

---

Committee on the Elimination of  
Discrimination against Women  
Fifth session

10 - 21 March 1986

Excerpted from: Supplement No. 45 (A/41/45)

Concluding comments of the Committee on the Elimination of  
Discrimination against Women: El Salvador

Initial report

314. The Committee considered the initial report of El Salvador (CEDAW/C/5/Add.19) at its 76th, 77th and 80th meetings, on 18 and 20 March 1986 (CEDAW/C/5/SR.76, 77 and 80).

315. The representative of El Salvador, in his introduction, said that significant progress in the advancement of women had been made in his country owing to the policy advocated by President José Napoleón Duarte. Currently, there were six women Vice-Ministers and decentralized institutions headed by women, such as the Institute of Co-operative Progress and the Institute of Urban Housing. In the Legislative Assembly there were 10 women deputies elected by popular vote, and they constituted 10 per cent of the legislative members. Ten governors were women as were 32 mayors, who administered approximately 10 per cent of the towns of El Salvador.

316. Some members of the Committee commented on the frankness of the report, which followed the articles of the Convention and gave a good picture of the legislative situation of the country. They pointed out, however, that discriminatory legislation still existed and they would have welcomed more statistical data and a comprehensive overall perspective of Salvadorian society. They inquired what measures the Government was planning to undertake to remedy the situation. More information was requested on the economic profile of the country: what was the per capita income, land ownership and land distribution? More data was also requested on the political aspects and national administration, and membership of women in trade unions and the military government organizations as well as political parties. One expert asked whether women's organizations had been consulted in the preparation of the report and what steps would be taken to inform women of the proceedings of the Committee.

317. Some experts asked whether the principle of women's equality was limited to civil rights or whether it referred also to other rights, such as political and economic rights. Questions were asked as to whether the principles contained in the Convention had the force of law. Women seemed to be the victims of cultural and social prejudices and certain penal provisions, such as those regarding adultery and others contained in the Labour Code, constituted an unacceptable discrimination.

318. One expert asked how many cases of sexual discrimination were taken to Court and whether women had access to legal aid. One expert emphasized the need to achieve both de facto and de jure equality; this was not at all clear in the report and indicated a lack of awareness on the subject.

319. Several experts remarked that since the country was in a state of emergency, human rights violations had been reported and had been the subject of scrutiny by United Nations organs. One expert asked what consequences these violations had had on women regarding imprisonment, torture and disappearance. The same expert asked what legislative acts were adopted that violated human rights.

320. Furthermore, information was requested on a document entitled "Comprehensive population policy".

321. Several experts wondered about the circumstances under which pregnant women could be transferred from their posts; some considered those measures as overprotective. It was asked what was the reason for the provision giving the employer a right to transfer pregnant women when their normal work consisted in dealing with the public.

322. Other experts sought more information on the Women's Office and the functions of, and the number of cases dealt with by, the Attorney for the Poor. One expert asked about the degree of influence of the Roman Catholic Church in the social development of the country. Others asked how many children were affected by the practice of voluntary surrender of children for adoption, whether that system was related to the poverty in the country and whether it had social repercussions on the family.

323. Questions were asked concerning the magnitude of the problem of prostitution and if it was permissible below the age of 16.

324. One expert asked whether Salvadorians below the age of 18 were also citizens. Another one thought that the electoral law requiring a minimum age for women of 25 or 21 years constituted discrimination against the female sex. Some experts asked about the existence and programmes of women's organizations and were interested in figures on the participation of women at the decision-making level and in trade unions.

325. Several members inquired about the percentage of women in the foreign service.

326. Members wanted to know the literacy rate for both men and women, whether women were encouraged to participate in the literacy campaigns, and what percentage of the population was reached by the educational television system. They also asked for statistical information for both sexes on all levels of education. Some experts wanted to know which sports were qualified as unsuitable for girls.

327. Some experts asked whether sanctions existed in cases of violations of the principle of equal wages for equal work. Several experts noted that certain types of work were prohibited only for women and children but not for men and it was asked on what grounds they were not considered unhealthy also for men. It also seemed that employers were quite free to decide what kind of work could be considered unsuitable for women. One expert wanted to know the length of apprenticeship contracts. Figures on the unemployment rates in the country were sought. One expert asked which occupations were not considered suitable after the fourth month of pregnancy. Another one pointed out that the benefits during

maternity leave should be 100 per cent and not just 75.6 per cent of basic wages. Concern was expressed at the lack of day-care facilities.

328. As regards the benefits accruing to the lifetime companion covered by the social security system, questions were asked as to the required minimum duration of such unions.

329. Some questions concerned the number of beneficiaries in training and retraining programmes. One expert inquired about the rationale behind the existence of three types of maternity benefits; other experts asked for more information on the social security system.

330. Some experts asked whether abortion was legal or illegal, whether sanctions existed against women and/or doctors involved in abortions, and whether family planning was being practised.

331. Several experts remarked that no reasons were given in the report for the lack of child-care facilities and they requested more information on that question. Other experts were worried by the increase of children being given away for adoption and asked what was compelling women to take such drastic measures. Some experts requested statistical data on demographic factors such as mortality rates (infant and maternal), life expectancy and age groups, while others requested information on the percentages of births in maternity clinics and other locations.

332. Information was requested on programmes covering the needs of rural women, on the percentage of rural women and on rural reforms. One expert asked whether the husband or the wife was the landowner and whether rural women had access to bank loans. Another expert asked how the agrarian reform had affected women.

333. One expert wondered why the husband owed protection to his wife, whereas the wife did not have a similar duty. Another expert asked why the legal age for entering into marriage was lower than the legal age to vote. Other experts inquired about the property régime in marriages and wondered about the lack of legislation concerning the name of married women. The obligation of the wife to follow her husband was considered as discriminatory.

334. An expert praised the representative for the courage the country had shown in signing the Convention and for the frankness with which the report had been prepared, in recognizing that discrimination still existed despite the efforts made by the present Government.

335. In replying, the representative of the State party first expressed doubts as to whether the members of the Committee did not go beyond the scope of their competence by some of the questions asked and by raising matters that had already been discussed by the Human Rights Committee in Geneva. He was wondering why not one expert had protested the kidnapping of the President's daughter, which had been financed by other States Members of the United Nations. That kind of blackmailing should not be ignored by the Committee.

336. He then spoke about the new Constitution, which had been put into force in his country in 1983, that established the equality of all persons before the law. All other laws had to be adopted accordingly.

337. In the Constituent Assembly, 18 per cent of its members were women and, later, the President of the Legislative Assembly was a woman. That showed that women in El Salvador were strongly involved in the political life of the country.

338. The functions of the former Office of the Attorney for the Poor were currently being executed by the General Prosecutor of the Republic. The Women's Office had been incorporated within that institution since 1983. After the cut of its subsidies from the Organization of American States, it was still financed from the State. As the general policy of El Salvador was aimed at promoting women's rights and women's organizations, the functions of the Women's Office were not limited to rendering merely social services, they concentrated on promotional and development activities, political participation, housing, education and employment.
339. The representative explained that his Government supported pluralistic political participation and equality of rights, independent of sex, social origin, economic conditions and political beliefs.
340. He stated that international treaties had legal force in his country and in case of conflict between treaty obligations and national laws, the treaties prevailed over existing laws.
341. Women in El Salvador had free use of property. Children born in and out of wedlock and adopted children had the same rights. In marriage, women and men had equal parental authority, women had the right to care for the children and the right to receive child support from the child's father. In marriage, the system of separation of property was valid. If women changed their maiden names to their husband's name, they did not become their husband's property.
342. Under labour law, equal opportunities and equal pay existed for both sexes. Women also enjoyed the same social benefits as men. They were protected from dangerous and unhealthy work and enjoyed additional benefits related to maternity. One of the experts referred to such practice as being over-protective and would welcome a revision of that legislation.
343. Also, non-working women could benefit from social security benefits. For women living with men in free unions, the same social security regulations existed. There was no minimum time for cohabitation. All that was necessary was that the man registered the woman he lived with; he could also do that if he was already married to another woman. Failing that, the woman could obtain the inclusion in social insurance by law.
344. Abortion was a crime except for health reasons for the mother or the child and in cases of scandal and rape.
345. Women in civil service were, under sanctions, guaranteed the same entitlements as men to promotion and other benefits.
346. The transferral of pregnant women to more comfortable jobs was not to be considered as a discrimination, but only as a favour, which they could use if they felt more comfortable.
347. Women were active in the country's foreign service. Military service was compulsory only for men, none the less about 10 women were to be found in the military ranks.
348. In El Salvador all public schools were co-educational and women could often be found in leading posts in school administration. Women had access to any type of sports; limitations referred merely to their sex in sports such as boxing.

349. Since their recognition of legal capacity, women could take the same legal steps as men without any prior authorization and they could be personally notified or summoned and could be witnesses.

350. Since the agricultural reforms of 1981, women could be active subjects and beneficiaries, they could own and labour land and be members of co-operatives.

351. The representative concluded by saying that he felt sure that the Committee members recognized the country's good intentions and its aspirations for peace.

352. In reply to some further questions, the representative of El Salvador said that the church did not exercise any pressure on the Government and did not try to impede the advancement of women.

353. Some experts were dissatisfied with the replies given and said that some of their questions had not been answered. The representative had been dwelling on the legal aspect, but he did not say anything about the de facto situation of women. Experts wanted to get demographic profiles and other statistical data.

354. A discussion was held between the representative of El Salvador and some experts concerning the Committee's competence to ask questions regarding the human rights situation in a reporting State. Some experts expressed their view that women as well as men were hurt by the political, social and human rights situation in El Salvador. The representative said that it had not been made clear about the extent to which the Committee could discuss political questions. A few experts emphasized that the members of the Committee served as individuals and not as government representatives. The questions were only asked to learn about the true position of women in El Salvador.

355. Asked about the role of the Committee of Salvadorian Mothers, the representative said that it enjoyed the same rights as other women's organizations to organize strikes and hold public protests. People in his country had also free access to newspapers.

356. Finally, the representative said that the subsequent report would contain sufficient expanded material.