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**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## **Rapport de la Rapporteuse spéciale sur la question de la violence contre les femmes, ses causes et ses conséquences, Rashida Manjoo**

### Additif

### Mission de suivi en El Salvador\*

#### *Résumé*

Le présent rapport contient les conclusions formulées par la Rapporteuse spéciale sur la question de la violence contre les femmes, ses causes et ses conséquences à la suite de sa mission de suivi en El Salvador, où la visite initiale dans le cadre du mandat remonte à 2004 (E/CN.4/2005/72/Add.2). La Rapporteuse spéciale examine dans quelle mesure les recommandations faites dans le précédent rapport ont été mises en œuvre en étudiant les formes de violence les plus courantes dont sont actuellement victimes les femmes et les filles en El Salvador, les mesures prises par l'État face à cette violence et les principaux problèmes qui persistent.

En dépit de la volonté du Gouvernement d'honorer son obligation d'exercer la diligence voulue dans le domaine de l'égalité des sexes et de la lutte contre la violence à l'égard des femmes, d'importants problèmes demeurent. Comme l'a signalé la titulaire de mandat précédente, le fait que les autorités n'ouvrent pas d'enquêtes et ne poursuivent ni ne punissent les auteurs de violences sexistes a contribué à un climat d'impunité qui a engendré une méfiance dans le système judiciaire; l'impunité qui règne autour des crimes, les disparités socioéconomiques et la culture machiste ont nourri un état de violence généralisée, avec pour les femmes de multiples formes de violence, telles que meurtre, viol, violence familiale, harcèlement sexuel et exploitation sexuelle à des fins commerciales.

\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe et il est distribué dans la langue originale et en espagnol seulement.

Les discussions tenues et les informations recueillies au cours de la mission donnaient à penser que la situation avait peu changé en El Salvador. Outre une mise en œuvre effective déficiente de la loi, les problèmes qui persistent ont trait aux droits liés à la sexualité et à la procréation, en particulier les conséquences de l'interdiction absolue de l'avortement, et à la nécessité d'établir un système global de collecte de données afin d'orienter les politiques et de suivre les progrès dans le domaine de la lutte contre la violence à l'égard des femmes.

À la lumière des informations reçues, la Rapporteuse spéciale considère que les recommandations figurant dans les rapports de sa prédécesseur sont toujours pertinentes et applicables et, partant, fait siennes et réitère les cinq mesures jugées nécessaires: a) mettre au point une base de données qui tienne compte des différences entre les sexes, notamment par la création d'une commission de statistique; b) assurer la protection des femmes et des filles par la réforme sur des lois, des procédures d'enquêtes du système judiciaire notamment en créant une entité spécialisée chargée des enquêtes et des poursuites concernant les meurtres de femmes; c) renforcer les infrastructures institutionnelles, notamment par l'allocation de ressources appropriées, afin de garantir leur durabilité et leur efficacité; d) lancer d'autres programmes de formation et de sensibilisation; et e) superviser la mise en œuvre des normes internationales et régionales en matière de droits de l'homme et veiller à leur respect effectif.

## Annexe

### **Report of the Special Rapporteur on violence against women, its causes and consequences, on her follow-up mission to El Salvador (17-19 March 2010)**

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## I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted a follow-up visit to El Salvador from 17 to 19 March 2010, visited by the previous mandate holder in 2004 (E/CN.4/2005/72/Add.2). The objective of the current visit was to review progress made on the recommendations provided by the previous mandate holder by assessing the current situation of violence against women, the State response to such violence and the remaining challenges. The visit was preceded by the first regional consultation of civil society organizations from Central America, Mexico and the Caribbean with the Special Rapporteur.

2. During the mission, consultations were held in San Salvador with ministers and high-ranking officials at the ministries of foreign affairs, Salvadorians living abroad, justice and public security; governance, education, health, labour and social security, as well as with the First Lady and the Secretariat for Social Inclusion, the National Institute for the Advancement of Women and the National Institute for the Comprehensive Development of Children and Adolescents. Meetings were also held with representatives of the Supreme Court of Justice, the Legislative Assembly, the Office of the Procurator-General, the Office of the Attorney General and the National Civil Police. She also met with the Office of the Procurator for the Protection of Human Rights and his Deputy on women's human rights, representatives of civil society organizations, including women's groups, representatives of United Nations agencies and representatives of the Council of Ministers for Women of the Central American Integration System, a political entity comprising ministers in charge of women's rights and gender equality in the region. The Special Rapporteur had the opportunity to speak with the staff and women survivors of violence at a women's shelter in San Salvador and to hear the testimonies of women and girls in Colony San Jacinto and the rehabilitation centre for women in Ilopango.

3. The Special Rapporteur expresses her deep appreciation to the Government of El Salvador for its full cooperation. She is also grateful to the United Nations country team and Regional Office for Central America of the Office of the United Nations High Commissioner for Human Rights for the support given prior to and throughout the visit. She looks forward to a fruitful and continued dialogue with the Government and other stakeholders on the implementation of the recommendations.

## II. Main findings of the report of the previous mandate holder

4. During the visit by the previous mandate holder to El Salvador in 2004, partly motivated by allegations of an emerging pattern of murders and systematic impunity for perpetrators in the Central American region, she acknowledged the significant progress made in the field of gender equality and violence against women in the post-conflict era, particularly at the legislative and institutional levels.

5. In her report, the previous mandate holder highlighted the failure of authorities to exercise their due diligence obligation to investigate, prosecute and punish perpetrators of gender-based violence, thus contributing to an environment of impunity that resulted in little confidence in the justice system. She found that impunity for crimes, socio-economic disparities and the *machista* culture fostered a generalized state of violence, subjecting women to a continuum of multiple violent acts, including murder, rape, domestic violence, sexual harassment and commercial sexual exploitation. The main challenges identified to address violence against women effectively included the lack of effective implementation of legislation, obstacles such as gender discrimination in the justice system, inconsistencies

in the interpretation and implementation of legislation, and lack of access to sexual and reproductive rights.

6. In the light of these challenges, the Special Rapporteur called on the Government to take action in five areas: (a) to create a gender-sensitive information and knowledge base; (b) to ensure the protection of women through legislative, investigative and judicial reforms; (c) to strengthen institutional infrastructures; (d) to initiate training and awareness programmes; and (e) to enforce and monitor international labour standards, particularly in the informal sector.

### III. National context and implications for the status of women

7. El Salvador has come a long way in institution-building and human rights protection since the end of the 12-year civil war and the signature of the peace accords in 1992. By acceding to numerous international human rights treaties, El Salvador has shown its commitment to placing the human rights of individuals at the centre of its policies, laws and institutions. The presidential elections held in March 2009 led to the establishment of a new Government in the country.

8. Despite the return to peace and the establishment of democratic institutions, high rates of poverty, inequality and unemployment, together with alarming levels of crime, impunity and declining trust in public institutions, are significant challenges to the country's consolidation of democratic governance and human development.

9. El Salvador continues to face severe socio-economic inequalities: approximately 40 per cent of the population lives in poverty, and roughly 40 per cent of national income is earned by the wealthiest 10 per cent in the nation. Living conditions have progressively deteriorated in recent years as a result of an economic model that has fostered the privatization of essential public services and allocated limited resources to social development. While the official unemployment rate is 7.2 per cent, underemployment, particularly among women, is believed to be very high. Data from the Central Reserve Bank show that El Salvador leads the region in remittances per capita, with inflows equivalent to 16.4 per cent of GDP (figures for 2009). Today, 48 per cent of households receiving remittances are headed by women.

10. With a homicide rate of over 65 per 100,000 inhabitants<sup>1</sup> – the highest rate in Central America – and alarming levels of other expressions of violence, including injuries, robberies, extortions, and domestic and gender-based violence, El Salvador is considered to be among the most violent countries in the world today. The proliferation of small and light weapons and the actions of violent gangs (*maras*) contribute to such levels of violence. Homicide rates for women have also increased alarmingly in recent years and are currently the highest in the region.

11. Deeply rooted patriarchal attitudes and the pervasiveness of a *machista* culture that reinforces stereotypes about the roles and responsibilities of women and men in the family, the workplace and society constitute serious obstacles to women's rights, in particular their right to be free from all forms of violence. The disadvantaged situation of women is patent at all levels of society, from education and employment to political participation, contributing to the decline of their economic status and to greater vulnerability to violence and exploitation. Particularly worrying is the growing feminization of rural poverty as a

<sup>1</sup> United Nations Development Programme (UNDP), figures for 2006, cited in "Paso a paso. Hacia la igualdad de género en El Salvador: tres líneas para la acción", Consejo por la Igualdad y la Equidad en El Salvador, 2009.

result of a major crisis in the agricultural sector and the increase in poor rural households headed by women.

12. Women and girls disproportionately face significant levels of illiteracy, in particular in rural areas, with persistent high dropout and repetition rates at different levels of schooling. According to official figures for 2008, while the national illiteracy rate is 14.1 per cent, 16.4 per cent applies to females and 11.5% to males.<sup>2</sup> In an alternative report submitted to the Committee on the Elimination of Discrimination against Women in September 2008, the Latin American and Caribbean Committee for the Defence of Women's Rights (CLADEM) indicated that women's participation in the labour market is largely concentrated in low-skilled and low-paid industries, such as wholesale and retail trade, manufacturing (principally in *maquila* plants) and domestic service, and in public, social or health services. Unemployment also affects women disproportionately, including as a result of their predominance in the informal sector and confinement to the home doing household work and taking care of children. According to a study conducted by CLADEM in 2005, the contribution of unpaid domestic work to the country's economy accounted for 32 per cent of GDP. Female representation in decision-making positions remains low: only 19 per cent of the total number of seats in the Legislative Assembly, 11 per cent of mayoral positions and 15 per cent of cabinet minister positions are currently held by women.

#### IV. Manifestations of violence against women

13. Despite notable achievements at the institutional and legislative levels in the post-conflict era, significant challenges persist in the area of violence against women and girls. Impunity for crimes, socio-economic disparities and the *machista* culture continue to foster a generalized state of violence, subjecting women to a continuum of multiple violent acts, including murder, rape, domestic violence, sexual harassment and commercial sexual exploitation.

14. In its first national report on the situation of violence against women, the National Institute for the Advancement of Women recognized that the State had disregarded and undermined the pervasiveness of the phenomenon, thus rendering the suffering of women and the impunity that surrounds that violence almost invisible. Along these lines, the Office of the Procurator for the Protection of Human Rights also points to the State's failure to take positive and effective measures to prevent and punish violence and discrimination against women.<sup>3</sup>

15. In 2008, the Committee on the Elimination of All Forms of Discrimination against Women expressed concern at the high incidence of violence against women prevailing in El Salvador, notably intra-family violence, sexual violence and abuse, rape and sexual harassment in schools and in the workplace. The Committee was particularly alarmed at cases of extreme violence manifested by the murder of women motivated by gender-specific causes.<sup>4</sup>

16. In the sections below, the Special Rapporteur raises concerns about the weak enforcement of existing provisions criminalizing the main forms of violence against women, insufficient investigations into reported cases and the widespread impunity enjoyed by perpetrators.

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<sup>2</sup> A/HRC/WG.6/7/SLV/1, para. 40.

<sup>3</sup> A/HRC/WG.6/7/SLV/3, para. 15.

<sup>4</sup> CEDAW/C/SLV/CO/7.

## A. Domestic violence

17. High levels of domestic violence remain of utmost concern in El Salvador. Despite the prohibition of domestic violence through the adoption of legal and policy measures, including the Intra-Family Violence Law of 1996, which calls for sentences ranging from six months to one year, violence within the family remains largely concealed by prevailing social attitudes that condone it and by the reluctance of victims to report abuse.

18. According to the 2008 national survey on family health, 31 per cent of women interviewed declared having been subjected to physical violence before the age of 18. The same study revealed that 44 per cent of women who had been married or lived with a partner had suffered psychological violence, 24 per cent physical violence and 12 per cent sexual violence. The family relations improvement programme of the Institute for the Advancement of Women reported an increase in domestic violence cases against women and girls from 3,698 in 2004 to 6,073 in 2008.<sup>5</sup>

19. Children, and in particular girls, are particularly exposed to domestic violence. A survey carried out by UNICEF revealed that 7 out of 10 children reported having been abused in their homes. Data provided by the National Institute for the Comprehensive Development of Children and Adolescents indicate that 65 per cent of children receiving support at the Institute live in an atmosphere of domestic violence.<sup>6</sup> Incest remains a serious concern. According to the Committee against Torture, over half the complaints involving rape or incest come from victims who were minors when the offence was committed.<sup>7</sup>

20. Research shows that domestic violence and sexual abuse of women and girls in the private sphere remain largely invisible and are consequently underreported. In addition, and in contrast with the increase in the number of cases registered by the Institute for the Advancement of Women, recent years have witnessed a steady decline in the number of judicial procedures for cases of intra-family violence initiated in family courts, falling from 4,890 in 2003 to 1,240 in 2007.<sup>8</sup> According to the Office of the Attorney General, only 26.25 per cent of administrative complaints reach the judicial stage.

21. The reasons behind such underreporting are manifold: family and community pressure not to reveal domestic problems; economic dependency; fear of retaliatory violence by partners; poor awareness of rights among victims; lack of sufficient support services; and low confidence in the justice system, mainly as a result of discriminatory responses and inconsistency in the application and interpretation of the law.<sup>9</sup>

## B. Sexual violence and sexual harassment

22. Figures on sexual violence, including statutory rape, remain a cause of great concern. Data provided by the Institute of Forensic Medicine shows an increase from 3,368 sexual violence cases in 2007 to 4,120 in 2008; of these, the number of statutory rape cases almost doubled, from 209 in 2007 to 378 in 2008. Research by the Institute for the Advancement of Women indicates that higher levels of sexual violence are found among girls and women aged between 10 and 29 years, and that family members and relatives or acquaintances, including school and university teachers, are the main perpetrators. The

<sup>5</sup> Paso a paso. Hacia la igualdad de género en El Salvador.

<sup>6</sup> A/HRC/WG.6/7/SLV/3, para. 20.

<sup>7</sup> CAT/C/SLV/CO/2.

<sup>8</sup> Paso a paso. Hacia la igualdad de género en El Salvador.

<sup>9</sup> “¿Por qué las mujeres no denuncian la violencia de pareja en cuatro municipios: Zacatecolua, Santa Tecla, Berlin y San Salvador?”, Las Dignas, 2008.

Special Rapporteur also heard disturbing accounts of sexual violence perpetrated in public buses by armed men, particularly against schoolgirls.

23. Despite the lack of comprehensive statistics, sexual harassment at school and at the workplace, be it in private or public institutions, has become progressively acknowledged as a pervasive manifestation of violence. The Special Rapporteur welcomes in this regard the recent statement made on 25 November 2009 by President Funes during his speech marking the International Day for the Elimination of Violence against Women, in which he announced the dismissal of any public official found to be involved in incidents of sexual harassment. The Special Rapporteur reiterates that addressing impunity for acts of violence occurring in the private sphere is also part of the due diligence obligation of the State.

24. Factors contributing to high levels of underreporting include the lack of recognition of sexual abuse within the family and sexual harassment at work as wrongdoings; victims' fear of being held responsible and subsequently outcast; ineffective responses by law enforcement officials leading to low numbers of prosecutions and convictions; and insufficient support services.

### **C. Violent murders of women (femicides)**

25. Extremely violent murders of women and girls, highlighted as a major concern in the previous mandate holder's report, have increased alarmingly over recent years, reaching a situation that many of the Special Rapporteur's interlocutors described as reflecting a culture of hatred towards women and an indicator of the failure of the criminal justice system. All governmental bodies in charge of the analysis and investigation of such cases, as well as non-governmental organizations doing research on the subject, were unanimous about the disturbing proportions that this phenomenon has reached and the urgency of stepping up efforts to address it.

26. Particularly appalling is the level of brutality inflicted on the victims' bodies, sometimes involving mutilation, torture and decapitation, and often accompanied by kidnapping and sexual violence. Over half of registered murders followed a similar pattern, in which victims aged between 10 and 29 years disappeared and were later found murdered, in parks or wasteland. The majority of these murders took place in San Salvador, La Libertad, Santa Ana and San Miguel. A civil society analysis of the femicides reported in four major national newspapers from January to June 2009 showed that, owing to the brutality of the murder, 45 of 164 victims could not be identified.<sup>10</sup> The study also showed that perpetrators were only identified in 14 of the above murders, despite the presence of witnesses at the crime scene in at least 41 per cent of cases. The fact that only seven murders were clearly associated with gang members and that the majority of identified perpetrators were men known to the victims contradicts some official claims that gangs are the primary perpetrators of such crimes.

27. Discrepancies in official data concerning this phenomenon continue to raise a number of questions about the accuracy of the data collected by the different institutions involved. According to the National Civil Police, the number of violent crimes against women has nearly doubled in recent years, from 253 in 2008 to 465 in 2009. Reports provided by the Institute of Forensic Medicine indicate that the number of such crimes

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<sup>10</sup> "El pecado de nacer mujer: Informe sobre el femicidio en El Salvador", Instituto de Estudios de la Mujer Norma Virginia Guirola de Herrera, January – July 2009.



increased from 260 in 2004 to 579 in 2009, the highest number of femicides recorded in 11 years.<sup>11</sup>

## D. Attacks against lesbians, bisexuals and transgender persons

28. According to civil society organizations, El Salvador is also facing an escalating level of violence against the gay, lesbian, bisexual, transgender and intersex communities, with murders increasing from 4 in 2003 to at least 12 in 2009.<sup>12</sup> High level of societal homophobia is particularly reflected in employment, in society generally, but also in the intolerance portrayed by the media.

29. In a meeting with the Special Rapporteur, interlocutors shared their accounts of widespread discrimination and violence, generally overlooked by the Government, including brutal gang rapes and family violence owing to their sexual orientation or gender identity (see case study below). Concern was particularly expressed at the attempt to introduce discriminatory amendments to the Constitution, including the definition of marriage as the union between a man and woman or the explicit prohibition of adoption by same-sex couples. Transgender persons also noted difficulties in legally changing their gender in official identity papers.

### Case study

Paula's story (assumed name) illustrates the level of violence endured by the lesbian, gay, transgender, bisexual and intersex communities in El Salvador. Paula was brutally attacked and shot by a group of men when she was leaving a nightclub in San Salvador. While in hospital, she faced harsh treatment and disdain from health-care personnel because she was transgender and HIV-positive. A few months after leaving hospital, she was detained and put in a male prison for two years for attempted homicide, although she claimed to have acted in self-defence; Paula was released after the man she had attacked admitted that this was the case. In prison, she was put in a cell with members of gangs (*mara*) and was raped more than 100 times, sometimes with the complicity of prison officials. Upon her release from jail, she was again attacked by *mara* members who found out that she was HIV-positive and that some of those that had raped her in jail had been infected.

## E. Violence and harassment at the workplace

30. The disadvantaged situation of women in the labour market, as reflected in significant wage gaps, occupational segregation or difficulty in access to decision-making positions, result in different manifestations of gender-based discrimination, including unsuitable working conditions and exposure to violence and harassment. While this situation affects the private and public sectors, in this section the Special Rapporteur will focus on the situation of women and girls in the domestic and maquila sectors, including those working in their homes for maquilas without a contract. Tending to escape regulation, these sectors often entail poor and dangerous working conditions, low or non-existent job security and a high risk of exploitation.

<sup>11</sup> Report on El Salvador presented at the first regional consultation of the mandate with civil society organizations from Central America, Mexico and the Caribbean, San Salvador, 16-17 March 2010.

<sup>12</sup> A/HRC/WG.6/7/SLV/3, para. 16.

## 1. Maquila plants in export processing zones

31. Appalling working conditions and absence of trade union rights in maquila plants located in the country's export processing zones continue to be a subject of concern. According to official figures provided by the Salvadorian Institute for Social Security, the maquila sector employs about 66,000 people, 68 per cent of whom are women. A large majority of the women come from rural areas, are unmarried mothers or live in unstable relationships and have a low level of education, which limits their employment options.

32. The concerns expressed by the previous mandate holder in her report about the labour conditions and the violations of women's rights in the maquilas remain relevant. Female maquila workers who shared their testimonies with the Special Rapporteur referred to recurrent violations of their rights, including verbal and physical abuse by supervisors, sexual harassment, being subjected to mandatory pregnancy tests and subsequent denial of employment or dismissal of pregnant women. Working conditions, characterized by the requirement to work beyond ordinary hours, without extra pay and threats of dismissal, and the unsanitary and harsh working environment, were compared by some interlocutors to forced labour<sup>13</sup> and a modern form of "human slavery". In a context conducive to the development of serious health problems, the lack of medical coverage, despite the payment of insurance contributions, is particularly worrying. Of serious concern also is the situation of many women working from home for maquilas, without any contract or social protection. Maquila workers and non-governmental organizations working for the protection of their rights unanimously emphasized the need for stricter and regular inspections by the Ministry of Labour, the only governmental authority authorized to conduct them and to enforce international standards. To date, not one case of withdrawal of free-zone privileges for companies responsible for human rights violations has been reported.

33. In 2008, the Committee on the Elimination of Discrimination against Women expressed concern at the critical situation of women's labour rights in the maquilas, in particular the lack of access to social security, unsatisfactory working conditions and the exposure to violence and sexual harassment. The Committee urged the Government to effectively monitor women's working conditions, punish violators of women's rights in the maquilas and enhance women's access to justice.<sup>14</sup>

## 2. Domestic work in private homes

34. The Labour Code excludes domestic workers from many basic labour rights, such as the right to the eight-hour workday or the 44-hour work week guaranteed by law, or the right to minimum wages that are statutorily determined, as applicable to other sectors of employment. This situation denies domestic workers equal protection before the law and has a disproportionate impact on women and girls, who account for more than 90 per cent of the country's approximately 108,000 domestic workers. State officials unanimously acknowledged the seriousness of the situation and referred to the recent adoption of policy measures aimed at providing social security coverage to domestic workers. It was unclear whether this policy decision was of a limited nature and for a limited period only.

35. Many children, particularly girls, working as domestic workers in private homes live in very difficult and degrading conditions and are highly vulnerable to physical and/or sexual abuse. The International Programme on the Elimination of Child Labour of the

<sup>13</sup> International Trade Union Confederation (ITUC), "Internationally recognised core labour standards in El Salvador", report for the WTO General Council Review of the Trade Policies of El Salvador, Geneva, 10-12 February 2010.

<sup>14</sup> CEDAW/C/SLV/CO/7.

International Labour Organization (ILO) concluded that approximately 21,500 youths between the ages of 14 and 19 work in domestic service; of these, some 20,800 (more than 95 per cent) are girls and women. The Programme also noted that a quarter of all domestic workers begin working between the ages of 9 and 11, and that more than 60 per cent are working by the age of 14. Even though the Programme concluded that such work outside the home was among the worst forms of child labour, the Government has not identified domestic labour as a priority area in the fight against child labour. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations recommended that public authorities should take effective and time-bound measures to protect child domestic workers from the worst forms of child labour.<sup>15</sup>

## **F. Violence relating to trafficking and sexual commercial exploitation**

36. El Salvador is a source, transit and destination country for women and children trafficked for the purposes of commercial sexual exploitation and forced labour. Most victims are Salvadorian women and girls trafficked within the country, from rural to urban areas, for commercial sexual exploitation. The majority of foreign victims are women and children from Colombia, Guatemala, Honduras, Mexico and Nicaragua who travel to El Salvador in response to job offers, but are subsequently forced into sexual commercial exploitation or domestic servitude.<sup>16</sup>

37. Civil society organizations working with victims of human trafficking highlighted the fact that the phenomenon continues to be largely underreported, mainly owing to insufficient measures to ensure victim and witness protection, ineffective responses by law enforcement officials and lack of support services.

38. In 2008, the Committee on the Elimination of Discrimination against Women expressed concern at the insufficient investigations conducted into cases of trafficking in women and girls, and at the subsequent low number of prosecutions and convictions. It called on State authorities to ensure that trafficked women and girls received adequate support to be in a position to testify without fear against their traffickers. It also encouraged the Government to develop awareness-raising programmes, to conduct research on the root causes of trafficking, and to provide comprehensive training to lawyers, criminal justice workers, health-care providers and law enforcement officials in all matters concerning sexual exploitation and trafficking.<sup>17</sup>

## **G. Women in detention**

39. Concern has been expressed in recent years at humiliating anal and vaginal body searches, often conducted by unqualified persons, including personnel without medical training, on both female inmates and women visiting places of detention.<sup>18</sup> Female prisoners with whom the Special Rapporteur spoke in Ilopango rehabilitation centre showed no indication of such violence, and were mostly concerned with the overcrowding and unsanitary conditions in which they lived.

40. The Ilopango rehabilitation centre has a capacity to house 220 inmates and 25 to 30 children. While in 2004 the number of prisoners was 650, there are now 1,344 female

<sup>15</sup> ITUC, Internationally recognised core labour standards in El Salvador.

<sup>16</sup> Trafficking in persons report, Department of State, United States of America, 2009.

<sup>17</sup> CEDAW/C/SLV/CO/7.

<sup>18</sup> CAT/C/SLV/CO/2.

prisoners, including 24 pregnant women, 25 boys and 25 girls (mostly babies less than one year of age). The overcrowding and unsanitary conditions are of general concern. Particularly worrying is the overcrowding of the mother-child section, where women in the advanced stages of their pregnancy sleep on the floor, and mothers sleep on very small mattresses with their newborn babies in an unsanitary environment. The conditions in the dormitories in the section hosting the convicted inmates is also of concern, with limited ventilation and only one toilet and one shower for approximately 30 inmates.

## **V. Achievements in the State response to violence against women**

### **A. Developments in the legislative framework**

41. At the international level, El Salvador is a party to the major United Nations human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. Such instruments are an integral part of the country's legal system. Recent commitments at the international level include the ratification of the Convention against Transnational Organized Crime and the two Optional Protocols thereto, in 2004; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2007; and the Convention on the Political Rights of Women, in 2008. Ongoing discussions on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, signed in 2001, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Rome Statute of the International Criminal Court reflect the Government's commitment to fulfil its due diligence obligations in the framework of international human rights. Relevant regional human rights instruments ratified by El Salvador include the Inter-American Conventions on the Granting of Civil and Political Rights to Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

42. Since 2004, a number of law reform proposals on violence against women, equal opportunities and the promotion and protection of the rights of children and adolescents have been introduced in order to strengthen domestic legislation and bring it into line with relevant international and regional human rights instruments.

43. Discussions are currently ongoing on the formulation of a comprehensive law on violence against women, including the codification of femicide as a crime. Such measures go beyond the prohibition of violence in the family as contemplated by the 1996 Intra-Family Violence Law. In a meeting with parliamentarians, mostly from the Commission on Family, Women and Childhood, the Special Rapporteur encouraged an in-depth and inclusive reflection on the draft law to ensure that it is comprehensive and multidisciplinary, criminalizes all forms of violence against women – including marital rape – and that such a law encompasses issues relating to prevention, protection, victim empowerment and support, as well as adequate punishment for perpetrators and the availability of effective remedies for survivors.

44. Civil society organizations expressed concern at the lack of inclusive consultations throughout the various stages of the drafting process. In their view, this had contributed to a draft law that lacks conceptual clarity, in particular with regard to such key distinctions as femicide versus feminicide. Moreover, it was argued that the current draft excludes the realities of violence of some women, such as women victims of human trafficking for the purpose of sexual exploitation, and is not sufficiently precise with regard to protection measures and related institutional responsibilities, as well as the co-responsibility of public

officials failing to act with due diligence. It was argued that, if these elements are not properly addressed, it could lead to further weaknesses in the investigation and prosecution of cases of violence, thus reinforcing the climate of impunity.

45. Another draft currently before the Legislative Assembly is for a law on equality, equity and the elimination of discrimination against women. The draft contains important provisions to ensure equal opportunities and non-discrimination in the areas of education, employment, health or public life, and makes specific reference to particularly vulnerable groups of women, including domestic workers, older women, women suffering from high social or economic vulnerability, such as indigenous women or women living in extreme poverty, women living in rural areas or women being forced into sexual commercial exploitation or being trafficked. The draft contemplates the creation of an independent institution on equality and non-discrimination with the task of ensuring the observance of the right to gender equality and non-discrimination in the light of international and national instruments, including through the examination of individual alleged violations of equality and non-discrimination rights.

46. Another recent noteworthy development was the enactment of the law on the comprehensive protection of children and adolescents on 27 March 2009. The law sets up a new system of protection and foresees the creation of specialized courts for children and adolescents. It also marks a groundbreaking development in the country's legal framework by explicitly recognizing the State's obligation to ensure access to sexual and reproductive health programmes and services to children and adolescents, as well as the inclusion of sexual and reproductive education in national school curricula. Importantly, it also establishes the State's obligation to ensure that teenage mothers, pregnant girls and adolescents and girl victims of violence can continue attending school without discrimination. During the examination in 2010 of the El Salvador periodic report by the Committee on the Rights of the Child,<sup>19</sup> the State delegation recognized the non-conformity of the law with the Convention on the Rights of the Child with regard to corporal punishment, which is not explicitly prohibited, and noted the importance of engaging in discussions in the context of possible future amendments.

47. Other recent significant legislative reforms include amendments to the Penal Code criminalizing trafficking in persons and sexual harassment in the workplace, and amendments to the Labour Code prohibiting medical examinations and pregnancy tests as a condition of employment and dismissal on the grounds of pregnancy. In the area of family violence, despite recent amendments to the Code of Criminal Procedure, article 32 of the Code still contemplates the possibility of conciliation in misdemeanour cases. This is problematic, since cases of domestic violence are often minimized to the level of a misdemeanour.

48. The lack of specific national legislation on trafficking, despite its classification as an offence by the Penal Code and the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was regarded by some interlocutors as a matter deserving priority attention.

## **B. Developments in institutional and policy frameworks**

49. Positive developments at the institutional and policy levels in the areas of gender equality and violence against women in the last five years included the adoption of the 2005-2009 national policy on women, which covered, in addition to violence against

<sup>19</sup> CRC/C/SLV/CO/3-4.

women, a broad spectrum of areas, including education, health, employment and political participation. Also significant was the inter-institutional approach adopted by the Government in the elaboration and monitoring of policies and plans through the establishment of inter-ministerial committees, such as the National Committee against Human Trafficking, and the creation of gender units and offices within various entities. The latter included the gender unit of the Supreme Court of Justice, aimed at institutionalizing throughout the judiciary a gender-sensitive vision of justice, and the special unit of the Ministry of Labour, which addresses gender issues and the prevention of discriminatory labour practices.

50. The Institute for the Advancement of Women, established in 1995 as the national governmental mechanism to oversee the implementation of the national policy on women, has accomplished a number of achievements over the years, including the launch in 2009 of the first national report on the situation of violence against women; the provision of technical support for the drafting process of laws on violence against women and gender equality; several campaigns aimed at promoting equality and non-discrimination; the provision of gender-sensitive training to public officials; and the establishment of enhanced cooperation with civil society organizations and also the Office of the Procurator for the Protection of Human Rights. From 2004 to March 2009, the Institute's family relations improvement programme provided 103,453 counselling sessions and 51,228 group therapy sessions, assistance by social workers to 64,563 people, temporary shelter to 879 victims, and phone assistance to 215,273 victims.<sup>20</sup> Nonetheless, the Institute still faces the political, institutional and budgetary weaknesses mentioned in the report of the previous mandate holder, as illustrated by its inability to advocate for the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the lack of funding to participate in key international forums, such as the meetings of the Commission on the Status of Women. The Special Rapporteur was also concerned about the lack of conceptual clarity in respect of the mandate of the Institute, particularly with regard to whether its role was one of oversight, policy development or implementation, or all three. The independent status and separation of powers from other ministries was also unclear to the Special Rapporteur.

51. The Institute for the Comprehensive Development of Children and Adolescents, the leading agency for the implementation of the national policy for the comprehensive development of children and adolescents, operates a national network of 12 shelters that provide secure housing, 24-hour medical attention, psychological counselling and vocational workshops to victims of abuse, including trafficking victims. In 2008, the Institute registered a monthly average of 315 cases of children and adolescents requiring protection from violence. Pending the entry into force of the law on the comprehensive protection of children and adolescents, which will transform the Institute into a research and statistical body, discussions are ongoing on how to ensure the proper transfer of approximately 15,000 protection files from the Institute to the three specialized courts for children that will be created under the law.

52. Important steps in the area of trafficking include the creation, in 2005, of the National Committee against Trafficking in Persons, the development of the national policy against trafficking in persons (2008-2017) and the establishment of a unit against trafficking within the National Civil Police and a unit against trafficking and smuggling of migrants within the Office of the Procurator-General. A number of challenges remain, however, including the drafting of legislation relating to trafficking in persons, the establishment of permanent mechanisms ensuring institutional coordination, the creation of

<sup>20</sup> A/HRC/WG.6/7/SLV/1.

shelters for adult victims of trafficking, and the establishment of a system to monitor and follow up on cases of trafficking.

53. In July 2009, the National Secretariat for the Family was replaced by the Secretariat for Social Inclusion. This new entity, chaired by the First Lady, is responsible for addressing the needs of specific population groups, including women, children, young people, the elderly, the disabled, and indigenous peoples. Discussions held during the mission indicate that gender mainstreaming in public policies, targeted at the family, form the cornerstone of the Secretariat's work.

54. The National Civil Police has introduced a gender-sensitive approach in its work, including by means of the training of staff on gender equality and the advancement of women's human rights. A major axis of its institutional strategic plan for the period 2009-2014 includes ensuring the protection and promotion of women's human rights, including through the promotion of equal opportunities within the institution. In this respect, the Special Rapporteur commended the increase in the number of women in senior positions inside the police force, in particular within the General Inspectorate and its monitoring and human rights units.

55. The police academy has continued to develop a human rights programme that includes training on policing, gender equality and women's human rights for public security officials of all grades. Commendable developments in the past year include the establishment of internal structures responsible for developing awareness-raising campaigns on gender equality and ensuring that a gender perspective is introduced into all activities of the academy. Another positive development was the effective implementation and monitoring of Circular No. 8/2009 by the Director-General of the police academy, which prohibits sexual harassment and other forms of gender-based violence and provides for clear policies to address such violations, sanctions for perpetrators and remedies for victims.

56. The Special Rapporteur also welcomed the work of Office of the Procurator for the Protection of Human Rights, an independent national human rights institution that includes the position of a Deputy for women's rights. Despite limited material and human resources, the Office has been monitoring the human rights situation throughout the country, including with regard to women's rights, and conducted comprehensive studies on the right to education in situations of adolescent pregnancy, the situation of women confined to penitentiaries with their children, and sexual violence against girls.

## **VI. Main remaining challenges**

57. In her report, the previous mandate holder identified the effective implementation of the law and access to health and reproductive rights as the main challenges remaining to effectively address and combat violence against women. As the section below illustrates, these challenges remain and require urgent attention. In addition, the establishment of a comprehensive and coordinated system on data collection and further training initiatives are also necessary.

### **A. Effective implementation of the law**

58. Commendable developments in legislation, policies and programmes over the past five years contrast with significant weaknesses in the investigation and prosecution of cases of violence against women and girls, as in inappropriate sentencing patterns. The failure of the authorities to prevent, investigate, prosecute and punish those responsible for gender-

based violence has contributed to an environment of impunity that has resulted in low levels of confidence in the justice system.

59. The pervasiveness of patriarchal attitudes in the law enforcement and justice system, coupled with a lack of resources and insufficient knowledge on existing applicable legislation, has led to inadequate responses to cases of violence against women and the persisting social acceptance of such acts. The testimonies of victims of domestic violence who attempted to find access to the legal system show that, unless violence results in serious physical injuries, the police, prosecutors and justices of the peace tend to minimize offences in the belief that domestic violence is a private matter. As such, they discourage victims from pursuing cases and promote conciliation, thus returning victims to situations of abuse.<sup>21</sup> Cases of domestic violence are often treated as administrative rather than criminal offences, or are classified as misdemeanours.

60. Civil society organizations researching the phenomenon of femicide expressed concern at the lack of proper standards of investigations into reported cases. In their view, this is primarily due to the absence of institutional coordination among the Office of the Procurator-General, the National Civil Police and the Institute of Forensic Medicine, the absence of a reliable structure for the protection of victims and witnesses, and the reluctance of law enforcement and judicial structures to recognize the gender-based nature of such violence.<sup>22</sup> The Office of the Procurator for Human Rights noted that the majority of the 2,660 cases of murder of women recorded from 2001 to May 2009 remain under investigation and unpunished.<sup>23</sup> Relatives of victims of brutal murders referred to instances where their requests for investigation were treated with disregard and indifference by police and prosecution and judicial authorities.

61. Impunity for perpetrators of sexual violence crimes appears to be widespread, sometimes owing to fear of social stigma and revictimization by victims and witnesses, but also to weaknesses in investigation and prosecution processes. Data show that, of the 2,057 cases of sexual violence brought to court by the Office of the Procurator-General in 2008, 812 were provisionally dismissed, 385 were definitively dismissed and 700 went to trial. According to the most recent figures available, the trials have resulted in 200 convictions and 153 acquittals.<sup>24</sup> Impunity resulting from the low number of prosecutions and convictions in sexual violence cases also contributes to an increase in the rate of incidents.

62. The still unresolved case of the rape and murder of 9-year old Katia Miranda in April 1999, characterized by disconcerting irregularities and omissions that resulted in the acquittal of the accused, was referred to by many as emblematic of the climate of widespread impunity for perpetrators, especially those with high political and social status. The Special Rapporteur reminded interlocutors that accountability and addressing impunity are also part of the due diligence obligations of the State, and reiterates the call of the previous mandate holder to review the case further.

63. Despite recent improvements at the institutional level, several interlocutors expressed their concern at the low number of prosecutions and convictions in trafficking cases. In 2008, the Government's special anti-trafficking police and prosecutorial units brought charges in 15 cases of human trafficking, securing eight convictions with sentences

<sup>21</sup> “¿Por que las mujeres no denuncian la violencia de pareja ...”.

<sup>22</sup> Asociación Movimiento de Mujeres Mérida Anaya Montes, “El femicidio en El Salvador: una forma extrema de violencia y discriminación hacia las mujeres”, Las Méridas, January-June 2009.

<sup>23</sup> Ibid. See also A/HRC/WG.6/7/SLV/3.

<sup>24</sup> Primer informe situacional sobre violencia sexual en niñas y adolescentes, Procuraduría para la Defensa de los Derechos Humanos, 2009.



ranging from four to ten years of imprisonment. These figures compare with 46 prosecutions and 5 convictions secured in 2007.<sup>25</sup>

64. The main causes for low levels of reporting include weaknesses in the criminal justice system, also in measures for victim and witness protection, and the lack of adequate training of law enforcement officials to register and investigate complaints and support prosecutions (for example, see the case study below).

#### **Case study**

Maria's case (assumed name) is illustrative of the revictimization faced by victims of domestic violence within the law enforcement system. After years of physical and psychological violence inflicted by her husband, Maria reported the situation to a justice of the peace and obtained a protection order for her and her three children. Following the procedure, she was referred to the psychosocial attention centre of the Supreme Court of Justice, where she was accused of provoking the violence and persuaded to stay in the marriage because of the "obedience she owed to her husband". Maria's daughter, aged 9, went through significant emotional distress as she was questioned about her mother's alleged "boyfriends and lovers". For months, Maria's husband continued to harass her and her children physically and verbally, systematically violating protection measures, without any intervention by the police or the Office of the Procurator General despite her numerous complaints. With the support of women's rights organizations, Maria filed for divorce, which she obtained after months of bureaucratic procedures and psychological tests. While she obtained the custody of her three children and a monthly amount of \$200 for child alimony, Maria received no compensation of any kind for the violence endured throughout her marriage. Her precarious earnings have forced her to sell her belongings to pay the school fees of her two youngest children and move to a smaller apartment. Her oldest son lives with his father and is reportedly replicating his violent behaviour towards women.

## **B. Access to sexual and reproductive rights**

65. With regard to access to health care for women, the area of reproductive rights remains one of particular concern. While induced abortion has always been an unlawful act in El Salvador, therapeutic abortion, abortion following rape and abortion on eugenic grounds have been illegal since 1999, when the Constitution was amended to recognize the human person from the moment of conception. The interpretative conflict between the constitutional provisions and those of the Penal Code protecting the right to life of embryonic human beings has led to the criminalization of abortion. This has a direct impact on the current high rates of maternal mortality and adolescent pregnancies, and thus denies women and girls the right to control over their bodies and lives.

66. The absolute prohibition of abortion means that women and girls are condemned to continue pregnancies and to face revictimization by family and society. It has also led women and girls impregnated as a result of rape or incest to resort to unsafe and clandestine abortion practices, sometimes with fatal consequences. According to the Ministry of Health, maternal mortality rates among adolescents was 15.3 per cent in 2003, 26 per cent in 2004 and 21.4 per cent in 2005, becoming the second of the 10 main causes of female mortality in El Salvador. According to a report of the Procurator for the Protection of

<sup>25</sup> Trafficking in persons report, Department of State, 2009.

Human Rights, teenage suicides account for 40.6 per cent of all cases associated with indirect maternal mortality.<sup>26</sup>

67. The high rate of teenage pregnancies reveals the ineffectiveness of the preventive and awareness-raising measures taken by State institutions. According to the 2007 population and household survey, at least 48,000 girls between the ages of 12 and 19 years have at least one baby. While the highest percentage of teenage pregnancies is among girls from 15 to 19 years old, it is reported that 2,731 girls between the ages of 12 and 14 years have already had their first baby. The overwhelming majority of girls in the latter category has dropped out of school and is not benefiting from any formal or informal educational programme or training that could facilitate their return to school in the future.<sup>27</sup> A national poll conducted in 2008 indicated that such high levels of teenage pregnancy could be significantly reduced if sex education and family planning were generally and openly addressed in school curricula. This also applies to the prevention of the reported feminization of HIV/AIDS and other sexually transmitted diseases in the country.<sup>28</sup>

68. The Special Rapporteur was informed of several cases in which women who had suffered a miscarriage or had a complicated delivery with no medical assistance and where death occurred were automatically accused of aggravated homicide, penalized and punished by the Penal Code by from 30 to 50 years of imprisonment (see case studies below).

#### Case study

The weaknesses in prosecution and the passing of inappropriate sentences in alleged cases of illegal abortion are illustrated by the case of Isabel Cristina Quintanilla, who was sentenced to 30 years of imprisonment despite the fact that the evidentiary burden was not satisfied. In August 2005, Ms. Quintanilla was sentenced for aggravated homicide of her newborn child. On 12 June 2009, after years of laudable efforts by women's rights organizations, the Supreme Court of Justice revised the sentence, reducing it from 30 to three years. The Court held that the sentence imposed on the defendant was excessive, severe and particularly disproportionate, and considered that there were sufficient reasons, based on moral, justice and equity standards, that justified such a revision. This included the fact that the justice of the peace dealing with the case had in the first hearing dismissed it on the grounds that the evidentiary burden was not sufficient to attribute the newborn's death to the mother.

#### Case study

Yolanda (assumed name) is a 20 year-old girl from a very poor background serving a sentence of 30 years of imprisonment for the aggravated homicide of her newborn baby. According to her testimony, her baby was stillborn, strangled by the umbilical cord. Because of severe health complications following the delivery, she was brought to the hospital by the woman for whom she worked as a domestic worker, and subsequently taken to prison. Her right to due process was violated when she was advised by a public lawyer not to attend the hearing of her case. She later learned about the uncorroborated testimony of her employer, who accused her of perpetrating the crime. Yolanda had been advised to hire a private lawyer if she wanted to seek a revision of her sentence. Her inability to pay

<sup>26</sup> Primer Informe situacional sobre embarazo en adolescentes y su impacto en el derecho a la educación, Procuraduría para los Derechos Humanos, 2009.

<sup>27</sup> Ibid. See also Normas técnicas para la atención educativa de las adolescentes embarazadas, Ministry of Health, 2008.

<sup>28</sup> CEDAW/C/SLV/CO/7.

for a private lawyer, lack of participation in the trial and acceptance of unchallenged testimony, among other factors, all reflect a violation of her right to due process.

### C. Statistics and data collection

69. In the absence of an institution responsible for integrating and systematizing all statistical information on gender-based violence, several institutions, including the Institute of Forensic Medicine, the Institute for the Advancement of Women and Office of the Procurator-General, gather their own statistics using different methodologies and categorizations of forms of gender-based violence. The existence of multiple, divergent statistics often leads to data fragmentation and duplication and therefore to misleading information.

70. Failure to produce complete and comprehensive national statistics on violence against women and more generally on gender-based discrimination, a concern highlighted in the report of the previous mandate holder, continues to be a serious obstacle to efforts to ascertain the extent of the problem and to monitor the progress and challenges of measures taken. The Special Rapporteur takes note of the Government's acknowledgement of the problem and its commitment to work to create a comprehensive and unified statistical system.<sup>29</sup>

71. Divergent information received from different institutions within the criminal justice system on manifestations of violence against women, particularly on violent murders, not only raises concerns about the accuracy of the information collected but also points to the lack of effective coordination between these institutions to investigate, prosecute and convict. Several interlocutors highlighted the fact that the absence of "femicide" as a category of crime in statistics and in police reporting methodologies contributed to making the phenomenon invisible and therefore to perceptions of impunity for crimes of femicide.

72. Despite the fact that the Office of the Procurator-General and the Ministry of Health and Social Assistance are responsible for monitoring the implementation of the Intra-Family Law, the statistics they collect do not contain specific information on violence against women and not all of their data is disaggregated by sex. Another weakness relates to the lack of registration of pregnancies among girls as cases of violence, thus rendering any investigation into cases of statutory rape non-existent. Reportedly, despite the rise in the number of hate-motivated crimes against lesbian, gay, bisexual and transgender persons, no institution compiles statistics on such victims of discrimination and violence.

73. The lack of sufficient human and material resources for data collection is also a concern; for instance, the Office of the Procurator-General has only one unit dealing with the registration of cases of intra-family violence based in San Salvador. This not only limits dramatically the capacity to gather information in a timely and diligently manner, but also seriously hinders access to justice and information for victims from rural areas.

74. While calling on El Salvador to put in place a comprehensive system of data collection to assess trends in the situation of women, the Committee on the Elimination of Discrimination against Women recently invited the State party to pay special attention to the collection of data relating to the most vulnerable groups of women, including rural and indigenous women, migrant women, domestic workers and women working in the maquila industry.<sup>30</sup>

<sup>29</sup> A/HRC/14/5.

<sup>30</sup> CEDAW/C/SLV/CO/7.

## VII. Conclusions and recommendations

75. Despite the establishment of democratic institutions since the end of the civil war in 1992, high rates of poverty, inequality and unemployment, together with alarming levels of crime, impunity and declining trust in public institutions, represent significant challenges for the consolidation of democratic governance and human development in El Salvador today.

76. In the area of gender equality and violence against women, in spite of legal, institutional and policy developments that reflect the Government's intention to fulfil its due diligence obligations, challenges remain. Impunity for crimes, socio-economic disparities and the *machista* culture continue to foster a generalized state of violence, subjecting women to a continuum of multiple violent acts. Other major persisting challenges relate to sexual and reproductive rights, in particular the impact and consequences of the total ban on abortions and the lack of a comprehensive system of data collection to guide policy and monitor progress in the field of violence against women.

77. In the light of the information received, the Special Rapporteur considers the recommendations in the report of the previous mandate holder still applicable and relevant, and reiterates the need for the Government to:

(a) Establish a comprehensive, gender-sensitive information and knowledge base, including through the creation of a statistical commission, in order to:

(i) Improve data collection and analysis of incidents of violence and discrimination against women in all sectors concerned, particularly those relating to labour, health, education and the criminal justice system, while ensuring safety and privacy rights throughout the process;

(ii) Ensure common, reliable and transparent recording methods on all forms of violence against women, its causes and consequences. Such data should be disaggregated by sex, age, race, ethnic origin and other socio-economic variables that increase women's and girls' vulnerability to violence. This is particularly relevant for indigenous women and women living in rural areas;

(iii) Develop indicators on the State response to violence against women, illustrating the realization of rights through prevention and protection measures, as well as remedies. Their accuracy will largely depend on ensuring that all reported and identified cases are recorded and can be traced through an effective tracking system;

(iv) Institutionalize means and methods to share information on patterns, trends and State response to cases of violence with a diversity of actors, including Government bodies, academia and international and non-governmental organizations;

(b) Ensure the protection of women and girls through legislative, investigative and judicial reforms, including by:

(i) Devising a comprehensive, coordinated and properly resourced State policy that removes all remaining obstacles to the effective implementation of existing laws, including the categorization of violence against women as a criminal offence. Effective investigation and monitoring mechanisms for all instances of alleged violence should include measures to institutionalize cooperation and information-sharing among investigative institutions,

particularly the Office of the Procurator-General and the National Civil Police. The design and implementation of protocols to facilitate and promote effective, uniform and transparent investigations is crucial;

(ii) Recognizing femicide as a separate category of crime. The Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women stated in its declaration on femicide of 15 August 2008 that States must guarantee increased and enhanced access to justice for women by improving the system for criminal investigation and the protection of women affected by violence, by including forensic expertise, enhancing court proceedings to eliminate impunity for perpetrators and adequately punishing public officials who do not exercise due diligence in those proceedings;

(iii) Taking specific measures to ensure the protection of women who are victims of discrimination and violence on account of their sexual orientation or gender identity;

(iv) Ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Rome Statute of the International Criminal Court;

(v) Bringing national legislation into line with the Convention on the Elimination of All Forms of Discrimination against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, as well as with other international human rights instruments addressing violence and discrimination against women. This includes further amendments to the Code of Criminal Procedure to ensure that conciliation is prohibited in all cases of intra-family violence, and the explicit prohibition of corporal punishment against children. Furthermore, it is essential that a national dialogue on the current legislation on abortion be launched, in order to consider exceptions to its general prohibition, particularly in cases of therapeutic abortion and pregnancies resulting from rape or incest;

(vi) Ensuring, in consultation with civil society organizations, the elaboration of a comprehensive law on violence against women that criminalizes all forms of violence and encompasses issues relating to prevention, protection, victim empowerment and support, including the availability of remedies for survivors and adequate punishment for perpetrators. It is essential that the justice system be allocated adequate budgetary and human resources to ensure effective implementation and monitoring mechanisms;

(vii) Adopting laws to provide protection to victims of trafficking in accordance with international human rights standards and the effective prosecution of users and abusers of trafficked persons;

(c) Strengthen institutional infrastructure, including through the allocation of appropriate resources to enable sustainability and effectiveness, by:

(i) Establishing a specialized investigations and prosecutions unit on femicides to combat the pattern of impunity in gender-based violent murders and conduct effective criminal investigations;

(ii) Ensuring adequate funding to improve existing infrastructure to support victims of gender-based violence and to create new centres that provide psychosocial, legal and residential services throughout the country, paying

special attention to the increased vulnerability of indigenous women and women living in rural areas;

(iii) Building the capacity of institutions such as the National Institute for the Advancement of Women, the National Civil Police, the Office of the Procurator-General, the Supreme Court of Justice and the Institute of Forensic Medicine by increasing their human and material resources;

(iv) Supporting the Office of the Procurator for Human Rights, including through institutional recognition of its authority and providing sufficient resources to ensure the effectiveness of its operations and independence;

(v) Strengthening the institutions responsible for addressing the advancement of women and gender equality, in line with the Beijing Declaration and Programme of Action, by providing them with clearly defined mandates, power and authority, visibility and human and financial resources, thereby improving their capacity to coordinate and monitor actions at the local and national levels;

(d) Initiate further training and awareness-raising programmes, including by:

(i) Supporting further gender-sensitive training with a focus on women's human rights for public officials involved in prosecuting cases of violence and discrimination against women, in order to conduct proper and efficient investigations and prosecutions while respecting the integrity and dignity of victims and their families throughout the process;

(ii) Institutionalizing gender-sensitive training with a focus on women's human rights for civil servants in other sectors addressing violence and discrimination against women, including in the areas of health, education and labour, to ensure that they can respond effectively to all forms of violence against women;

(iii) Ensuring that all job generation and poverty alleviation strategies and programmes are gender-sensitive, and that women, particularly indigenous women and those from rural areas, have full access to adult literacy and vocational training programmes;

(iv) Conducting awareness-raising campaigns, with the support of sensitized media, aimed at eliminating stereotypical attitudes and cultural norms about the roles and responsibilities of women and men in the family, society and the workplace;

(v) Integrating a gender equality perspective into school textbooks and curricula, including on sexual and reproductive rights, and providing gender training for teachers with a view to changing patriarchal attitudes and gender stereotypes;

(e) Monitor the implementation of and enforce international and regional human rights standards generally, with a special focus on the labour sector, by:

(i) Exercising due diligence to combat violence, harassment and violations of labour standards in the workplace, including through the adoption of legislative, administrative and other measures to guarantee access to social security and other labour benefits, monitor labour standards, particularly in maquilas and private homes, investigate complaints and bring perpetrators to justice.;

- (ii) Including domestic work in the ILO definition of the “worst forms of child labour” and take measures to eliminate it.
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