering the recent directive to withdraw materials on sexual diversity, comprehensive sexuality education and reproductive health. How does the State intend to address the potential impacts on the right to health and information as protected under the Constitution and the Growing Together Act? Please also provide information on the measures taken to:

(a) Ensure access to comprehensive, accessible and affordable healthcare, including in rural and remote areas;

(b) Amend article 133 of the Penal Code to decriminalize abortion in cases of rape, incest, risk to the health of the pregnant woman and severe foetal impairment,

remove punitive measures for women who undergo abortion and ensure the availability of abortion services;

(c) Raise awareness about modern forms of contraception and ensure access to safe and affordable contraception for women and adolescent girls, in particular in rural and remote areas;

(d) Protect women during childbirth through improved maternal health services, adequately punish perpetrators of obstetric violence, strengthen capacity-building programmes for medical practitioners and ensure regular monitoring of the treatment of patients in healthcare centres and hospitals;

(e) Strengthen measures to ensure the access of girls, adolescents and women, including rural and marginalized urban women, to adequate sexual and reproductive health services, including modern contraceptives and family planning.

### **Economic empowerment of women**

15. Please inform the Committee about initiatives for the economic empowerment of women implemented by the State party, including the Casa Mujer programme and the Inclusión Mujer credit line. Please inform the Committee about the measures taken to implement the national policy of co-responsibility for care 2022–2030. Please inform the Committee about plans to establish safe and accessible care facilities, including how financial resources will be allocated to ensure the policy's long-term sustainability. Please provide information on special programmes to address the economic impact on women as a consequence of the war on crime.

### **Rural women**

16. With reference to the Committee's general recommendation No. 34 (2016) on the rights of rural women, please indicate the measures taken to improve access for rural women and girls to basic services, including healthcare and family planning services, water, education, formal employment, social protection, justice, land and credit. Please provide information on strengthening women literacy programmes and facilitating access to vocational education and training for women in rural areas; please provide information measures to increase access to land for rural women and access for such women to low-interest loans without collateral and income-generating opportunities; please also provide information on measures to increase access to education, employment, social protection in both the formal and informal economy, and means of economic empowerment and health services for rural and Indigenous women and Afrodescendent women. Please provide information on the existence of a comprehensive rural development policy or action plan, particularly focusing on rural women. In addition, please outline any agricultural and agro-industrial policies or programmes that specifically address the needs and priorities of rural women.

### **Indigenous women**

17. Please provide updated and detailed information on the specific measures taken to address the inequalities faced by Indigenous women, which are compounded by the intersecting forms of discrimination to which they are subjected; please provide information on all measures taken to bridge the gap between Indigenous women and other women in the State party. In particular, please provide information on concrete steps taken to speed up the adoption of the Indigenous Peoples Law, ensure a gender perspective in the National Plan for Indigenous Peoples and introduce the category of Indigenous peoples for the population and housing census planned for 2024. Please also provide information on the steps taken to review laws and policies, with the participation of Indigenous women, to ensure that they can fully enjoy their rights to

adequate housing, education and family and private life without discrimination or fear of segregation, forced eviction or displacement.

### **Women with disabilities**

18. Please provide updated information on the measures taken to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, in particular with regard to accessible and inclusive education, employment, access to justice, protection against violence and access to sexual and reproductive healthcare services and poverty reduction programmes; please also report on how free and informed consent is ensured for women with disabilities prior to any medical treatment and on any existing exceptions to that universal right; please indicate measures adopted to protect women with disabilities living in institutions from violence and abuse and to eliminate practices involving physical and mechanical restraints. Please provide information on restrictions to legal capacity.

### **Women human rights defenders**

19. Please provide information on the measures taken by the State party to expedite the investigation and prosecution of all acts of harassment, intimidation and reprisals perpetrated against women human rights defenders, including women journalists and civil society members, as well as measures taken to prevent attacks and threats against and provide protection and reparations to women human rights defenders; please also clarify if the State party is planning to adopt a normative framework that specifically protects women human rights defenders, ensuring their freedom to advocate without fear of retaliation or violence.

### **Women in detention**

20. Please provide information on the measures taken to improve the situation of women in detention, particularly with regard to conditions of hygiene, food, health, including sexual and reproductive health, protection against violence and access to a fair trial, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

### **Lesbian, bisexual and transgender women and intersex women**

21. Please provide information on measures taken to ensure the enforcement of legislation against discrimination by law enforcement officials, prosecute hate crimes against lesbian, bisexual and transgender women and intersex women and ensure that such cases are duly investigated and adequately punished; please also report on measures taken to combat discrimination against women on the basis of their sexual orientation and gender identity, including efforts to raise awareness among the public.

### **Climate change and disaster risk reduction**

22. In line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please inform the Committee about steps taken to ensure women's equal representation in the development of legislation, national policies and programmes on climate change mitigation and adaptation, climate financing, disaster response and disaster risk reduction, and the integration of a gender perspective in such legislation, policies, programmes and financing.

**Marriage and family relations**

23. Please provide information on the following:

- (a) Measures taken to enforce the prohibition of child marriage (Legislative Decree No. 754/2017), particularly in rural and marginalized area;
- (b) Initiatives aimed at addressing the socioeconomic factors leading to early unions, including early and forced marriages, and how the State ensures that girls and adolescents are protected from these practices;
- (c) Measures taken to legally recognize de facto unions and ensure that women enjoy adequate legal protection during and upon their dissolution.

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