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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND
THE GENDER PERSPECTIVE**

VIOLENCE AGAINST WOMEN

**Note submitted by Yakin Ertürk, Special Rapporteur on violence against women, its
causes and consequences**

Addendum*

**Preliminary note on the mission to
El Salvador and Guatemala (2-14 February 2004)**

1. The Special Rapporteur, Yakin Ertürk, visited El Salvador (2 to 7 February 2004), and Guatemala (8 to 14 February), at the invitation of both Governments. The objective of the mission was to study the causes and consequences of violence against women and to formulate recommendations for an effective response to the phenomenon. The Special Rapporteur would like to thank the Government of El Salvador and the Government of Guatemala for the invitations to visit their countries and for the high level of cooperation and assistance provided throughout the visit.
2. The final report of the visit to El Salvador and Guatemala will be available during the summer of 2004 and will be presented to the Commission on Human Rights in 2005.

The preliminary findings

3. El Salvador and Guatemala have committed themselves to respect, protect and promote the provisions contained in the core international and regional human rights

* This document is being circulated in the language of submission and Spanish only

instruments, including 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 to guarantee the right of women to live lives free of violence and discrimination. The peace accords also contain specific commitments to rectify discrimination in legal protection. The challenge lies in making these commitments a reality.

4. The Special Rapporteur notes with satisfaction that El Salvador has recently introduced amendments to the penal code and code of criminal procedure criminalizing various forms of sexual violence and providing greater guarantees to victims of domestic violence, including as regards ensuring male compliance with child maintenance payments. A number of bills for law reform are before congress in Guatemala.

5. The armed conflict, experienced by both countries, has left deep wounds. There is a need for recognition of the gravity of sexual violence used as a weapon of war during the conflicts and the need for justice for the victims and survivors, the majority of whom in Guatemala are indigenous women. Those who survived still suffer trauma and health complications as a result. Recognition should be given to survivors' struggle for justice and acts of intimidation or harassment against them should be promptly investigated. Prosecution of those responsible for past acts of violence against women would be an important step in the fight against impunity, not only because the perpetrators would finally be brought to justice, but also because of the deterrent effect for future acts.

6. Despite the generally positive legal framework, both Governments are failing in their international obligations to effectively prevent, investigate and prosecute violence against women. The official response to cases illustrates that, whether it is domestic violence, rape, or sexual harassment, violence against women is still not perceived as a serious crime. There is a high impunity rate, which reinforces patterns of inequality and discrimination and perpetuates violence. Women, indigenous and rural women in particular, face multiple forms of discrimination and obstacles to access justice. According to many testimonies, the criminal justice system merely re-victimizes women. There is a general lack of respect for the dignity of survivors of violence and their relatives seeking justice.

7. The most visible manifestation of violence against women in the region is the brutal murders of women, who have been kidnapped and later found dead with signs of rape and torture. According to official figures, 1,049 cases of murder of women were reported in Guatemala between 2001 and 2004 and continued during the Special Rapporteur's visit. Similar murders have also taken place in El Salvador. By and large, there has been a lack of appropriate response by authorities, with no effective investigation, prosecution or sanction for those responsible. No compensation for survivors and no integrated support for families of victims have been provided. Regrettably, the cases have been used for political purposes and covered in a sensational way by the media. Blaming of the victims with little serious response to acts of violence against women exacerbates the suffering of the victims and that of their families; furthermore, it legitimizes the use of violence and awards the aggressor.

8. Domestic violence is extremely widespread in El Salvador and Guatemala. There have been some attempts at prevention in this area with law reform and plans of action, however, appropriate resources are required for the plans to have any impact. The criminal-justice system response in the majority of cases is highly negligent and does not provide the protection requested, preference for conciliatory measures often returns women to their homes to face the abuser in a more vulnerable position. The sexual abuse of girl children in the home, related health consequences and resulting pregnancies are particularly alarming. As this takes place in the privacy of the home, it remains invisible in both countries.

9. Women and girls working in *maquilas* (EPZs) or engaged in domestic work in private homes are subject to exploitation and are particularly vulnerable to sexual harassment and violence. Labour conditions in areas where the majority of the labour force are female remain largely unregulated.

10. Trafficking in women and girls and fraudulent adoptions of babies linked to transnational crime is a regional concern which is high on the agenda of the Governments of both El Salvador and Guatemala and efforts are underway towards a regional solution.

11. Female-headed households, ranging between 30 and 40 per cent in the two countries, are comprised of women who are either widowed or abandoned by their partner(s). They are particularly vulnerable to exploitation and violence since they must take on meager jobs and submit to unstable and abusive relationships to provide for the sustenance of their children.

Recommendations

12. Both Governments must exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Priority must be placed on ending impunity for perpetrators of violence against women regardless of their status in society. Action should be taken in accordance with the peace accords and the recommendations contained in the relevant report and documents, especially in regards to reparations for victims of sexual violence and widows.

13. Strategies must be implemented that involve law reform and, in particular, reform of the criminal justice system. Funds from the national budget should be specifically allocated to address violence against women as a matter of priority. Training in gender and human rights issues is required for policy makers, police, judges, and prosecutors. There must also be provision of legal, medical and psychological counselling and adequate social services for the victims and their families including shelters and vocational training. The education system and the media should be used to sensitize public opinion in generating zero tolerance for violence against women and for delinking masculinity and violence.

14. Priority should be given to strengthening the legal and institutional structure of national machineries for the advancement of women and the elimination of violence against women. Their capacity should be enhanced through the provision of sufficient staff and resources. Both Governments must support research on the causes and consequences of violence against women and programmes towards its elimination. Sex-disaggregated data and statistics on violence against women as well as other indicators on women's rights are required for informed policy formulation and for monitoring implementation.

15. The Government must send a strong message to men, women and children that no forms of violence against women will be tolerated. Action must be taken by the police and judges to protect women and children in their homes. Prompt issuance of protective restraining orders is required and shelters for women and their children should be created as a matter of priority, with the necessary services and vocational training.

16. A proactive approach is required by the system to address and prevent the violations which women experience in the workplace and to monitor labour conditions.

17. Trafficking must be addressed in accordance with international human rights standards for the protection of the rights of the victim.

18. The Special Rapporteur was impressed by the women's movement and networks to end violence against women, and would encourage both Governments to support their work and reflect their suggestions in policies to end violence against women.