

Progress and limitations in El Salvador

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Fifteen years after the Beijing Conference Salvadoran women have made little progress. The achievements gained thus far are owed to the determination of the feminist and women's movement as well as the political will of some women within the political parties.

Lic. María Dina Sales de Rodríguez
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Proof is available that a large number of legal instruments exist in the country to promote progress in the status of women. However, these instruments are mere diplomatic formalities in the case of Conventions and legislative responsibilities required by bilateral cooperation and international organizations.

The Government of El Salvador made no effort to reduce the gender gap despite its commitment in 1995 in Beijing to promote gender equity in its institutions. Today, management positions are mostly occupied by men and women's participation in the Legislative Assembly is only 9% – that is, 91% of the members are men.

Progress in women's representation in mayoral sities and municipal councils is also scant. Although the women's departments created in some of the municipalities constitute progress in terms of municipal management, they are confronted with a lack of resources and limitations which hinder their administration. This shows up most clearly in the obstacles encountered by cross-cutting gender policies in their internal structures.

Official reports on the progress achieved by Salvadoran women's representation in decision-making areas point to unfavourable results at all levels of government.

With regard to sexual and reproductive rights, El Salvador – along with Nicaragua – criminalizes abortion entirely and has extremely restrictive laws which criminalize all abortion with imprisonment, even when the life of the mother is at risk, or when the foetus is congenitally malformed. Although the Ministry of Health has birth control plans and strategies, political discourse is imbued with religious conservatism which denies the sexual and reproductive rights of women, criminalizes all forms of contraception and rejects all demands related to rights regarding sexual diversity and gender identity.

An overview

Since 1995, the United Nations and its agencies, as well as the Inter-American Commission of Women of the OAS, the Council of Ministers for Women of Central America, and other organizations have given their support to the implementation of the gender focus in El Salvador in an attempt to achieve changes in the government's plans and policies, as well as in discriminatory attitudes and behaviour, so that

women are able to fully exercise their rights. Legal changes were achieved in this regard, in the areas of family law, civil law and criminal law.

Amongst the various objectives proposed was the breakdown of the barriers between the "public" and the "private", the acknowledgement of women as social and political subjects with economic, social, political and cultural rights on equal terms with men and with influence in the relations of political power.

At present, women continue to struggle, through various efforts at the local, national or regional level, for their full citizenship, generic democracy, their sexual and reproductive rights and non-sexist education, as well as the care and preservation of the environment, the recognition of reproductive labour, a life free of violence or discrimination, and sustainable development.

Official policy begun to respond to the demands of women, by starting with their inclusion in management and political settings and answering their petitions with the creation of several organizations: the Department for Women in the Office of the Attorney General of the Republic, the Women's Secretariat installed by FMLN, a leftist political party, the Institute for Research and Development for Women (IMU, in Spanish), the Salvadoran Institute for the Development of Women (ISDEMU, in Spanish) and the Assistant Attorney General's Office for the Defence of the Rights of Women and Families, amongst others.

Differential impacts

Neo-liberal policy applied in the region in the 1990s along with structural gender inequalities and extreme religious conservatism increased the difficulties women faced in satisfying their demands. On the one hand, the media, formal education and health are used as ideological tools to prevent the implementation of women's human rights. On the other hand, the economic impacts of the crisis accentuate existing employment vulnerability in general and women's employment vulnerability in particular.

ECLAC indicated that as women face vulnerability with regards to access to social protection: "solidarity measures instituted with a social protection purpose in terms of the labour market need to be analyzed. Employment must not be expected to constitute a sufficient measure of protection for the greater part of the population, in view of threats related to the lack of income, health and old age. In times of crisis, it is necessary to rethink the framework for comprehensive solidarity, which blends

contributive and non-contributive measures of social protection".¹

Measures which aim to generate mitigating policies in the face of this situation should bear in mind that, if development objectives are not to be put at risk, the differential impacts that economic policies have on men and women should be considered. In short, for whom and how these policies are designed, whom they impact, on whom falls the burden of economic recovery, to what extent are social inequalities strengthened, or to what extent is a window of opportunity opened which will prevent recurring crises.²

The State's unfulfilled obligations

The State has only partially fulfilled its national and international commitments with regard to women's rights. Amongst these commitments are:

- The International Covenant on Civil and Political Rights (1996).
- The agreements of the Fourth World Conference on Women, Beijing, 1995.
- Decree 902, the 1996 Intra-Family Violence Act, as stipulated in the Constitution, to provide the whole of the population with a decent life and show the political will to overcome the problem of violence.
- In 1999 the General Assembly of the United Nations approved the CEDAW's Optional Protocol, a complementary instrument for the Convention, which established minimum means of accountability. El Salvador has signed the Optional Protocol and yet so far the Legislative Assembly has not ratified it, which makes it difficult to obtain access to international means of protection for women's human rights, as well as designing public policies which make these human rights effective.
- The State fails to recognize the importance of women's productive and reproductive role in the national economy.

¹ ECLAC, "Central American Isthmus and Dominican Republic: Economic evaluation for 2008 and prospects for 2009 – Confronting the crisis". Available at: www.unifem.org.mx/un/documents/cendoc/otras/eclac-crisis2009.pdf.

² "Las medidas anticrisis: posibles impactos en el empleo de las mujeres y en la conciliación entre el trabajo en el hogar y en el mercado" ("Anti-crisis measures: possible impact on the employment of women and on the compromise between work in the home and on the market"). Alma Espino, December 2009.

- Even though the existence of ISDEMU is acknowledged as an entity for the advancement of women, it has obviously not guaranteed the fulfilment of policies geared towards women. Funds devoted to the development of women are few and barely sufficient for investment in small projects. In addition, the presence of two representatives of women's organizations, and two alternate members, on the Board of ISDEMU has not led to an improvement in the status of women with regards to negotiations and on their influence on the Board itself, since the organizations' contributions are obscured because they are not credited in the documents produced, such as the Beijing +10 Report.

Specific objectives pursued

Salvadoran women demand the implementation of the principles of gender equity and equality, throughout the whole of the economic, social, political and cultural system. Amongst other things, their objectives aim at non-sexist education, a change in the relations of power between men and women, the elimination of gender violence, the recognition of the value of reproductive work, of sexual and reproductive rights, sexual choice or preference and full citizenship.

Women's demands (November 2009)

- That the Legislative Assembly should approve the Comprehensive Act for Women's Access to a Life Free from Violence.
- That the Legislative Assembly should ratify the CEDAW Optional Protocol, in order to be able to have access to international means of protection for the human rights of women, and the implementation of public policies which make the rights of women effective.

- That the Legislative Assembly should ratify the Ibero-American Convention on Young People's Rights.
- That the National Civil Police and the Public Prosecutor of the Republic should fulfil their role effectively with regard to the investigation of the murders of women and all acts of sexual violence against women and girls.
- That judges should apply justice swiftly on behalf of women and families affected by every act of violence.
- That women's murder be included in the Criminal Code and that the murders of all the girls, teenagers, young and adult women who have been the victims of violence should be solved and justice achieved through due legal process. The State owes these victims justice and such crimes continue to go unpunished.
- That the State should comply with the recommendations of the Committee on the Elimination of Discrimination against Women (of the United Nations) in its 42nd sessions period – 20 October to 7 November 2008 – with regard to the Committee's Concluding Observations on El Salvador's 7th regular report (CEDAW/C/SLV/7), submitted during sessions 862 and 863 held on 31 October 2008.
- That the relevant institutions should undertake a greater commitment to eradicate violence and discrimination against women.
- That the government should implement greater transparency regarding the means used to supervise the fulfilment of labour regulations and policy which endeavours to ensure employment for women.
- That the government should bear in mind the comments made in 2004 by Ms Yakin Ertürk, Special Rapporteur on Violence against Women

to the Secretary General of the United Nations, who concluded that despite some significant achievements, *"the fact that the authorities fail to investigate, bring to trial and punish those responsible for acts of violence against women has contributed to the creation of a climate of impunity which has led to a lack of trust in the system of justice. The impunity of crime, socio-economic disparities and the machista culture favour a generalized state of violence in which women are submitted to a continuous series of multiple acts of violence, such as murder, rape, domestic violence, sexual harassment and commercial sexual exploitation."* ■

Sources consulted:

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- Concluding Observations of the Committee on the Elimination of Discrimination against Women: El Salvador, Committee on the Elimination of Discrimination against Women, 42nd sessions period, 20 October to 7 November 2008, United Nations, CEDAW7C/SLV/CO/7.
- Publication by ISDEMU, containing legal instruments regarding gender violence, 2000.
- Pocket Diary, Preventive campaign against gender violence, OXFAM America, A life without violence between you and me, MINED. 2009
- Publications issued by the Attorney General's Office for the Defence of Human Rights, through the Assistant Attorney General's Office for the Defence of the Rights of Women and Families, campaign on "All women have the right to a life without discrimination or violence", 2009.
- ISDEMU report on violence against women, November 2009.
- Information provided by the National Secretariat for Social Inclusion, on the Ibero-American Convention on Young People's Rights, 4 December 2009.