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El Salvador: violence against women, legislation, and the protection offered to victims (2007 - June 2009)

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In El Salvador, the Salvadoran Women's Organization (Organización de Mujeres Salvadoreñas por la Paz, ORMUSA) is a feminist non-profit organization established in 1985 (ORMUSA n.d.), which gathers data from press reports and then compiles them for publication in their newsletter, *La Boletina de ORMUSA* (ibid. Apr. 2009). ORMUSA reports that according to data collected by three organizations that are responsible for identifying bodies and investigating murders—the Institute of Legal Medicine (Instituto de Medicina Legal), the Office of the Public Prosecutor (Fiscalía General de la República) and the National Civil Police (Policía Nacional Civil, PNC) - [translation] "2,645 women were murdered between 2000 and February 2009" (ORMUSA Feb. 2009). The Institute of Legal Medicine estimates that [translation] "at least one woman has been killed per day since 2002; more than one woman a day in 2006 when 437 femicides [homicides against women] were recorded" (ORMUSA July 2008). According to PNC statistics, 281 women were killed in 2008 (ORMUSA Jan 2009).

According to the Centre for Women's Studies (Centro des Estudios para la Mujer, CEMUJER) [translation] "there are two constants in homicides against women: 8 out of every 10 women murdered are killed by a spouse or former spouse and, ... the murders are committed by men" (El Salvador Jan. 2008, Sec. 1.7.3).

The PNC adds that [translation] "crimes against women are cruel, and in some cases, the victims are stoned, stabbed or raped before being murdered" (ORMUSA Jan. 2009). According to ORMUSA, young women between the ages of 15 and 29 years are most often targeted (Apr. 2009). The executive director of ORMUSA notes that [translation] "violence against women and femicides are troubling because women, regardless of their age, are still subjected to barbaric acts and then murdered" (ORMUSA Apr. 2009).

According to an article published by the news agency EFE, the data on human rights collected by the United States (US) Department of State, [translation] "is identical to those of previous years, particularly when it comes to violence against women and children" (EFE 25 Feb. 2009). The Institute for Legal Medicine states that 3,390 sexual assaults were reported in 2006, compared to 3,343 in 2007 (ORMUSA Jan. 2009). Most of these assaults took place in the municipalities of Santa Ana, San Salvador, La Libertad and San Miguel (ibid.). From January to September 2008, 2,455 cases of sexual assault were reported

(ibid.). According to ORMUSA, [translation] "there was an alarming number of rapes and sexual assaults in 2008, particularly involving young girls between the ages of six and seventeen. Fathers, stepfathers, brothers and teachers were among the most common perpetrators" (ibid.; see also El Salvador Jan. 2008, Sec. 1.7.3).

The Prosecutor for Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) conducted a study of Salvadoran government agencies that showed that [translation] "sexual harassment is the most prevalent form of violence" (UN 2008, 241). The United Nations (UN) report on human development in El Salvador (2007-2008) notes that women do not usually report their attackers, mainly because they are [translation] "'scared of losing their job'", but also because they have a [translation] "'fear of reprisals'" and a [translation] "'fear of being stigmatized'" (ibid., 242; see also US 25 Feb. 2009, Sec. 5). Underreporting is also due to "ineffective ... responses by the authorities toward victims ... and a perception among victims that cases were unlikely to be prosecuted" (US 25 Feb. 2009, Sec. 5).

Legislation and protection for victims

El Salvador has introduced national laws aimed at protecting women from different forms of discrimination (El Salvador 2008). The Law Against Intra-Family Violence (Ley Contra la Violencia Intrafamiliar), which came into force in 1996, condemns violence, be it physical, physiological or psychological (El Salvador 28 Nov. 1996). El Salvador's penal code (Código Penal de El Salvador), which entered into force in 1997, also specifies penalties to protect women from domestic violence and from sexual harassment (El Salvador 26 Apr. 1997, Sec. 2.4). According to the Latin American and Caribbean Committee for the Defence of Women's Rights (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer, CLADEM), spousal rape is not recognized as a crime in the legislation (Sept. 2008, 7).

A municipal councillor from San Salvador reports that [translation] "in El Salvador, one out of every three women is a victim of violence; the traditional approaches to managing this issue and to ensuring social justice are insufficient" (Mujeres Hoy 13 Oct. 2008). A representative of the Salvadoran Movement for Women (Movimiento Salvadoreño de Mujeres, MSM) emphasizes that El Salvador does not [translation] "'need more legislation to deal with violence against women; all that is needed is for the courts to apply the existing legislation and for the police and fiscal authorities to also do their part'" (AFP 24 Nov. 2008). In an article published by ORMUSA, it is noted that [translation] "the legislation is not sufficient and the state must adopt new policies and measures to deal with violence because the statistics on cruelty against women continue to show an increase" (July 2008). The Feminist Network to Counter Violence Against Women (Red Feminista frente a la violencia contra las Mujeres) [translation] "is of the opinion that the lack of investigations and the fact that justice is not applied, enables violence against women, since many aggressors remain at large" (ORMUSA Apr. 2009).

Despite the National Policy for Women (Política Nacional de la Mujer) and the Law Against Intra-Family Violence (Ley contra la Violencia Intrafamiliar), [translation] "the sexist perspective that surrounds women and their rights remains" (CLADEM Sept. 2008, 7). However, many groups, particularly the PDDH, the Office of the Attorney General, the Supreme Court (Corte Suprema de Justicia), the National Defender's Office (Defensoría del Pueblo) and the PNC

have collaborated with non-governmental organizations (NGOs) and other organizations “to combat violence against women through education, increased enforcement of the law, and NGO support programs for victims” (US 25 Feb. 2009, Sec. 5). The PDDH has also proposed that a special investigations unit be created to investigate femicides (ORMUSA July 2008). No information on whether such a unit has been created was found among the sources consulted by the Research Directorate.

In 1996, the government’s Salvadoran Institute for the Development of Women (Instituto Salvadoreño para el Desarrollo de la Mujer, ISDEMU) set up a program for the improvement of family relations (Programa de saneamiento de la relación familiar, PSRF) (UN 2009). This national program, which is aimed at female victims of domestic violence, offers women psychological help and social assistance (ibid.). The program sees an average of 10,000 new cases every year, provides a 24-hour telephone help line, and runs a shelter for victims (ibid.; see also US 25 Feb. 2009, Sec. 5). A sum of 24,531,289 American dollars was invested in this program between 1996 and 2008 (UN 2009). In 2008, the ISDEMU also provided health services and psychological counselling to 943 female victims of sexual assault and helped 5,901 girls who were victims of physical violence (US 25 Feb. 2009, Sec. 5). The ISDEMU also publishes information brochures on topics such as women’s rights (El Salvador 2008) and sexual harassment (El Salvador 2009).

At the national level, other governmental and non-governmental organizations also promote women’s rights, as well as provide assistance (Mujeres Hoy n.d.b; see also El Salvador 2008). The Mujeres Hoy website, a Latino-American portal launched in 2003 that looks at gender-related issues (Mujeres Hoy n.d.a), lists NGOs which combat violence against women (Mujeres Hoy n.d.b). These organizations, which are mostly in San Salvador, are active across the country-with the exception of Society Without Violence (Sociedad sin Violencia), which is active mostly at the local level (ibid.). ISDEMU also provides a list of government organizations that promote and protect women's rights (El Salvador 2008).

In 2008, Avon, the cosmetics company, in conjunction with ORMUSA and ISDEMU, launched an awareness campaign on violence against women (ORMUSA July 2008) to [translation] “raise awareness about domestic violence and gender-related violence, to help women to recognize and prevent such violence, and to inform them about how to approach institutions and organizations to report their attackers and to get help” (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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