



W A G E



WOMEN'S ECONOMIC EMPOWERMENT IN EL SALVADOR: BARRIERS, OPPORTUNITIES, AND A PATH FORWARD

OCTOBER 2019



The statements and analysis contained in the report “Women’s Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward” are the work of the Women and Girls Empowered (WAGE) consortium, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (Search). The Board of Governors of the American Bar Association (ABA) has neither reviewed nor sanctioned its content. Accordingly, the views expressed in the report should not be construed as representing the policy of the ABA. Furthermore, nothing contained in this report is to be considered rendering legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel.

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Cover photo: A woman who received loans for her business through WAGE's Salvadoran partner, PADECOMSM (Fund for the Development of the Communities of Morazán and San Miguel). Photo courtesy of Kiva.

ABOUT WOMEN & GIRLS EMPOWERED (WAGE)



OUR MISSION

WAGE strengthens the capacity of civil society organizations around the world to improve the prevention of and response to gender-based violence; advance the women, peace and security agenda; and support women's economic empowerment.

OUR APPROACH

To account for the deeply interconnected nature of women's and girls' experiences, WAGE's strategic initiatives are highly collaborative, integrated, multidisciplinary, and inclusive.

4 CORE PARTNERS
+
43 RESOURCE PARTNERS



OUR PARTNERS

WAGE consortium is led by the American Bar Association Rule of Law Initiative in close partnership with the Center for International Private Enterprise, Grameen Foundation, Search for Common Ground, and 43 international, regional, local, and corporate resource partners.



GLOBAL NETWORK OF
370+ CIVIL SOCIETY ORGANIZATIONS

OUR GLOBAL NETWORK

WAGE has strong ties to a broad and growing global network of nearly 400 women-led and women-focused civil society organizations that implement initiatives in WAGE's core thematic areas.



Women and Girls Empowered (WAGE) is a global programming consortium to advance the status of women and girls, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, Search for Common Ground (Search), and 43 resource partners. WAGE works to strengthen the capacity of civil society organizations (CSOs) in target countries to improve the prevention of and response to gender-based violence (GBV); advance the women, peace, and security (WPS) agenda; and support women's economic empowerment (WEE). In this context, WAGE provides direct assistance to women and girls, including information, resources, and services they need to succeed as active and equal participants in the global economy. WAGE also engages in collaborative research and learning to build a body of evidence on relevant promising practices in these thematic areas. By using cutting-edge technological solutions, socially connected crowd-funding, and public-private partnerships, WAGE strives to create innovative opportunities for women and reach traditionally excluded populations in a highly impactful and sustainable manner. To account for the deeply interconnected nature of women's and girls' experiences, WAGE's initiatives employ approaches that are highly collaborative, integrated, multidisciplinary, and inclusive. For example, the Reducing Barriers to Women's Economic Empowerment in El Salvador and Honduras Initiative (RBI)—WAGE's pilot project—takes a holistic view of the challenges that female entrepreneurs face in starting and growing sustainable businesses, including linkages between financial inclusion, GBV, and conflict. Together with Kiva—an online loan platform that connects lenders to indigent entrepreneurs across the globe to alleviate poverty—WAGE provides financial support to women microentrepreneurs and works with local microfinance institutions (MFIs) and CSOs to reduce legal and practical barriers that women face in the world of business. Under this initiative, a loan matching fund is set to revolve over the course of three years to match loans posted on Kiva's platform and financed by individual lenders. Recognizing that microcredit alone is not sufficient to meet the multifaceted needs of women entrepreneurs, WAGE implements a series of technical assistance interventions, informed through this assessment, to improve women's financial inclusion and economic participation in El Salvador and Honduras. The RBI, and other initiatives with a significant WEE component, fall under WAGE's WE RISE brand: Women Empowered—Realizing Inclusive & Sustainable Economies. WAGE is funded by the United States (U.S.) Department of State, Office of Global Women's Issues (S/GWI).

TABLE OF CONTENTS

INTRODUCTION	i
ASSESSING OPPORTUNITIES & BARRIERS TO WOMEN’S ECONOMIC EMPOWERMENT IN EL SALVADOR	ii
Analytical Framework	iv
Key Opportunities and Barriers to Women’s Economic Empowerment.....	v
Acknowledgments	viii
EXECUTIVE SUMMARY	x
RECOMMENDATIONS	xx
Tailored Services for Women Entrepreneurs.....	xx
Civic Education and Public Awareness Campaigns.....	xx
Legal and Policy Reform.....	xxi
Institutional Capacity Building	xxi
Partnerships and Network-Building	xxii
COUNTRY BACKGROUND	1
Geopolitical Context	1
Legal System	4
Vulnerable Populations.....	5
ANALYSIS	7
Section I: Legal and Institutional Framework for Gender Equality	7
Section II: Conflict, Crime, and Violence against Women	13
Section III: Legal Autonomy and Ability to Transact	25
Section IV: Business and Commerce	28
Section V: Property and Assets	42
Section VI: Banking and Finance	44
Section VII: Labor, Employment, and Social Security	51
Section VIII: Access to Justice	55
APPENDICES	58
Appendix I: Pertinent Human Development Indicators for El Salvador	58
Appendix II: List of Core International Human Rights Treaties	59
Appendix III: List of Pertinent National Laws & Policies	62
Appendix IV: List of Acronyms	64
ENDNOTES	67

INTRODUCTION

A growing body of evidence demonstrates that gender equality is not only a human rights issue, but also a business imperative. It is estimated that globally countries lose 160 trillion U.S. dollars (USD) in wealth because of the gender pay gap alone,¹ while gender-based discrimination in social institutions induces a worldwide loss of up to USD 12 trillion.² Women's empowerment is therefore an essential element to realizing inclusive and sustainable economies. Despite significant progress towards gender equality over the past decade,³ as of 2018, at least 104 economies still had laws preventing women from working in specific jobs and 18 economies had laws giving husbands power to prohibit their wives from working at all. As a result, over 2.7 billion women were legally restricted from having the same career choices as men.⁴

In addition to formal restrictions, many women face significant practical challenges in the world of work and business. Even in countries where women's legal capacities are identical to that of men, sociocultural norms frequently encourage or even require women's obedience to male family members. Men are typically perceived as heads of households and breadwinners, while women are viewed primarily as homemakers and caregivers. Consequently, women have limited decision-making power in family settings and are often expected to ask for permission from their husbands to enter into contracts, open bank accounts, or transact in any other way. Similarly, even where the legal requirements for registering and operating business enterprises are the same regardless of gender, women experience unique barriers to launching and growing their businesses. They tend to have fewer networking and mentoring opportunities than men; more limited access to information, quality education, and training; and reduced access to public spaces and markets. In addition, women often experience significant difficulties in obtaining financing because of a lack of collateral and limited financial education. Many commercial banks view women as risky borrowers and prefer loaning to men, causing women to turn to smaller and more informal loans from family and friends or from informal lenders who sometimes resort to predatory lending practices. At the same time, working women experience occupational segregation and persistent discrimination in the workplace. Further, women face higher personal costs of doing business, often managing double or even triple working days as they balance household and caregiver duties with work. There is also frequently a trade-off between business success and family success, because income generated by women leads to shifts in power dynamics in the households. To compensate for the perceived loss of power, men may prevent women from making independent decisions about their business operations or the disposition of their income. In the most extreme cases, this may lead to increased levels of intimate partner violence (IPV).⁵ In turn, women who experience IPV and other forms of violence against women (VAW) in the household or community may be forced to abandon their income-generating activities, divert productive resources (including credit) toward other uses, and/or keep their businesses small and informal.⁶ Research illustrates that economic empowerment interventions can both lower and increase the risk of VAW.⁷ Approaches that are sensitive to these risks, such as an integrated financial and non-financial service provision, have been shown to mitigate and lower these risks.⁸

Because of this complex web of barriers, women are often clustered in poor-quality jobs, earn considerably less than men for work of equal value, own fewer formal businesses, and are less financially independent than men, resulting in the feminization of poverty.⁹ On average, women-owned enterprises are smaller and less profitable than men-owned businesses. Most are unregistered, which further hampers their sustainability and growth potential. It also increases their vulnerability to harassment and extortion from state and non-state actors. In 2018, the World Economic Forum warned that, at the current pace of change, the global economic opportunity gender gap will not close for another 202 years.¹⁰ As UN Women has recently stressed, we must think equal, build smart, and innovate for change to advance gender equality, empower women, and achieve Sustainable Development Goals. This requires transformative shifts, integrated approaches, and new solutions that disrupt business as usual.¹¹ This also requires exploring and cultivating a wide range of assets that women already possess but are not always able to access. These include human, economic, and social resources, individual agency, self-confidence, resiliency, knowledge, skills, support services, and collective voices.

ASSESSING OPPORTUNITIES & BARRIERS TO WOMEN'S ECONOMIC EMPOWERMENT IN EL SALVADOR

Efforts to promote women's economic empowerment yield the best results when they address a country's challenges while capitalizing on its strengths, available resources, and women's personal and business assets. To highlight good practices and uncover obstacles that frustrate the achievement of women's economic rights in El Salvador, the Women and Girls Empowered (WAGE) consortium conducted a multifaceted assessment of opportunities and challenges that Salvadoran women entrepreneurs face when launching and growing sustainable businesses. The assessment is presented in the form of a comprehensive report "Women's Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward."ⁱ

WAGE undertook the study in support of its pilot project, "Reducing Barriers to Women's Economic Empowerment in El Salvador and Honduras Initiative" (RBI), led by one of its four core partners, the Grameen Foundation, and funded by the United States (U.S.) Department of State, Office of Global Women's Issues (S/GWI). The findings of the assessment present a rigorous analysis of data on the complex interplay of national laws, policies, sociocultural norms, and practices that impact female business owners in El Salvador. The assessment, based on WAGE's "Women's Economic Empowerment Assessment Tool," serves as the evidence base for reform efforts and technical assistance projects aimed at empowering Salvadoran women entrepreneurs implemented by WAGE, its local partners, and other stakeholders.

DEFINING WOMEN'S ECONOMIC EMPOWERMENT

WAGE defines women's economic empowerment as a process by which women increase their power to succeed as equal and active participants in the economy. This includes women's enhanced access to and control of human, economic, and social resources (**power over**); individual agency to make independent decisions that benefit themselves, their families, communities, and nations (**power to**); personal assets, including knowledge, skills, self-confidence, resilience, and ability to take and manage risk (**power within**); and collective assets, such as support services and networks (**power with**). Women's economic empowerment is critical to achieving gender equality, poverty reduction, economic growth, and other sustainable development goals.

WOMEN'S ECONOMIC EMPOWERMENT ASSESSMENT TOOL

The "Women's Economic Empowerment Assessment Tool," developed by WAGE under the leadership of ABA ROLI, is a mechanism for assessing countries' *de jure* (textual) and *de facto* (contextual) compliance with the United Nations (UN) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other international and regional legal standards aimed at advancing women's rights in economic and other spheres of life, for example the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and conventions adopted under the auspices of the International Labor Organization (ILO). These treaties create legally binding obligations for states that ratify or accede to them to respect, protect, and promote women's rights, prohibit gender-based discrimination, and ensure substantive gender equality.

The assessment tool is designed to understand key barriers, assets, and opportunities associated with women's economic lives in a particular country context and to determine possible solutions to the identified gaps and challenges. Country reports based on the tool provide key stakeholders and the general public with a wealth of hard-to-find information and include concrete, actionable program and policy recommendations. As such, country

ⁱ In addition to this comprehensive report published online, WAGE published key findings and recommendations in print, both in English and in Spanish. See WAGE, <http://www.wageglobal.org/>.

reports serve multiple purposes. First, they help with the design and prioritization of projects, reforms, and other interventions aimed at advancing women’s economic rights. Second, they serve as reference and advocacy tools that can be used to springboard community-based initiatives and government capacity-building efforts leading to countries’ enhanced compliance with international law and improved business environments. Third, they promote critical dialogue and information sharing on women’s economic empowerment issues among a diverse range of local stakeholders and the broader development community. The assessments are typically conducted to inform specific women’s economic empowerment initiatives but can also be implemented as standalone studies. In addition to WAGE and other women’s economic empowerment actors, the primary audience for the tool consists of government officials, civil society organizations (CSOs), advocates, lawyers, service providers, donors, and technical assistance implementers.

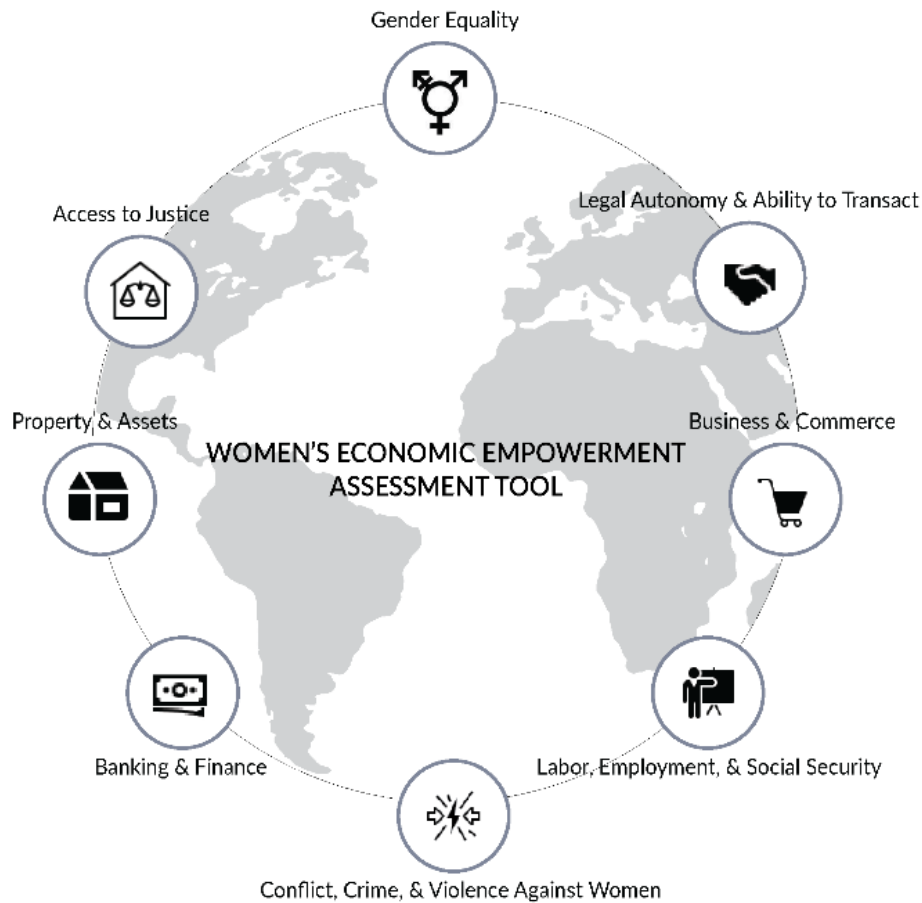
Country reports based on the tool are not intended to be scientific, statistical surveys. They are first and foremost complex legal and factual inquiries into the countries’ efforts to ensure gender equality and into the opportunities and challenges underscoring women’s economic empowerment and legal status. They draw upon a diverse pool of information and contain:

- **The *de jure* (textual) analysis** of pertinent laws, policies, jurisprudence, and pending draft legislation. This analysis examines national laws and policies vis-à-vis international legal standards, evaluates the degree to which these laws create opportunities or barriers for women’s economic empowerment, and seeks to determine if the country’s legal system is sufficiently robust to protect women workers and entrepreneurs from gender-based discrimination.
- **The *de facto* (contextual) analysis** derived from secondary materials, community-based focus groups with potential end beneficiaries of women’s economic empowerment interventions (e.g., women entrepreneurs) and their male peers, and key informant interviews with a cross-section of stakeholders. These stakeholders typically include women’s rights experts, government officials, justice system actors, representatives of international organizations, CSOs, business associations, and financial institutions, lawyers, service providers, academics, and other observers who have unique insights into policies and practices affecting women’s economic empowerment. This analysis measures the extent to which women enjoy, in practice, the rights guaranteed to them under international and domestic laws. As such, it considers the impact of laws and institutional practices as well as community and household dynamics on women’s ability to exercise these rights and examines people’s perceptions of women’s rights. The analysis also seeks to determine whether the state has committed appropriate resources and taken concrete steps to create an enabling environment for women’s economic empowerment. In addition to state measures, the analysis examines initiatives undertaken by non-state actors.

To the maximum extent possible, the implementation of the tool is envisioned to be community-driven and employ participatory research methods at all stages. The results of the analysis are presented in a comprehensive country report which undergoes a thorough peer review to ensure its accuracy, integrity, quality, diversity of perspectives, and objectivity. This analytical process draws heavily on the tested and well-respected approach of various assessment methodologies created and implemented by WAGE partners, such as the “Status of Women Assessment Tool” and the “Access to Justice Assessment Tool”¹² produced by ABA ROLI; the “Gender Assessment Tool for Mainstream Chambers and Associations,” the “Gender Assessment Tool for Women Organizations,” and the “Needs Assessment for Women’s Programming” developed by CIPE; and the “Guidance Note on Conflict Analysis” issued by Search. In addition, the methodology draws on WAGE partners’ respective women’s empowerment frameworks, such as Grameen Foundation’s “Women’s Empowerment Framework”¹³ and “Solutions Innovations Process,”¹⁴ and CIPE’s framework entitled “Understanding Women’s Economic Empowerment Through Policy Gaps and Silences.”¹⁵

Analytical Framework

The analytical framework of the “Women’s Economic Empowerment Assessment Tool” consists of eight sections and eight corresponding factor statements. Each factor statement summarizes applicable international standards and comparative best practices, illustrates a desired state of affairs, and serves as a measure against which researchers assess domestic laws and practices in key areas of interest for women workers and entrepreneurs. The factor statements present “ideal world” conditions, which countries should aspire and aim to achieve.



Each section contains areas of inquiry offering flexible guidance to the researchers charged with gathering and analyzing pertinent data. In addition to the analytical sections, reports based on the methodology typically contain an executive summary, recommendations, and a background chapter exploring the country’s geopolitical context, economic landscape, legal system, and vulnerable populations.

Key Opportunities and Barriers to Women's Economic Empowerment

WAGE classifies **barriers** to women's economic empowerment into six broad categories: structural, relational, material, personal, cognitive, and perceptive.



Structural Barriers

- **Legal restrictions**, i.e., discriminatory legal provisions inhibiting women's legal autonomy and ability to transact, e.g., by requiring wives to obey their husbands or preventing women from entering certain occupations.
- **Policy gaps and silences**, i.e., lax implementation of existing laws and policies guaranteeing gender equality, gaps in the legal and policy frameworks (such as a lack of special measures to bring women into a state of equality with men), and legal design flaws (such as a lack of attention to potentially disparate impact of laws and policies on women and men).
- **Formalization challenges**, i.e., barriers that prevent entrepreneurs from registering their businesses and moving from the informal to the formal sector, such as cumbersome regulations, bureaucracy, government corruption, high taxes, and a lack of access to legal aid or business consultancy.
- **Informality**, i.e., risks associated with operating an unregistered business, such as additional exposure to extortion, administrative fines, and inability to access markets, credit or government services.
- **Insecurity and crime**, i.e., conflict, violence (including GBV), organized crime, high levels of theft and extortion, and other safety risks that inhibit women's freedom of movement and ability to operate businesses in public spaces.

Relational Barriers

- **Sociocultural norms**, i.e., sexism, machismo, and other manifestations of patriarchy, which relegate women to a submissive status, dictate traditional gender roles and responsibilities within and outside of households, and result in differential treatment of women and men in various aspects of life, including in business relations.

Material Barriers

- **Limited access to finance**, i.e., unavailability of appropriate financial products, predatory lending practices, strict collateral requirements, a lack of necessary documents to take out a loan, differential treatment by financial institutions, and poor financial literacy.
- **Limited access to productive resources**, i.e., unequal property and inheritance rights and limited access to utilities (such as electricity and water), raw materials, bulk products or affordable business and office space.

Personal Barriers

- **Limited access to support services and markets**, i.e., lack of family support, entrepreneurial services, value chains and markets to sell products, business networks, and business associations.

Cognitive Barriers

- **Poor education and occupational segregation**, i.e., limited access to good quality education in all sectors and at all levels (including science, technology, engineering, and math), technological marginalization, and norms dictating that certain occupations (e.g., mining or construction work) are not suitable for women.
- **Limited access to training and mentoring**, i.e., lack of access to adequate, affordable, and “women-friendly” business skills training and mentoring.

Perceptive Barriers

- **Low self-esteem**, i.e., lack of confidence in one’s entrepreneurial capabilities, often driven by external factors, such as sexist attitudes in the community, the workplace, and the business environment.
- **Risk aversion**, i.e., low likelihood of taking risks, often due to structural factors, which place women’s businesses at a market disadvantage.

Even in societies with immense structural, relational, material, personal, cognitive, and perceptive barriers, women can emerge as active, resilient, and empowered participants in local economies when equipped with adequate information, resources, and services. These services should capitalize on the assets that women already possess but might be unable to access. Therefore, in addition to measuring barriers and identifying solutions for these barriers, the “Women’s Economic Empowerment Assessment Tool” is used to analyze **assets and opportunities** for women’s economic empowerment. They include existing human, economic, and social resources, women’s personal assets and collective voices, as well as technical assistance programs, support services, and other interventions implemented by state institutions, CSOs (including women’s rights focused organizations, business associations, trade unions, and microfinance institutions (MFIs)), and international organizations.

SPECIFICS OF THE COUNTRY REPORT FOR EL SALVADOR

WAGE conducted the study “Women’s Economic Empowerment in El Salvador: Barriers, Opportunities, and a Path Forward” between June 2018 and June 2019, through joint efforts of all core consortium partners under the leadership of ABA ROLI.ⁱⁱ WAGE performed the assessment in support of the RBI, its pilot project focusing on empowering women in the microenterprise sector. However, WAGE intentionally broadened the scope of the study to account for assets and barriers faced by women who wish to grow their businesses, who operate small and medium enterprises (SMEs), and who would like to move their enterprises to the formal sector.

- **ABA ROLI**, in close partnership with a team of *pro bono* attorneys from the international law firm Hogan Lovells, collected, reviewed, and analyzed pertinent laws, policies, and secondary sources vis-à-vis the factor statements grounded in international law and comparative best practices (*de jure analysis*). In addition, ABA ROLI hired a Spanish-speaking gender expert from Central America to conduct 10 key informant interviews with representatives of the Salvadoran government agencies and CSOs (*de facto analysis*). ABA ROLI used qualitative methods of data collection and open-ended questions for its analyses.
- **CIPE** mapped business associations in El Salvador and used the services of a local Spanish-speaking consultant to conduct semi-structured key informant interviews with 10 executives and leaders of Salvadoran business associations. Half of these leaders represented only female entrepreneurs (women business associations—WBAs), while the other half represented entrepreneurs regardless of their gender (mainstream business associations). In addition, CIPE’s consultant worked with female facilitators to conduct one focus group with 11 female entrepreneurs, representing a range of micro, small, and medium enterprises (MSMEs), to assess barriers and opportunities associated with starting and growing a business. CIPE’s stakeholder-driven approach allows participants to describe the local context, define barriers, assets, and needs, and subsequently rate and prioritize these barriers, assets, and needs. This approach entails quantitative methods embedded in qualitative data collection through partially closed questions for the key informant interviews and nominal voting in the focus groups to assess the extent to which this rating and prioritization received unanimous or near-unanimous support from the participants. CIPE analyzed data from key informant interviews using SPSS Statistics.
- **Grameen Foundation** focused its research on two Salvadoran MFIs, CrediCampo and PADECOMSM (Fund for the Development of the Communities of Morazán and San Miguel)—WAGE’s local partners under the RBI—and the communities that these two MFIs serve. In addition to in-depth key informant interviews with two MFI managers and six MFI credit officers, Grameen conducted 17 community-based focus groups stratified by gender (female and male), location (urban and rural), and relationship with the two partner MFIs (clients and non-clients). A total of 158 individuals took part in the focus groups discussions, including 109 women (ten focus groups) and 49 men (seven focus groups). Clients were recruited by the financial arms of the MFIs, and non-clients by the non-profit arms of the MFIs. Grameen used facilitation methods to reach consensus on key issues within each focus group. Therefore, the data is reported as the percentage or number of focus groups in which all participants agreed on an issue.

Focus Group Participants	No. of Female Groups	No. of Male Groups
Clients in urban areas	4	2
Clients in rural areas	4	2
Non-clients in urban areas	1	1
Non-clients in rural areas	1	2
Totals	10	7

ⁱⁱ During the same period, WAGE conducted a similar assessment in Honduras, which is published as a separate report.

- **Search for Common Ground** conducted a conflict analysis to understand the impact of modern-day conflict in El Salvador on female entrepreneurship and, more broadly, on women’s economic empowerment. This analysis is based on desk review of external conflict analyses and assessments of El Salvador and the Northern Triangle region conducted within the past 5 years, as well as primary data extracted from key informant interviews and community-based focus groups facilitated by Grameen Foundation.

Once these respective analyses were completed, ABA ROLI’s Legal Advisor in the Research, Evaluation, and Learning Office compiled the information, performed additional research, and produced an integrated report, which was subsequently peer reviewed by WAGE partners and S/GWI. ABA ROLI incorporated all comments and prepared the report for publication.

The integrated report presents both positive aspects of women’s economic status and barriers to women’s economic empowerment in El Salvador. The key findings are summarized in the executive summary. They are followed by recommendations, which offer remedial actions that can be undertaken by the Salvadoran government, civil society, international organizations, and other stakeholders to address key areas of concern, bring El Salvador into compliance with international law, and proactively advance women’s economic rights. They are based on suggestions made by local and international experts. The list of recommendations is not exhaustive. Salvadoran and international stakeholders are encouraged to formulate and implement additional reforms, programs, and interventions to advance the status of women . WAGE chose not to prioritize these recommendations in the report in acknowledgment that various stakeholders may select different sets of priorities when designing their own interventions. For example, WAGE used the findings and recommendations to conduct reflection workshops with its local MFI partners to decide what types of technical assistance programming would be the most suitable for implementation under the RBI.

In the report, individuals who took part in key informant interviews are referred to as “interviewees” or “respondents.” Individuals who took part in focus groups are referred to as “participants” or “discussants.” The term “study participants” refers to both interviewees and focus group participants. The report also uses such terms as, e.g., “female entrepreneurs,” “MFI clients,” “legal experts,” or “business association leaders” to reflect information provided by specific groups of stakeholders. Records of key informant interviews and focus groups, and confidential lists of individuals who contributed to the study, are on files in the Washington, D.C. offices of ABA ROLI, CIPE, and Grameen Foundation. These individuals are not identified in the report for safety, privacy, and confidentiality reasons.

ACKNOWLEDGMENTS

The report was prepared by Paulina (Paula) Rudnicka, Legal Advisor at ABA ROLI’s Research, Learning, and Evaluation Office, who also led the development of the methodology, guided ABA ROLI’s research team, conducted legal and policy research, and integrated findings from WAGE partners’ analyses prepared by Denise Baer, Barbara Langley, and Srujana Penumetcha (CIPE), Bobbi Gray and Amelia Kuklewicz (Grameen Foundation), and Marin O’Brien Belhoussein and Maria Selde (Search). Brianne (Bri) Stuart, WAGE Director and Deputy Director of ABA ROLI’s Asia Division, managed and oversaw the project with operational support provided by Shea Wilcox, ABA ROLI’s Program Associate.

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Last but not least, WAGE wishes to express its gratitude to the U.S. Department of State, Office of Global Women's Issues for funding this analysis.

EXECUTIVE SUMMARY

El Salvador has a strong constitutional and legal underpinning for gender equality, and there are very few formal gender-based restrictions limiting women’s economic autonomy or participation. Pertinent laws prohibit discrimination against women and require the state to adopt measures to bring women into a state of equality with men. However, the government has neither committed sufficient resources nor coordinated efforts to ensure full implementation of these laws in practice. In addition, Salvadoran women face a wide range of structural, relational, material, personal, cognitive, and perceptive barriers to their economic empowerment. As a result, they make considerably less money than men and have a significantly lower labor participation rate. Over 70% of working women have informal jobs, compared to less than 55% of working men.

Notably, women own approximately 72% of micro and small enterprises (MSEs), including 64% of microenterprises, which significant, given the fact that MSEs in El Salvador comprise approximately 97% of the business sector, account for about 24–36% of gross domestic product (GDP), and employ over one million people. However, most female entrepreneurs begin with subsistence microenterprises and as many as three out of four start out in the informal sector. When companies increase in size, women’s participation as businessowners decreases, contrary to the situation of men. This trend indicates that women face greater barriers in growing their businesses than in launching them. It is estimated that that only about a third of new women-owned businesses may progress into formally registered businesses. Due to high levels of informality and difficult business environments, Salvadoran women entrepreneurs face an uphill battle to financial sustenance for themselves and their families.

Study participants emphasized that enhancing women entrepreneurs’ personal and business assets can empower them, increase their resilience, and enable them to overcome adversity such as discrimination, insecurity, and violence. Personal assets include self-confidence, entrepreneurial skills, and ability to manage risks, while business assets include access to tailored financial products and membership in business associations.

SECTION I: LEGAL AND INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY

Positive Findings

- Women and men in El Salvador are equal before the law regardless of their marital status. The constitution explicitly prohibits discrimination based on sex in the enjoyment of civil rights, in remuneration for equal work, and in the formation of professional associations and trade unions. In addition, the constitution provides for the equality of spouses and guarantees new mothers job security and paid maternity leave.
- El Salvador has ratified or otherwise acceded to most major human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1981.
- El Salvador has made concentrated efforts to align its legal and institutional framework with international women’s rights standards by amending several laws and promulgating a series of laws and policies aimed specifically at empowering women and eliminating discrimination against them. They include the Law on Equality, Fairness, and Elimination of Discrimination against Women (LIE), the National Policy for Women (PNM), and the National Equality Plan 2016–2020. All of them contain provisions dedicated to enhancing women’s economic autonomy and participation. LIE mandates that the state implement positive measures to end inequalities between women and men.
- The government has established many institutions (e.g., Salvadoran Institute for the Advancement of Women—ISDEMU), units, and programs (e.g., Woman’s City) to implement gender equality laws in practice. Woman’s City is El Salvador’s signature women’s empowerment program, consolidating 18 state

institutions under one roof and offering a wide range of specialized, holistic, and integrated services to women. Many focus group discussants expressed positive attitudes toward the program.

Key Barriers

- The constitution equates women with minors in some aspects of labor relations by prohibiting unhealthy or dangerous work for persons under 18 years of age and for women.
- Abortion is criminalized in all circumstances. The total abortion ban has been linked to high levels of maternal mortality and suicide among Salvadoran teenage girls and young women. It has also had a negative impact on women's economic lives.
- LIE articulates ambitious principles but addresses only discrimination committed by state institutions.
- The government of El Salvador has neither allocated sufficient resources nor coordinated efforts to fully implement gender equality laws and bring about real change. Experts cite institutional resistance to gender equality as one of the primary reasons behind lax implementation of pertinent provisions.
- Study participants observed that gender inequality is persistent in El Salvador, but it is a product of gendered sociocultural norms and not the formal legal system. Machismo is prevalent across the country, and particularly strong in rural areas.
- Women with disabilities, members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) communities, women journalists, human rights defenders, and indigenous peoples are among the most vulnerable groups in El Salvador, facing persistent discrimination and structural violence. Rural women have significantly lower educational attainment and very limited land ownership in comparison with men. Women in non-matrimonial unions, particularly those unregistered, are highly vulnerable to violations of their human rights, including socioeconomic rights. Single mothers and female heads of households are also significantly disadvantaged.

SECTION II: CONFLICT, CRIME, AND VIOLENCE AGAINST WOMEN

Positive Findings

- In 2014, an executive decree created a national committee for implementing the UN Security Council resolution 1325 (2000) and subsequent resolutions on women, peace and security (WPS). In 2017, El Salvador adopted its first, five-year National Action Plan on WPS.
- Since 1996, El Salvador has made concerted efforts aimed at creating a comprehensive legal framework for addressing violence against women (VAW) by passing the Law Against Intrafamily Violence (LVI), the Penal Code, the Special Integral Law for a Life Free of Violence against Women (LEIV), the Decree 286 on Creation of Specialized Courts for a Life Free of Violence and Discrimination Against Women, the Special Law Against Trafficking in Persons, the National Policy for Women's Access to a Life Free of Violence, and its corresponding 2016–2020 National Action Plan. In August 2017, El Salvador banned child marriage.
- El Salvador has established several institutions and programs to address VAW, including two shelters, a telephone helpline, a physical clinic in San Salvador, permanent care and detection units, and local victim assistance offices.

Key Barriers

- Since the end of the civil war in 1992, the primary conflict in El Salvador is characterized by the persistent struggle between the government and gangs over control of territory and resources. The country is plagued by rampant violence and crime, including commercial extortion, which have a highly detrimental impact on the business climate. The conflict also has grave social impacts.
- Historically, women have played the role of caretakers within gangs and served as a connection between the gangs and the outside world. In recent years, women have taken increasingly active roles in criminal activity. Women are also significantly affected by gang-perpetrated VAW.
- El Salvador suffers from a devastating pandemic of femicide and other forms of VAW driven by a widespread culture of machismo and is considered one of the most dangerous places in the world to be a woman. Although gangs are perceived to be the primary perpetrators of femicides, some experts believe that the majority of femicides result from escalating rates of intrafamilial violence. These two types of VAW are often interrelated when women are in relationships with gang members. Experts emphasize that VAW is so common in El Salvador that society not only tolerates it but considers it normal.
- The design of many legal provisions aimed at addressing VAW is inherently flawed and pertinent laws are not adequately implemented. Experts argue that the adoption of these laws has not resulted in the reduction of VAW or lower impunity for VAW. Reportedly, there is virtually no accountability for the failure of government officials to carry out their responsibilities under this legal framework.
- VAW is significantly underreported in El Salvador and, according to respondents, there is no comprehensive redress system for victims. Even though the government has created special courts to hear cases of VAW, impunity for these crimes is extremely high, in part due to sexist bias in the justice sector. As a result, victims of VAW have limited access to justice and essential services.
- Study participants emphasized that both gang presence and VAW impede women's legal and economic autonomy, particularly given the fact that women often work in the informal sector and in insecure places (e.g., as street vendors or small shop owners). Even small businesses are forced to pay extortion to the gangs, which hampers their profitability.
- Many study participants agreed that government corruption is one of the top challenges to entrepreneurship.

SECTION III: LEGAL AUTONOMY AND ABILITY TO TRANSACT

Positive Findings

- The constitution of El Salvador prohibits the imposition of any sex-based restrictions on the enjoyment of civil rights, guarantees the equality of spouses, and secures the freedom to enter into contracts in conformity with the law. The Family Code states that neither spouse may restrict the other's rights to undertake lawful activities.
- Women are not legally required to obey their husbands (or other individuals) or obtain their permission to work and transact. Therefore, they can independently enter into contracts, open bank accounts, access loans, register companies, and obtain any licenses and permits required to operate a business.

- Women can apply for a passport and the Unique Identity Document (DUI) in the same way as men, regardless of their marital status. The DUI is an official and mandatory document through which Salvadorans of legal age can identify themselves in any public or private act.
- The constitution guarantees every person the rights to liberty and security, as well as freedom to enter, remain in, and leave the territory of El Salvador. No one can be compelled to change domicile or residence, and there are no legal restrictions on the freedom of movement within the country.
- Women and men have the same legal rights to vote and stand for elections, and the law requires the state to take special measures to ensure that women can exercise their equal right to political participation. There are gender quotas for party candidate lists. Reportedly, women’s participation in voting is generally higher than men’s. In 2018, Salvadoran women held 31% of seats in the unicameral Legislative Assembly, which is a relatively high percentage compared to many other countries and can be viewed as an asset.

Key Barriers

- The Family Code recognizes and protects non-matrimonial unions, but the property and inheritance rights attached to such unions can only be claimed if the union is registered in court.
- Study participants emphasized that El Salvador is an eminently patriarchal country and that women’s economic autonomy is hindered by pervasive machismo and an array of sociocultural factors which dictate traditional gender roles and responsibilities, and limit women’s access to public spaces.
- Women who are politically active often face discrimination and violence and are assigned gender-typical tasks in political parties and institutions.

SECTION IV: BUSINESS AND COMMERCE

Positive Findings

- Commercial activities are governed by the Commercial Code, which does not include any gender restrictions. Under the law, women can carry out business on their own as sole proprietors as well as incorporate or become partners of commercial entities on an equal basis with men. The procedures, timeline, and costs of starting a business in El Salvador are identical for women and men.
- The government has adopted a series of laws and policies aimed at promoting entrepreneurship and economic growth in El Salvador. Most of them are gender-inclusive. They include the Law on the Promotion, Protection, and Development of MSEs (MYPE), the National Entrepreneurship Policy, the National Policy for the Development of MSEs, the Five-Year Development Plan 2014–2019 (PQD), and the El Salvador Ahead 2014–2019. MYPE emphasizes the need to promote greater access for women to business development opportunities and their integration into the formal economy.
- The government has established several institutions and programs to foster women’s economic empowerment, including Centers for Training and Development of Women set up by ISDEMU; the National Female Entrepreneurship Program implemented by the National Commission for MSEs (CONAMYPE); Woman’s City’s economic empowerment module; and Women’s Entrepreneurship Service Units (VEFs).
- Several international institutions and many local CSOs, including women’s business associations, have supported MSME development and women’s economic empowerment in El Salvador.

Key Barriers

Despite robust legal protections and guarantees of equality, Salvadoran women face an array of structural, relational, material, personal, cognitive, and perceptive barriers to entrepreneurship. Findings from the focus groups indicate that some of these barriers, such as machismo, insecurity, and a lack of access to material resources (particularly financing) are deeply felt by women entrepreneurs regardless of the size of their businesses. For female microentrepreneurs, a lack of knowledge and training was one of the most significant challenges, while women SME owners had a greater tendency to mention barriers to growing and operating formal businesses, such as government bureaucracy and corruption.

- **Policy gaps and silences.** The government has neither committed sufficient resources nor coordinated efforts to ensure full implementation of laws aimed at enhancing women’s economic autonomy and participation. In addition, many laws are gender-neutral, do not consider their potentially disparate impact on women and men, and fail to account for the multifaced nature of women’s lives and work, in particular their unpaid caretaking burdens.
- **Formalization challenges.** Many study participants agreed that cumbersome regulations, bureaucracy, and government corruption are major or debilitating barriers to all businesses. Interviewees observed that women may have a harder time navigating this highly complicated business environment than men because they often lack the time, material assets, and networks to access necessary support services (e.g., legal aid). Once formalized, businesses become subject to taxation, which can be daunting for entrepreneurs.
- **Informality.** The costs of remaining in the informal sector include fines in case of detection, inability to access public goods and services, insecurity over property rights, and higher costs of accessing credit.
- **Insecurity and crime.** Most study participants cited insecurity and crime, including theft, gang violence, and extortion, as high barriers affecting all businesses in El Salvador. Many participants emphasized, however, that these challenges are particularly limiting for women business owners because women face greater personal security risks in public spaces than men.
- **Sexism and machismo.** Machismo was most frequently cited in the context of intrafamily violence and unequal power dynamics within households. However, it also emerged as a major challenge for women in their public and business lives. Study participants observed that machismo is pervasive, affecting all aspects of women’s business relationships with vendors, suppliers, banks, and peer entrepreneurs.
- **Limited access to finance.** Most study participants perceived limited access to finance as one of the top challenges to female entrepreneurship. Problems associated with financing women-owned businesses are structural, gendered, and age-oriented.
- **Limited access to productive resources.** A lack of access to land, electricity, and affordable business and office space stood out as a theme for many study participants, particularly for women entrepreneurs who wanted to grow their businesses. Limited land rights were mentioned primarily in the context of resources needed to guarantee a loan in El Salvador.
- **Limited access to family support, entrepreneurial services, and business networks.** Women entrepreneurs often face greater personal costs of doing business than men. On the one hand, they frequently have dual or even triple work days due to gendered societal expectations around their family responsibilities. On the other hand, women entrepreneurs tend to receive less support from spouses and other family members than men entrepreneurs. Single mothers and female heads of household are particularly disadvantaged in

this regard. In addition, women entrepreneurs are largely excluded from mainstream, male-dominated business networks and entrepreneurial services.

- **Poor education and occupational segregation.** According to interviewees, women face technological marginalization and limited access to good quality education which would prepare them to launch and operate successful businesses in diverse economic sectors. As certain industries are not viewed as suitable for women, women often engage in similar types of entrepreneurial activities, such as food production. These gender norms are reproduced at the institutional level, including in educational institutions and companies.
- **Limited access to training and mentoring.** Many women SME owners consulted for the assessment emphasized that the lack of adequate, affordable, and “women-friendly” business skills training proves to be a major barrier in their ability to grow their businesses. In many focus groups with female MFI clients and non-clients, participants agreed that the lack of knowledge and training is the primary business challenge. Notably, none of the male focus groups arrived at the same conclusion.
- **Low self-esteem.** Some study participants pointed out that living in sexist communities with little support from family and community members lowers women’s self-esteem and makes them feel incapable. These feelings are exacerbated when women are victims of VAW.
- **Risk aversion.** According to several study participants, female businessowners are less likely to take risks than male businessowners.

SECTION V: PROPERTY AND ASSETS

Positive Findings

- Women and men have equal property rights under the constitution and legislation, regardless of their marital status. Accordingly, women can, on an equal basis with men, acquire, purchase, inherit, hold, own, co-own, administer, manage, use, transfer, exchange, sell, or lease property, including productive assets; register and transact with respect to land; and to secure, own, assign, license, register, and enforce intellectual property rights.
- In 1993, El Salvador introduced three voluntary marital property regimes that guarantee equality and recognition of the value of housework: separate property (separation of assets), community of profit (participation in profits), and deferred community, which is the default regime. Future spouses may either choose one of these three regimes or opt for a different regime as long as it does not contravene the provisions of the Family Code. Each premarital agreement must be recorded.
- The constitution expressly prohibits arbitrary deprivation of property and the law envisions civil remedies for such acts. Economic violence is a crime under LEIV.

Key Barriers

- Men are often privileged with respect to land rights due to cultural norms and societal perceptions that men are responsible for public spaces and the land while women are responsible for private spaces and the home. In addition, women rarely claim their land inheritance due to low legal awareness and the perception that inheritance is a right of men. Less than 20% of agricultural land holders are women.

- Inequalities in access to, and control over, economic and productive resources generate higher levels of poverty for women, particularly those in rural areas, and limit their access to credit.

SECTION VI: BANKING AND FINANCE

Positive Findings

- The banking industry in El Salvador is competitive and the country has a vibrant cooperative financial system. The Salvadoran microfinance sector has reached the greatest level of dynamism and development compared to other Central American countries.
- Under the law, women can open a bank account, access credit, and perform any other financial transaction on an equal basis with men.
- El Salvador has adopted several laws to enhance economic and financial inclusion in the country, including the Law to Facilitate Financial Inclusion (which promotes the use of electronic currency); the Law on the Financial System for the Promotion of Development; the Law on Cooperative Banks and Savings and Credit Associations; the Law on the Creation of the Solidarity Fund for Families Owning a Small Enterprise (FosoFamilia); the Law on Movable Collaterals (which established a Collateral Registry for Movable Assets to enable the use of movable assets to guarantee loans); the Law on the National Fund for Social Housing (FONAVIPO); and the Law on the Regulation of Information Services on People’s Credit History (which enables greater access to credit records for determining credit-worthiness of individuals and firms).
- The Consumer Protection Act expressly prohibits any service provider (including all financial institutions) from discriminating against consumers on the basis of sex, and places special obligations on financial service providers to promote fair lending practices.
- El Salvador has established several institutions and programs to promote financial and economic inclusion. In addition to state agencies, efforts to enhance financial inclusion have been undertaken by international organizations and local CSOs, including MFIs.
- Almost 20% of the Salvadoran population lives abroad and remittances sent back to El Salvador account for approximately 20% of the GDP. Remittances are recognized for their positive impact on poverty reduction.
- El Salvador is among the top 15 mobile money markets, which creates an important opportunity for increasing financial inclusion through digital solutions.

Key Barriers

- Although El Salvador’s legal framework for banking and finance is sound and applies equally to women and men, the core financial laws do not contain any special protections or incentives for women.
- The penetration of financial services in El Salvador is relatively low and gender disparities in access to finance are widespread. Less than 30% of Salvadoran women have an account at a financial institution or with a mobile money-service provider, compared to approximately 40% of Salvadoran men. It is estimated that women constitute merely 20% of beneficiaries of the Agricultural Development Bank.
- Salvadoran women face unique barriers to accessing credit, including more limited credit histories, a lack of collateral, and lower financial literacy than men. In addition, they experience mistrust and prejudice from

lenders, particularly commercial banks, and a lack access to diverse financial products tailored to their needs.

SECTION VII: LABOR, EMPLOYMENT, AND SOCIAL SECURITY

Positive Findings

- The constitution guarantees every person the right to work and includes a comprehensive list of legal protections to improve the living conditions of workers, including equal remuneration for equal work.
- The Labor Code prohibits differential, exclusionary, or preferential treatment of employees based on sex. Serious workplace discrimination based on sex, pregnancy, marital status, and several other grounds is a criminal offence under the Penal Code, punishable with 6 months to 2 years in prison. Discrimination on the basis of sex in employment is also prohibited under LIE.
- Sexual harassment is not explicitly prohibited by the Labor Code, but it is criminalized under the Penal Code and LEIV.
- It is unlawful for employers to discriminate against pregnant women and new mothers. Working women have a constitutional right to job security and paid leave before and after childbirth. Breastfeeding mothers are entitled to one hour breaks daily, which are counted as working hours and paid as such.
- Employers and employees have a constitutional right to freedom of association to protect their interests and, accordingly, can freely form and participate in professional associations or trade unions without any distinction based on sex, race, religion, or political opinion.
- Women and men have equal access to unemployment and disability benefits. Independent or self-employed workers between 18 and 60 years of age can register themselves and their families with the Salvadoran Institute of Social Security, pay fees, and receive social security benefits.
- The Ministry of Labor and Social Welfare (MLSW) has a Gender Unit and has implemented some measures to address gender discrimination in the labor market. MLSW, along with the Ministry of Economy and ISDEMU, participate in the Gender Equality Seal program operated by the United Nations Development Programme.

Key Barriers

- The constitution prohibits women (along with minors) from performing unhealthy or dangerous work. This reflects a protectionist approach to gender difference, which reinforces gender stereotypes.
- Fathers are entitled to merely three days of paternity leave paid at 100%, which must be taken within 15 days of the date of birth or adoption, demonstrating that societal expectations for new fathers and new mothers are very different in El Salvador.
- Female participation in the labor market has been consistently low in El Salvador. It is currently estimated at 47%, which is significantly lower than male participation (78.8%). Interviewees observed that gender bias is persistent in the labor market.

- The retirement age is 55 for women and 60 for men. Retirement benefits are available only to people who are enrolled in the pension savings system and pay the fees. In practice, only about 25% of people of working age are active contributors to the scheme. Those working in the informal sector are effectively excluded. Similarly, informal workers are excluded from the social security system, which disproportionately affects women since over 70% of working women have informal jobs, compared to less than 55% of working men.
- Women, regardless of their employment status, are perceived as primary homemakers and caregivers. Therefore, many of them must manage a double or even triple working day. This situation is particularly dire for single mothers and female heads of households.
- There is a very significant gender gap in union membership and leadership. One respondent observed that women usually do not organize themselves in unions but in informal groups of women workers or cooperatives, which have serious limitations, for example in the context of collective bargaining.

SECTION VIII: ACCESS TO JUSTICE

Justice in El Salvador is administered only by formal institutions consisting of the Supreme Court of Justice (which has a Constitutional Chamber), appellate courts, courts of first instance, courts of peace, and specialized courts. Courts of first and second instance are organized by subject-matter expertise (e.g., family courts, civil and commercial courts, labor courts, criminal courts, and juvenile courts). In judicial districts with no labor courts, labor disputes are resolved by civil courts. As mandated by LEIV, El Salvador has established three specialized courts for adjudicating cases of VAW, which started hearing cases in 2017.

Positive Findings

- The constitution guarantees equality before the law and contains basic fair trial provisions. These provisions are reinforced by LEIV. Accordingly, women have the same capacity to sue and be sued as men, and their testimony carries the same weight in all types of court cases.
- The Civil and Commercial Procedure Code allows for a fast-track procedure for small claims and in several other types of cases, e.g., dissolution or judicial liquidation of a company.
- The constitution guarantees the right to settle civil and commercial disputes via mediation or arbitration. The Law on Mediation, Conciliation, and Arbitration allows chambers of commerce, trade associations, and universities to establish independent mediation and arbitration centers. The Chamber of Commerce and Industry of El Salvador operates a Mediation and Arbitration Center, which resolves disputes in commercial matters. The responsibility for promoting and strengthening alternative dispute resolution is vested in the Attorney General. To this end, the Attorney General has established a Mediation and Conciliation Unit.
- In 2006, El Salvador established a Gender Unit of the Judicial Branch, housed within the Supreme Court of Justice. In 2014, the Supreme Court of Justice approved the Institutional Policy on Gender Equality, which aims at ensuring that courts pursue gender-sensitive approaches to administering justice.
- The constitution has created the institutions of an Ombudsperson for the Defense of Human Rights (with a mandate to ensure respect for human rights, carry out inspections, investigate violations, assist victims, and promote human-rights based reforms) and an Attorney General of the Republic (with a mandate to protect the interests of families, minors, the disabled, and other disadvantaged populations).

The Attorney General has a specific mandate to defend women’s rights under LIE and must establish a special unit to discharge this obligation. The Attorney General is also the principal government institution tasked with providing legal assistance to persons with limited economic resources and representing them in judicial proceedings. To this end the Attorney General has established 17 branch offices across the country, and provides legal aid in civil and criminal matters through multiple units. Access to legal information is also facilitated by several other institutions and programs, including Woman’s City centers, Institutional Units for Specialized Assistance to Women Victims of Violence (UNIMUJER), as well as CSOs and university-based legal clinics.

Key Barriers

- There is no constitutional body with an exclusive mandate to protect the rights of women.
- Study participants asserted that the Supreme Court’s Institutional Policy on Gender Equality has not been fully operationalized, and that gender bias and misogyny are prevalent at all levels of the Salvadoran justice system. According to external studies, 60% of Salvadoran women lack confidence in the justice system.
- The Law on Mediation, Conciliation, and Arbitration allows parties to appeal arbitration decisions to Salvadoran courts, which—in investors’ view—dilutes the fundamental efficacy of arbitration.
- Despite the existence of some institutions and programs that facilitate women’s access to legal information, women entrepreneurs rarely have the time and resources to access professional legal aid and business consultancy services that would enable them to navigate cumbersome business regulations and produce the complex paperwork required to register and operate a formal enterprise.
- Enforcement of judgments is generally weak.

RECOMMENDATIONS

TAILORED SERVICES FOR WOMEN ENTREPRENEURS

Establish and/or build the capacity of stationary or mobile legal clinics, women’s and mainstream business associations, business resource centers, MFIs, CSOs, information hubs, and training institutions offering aspiring and established women entrepreneurs free trainings, mentorship opportunities, and individual consultations to:

- Increase their personal and business resilience to constant shocks and stresses, including conflict, crime, VAW, natural disasters, and health problems (both mental and physical).
- Educate them on business registration, licensing, and management; tax requirements and incentives; financial literacy and management; crisis budgeting and planning; risk management; market research and analysis; and conflict and dispute resolution.
- Assist them in developing personalized business plans, safety and risk management plans, and business continuity plans in case of an emergency.
- Provide them with quality technical and vocational training that expands their participation in male-dominated sectors (e.g., engineering or construction) and that does not reinforce gender stereotypes by merely teaching them skills in jewelry or food production.
- Enhance their access to culturally-acceptable networking opportunities.
- Increase their confidence as well as leadership, negotiation, and marketing skills.
- Offer them referrals to essential services, including when they experience VAW or workplace discrimination.
- Expand their access to markets (e.g., through trade fairs).
- Assist them in discharging their caregiving and homemaking responsibilities.
- Offer them access to safe physical spaces and/or self-help groups where they can learn and work together to develop their full potential.

Use modern technology (mobile phones and internet) to expand these services to hard-to-reach populations, e.g., through webinars, hotlines, and text message helplines.

CIVIC EDUCATION AND PUBLIC AWARENESS CAMPAIGNS

Implement national and local civic education and public awareness campaigns (including, where appropriate, gender dialogues at the community level and street law courses for the youth) to:

- Demonstrate the vital role that women play in community and national economies.
- Promote women’s decision-making powers, including in economic matters.
- Challenge traditional gender norms and cultural perceptions of women’s roles and responsibilities within families, communities, the private sector, and society at large.
- Challenge machismo. Promote the concepts of positive masculinity and of equal sharing of responsibilities between women and men, including breadwinning and caregiving.
- Engage men, including women’s partners and spouses, in women’s economic empowerment interventions, considering the highly detrimental impact of toxic household dynamics on women’s ability to succeed as active participants in the economy.
- Conduct conflict sensitivity trainings and promote peaceful conflict resolution through “common ground” approaches.
- Raise public awareness about the nature, forms, and consequences of VAW (including economic costs); applicable laws and policies; and services available to victims.

- Educate the public about potential unintended negative consequences of women’s economic empowerment efforts, such as increased risk of VAW at home and in the community.
- Enhance civic engagement among women, including their meaningful participation in advocacy and community organizing efforts, civil society groups, business associations and networks, and trade unions.

LEGAL AND POLICY REFORM

Support a consultative process among legislators, government officials, the legal community, the private sector, and civil society to:

- Amend laws, including those aimed at addressing VAW, to eliminate design flaws resulting in women’s limited access to justice and essential services.
- Ensure sufficient allocation of financial and human resources needed to implement gender equality laws, including specific measures for promoting women’s economic empowerment and addressing VAW.
- Further support the development and sustainability of women-owned enterprises, for example through simplified registration procedures, tax incentives, and enhanced access to finance.
- Strengthen the regulatory framework for banking and finance to promote fairer and more inclusive lending practices for women, including by lowering interest rates, relaxing overly strict collateral requirements, developing more diverse and tailored financial and non-financial products, and offering co-financing and loan guarantee programs.
- Improve women’s access to, ownership of, and control over land.
- Improve transparency and accountability in all government operations to reduce the negative impact of corruption and red tape on women’s participation in the economy.

INSTITUTIONAL CAPACITY BUILDING

Support and strengthen the capacity of:

- **Government agencies** to: 1) proactively empower women entrepreneurs and improve their financial inclusion through better implementation of laws and policies and enhanced inter-agency and multi-sectoral collaboration with civil society and the private sector; 2) maintain commitment to preventative and restorative initiatives as ways to address conflict and violence; 3) effectively respond to VAW in a trauma-informed and victim-centered manner; and 4) eliminate prevalent institutional gender biases.
- **Financial institutions** to: 1) design and offer a wide range of tailored financial and non-financial products so that women can create assets (savings), make investments (credit), and protect themselves against losses and crises (insurance, emergency loans); and 2) accept lawful alternatives for collateral and, in general, engage in fairer and more inclusive lending practices.
- **Microfinance institutions** to: 1) improve their social performance management and offer a greater range of financial and non-financial services (e.g., financial literacy or nutrition trainings) adapted to the holistic needs of women and aimed at helping women build resilient lives and resilient businesses ; 2) increase their knowledge of, and sensitivity to, conflict and the unique needs and barriers that their female clients face, including extortion, loan-taking under coercion from abusive partners or gang members, and high rates of VAW; 3) enable effective client segmentation and development of services tailored to the needs of women operating new, growing, and mature businesses; 4) sensitize them to the potential unintended negative consequences of women’s economic empowerment; 5) ensure that their services adhere to the highest ethical standards and “do no harm” principles; and 6) develop linkages and referral mechanisms with CSOs

and other institutions (e.g., Woman’s City centers) providing training and direct support services to women, including victims of VAW.

- **Civil society organizations** (including business associations, legal aid providers, and women’s rights organizations) to: 1) better engage with pertinent government agencies and successfully advocate for gender-transformative legal reforms and implementation of gender equality provisions; 2) offer referrals (e.g., to MFIs) and more holistic services to women.
- **Organizations and institutions** which are already working on advancing the status of women entrepreneurs.
- **Female business leaders** to: 1) guide and participate in reform efforts; and 2) mentor and serve as role models for less experienced female entrepreneurs.
- **Private sector firms** to: 1) deconstruct sexist thinking that prevails in workplaces; 2) eliminate occupational segregation by challenging stereotypes dictating that women are not equally competent to thrive in certain jobs or access better paid positions; 3) decrease gender bias, discrimination, and violence in the workplace; 4) grant women greater flexibility in their work arrangements to ensure work-life balance; and 5) provide reasonable accommodations and service referrals to employees facing VAW and other shocks and stresses; and 6) encourage leadership and equitable representation of women at all levels of the corporate structures.
- **Legal profession** to offer quality *pro bono* legal advice and representation to women entrepreneurs who cannot afford to hire an attorney (e.g., through legal clinics, travelling lawyer programs, and online or phone consultations).
- **Justice sector and alternative dispute mechanisms** to: 1) reduce pervasive gender bias; and 2) resolve cases filed by women (including small claims and cases related to workplace discrimination and harassment) in a timely, fair, and gender-sensitive manner.

PARTNERSHIPS AND NETWORK-BUILDING

- Facilitate networking and referrals among MFIs, business associations, women’s rights CSOs, and government institutions offering services to women, including victims of VAW. Develop and distribute referral tools and shared training materials.
- Facilitate strategic partnerships and multi-sectoral coalitions to advocate for a more enabling legal and institutional environment for women in business and the labor market.
- Create and boost networks of women entrepreneurs to facilitate peer learning, peer support, and mentoring (e.g. women’s chambers of commerce).
- Develop linkages between investors, particularly angel investors, and the MSE sector.

COUNTRY BACKGROUND

GEOPOLITICAL CONTEXT

Geography

The Republic of El Salvador is the smallest and most densely populated country in Central America with San Salvador as the capital and Spanish as the official language. Along with the bordering Honduras and Guatemala, El Salvador forms a region frequently referred to as the Northern Triangle. The country is bounded by the Pacific Ocean but lacks a Caribbean coast. Known as the Land of Volcanoes, El Salvador is susceptible to significant volcanic activity, in addition to destructive earthquakes and hurricanes. Other environment hazards include deforestation, water pollution, soil erosion, and contamination of soils from disposal of toxic wastes. Only less than one-fifth of the country's soils are suitable for agriculture. El Salvador has a tropical climate with considerable climatic variation in different regions.¹⁶

Demographic Profile

El Salvador has a total population of roughly 6.3–6.5 million, with a female-to-male ratio of 1.13.¹⁷ Most people (68–72%) live in urban settings.¹⁸ Since the 1980s, an estimated 20% of Salvadoran population have fled the country due to civil war, dire economic conditions, and widespread violence.¹⁹ Over the past three decades, El Salvador has also experienced high levels of internal displacement,²⁰ considerably slower population growth rate (approximately 0.52% in 2017–18 as opposed to 1.3% in the 1990s),²¹ and gradual aging of the population.²² In 2018, El Salvador's Human Development Index (HDI) score was 0.674, which ranked the country at 121th out of 189 countries and territories on the HDI and placed it in the medium human development category.²³

Salvadorans are largely ethnically homogeneous. Following the intermarriage of Native Americans with Spanish settlers, over 85% of the population is *mestizo* (people of mixed ancestry). The remainder of the population consists of indigenous people, white people of European ancestry, and other small groups. The indigenous population is estimated at 10%, although numbers vary depending on the source. The three main indigenous groups include the Nahua-Pipil (residing in the southwestern region), the Lenca (residing in the east) and the Cacaopera (Kakawira) (residing in the north).²⁴ El Salvador is not religiously diverse. Over 85% of Salvadorans profess Christianity. Most are Roman Catholic, but a sizeable portion of the population is Protestant.

History

Before the Spanish conquest, which began in 1524 and resulted in the establishment of colonial rule in 1525, the area that is now modern El Salvador was composed of indigenous states. In 1821, following multiple uprisings across the New Spain, El Salvador joined other Central American states in declaring independence from Spain. Between 1823 and 1841, El Salvador was part of the United Provinces of Central America (Federal Republic of Central America). In 1841, El Salvador self-proclaimed the establishment of an independent republic. For the next several decades, the new state was immersed in civil strife and international conflict, followed by a period of relative stability during the presidency of Francisco Dueñas (1863–71). After Dueñas' overthrow, the rise of a prosperous coffee industry, which replaced indigo as El Salvador's most important crop, effectively transformed the country into an oligarchy controlled by 14 families of wealthy landowners (*las catorce familias*). As a result of the Great Depression, which began in 1929, the coffee oligarchs lost control of the Salvadoran government. In 1931, a coup installed Gen. Maximiliano Hernández Martínez as president, initiating a period of military dictatorships, which ruled the country until 1979. That year, El Salvador plunged into a brutal 12-year civil war between the government and right-wing paramilitary forces aligned around the National Conciliation Party (*Partido de Concertación Nacional*) (PCN), and leftist guerrilla units organized under the Farabundo Martí National Liberation Front (FMLN).²⁵ More

than 75,000 civilians died in the course of the war, which officially ended in 1992 with the signing of the United Nations (UN)-brokered Chapultepec Peace Accords in Mexico City. A UN-appointed Truth Commission, which investigated crimes committed during the war, “attributed the overwhelming majority of the human rights abuses to the Salvadoran armed forces and the paramilitaries.”²⁶ However, the Peace Accords have been criticized for failing to address the economic inequality and marginalization that had led to the conflict. Experts emphasize that “the immediate causes of the conflict in El Salvador (...) have never been adequately ameliorated.”²⁷

Between 1989 and 2009, the right-wing Nationalist Republican Alliance party (ARENA) governed the country. During this time, the FMLN transformed itself into a political party and, in early 2009, its candidate Mauricio Funes won the presidential elections. Funes’ vice president Salvador Sánchez Cerén took over power in 2014. In February 2019, Salvadorans elected Nayib Bukele, a former mayor of San Salvador representing the Grand Alliance for National Unity (GANA) party, as their next president, delivering a sharp rebuke to left-wing FMLN and conservative ARENA.²⁸

Government and the Rule of Law

El Salvador is a presidential republic with a pluralist political system. CONSTITUTION OF THE REPUBLIC OF EL SALVADOR art. 85 (adopted 1983, as amended in 2014) [hereinafter CONST.]. The President of the Republic, elected by popular vote for a single 5-year term and supported by the Vice President, forms the Council of Ministers and leads the executive branch. 84 members of the unicameral Legislative Assembly are also elected by popular vote for 3-year terms in accordance with the system of proportional representation. The judicial branch consists of the Supreme Court (which has a Constitutional Chamber), Appellate Courts, Courts of First Instance, and Courts of Peace. *Id.* arts. 79–80, 88, 121–32, 150–90. The territory of El Salvador is divided into 14 departments, grouped into 3 geographical zones: 1) the Western Region (Ahuachapán, Santa Ana, and Sonsonate); 2) the Central Region (Cabañas, Chalatenango, Cuscatlán, La Libertad, La Paz, San Salvador, and San Vicente); and 3) the Eastern Region (La Unión, Morazán, San Miguel, and Usulután). There are no political or administrative powers at the regional level. Each department has a capital and a governor appointed by the executive branch. The departments are subdivided into 262 municipalities governed by popularly elected municipal councils. *Id.* arts. 80, 200–07.

GLOBAL INSIGHTS

Report	Key Data
Rule of Law Index 2019	In 2019, El Salvador had a below average score of 0.48 (on a 0 “worst”—1 “best” scale) in the World Justice Project’s Rule of Law Index. The score places El Salvador at 84 th rank out of 126 measured countries globally, at 21 st out of 30 measured countries in Latin America and the Caribbean (LAC), and at 12 th rank out of 30 measured lower-middle income countries. ²⁹
Freedom in the World 2019	In 2018 and in 2019, Freedom House gave El Salvador a freedom rating of 2.5 (on a 1 “free”—7 “not free” scale) and marked it as a “free” country in its flagship Freedom in the World report. In 2018, Freedom House noted that elections are “generally credible and free,” that “[f]reedoms of assembly and association are generally upheld,” that the country “has a lively press and civil society sector,” and that “[w]omen are granted equal rights under the law.” On the other hand, “[v]iolence linked to criminal gangs remains a grave problem,” the “judicial system is hampered by corruption and obstructionism,” and women “are often subject to discrimination.” ³⁰ An explanatory note for 2019 was not available when this report was written.

ECONOMIC LANDSCAPE

With a gross domestic product (GDP) of 24.81 billion U.S. dollars (USD), a 2.1% real GDP growth, and a gross national income (GNI) per capita of USD 3,560 in 2017, El Salvador is considered a lower-middle-income country in the World Bank’s ranking. Despite slight improvements in economic growth in recent years, driven primarily by external

factors such as strong inflows of worker remittances, the country’s growth levels have been persistently low in comparison with other countries in Central America and with countries in the same income category. Despite the reduction in overall poverty levels between 2010 (42%) and 2016 (38%), and the decline of extreme poverty from 14% to 10% over the same period, poverty in El Salvador remains high, particularly in rural areas.³¹ About 20% of population belongs to the middle class.³²

According to the U.S. Department of Commerce and Industry, “El Salvador’s economy is predominantly services-based. Agriculture accounts for about 10% of GDP and employs 21% of the population. Manufacturing and industry accounts for 25% of GDP and employs 20% of the population. The service sector accounts for almost 65% of the GDP and employs 58% of the population.”³³ Notably, remittances sent back to El Salvador account for approximately 20% of the GDP and constitute the second largest source of external income after exports.³⁴ Remittances from the U.S. alone amount to USD 4.3 billion annually, representing 17% of El Salvador’s GDP.³⁵ In March 2019, USD 492 million was sent back to El Salvador in the form of remittances.³⁶ The investment and business climate is marred by “[p]olitical polarization, cumbersome bureaucracy and regulations, an ineffective judicial system, and widespread violence.”³⁷ In 2015, El Salvador established the Regulatory Improvement Council, which works to streamline business, investment, and remittance regulations, but the country still lags behind the region in attracting foreign direct investment.³⁸ According to the World Bank, the country’s “anemic growth” results from a number of salient factors, including: 1) elevated levels of crime and violence; 2) high rates of migration and remittances; and 3) low savings and investment.³⁹ One interviewee asserted that overreliance on remittances has a particularly negative impact on young people in rural areas by lessening their motivation to continue their education and work.

GLOBAL INSIGHTS

Report	Key Data
Inclusive Development Index (IDI) 2018	With an overall score of 3.96 (on a 1 “worst”—7 “best” scale), El Salvador ranked 37 th out of 74 emerging economies assessed in the 2018 edition of World Economic Forum’s (WEF) IDI. ⁴⁰ Its score was higher in 2017 (4.00), when El Salvador ranked 41 st out of 78 countries.
Inclusive Growth and Development Report (IGDR) 2017	In WEF’s IGDR 2017, El Salvador received the highest scores for the following pillar-level policy and institutional indicators (on a 1 “worst”—7 “best” scale): education and skills (4.62), basic services and infrastructure (4.12), and employment and labor compensation (4.03). The lowest scores were recorded for asset building and entrepreneurship (3.20), corruption and rents (3.15), fiscal transfers (2.94), and financial intermediation and real economy investment (2.69). Most scores for sub-factors that deserve particular attention were mediocre: financial system inclusion (3.31), affordability of financial services for businesses (3.99), ease of access to loans (4.00), financing of small and medium enterprises (SMEs) (3.59), small business ownership (3.61), home and financial asset ownership (2.79), and protection of property rights (3.81). ⁴¹
Global Competitiveness Report (GCR) 2017–2018	The country’s 3.77 score (on a 1 “worst”—7 “best” scale) and 109 th rank (out of 137) on WEF’s GCR 2017–2018 showed backsliding in comparison to the 2016–2017 edition of the study (3.81 score and 105 th rank out of 138). Out of the 12 individual factors, El Salvador’s scores were the highest for health and primary education (5.3 and 100 th rank), macroeconomic environment (4.5 and 85 th rank), and financial market development (4.2 and 57 th rank). The lowest score was for innovation (2.6 and 130 th rank). The report lists crime and theft, corruption, inefficient government bureaucracy, policy instability, tax rates, government instability, and access to financing as the most problematic factors for doing business in El Salvador. ⁴²
Enterprise Survey 2016	Defined as a single factor, “crime, theft and disorder” was identified as El Salvador’s number one business environment constraint in the 2016 edition of the World Bank’s Enterprise Survey, administered among formal small, medium, and large private sector firms. The second and third most notable constraints were the “practices of the informal sector” and “political instability.” Notably, small businesses saw greater impact from these factors than medium and large businesses, which had greater tendency to highlight limitations related to “access to finance” and “business licenses and permits” among their top three constraints. ⁴³

<p>Doing Business 2019</p>	<p>El Salvador ranked 85th out of 190 economies assessed in the World Bank’s Doing Business 2019 report. Its overall distance to frontier (DTF) score of 65.41 (on a 0 “worst” —100 “best” scale) places the country ahead of Honduras (58.22) and the regional average for LAC (58.97). Out of ten indicators used to measure the ease of doing business around the world, El Salvador received the highest scores for trading across borders (89.76 DTF and 44th rank), getting credit (80.00 DTF and relatively high 22nd rank), and starting a business (78.41 DTF but rather low 147th rank). The lowest score was recorded for protecting minority investors (38.33 DTF and low 161st rank). Scores for other relevant factors were above average: registering property (66.32 DTF and 73rd rank) and enforcing contracts (55.30 DTF and 109th rank), except for resolving insolvency (45.63 and 89th rank).⁴⁴</p>
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LEGAL SYSTEM

The legal system in El Salvador is based on civil law. Customary law is neither recognized under the constitution nor codified. The Constitution, adopted in 1983 and amended in 2003 and 2014, is the highest law of the land. As such, it prevails over all laws and regulations. CONST. art. 246. The constitution devotes its Title II (81 articles) to “The Rights and Fundamental Guarantees of the Person,” with extensive chapters dedicated to “individual rights,” “social rights,” “labor and social security,” “education, science and culture,” “public health and social assistance,” and “citizens, their political rights and duties in the electoral body.” *Id.* arts. 2–82.

In line with a monist tradition, international treaties ratified by or otherwise acceded to by El Salvador are considered “laws of the Republic once they enter into effect” if they comply with the Constitution. They apply directly and have supremacy over national laws in the case of a conflict. CONST. art. 144. El Salvador has ratified or acceded to most pertinent treaties adopted under the auspices of the UN and the Organization of American States (OAS), including:

- International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols
- International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC) and its three Optional Protocols
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)
- Convention on the Political Rights of Women
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (UN Trafficking Protocol or Palermo Protocol)
- American Convention on Human Rights (ACHR)
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).

These and other international human rights treaties create legally-binding obligations for states that ratify or accede to them, including El Salvador, to respect, protect, and promote women’s rights, prohibit gender-based discrimination, and ensure substantive gender equality.⁴⁵ Interviewees observed that the national legislation has been largely harmonized with international human rights law.

VULNERABLE POPULATIONS

In 2017, following a working visit to El Salvador, the Inter-American Commission on Human Rights (IACHR) concluded that persons with disabilities, members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, women journalists, human rights defenders, and indigenous peoples are among the most vulnerable groups in El Salvador, facing persistent discrimination and structural violence.⁴⁶ In addition, several interviewees discussed the unique situation of rural women, particularly their significantly lower educational attainment and very limited land ownership in comparison with men. Reportedly, only 19% of rural women complete secondary education and only 0.9% of rural women finish tertiary education. One interviewee remarked that the culture in the rural areas is more “macho” than in urban areas: women are supposed to stay at home while men work the land and make all the decisions. She added that many rural families do not see the value of educating their daughters after sixth grade, so the girls drop out of school to take care of their homes and brothers. Respondents also emphasized the high vulnerability of single mothers, female heads of households, and women who live in non-matrimonial unions. It is estimated that non-matrimonial unions constitute approximately 49% of all partnerships in El Salvador, and they are often short-lived. About 70% of all births in El Salvador are nonmarital.⁴⁷

Indigenous People

As noted above, the indigenous population of El Salvador is estimated at 10%. Studies indicate that almost all Salvadoran indigenous people speak Spanish as their native language and struggle with preserving their cultural heritage. The majority of the 200 indigenous languages once spoken are now extinct. This is coupled with significant socio-economic marginalization. Indigenous groups constitute the poorest segments of Salvadoran society and have limited access to basic services such as water, sanitation, and education. Most depend on subsistence agriculture on leased land. Others work as hired rural laborers or make and sell traditional crafts. Only 5% of Salvadoran indigenous people own land. 60% live on communal lands and another 35% are renters.⁴⁸ Several interviewees noted that a very low percentage of Salvadoran women self-identify as indigenous. One respondent stated that indigenous women “have the least rights” and another added that there is very little research on their status and unique needs.

Initially, the constitution of El Salvador did not reference indigenous groups, but the 2014 amendment officially recognized indigenous peoples and mandated the state to “implement measures to maintain and develop their ethnic and cultural identity, worldview, values and spirituality.” CONST. art. 63. In 2015, the Salvadoran government initiated a process of developing a **National Plan for Indigenous Peoples** to implement the new constitutional provision and the UN Declaration on the Rights of Indigenous Peoples, but the plan has not yet been finalized.⁴⁹ Experts note that there are two major reasons behind the delays in adopting implementing laws and policies. First, there is no unified vision among the various indigenous groups. Second, there is strong pushback from powerful economic groups, who are afraid of “the expropriation of communal land taken from indigenous communities in the 19th century, or other measures that would hurt their own interests.”⁵⁰ El Salvador has ratified the International Labor Organization’s (ILO) 1959 Convention No. 107 Concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries but has yet to ratify the ILO 1989 Convention No. 169 Concerning Indigenous and Tribal Peoples in Independent Countries.

The interests of indigenous people are represented by the **Salvadoran National Indigenous Coordinating Council** (*Consejo Coordinador Nacional Indígena Salvadoreño*) (CCNIS). Founded in 1992, the council brings together 26 indigenous organizations at the national level.⁵¹

People with Disabilities

El Salvador is a party to the UN Convention on the Rights of Persons with Disabilities (CRPD). The constitution obligates the state to “promote the work and the employment of people with physical, mental or social limitations or disabilities,” but it does not mention “disability” or “other status” as prohibited grounds of discrimination. CONST. arts. 3, 37. The main instruments adopted to ensure the rights of the disabled are: 1) the Equal Opportunities for Persons with Disabilities Act (*Ley de Equiparación de Oportunidades para las Personas con Discapacidad*) (adopted April 27, 2000) and its implementing regulations; 2) Technical Guidelines for Architectural, Urban, Transport and Communications Accessibility (2003); 3) Technical Guidelines on Comprehensive Rehabilitation (1998); and 4) guidelines on special license plates for vehicles driven by or used to transport persons with disabilities (2002). The **National Council for Persons with Disabilities** (*Consejo Nacional de Atención Integral a la Persona con Discapacidad*) (CONAIPD), established in 2010, is the primary institution charged with implementing these laws and policies.⁵² El Salvador also has separate laws and policies for the comprehensive care of older persons.

While the Equal Opportunities for Persons with Disabilities Act guarantees the rights to comprehensive rehabilitation, accessible architectural facilities, education, and employment, it is not fully aligned with the CRPD. For example, the law neither prohibits all forms of discrimination against people with disabilities nor sets out any mechanisms for obtaining reparations when discrimination occurs in practice.⁵³

According to external studies, people with disabilities face persistent discrimination in El Salvador. Persons with certain forms of disabilities are denied the rights to hold public offices, serve as notaries, marry and establish a family, or obtain a passport and leave the country. Disabled women are particularly vulnerable. In addition to exclusionary practices in their access to work and education, they have allegedly been subjected to forced sterilization and termination of pregnancy.⁵⁴

LGBTI People

The constitution of El Salvador neither references LGBTI people nor explicitly prohibits discrimination on the grounds of sexual orientation or gender identity (SOGI). In 2010, the Executive Decree No. 562, issued by President Funes prohibited discrimination based on SOGI in the public sector and created a **Directorate for Sexual Diversity** (*Dirección de Diversidad Sexual*) within the **Secretariat of Social Inclusion** (*Secretaría de Inclusión Social*). While it is an important step forward, the decree does not tackle private sector discrimination and fails to establish clear enforcement and accountability mechanisms.⁵⁵ Since 2015, bias-motivated threats or violence based on sexual orientation, gender identity or gender expression constitute aggravating factors in crimes against personal autonomy. PENAL CODE arts. 129, 155(5) (*Código Penal*) (adopted 1997, as amended).

In practice, Salvadoran LGBTI people experience excessive discrimination in both public and private sectors, especially in the areas of education, employment, and healthcare, coupled with epidemic levels of bias-motivated violence and harassment perpetrated by private actors and the police.⁵⁶ The criminal justice system is acutely ill-prepared to recognize and address hate crimes against LGBTI people, which is evident in the levels of impunity for such crimes. While there are civil society organizations (CSOs) in El Salvador that are dedicated to defending the rights of LGBTI individuals and furthering society’s understanding and acceptance of the LGBTI community, there has been little collaboration among such organizations. Between 2015 and 2017, the lead partner of the Women and Girls Empowered (WAGE) consortium, the American Bar Association Rule of Law Initiative (ABA ROLI), worked with local partners to address these issues by building the capacity of justice system actors and civil society to protect the LGBTI community from discrimination and violence.

ANALYSIS

SECTION I: LEGAL AND INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY

Factor Statement: Women are equal with men before the law. The legal and policy framework prohibits discrimination against women and provides for temporary special measures aimed at accelerating the *de facto* equality between women and men. The state takes all appropriate measures to modify legal, social, and cultural norms based on the idea of the inferiority or the superiority of either gender or on stereotyped roles for women and men. State policies promote women’s civil, political, economic, social, and cultural rights.

Gender Data

Global indicators measuring human development⁵⁷ illustrate that gender gaps in El Salvador are the narrowest in health and education, substantial in economic life, and the widest in political life. Women in El Salvador are expected to live longer and have a considerably lower adult mortality rate than men. Almost all births are attended by skilled health personnel. The maternal mortality ratio has declined since 1990 from 260 deaths per 100,000 live births to 54 deaths per 100,000 live births in 2017, which is within the global target of less than 70 deaths. Although the literacy rate of females is lower than that of males, the enrolment ratios at all three levels of education are higher for women and girls than for men and boys. Men and boys are expected to stay longer in school, but the differences between women and men in expected and mean years of schooling are not huge. An estimated 42.2% of adult women have reached at least a secondary level of education compared to 47.9% of their male counterparts. Despite these achievements, Salvadoran women make considerably less money than men (due, in part, to a wide gender pay gap), and have significantly lower labor participation rate. Over 70% of working women have informal jobs, compared to less than 55% of working men. Less than 30% of women use the Internet or have an account at a financial institution or with a mobile money-service provider.⁵⁸

GLOBAL INSIGHTS

Report	Key Data
Gender Inequality Index (GII) 2017	In 2017, El Salvador had a GII value of 0.392 (on a 0 “best”—1 “worst” scale) and was ranked 91 st out of 160 countries. In comparison, Honduras was ranked 109 th . ⁵⁹
Gender Development Index (GDI) 2018	A GDI value of 0.969 placed El Salvador in the GDI group no. 2, which means that its absolute deviation from gender parity was at 2.5–5%. As such, El Salvador is considered a country with medium-high equality in human development achievements between women and men. ⁶⁰
Global Gender Gap (GGG) Index 2018	With a score of 0.690 (on a 0.00 “imparity”—1.00 “parity” scale), El Salvador ranked 87 th out of 149 countries in the 2018 edition of the WEF’s GGG Index. In terms of the four thematic dimensions assessed by the index, El Salvador received the highest scores for health and survival (0.980) and educational attainment (0.992), and the lowest score for political empowerment (0.206). The score for economic participation and opportunity was 0.582, i.e., slightly above average. ⁶¹
Social Institutions and Gender Index (SIGI) 2019	According to the 2019 SIGI, published by the Organization for Economic Co-operation and Development (OECD), El Salvador has low levels of gender discrimination in social institutions (23%), particularly in terms of civil liberties (18%) and access to productive and financial resources (20%). However, women face greater inequality with respect to their family life (26%) and physical integrity (27%). ⁶²
Women, Business and the Law 2019	El Salvador had an 88.75 score in the 2019 edition of the World Bank’s Women, Business and the Law report, which is above the global average (74.71). Its indicator-level scores were the highest for going places, starting a job, running a business, and managing assets (100, which is

	the highest possible score). The scores for getting married and having children were 80, and for getting paid and getting a pension, 75. ⁶³
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Legal and Policy Framework

The **constitution of El Salvador** guarantees equality of all persons before the law and explicitly prohibits discrimination based on sex (alongside nationality, race, and religion) in the enjoyment of civil rights, in remuneration for equal work, and in the formation of professional associations and trade unions. CONST. arts. 3, 38 (1), 47. In addition, the constitution provides for the equality of spouses and guarantees new mothers job security and “paid rest before and after childbirth.” *Id.* arts. 33, 42. Gender, gender identity, sexual orientation, or “other status” are not mentioned as prohibited grounds of discrimination.

The constitution is largely gender neutral, often referring to “every person,” “the citizen,” or “the inhabitants” in the formulation of rights, including the rights to “life, physical and moral integrity, liberty, security, work, property and possession.” *Id.* art. 2. However, there are many provisions which improperly use masculine language (he, his, him) while referring to all people. In addition, two provisions have a highly detrimental impact on gender equality in El Salvador. First, the constitution equates women with minors in some aspects of labor relations by prohibiting unhealthy or dangerous work for “persons under eighteen years of age and women.” *Id.* art. 38(10). This reflects a protectionist approach to gender difference, in which women are understood as in need of special care and protection, thus reinforcing stereotypical attitudes toward women. Second, the constitution “recognizes as a human person every human being since the moment of conception.” *Id.* art. 1. Accordingly, since 1998, El Salvador’s Penal Code has criminalized abortion in all circumstances, even when the pregnancy poses a risk to the woman’s life or is the result of rape or incest. The crime carries a sentence of 2–8 years in prison, both for the women undergoing the procedure and for the individuals performing it. If the woman has not consented to an abortion, the person performing it faces 4–10 years of imprisonment. If the person performing the procedure is a medical professional, the penalty is 6–12 years in prison. PENAL CODE arts. 133–135. In practice, women are prosecuted and imprisoned not only for abortions, but also for miscarriages, stillbirths, and accidental terminations of pregnancies. In addition, the Salvadoran Institute of Legal Medicine has argued that any termination of pregnancy amounts to infanticide and, accordingly, many women who have suffered pregnancy loss have been charged with aggravated homicide and sentenced to up to 40 years in prison.⁶⁴ As of March 2018, “there [were] more than 25 women in prison serving sentences for homicide, after having been accused of procuring an abortion.”⁶⁵ Local activists and international organizations have advocated for legal reform to allow access to safe and legal abortion services under certain circumstances. Although two related bills have been introduced to the Legislative Assembly since 2016, the possibility of overturning the absolute ban on abortions became less likely in May 2018, when a new legislature—dominated by conservative parties—began its term.⁶⁶ According to the IACHR, the abortion ban has been linked to high levels of maternal mortality caused by self-inflicted wounds among Salvadoran teenage girls and young women. Between 2011 and 2018, at least 42 pregnant girls committed suicide when faced with the lack of options for unwanted pregnancies.⁶⁷

Several interviewees observed that teenage girls’ lack of access to sex education, legal contraception, and abortion has a negative impact on their economic life. Many young single mothers are forced to drop out of school and usually face substandard employment trajectories in the informal sector.

Since the ratification of CEDAW in 1981, El Salvador has made concentrated efforts to align its legal and institutional framework with international women’s rights standards, beginning with the establishment of the **Salvadoran Institute for the Advancement of Women (ISDEMU)** (*Instituto Salvadoreño para el Desarrollo de la Mujer*) in 1996 and the adoption of the National Policy on Women in 1997 and two Plans of Action on Women (1997–1999 and 2000–2004).⁶⁸ Since then, El Salvador has amended a number of laws in line with the principle of gender equality, adopted a series of laws and policies aimed specifically at empowering women and eliminating discrimination

against them, and created a institutions to implement these laws and polies in practice. These laws and policies include:

<p>Law on Equality, Fairness, and Elimination of Discrimination against Women (LIE) <i>(Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres)</i> (adopted March 17, 2011)</p>
<p>LIE prohibits any kind of discrimination against women (<i>de jure</i> and <i>de facto</i>, direct and indirect), and mandates the state to implement positive measures to end inequalities between women and men, with a particular focus on women who suffer multiple layers discrimination. LIE arts. 1, 6. ISDEMU is charged with overseeing the implementation of LIE, which is the responsibility of all government agencies, while the Attorney General (<i>Procurador General de la República</i>) is charged with promoting and defending equality for women, for which it must create a special unit. <i>Id.</i> art. 38. LIE explicitly guarantees equality and non-discrimination of women in their economic participation, including in pertinent decision-making, in the control of means of production, in access to economic development and opportunities, and in the enjoyment of its benefits. To enhance women’s economic autonomy, the law directs ISDEMU to support, in collaboration with other relevant agencies, the creation and strengthening of women's businesses through training, technical assistance, technology transfers, tax incentives, access to credit, and marketing opportunities, and by boosting their competitiveness. The government, through ISDEMU, shall create special programs for particularly vulnerable women, while state institutions in charge of issuing credit and developing economic entrepreneurship programs shall establish rules that guarantee equal and fair treatment of women. In addition, the government is obligated to grant incentives to financial institutions which devise special programs aimed at promoting female entrepreneurship. <i>Id.</i> art. 24. Experts stress that LIE articulates ambitious principles but addresses only discrimination committed by state institutions, which some see as a serious gap. Each state institution is obligated to develop internal policies and procedures to comply with LIE, which has not fully occurred in practice. The law envisions administrative sanctions for failure to comply with LIE, but as of 2018, no such sanctions were levied.⁶⁹</p>
<p>National Policy for Women (PNM) <i>(Política Nacional de las Mujeres)</i> (adopted 2011, amended 2014)</p>
<p>PNM supports the development of Salvadoran women, promotes gender equality, and focuses on six priority areas: 1) economic autonomy; 2) life free of violence; 3) inclusive education; 4) integral health; 5) care and social protection; and 6) citizen participation and politics.</p>
<p>National Equality Plan 2016–2020 <i>(Plan Nacional de Igualdad 2016–2020)</i></p>
<p>The National Equality Plan, mandated by LIE and aligned with the Five-Year Development Plan 2014–2019 (PQD) (<i>Plan Quinquenal de Desarrollo 2014–2019</i>), contains the vision, goals, and priorities for advancing the status of women by state agencies at the national and local levels of governance. The plan contains strategies for strengthening women’s economic autonomy, ensuring access to comprehensive education, and cultivating a culture that promotes equality.⁷⁰</p>
<p>Pact for the Defense of Women’s Civil and Political Rights <i>(Pacto por la Defensa de los Derechos Civiles y Políticos de las Mujeres)</i> (issued 2014)</p>
<p>The Pact is a political commitment of the government to advance substantive equality in El Salvador and strengthen democracy. The Pact emphasizes the importance of enhancing the legal framework for the protection of women’s rights and establishing citizen consultation and participation mechanisms. The document was signed by key state institutions, including the President of the Republic, the President of the Legislative Assembly, the Secretary for Social Inclusion (who is also the President of ISDEMU), and the Ombudsperson for the Defense of Human Rights.⁷¹</p>

Other laws and policies that form legal framework for gender equality in El Salvador include:

- **Law to Promote, Protect and Support Maternal Breastfeeding** (*Ley de Promoción, Protección y Apoyo a La Lactancia Materna*) (adopted June 2016);
- **Law on the Comprehensive Protection of Children and Adolescents (LEPINA)** (*Ley de Protección Integral de la Niñez y Adolescencia*) (adopted March 2009), which mandates the Ministry of Education (*Ministerio de Educación*) to provide education on gender, reproductive health, and discrimination against women in the educational system; and
- **Sexual and Reproductive Health Policy** (*Política de Salud Sexual y Reproductiva*) (adopted August 2012), which focuses on awareness raising on family planning methods.⁷²

Notably, in 2014, El Salvador modified the **Law on Political Parties** by requiring political parties to include at least 30% women candidates in their candidate lists for elections to the Legislative Assembly and to the municipal councils. The law envisions sanctions for non-compliance. LAW ON POLITICAL PARTIES art. 37 (*Ley de Partidos Políticos*) (adopted 2013, as amended). The 2011 amendment to the **General Education Act** (*Ley General de Educación*) “prohibit[s] any kind of discrimination, denial of enrolment or expulsion of girls due to pregnancy,” and the 2008 amendment to the **Act on the Teaching Profession** (*Ley de Carrera Docente*) “raises[s] sexual harassment and abuse by teachers or any other member of the educational community to the level of very serious misconduct and prescribe[s] that offenders be punished by suspension and dismissal.”⁷³ El Salvador has also promulgated new legislation addressing violence against women (VAW) and introduced a series of gender-sensitive amendments to the **Labor Code** (*Código de Trabajo*) (adopted 1972, as amended).

Interviewees observed that gender inequality is persistent in El Salvador, but it is a product of gendered socio-cultural norms and not of the formal legal system. One respondent remarked, “The truth is that women, by culture, are at a strong disadvantage with respect to men.” Respondents stressed the need to continuously educate public officials on gender equality and the effective implementation of pertinent laws and policies.

Institutional Framework

In 2009, El Salvador instituted the **Secretariat of Social Inclusion**—a presidential-level entity tasked with promoting the rights of vulnerable and marginalized populations, including women, children, the elderly, and LGBTI people. The Secretary of Social Inclusion, Ms. Vanda Guiomar Pignato, is also the President of ISDEMU. She has been instrumental in the formulation, design, and implementation of **Woman’s City** (*Ciudad Mujer*)—El Salvador’s signature women’s empowerment program.⁷⁴ This innovative program, launched in 2011, operates six Woman’s City Centers, which consolidate 18 state institutions under one roof and offer a wide range of specialized, holistic, and integrated services to women. The services are organized into five modules: 1) sexual and reproductive health care; 2) comprehensive care for survivors of VAW; 3) strengthening women’s economic autonomy; 4) community education; and 5) childcare.⁷⁵ Between 2011 and 2016, Woman’s City Centers provided nearly 3.4 million services to more than 1.2 million users.⁷⁶ In 2016, the Inter-American Development Bank (IADB), which supports the program, conducted an evaluation of three centers to measure their short-term impact. IADB concluded that the program made a positive impact on Salvadoran women by significantly expanding their access to specialized services (by 43% in comparison to the control group) and improving the level of satisfaction with their lives.⁷⁷ According to the IACHR, the Woman’s City model is one of the region’s best practices for the advancement of women’s rights, especially those in vulnerable situations.⁷⁸ As noted below, many focus group discussants expressed positive attitudes toward the program. The program has been replicated in Honduras and other countries in LAC.

In parallel, the Secretariat of Social Inclusion runs the **Young Woman's City** (*Ciudad Mujer Joven*) program, tailored to the specific needs of adolescent girls between 13 and 17 years of age and young women. The program is operated in coordination with schools and offers, among other services, sex education, vocational training, healthcare, and violence prevention measures.⁷⁹

Created in 1996, **ISDEMU** is the principal national institution responsible for developing and implementing public policies and programs for the advancement of women in El Salvador. Its scope of work is governed by LIE and other legislation outlined below. Its primary objectives are to 1) boost the development of Salvadoran women, including by implementing and coordinating women's empowerment programs; 2) promote equal opportunities for women and men; 3) pursue legal reform efforts to eliminate discrimination and violence against women; 4) carry out studies on the status of women; and 5) foster an effective participation of women's organizations and other civil society entities. ISDEMU has offices in all 14 departments of El Salvador. It chairs or participates in several interagency mechanisms set up to advance equality in the country,⁸⁰ including:

- **Interagency Legal Commission**, which is responsible for bringing domestic legislation in line with the international treaties ratified by El Salvador, including by proposing legislative action.
- **National System for Substantive Equality (SNIS)** (*Sistema Nacional para la Igualdad Sustantiva*), which is comprised of 45 government institutions and representatives of CSOs and responsible for coordinating the implementation of LIE, including by formulating the National Equity Plan.⁸¹
- **Commission for the Evaluation and Monitoring of the National Policy on Women**, which is a multisectoral body with members representing ISDEMU, pertinent ministries, and civil society, charged with overseeing the implementation of PNM and mainstreaming gender into plans and programs of each of the sectors covered by the policy.

ISDEMU also operates a **Training School for Substantive Equality (EFIS)** (*Escuela de Formación para la Igualdad Sustantiva*)—a virtual and in-person training platform intended primarily for national and municipal public officials charged with developing and implementing gender policies.

According to ISDEMU, in 2016 alone, the Salvadoran government agencies created 50 institutional gender units and 20 gender committees, approved 20 institutional gender policies, and prepared 15 gender plans. It is unclear if and to what extent these units, policies, and plans are aligned with one another.⁸² In 2017, El Salvador dedicated USD 58 million of its national budget to interventions aimed at advancing women's rights, including their right to a life free of violence.⁸³ And in 2018, the Attorney General's Office set up a **National Directorate of Women, Children, Adolescents, LGBTI and Vulnerable Groups**, which—among other functions—addresses gender-based and bias-motivated violence.⁸⁴

As mandated by LIE, Salvadoran government agencies must collect and analyze sex-disaggregated data to create an evidence-based foundation for policies and programs aimed at advancing gender equality. LIE art. 14. To discharge this obligation, in 2013, ISDEMU created the **System of Statistics and Monitoring for Equality (SEMI)** (*Sistema de Estadísticas y Monitoreo para la Igualdad*), which is a statistical and institutional information management tool for measuring progress across all government agencies.⁸⁵ In 2016, El Salvador established an **Office for Gender Statistics** (*Gerencia de Estadísticas de Género*) in the National Statistics Directorate.⁸⁶

In addition, many municipal governments have developed gender policies and established women's units as provided by the Municipal Code (*Código Municipal*). The **Salvadoran Institute for Municipal Development (ISDEM)** (*Instituto Salvadoreño de Desarrollo Municipal*) has a Technical Commission on Gender, which provides technical assistance to municipal governments to ensure their compliance with gender policies.⁸⁷

Finally, many Salvadoran non-governmental organizations implement programs and strategies to empower women. For example:

- **Salvadoran Foundation for Social Promotion and Economic Development (Funsalprodese)** (*Fundación Salvadoreña para la Promoción Social y el Desarrollo Económico*) has a gender equality program to ensure active participation of women in local development.⁸⁸
- **Institute for Women's Studies (CEMUJER)** (*Instituto de Estudios de la Mujer "Norma Virginia Guirola de Herrera"*) promotes the rights of women, children, and adolescents through public advocacy, prevention of VAW, awareness raising, and training. CEMUJER is a member of the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) (*Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres*).
- **Las Mélicas** (*La Asociación Movimiento de Mujeres Mélida Anaya Montes*) promotes women's empowerment through training, advocacy, and direct legal, medical, and psychosocial services.⁸⁹
- **Women Transforming Association** (*Asociación de Mujeres Transformando*) safeguards the rights of women, especially the rights of women workers in the *maquila* industry.⁹⁰
- **Salvadoran Women's Organization for Peace (ORMUSA)** (*Organización de Mujeres Salvadoreñas por la Paz*) promotes gender equality and the economic, social and political empowerment of women—including in the areas of labor rights and access to justice—and monitors occurrences of and responses to VAW.⁹¹

SECTION II: CONFLICT, CRIME, AND VIOLENCE AGAINST WOMEN

Factor Statement: The state addresses the disproportionate and unique impact of armed conflict, crime, and violence on women and their enterprises and workplaces, and actively promotes the implementation of the women, peace, and security agenda. The state also takes all appropriate measures to reduce the prevalence of violence against women, protect the victims, and ensure accountability for the perpetrators. Institutions implementing women’s economic empowerment initiatives take all appropriate measures to reduce and mitigate the risk of violence against women occurring as a result of their interventions.

Conflict and Crime

Since the end of the civil war in 1992, the primary conflict in El Salvador has been characterized by the struggle between the state (the government of El Salvador) and gangs (*maras*) over control of territory and, by extension, resources. Gangs in El Salvador are micro-territorial, meaning that very local factions (*clicas*) compete with each other and with the state to assert control over individual neighborhoods or small geographic areas and seek to extract value directly from the communities. As a result, the country is plagued by rampant violence and criminal extortion.⁹² El Salvador also experiences high levels of corruption.

“The existence of gangs affects everything, [including] businesses that women operate. In places controlled by the gangs, people live under a different social scheme (...). The gangs have women at their service, they are like prisoners, they are never going to leave, and if they want to leave, they are stigmatized for having belonged to gangs.”

Interviewee, San Salvador

GLOBAL INSIGHTS

Report	Key Data
Fragile States Index (FSI) 2018	With a score of 71.2 (on a 0 ‘best’ - 120 ‘worst’ scale), El Salvador had a “warning” rating and a rank of 96 th (out of 178 countries) in the 2018 edition of the FSI, which marked a slight improvement from 2017. ⁹³
Corruption Perceptions Index 2017	A score of 33 (on a 0 ‘highly corrupt’ - 100 ‘very clean’ scale) gave El Salvador the 112 th rank (out of 180 countries). ⁹⁴
Global Corruption Barometer 2017	It is estimated that 31% of Salvadoran people paid a bribe when accessing basic services in 2017. Among the six key public services assessed in the report, El Salvador had the highest bribery rates (21–30%) in public schools, hospitals, and institutions issuing identification documents (IDs). Bribery rates were the lowest in the courts (1–10%). ⁹⁵

Gang Profiles

While street gangs (*pandillas*) have existed in El Salvador since at least the 1980s, the nature of gangs in the country changed significantly throughout the 1990s, evolving into the *maras* that are well-known today.⁹⁶ Analysts trace the roots of *maras* to Los Angeles in the United States (U.S.), where Salvadorans joined existing gangs, such as the 18th Street gang (also known as Barrio 18), and created their own, such as the Mara Salvatrucha (also known as MS–13).⁹⁷ Events of the 1990s in the U.S., including the 1992 riots in Los Angeles, the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and the creation of the Interinstitutional Violent Gang Task Forces—resulted in the deportation of thousands of Salvadorans.⁹⁸ Once back in El Salvador, gang members continued to organize and grow MS-13 and Barrio 18, ultimately absorbing members of existing street gangs.⁹⁹

The three most prominent gangs active in El Salvador today are MS-13 and two factions of the 18th Street gang. Recent estimates put the number of active gang members in El Salvador at around 60,000 people. However, when gang sympathizers and former members are factored into estimates, the social support network of the gangs rises

to approximately 500,000 people—about 8% of the country’s total population.¹⁰⁰ The total worldwide presence of these gangs is thought to be around 140,000 people.¹⁰¹

- **Mara Salvatrucha (MS-13)** is considered the largest and most hierarchical of the gangs.¹⁰² Its leadership has developed an organization of approximately 49 chapters, and the gang is thought to be present in 247 of El Salvador’s 262 municipalities.¹⁰³ In 2016, MS-13’s annual revenue was approximately USD 31.2 million.¹⁰⁴ Authorities believe that Borromeo Henríquez Solórzano, the Little Devil of Hollywood (*El Diablito de Hollywood*), is at the top of MS-13’s organizational structure. He was convicted of homicide in 1998 and is in prison serving a 30-year sentence. He continues to operate from prison, as do many other gang leaders.¹⁰⁵
- **18th Street gang (Barrio 18)** divided into the two factions around 2004, and the 18-Southerners and 18-Revolutionaries are rivals today.¹⁰⁶ The 18-Southerners are thought to be larger than the 18-Revolutionaries, and their leadership includes Carlos Ernesto Mojica and José Luis Guzmán (*Chiki*).

At the local level, these gangs operate through loosely affiliated, highly autonomous factions (*clicas*), which is one of the reasons why the government has had such difficulty combatting them.

In contrast to other countries in the Northern Triangle and to Mexico, gangs in El Salvador have limited relationships with drug traffickers.¹⁰⁷ The majority of the drug trade passes from Honduras to Guatemala with less of an impact on El Salvador.¹⁰⁸ Although the U.S. Department of the Treasury has designated the MS-13 a transnational criminal organization, the gang operates as a street gang whose main revenue stream is through extortion and local crime.¹⁰⁹

Root Causes and Nature of Conflict

The conflict between gangs and the state in El Salvador is rooted in deep patterns of social and economic exclusion. From 1980 to 1992, the FMLN fought a civil war against the government of El Salvador. Although the Chapultepec Peace Accords brought the war to an end, entrenched patterns of social exclusion and inequality that contributed to the war continue to go unaddressed.¹¹⁰ A cycle of social stigmatization of young people from specific geographic locations and criminalization of presumed as well as actual gang members contribute to the continued patterns of conflict in El Salvador.¹¹¹

The root causes of the conflict become even more apparent when current patterns of violence are mapped to other historical data. Significantly, gangs have less of a presence in territories that were controlled by the FMLN during the civil war period. Some analysts highlight that districts where the FMLN has been strong are characterized by strong community ties and social cohesion. There have been significantly fewer homicides in these districts from 2003 to 2016, and there seems to be far less gang expansion in these districts. The correlation between gang activity and low levels of social cohesion indicates that there are significant social dimensions to the current conflict.¹¹²

Entrenched issues of social and economic exclusion have fueled conflict in El Salvador for decades. The conflict has changed in the way that it manifests—from a civil war to a struggle between the state and gangs—but the core issues at the root of the conflict remain the same. Yet there are signs that it may be possible to change the way conflict is expressed. In 2012, a truce between the gangs led to a significant decline in El Salvador’s homicide rate, demonstrating that it is possible to cut the rates of violence. During the truce, which is no longer in place, gang members expressed desire for better living conditions and economic opportunities. At the individual level, many express the desire to leave gangs. Incremental steps towards addressing violence and the social and economic factors fueling the conflict are possible.

Impacts of Conflict and Crime

The effects of the conflict in El Salvador can be felt at the national, local, and individual levels, with various demographic groups experiencing it very differently.

- **Violence and insecurity.** In their fight for territory and resources, gangs resort to pandemic levels of violence and are largely responsible for the country's staggering homicide rate—the highest in the world for a country not at war. In 2018, rates of homicide in El Salvador were at their lowest since the truce between MS-13 and Barrio 18 gangs was signed in 2012, with a decline of 57% of homicides in September 2018 alone compared to September 2017. InSight Crime reports that this could be due to increases in criminal sophistication, gangs' influence on the outcome of the February 2019 elections, and tighter restrictions and security measures taken within the prisons of El Salvador, which cut off communications from gang leaders. Despite the reduction in homicide rates, El Salvador's homicide rate remains alarming.¹¹³ Studies indicate that "a majority of El Salvador's homicide victims are young men from poor urban areas."¹¹⁴ However, the country also suffers from a devastating epidemic of femicide, including gang-related revenge killings, and other forms of VAW driven by a widespread culture of machismoⁱⁱⁱ and perpetrated both inside and outside of the home. Gangs routinely use violence to assert control over individual women and communities. This includes use of rape and other forms of sexual violence to force individuals to follow orders and to create a climate of fear within communities.¹¹⁵ Women experience this violence in multiple ways: as gang affiliates, spouses or relatives of gang members, victims of gang violence, and mediators of violence.¹¹⁶
- **Economic impacts.** Violence and crime, including corporate extortion (*rent*), theft, land grabs, and corruption, have a highly detrimental impact on El Salvador's business climate, investments, and overall economic growth. In 2015, the World Bank estimated the economic costs of violence in El Salvador at around 11% of GDP, "including public and private security costs, material losses, and health costs."¹¹⁷ SMEs, workers in the transportation sector, and workers in the informal economy are the main targets of gangs' extortion schemes,¹¹⁸ and are sometimes forced to close their businesses due to threats. Reportedly, gangs "attempt to obtain information about the revenue of a targeted business and set their demands at 20 to 30 percent of that amount."¹¹⁹ A 2015 study estimated that Salvadorans pay approximately USD 400 million annually in extortion and protection fees to gangs and other illicit groups.¹²⁰ Another study published in 2016 estimated that the level of extortion might be as high as USD 60 million a month.¹²¹ The cumulative effect of extortion reverberates throughout the country's economy: a study by the Central Reserve Bank conducted in 2016 found that extortion and associated violence cost El Salvador USD 4 billion a year.¹²² In addition to the direct economic cost of extortion on businesses, gangs' activity has tremendous indirect economic and social costs, from individuals avoiding buying items for fear of robbery to individuals considering migration because of insecurity.¹²³ These threats have led to an increase in insecurity among businesses and even entire communities, making investors wary. In the last few years, exports have plummeted, leading to a near economic collapse and there is a dire need to increase tax revenues. However, without addressing the insecurity of the communities, businesses and outside investors will remain hesitant to invest in El Salvador given the risks of violence from gang activity.¹²⁴ As will be discussed in the "Business and Commerce" section below, study participants overwhelmingly agreed that the presence of gangs, and the resulting crime and insecurity, are among the top barriers to startups, business

ⁱⁱⁱ **Machismo** is a particular brand of Latin American patriarchy rooted in the culture of male dominance, which dictates that a man's responsibility is to provide for, protect, and defend his family, while a woman's responsibility is to take care of him and their family. Machismo has also been defined as "a particularly aggressive manifestation of patriarchy characterized by hypermasculinity. (...) In El Salvador, machismo has been described as 'an understanding of accepted masculine behavior (...) which emphasizes control, physical force and the treatment of women as possessions lacking rights of their own.'" Karen Musalo, *El Salvador—A Peace Worse Than War: Violence, Gender, and Failed Legal Response*, 30 YALE J.L. & FEMINISM 3 at 11–12 (2018). Machismo is widely recognized as one of the primary causes of high levels of violence and discrimination against women in public and private spaces.

growth, and to women's economic empowerment. One study participant asserted that the two main gangs have everything, control the lives and bodies of women, have infiltrated state institutions, and punish disobedience with death. Many study participants also agreed that government corruption is one of the top challenges to entrepreneurship. These challenges are particularly limiting for women business owners who are hesitant to operate outward-facing businesses because it attracts attention from the gangs. Some women even reported having to travel to other parts of the country to sell their products in anonymity. Women are also very fearful of their children getting recruited into or forced to join gangs. Thus, they end up unwillingly supporting the gangs with their income to protect their families.

- **Social impacts.** Because of the highly localized nature of the conflict in El Salvador, young people who happen to live in neighborhoods with a strong gang presence are typically assumed to be gang members or gang-affiliated. Such assumptions about individuals living in communities that are already characterized by a lack of economic opportunity and social services contribute to the push factors that lead young people to become gang-affiliated. In addition, government policies criminalizing gangs have resulted in the stigmatization and criminalization of young people who ended up being identified as gang members if they happened to share social origins and places of residence.¹²⁵ This partially explains why “the unemployment rate for 16 to 24-year-olds is double the national average.”¹²⁶ Girls are uniquely vulnerable because they are often unable to finish school due to violence, rape, and teen pregnancies. In El Salvador, it is estimated that “[a] quarter of young women between the ages of 15 and 19 have already become pregnant, the highest rate in Latin America.”¹²⁷

Gender Dynamics of Conflict

Men and women in El Salvador experience the conflict between gangs and the state in very different ways, highlighting the need to apply a gender lens to conflict analysis.

Girls and boys become gang-affiliated for a range of reasons. In a 2012 study conducted by the Initiative for Peacebuilding—Early Warning Analysis Project, young women interviewed reported that “they joined gangs for the need to belong to a group; the search for protection and affection; the need for money; a desire to be recognized; [and] the need to escape a conflictive and violent family environment.”¹²⁸ Analysts believe that young men join gangs for similar reasons. In addition, some women reportedly join gangs when they fall in love with gang members, although most women in relationships with gang members are not initiated into gangs.¹²⁹ The experiences of young women and men seem to diverge considerably once they are gang-affiliated.

Historically, women have played the role of caretakers within Salvadoran gangs,¹³⁰ taking responsibility for everyday tasks, such as chores and cooking.¹³¹ In addition, women have traditionally served as a connection between the gang and the outside world.¹³² In general, women have not been perpetrators of violence but have enabled others in gangs to be. However, in recent years, women have taken increasingly active roles in Salvadoran gangs' criminal activity. For example, women transport drugs and weapons for gangs as well as carry cellphones and other contraband into prisons. Instances of women supporting kidnappings by conducting surveillance or isolating victims have been documented.¹³³ Salvadoran women are also significantly affected by gang-perpetrated VAW in their homes and communities.

FOCUS GROUP INSIGHTS: PERCEPTIONS OF CONFLICT

Focus groups with MFI clients and non-clients revealed that men and women had different perceptions of the nature and drivers of the conflict in El Salvador. Male clients argued that the conflict was political and social, while male non-clients saw the conflict as purely social. Female clients perceived the conflict as political, social, and economic, while female non-clients saw the conflict as political, social, and religious. When asked about the effects of the conflict, the majority of focus group discussants mentioned challenges around freedom of movement, limitations on the access to credit, economic losses, and psychological impacts. In terms of the roles that women and men play in the conflict, female and male clients asserted that that women are more passive than men. The majority of female clients believed that men lead the conflict, while almost an equal percentage of male clients stated that women are either passive or have the same stake in the conflict as men. Female participants also emphasized that the culture of machismo provokes the conflict. Finally, several discussants believed that some women are active participants in the conflict.

Response to Conflict

The Government of El Salvador has pursued two different types of approaches to the conflict in order to gain control of territory and establish public security, sometimes alternating between them and other times pursuing both at the same time.¹³⁴ The first type of approach, which can be characterized as repressive or punitive, criminalizes gang association. The second type of approach, which can be characterized as preventive or restorative, seeks to offer opportunities to youth at-risk of joining gangs or individuals seeking to exit gangs. These approaches and policies have been implemented within a changing legal framework as laws and their application have been contested in court. The following timeline outlines the evolution of the government’s approach to its conflict with gangs.

Timeline	Key Approaches to Conflict ¹³⁵
2003	Iron Fist Plan (<i>Plan Mano Dura</i>) and Anti-Gang Bill. “Iron Fist” was the first anti-gang plan in El Salvador. Under the plan, the police and the military conducted joint operations and collaborated on “anti-gang task forces.” The Anti-Gang Bill, passed in December 2003, provided a legal framework for these activities by criminalizing gang membership and allowing for the detention of suspects who were minors. Although the courts declared the Anti-Gang Bill unconstitutional in April 2004, the Legislative Assembly immediately approved a new law containing the same measures.
2004	Super Iron Fist Plan (<i>Plan Súper Mano Dura</i>), Helping Hand (<i>Mano Amiga</i>), and Extended Hand (<i>Mano Extendida</i>). After the 2004 presidential elections, the government of El Salvador decided to continue the Iron Fist Plan with some modifications. The modified approach incorporated recommendations on a number of security initiatives—such as reform of laws related to juvenile offenders—made by a group of policymakers, non-governmental organizations, and members of the international community. The approach also included two new initiatives, Helping Hand and Extended Hand, that identified priority communities and created initiatives for both at-risk youth and incarcerated gang members. However, these initiatives—suffering from a lack of resources, delays in implementation, and low participation rates—were relatively quickly subsumed as rising violence led to renewed emphasis on anti-gang approaches.
2008–2009	During this period, the government passed seven decrees which authorized the military to participate in police operations and provided the legal framework for its involvement in public security issues.
2010–2013	During this period, the government sponsored the first national violence prevention strategies to reduce the effects of criminal activity. The strategies were tailored to different target groups, including the general public, individuals deemed at-risk, and individuals convicted of crimes.
2012–2014	Gang Truce. Under the presidency of Mauricio Funes, the number of murders in El Salvador reached historic levels. The president and his security cabinet decided that a new approach was needed to address the violence throughout the country. The government began an indirect dialogue with gang leaders from MS-13 and the two 18 th Street gang factions with the goal of reducing killings in exchange for better prison conditions. The gangs declared a ceasefire after the government

	transferred several of their leaders out of maximum-security prisons. Several smaller gangs joined in later. The murder rate dropped by approximately 60% within a week of the declared ceasefire, providing evidence of the degree to which gang violence contributes to the homicide rate in El Salvador. ¹³⁶ However, there was a severe lack of public support for the government’s indirect dialogue with the gangs and the government refused to officially acknowledge its participation. The public opposition coupled with the government unwillingness to state its engagement publicly were two of the factors that contributed to the slow disintegration of the ceasefire, which began in mid-2013. The truce fully disintegrating in the lead up to the 2014 national elections.
2014–2019	Operation Jaque, Operation Tecana, and Safe El Salvador Plan (<i>Plan El Salvador Seguro</i>). Upon his election to the presidency in 2014, former president Sánchez Cerén pursued a mix of punitive and preventative approaches to the continuing conflict between the government and gangs. On the punitive side, new joint military and police rapid reaction forces were initiated, and the government sought to put pressure on gang finances through “Operation Jaque” and “Operation Tecana.” Concurrently, the government sought to implement a comprehensive national security plan known as the Safe El Salvador Plan. Adopted in 2015, the plan addresses prevention of violence, accountability, and victim protection. ¹³⁷ The activities under this plan are within the purview of ISDEMU. However, like most of the preceding efforts, the evidence around the efficacy of these initiatives is mixed, and there remain significant questions regarding how to address the conflict between the government of El Salvador and the gangs operating throughout the country under the leadership of the new president Nayib Bukele.

Government institutions directly engaged in conflict with gangs include the National Civil Police, the Salvadoran army, special courts, and the prison system.

- **National Civil Police.** The Salvadoran police reports to the Ministry of Justice and Public Security as part of the executive branch. The police are responsible for safety and security at the local level, including combatting violent crime and preventing armed attacks by gang members. In the wake of the civil war, the 1992 Chapultepec Peace Accords established the National Civil Police as a new civilian police force designed to have a community-oriented role.¹³⁸ Today, there are 28,000 officers in the National Civil Police, and they are under increasing pressure to confront gang activity.¹³⁹ Exacerbating this pressure is the fact that many officers come from similar social backgrounds as gang members, and the average monthly salary of USD 424 leads officers to live in poorer neighborhoods, many of which are controlled by gangs.¹⁴⁰ These and other factors have resulted in the conflict between gangs and the police playing out through “armed raids in gang-affected communities as well as direct confrontation and firefights.”¹⁴¹
- **Salvadoran Army.** Given the safety and security challenges at the local level, the military has become increasingly involved in anti-crime operations as the conflict between the state and gangs has been reframed from a public security issue to a national security issue. The government has used executive decrees to enable the military to work alongside the police; however, some analysts have questioned the legality of this approach, particularly because the constitution includes strict limits on the military to confront only foreign threats.¹⁴² Yet between the continued strain on the National Civil Police and the fact that the Salvadoran army has the highest public approval rating of any national institution, the military continues to be integral to the government’s response to gang violence and criminal activity.

It is important to note that some communities have organized their own **civilian patrols** (*autodefensas*) to prevent gangs from establishing a presence. They are composed of local community members, including war veterans. The government has not pursued policies to restrict the activities of these civilian patrols and, in some cases, lawmakers have promoted the groups. In 2017, Guillermo Gallegos, the President of the Legislative Assembly, admitted to financing one of them.¹⁴³ While some members of the public support such civilian patrols, these groups have also generated significant controversy as they have been accused of extrajudicial killings of suspected gang members.

Even though the government of El Salvador has created special courts to hear gang-related cases, studies show that “[i]mpunity for crimes committed by gangs is extremely high.”¹⁴⁴ There are multiple reasons behind this impunity. First, the fear of reprisal and a lack of confidence in the justice system, which is perceived as weak and corrupt, results in severe underreporting. Second, these special courts have very low capacity to handle their vast caseloads. Consequently, very few cases are prosecuted, and only an estimated 5–7% of these cases result in convictions.¹⁴⁵

Women, Peace, and Security Agenda

In 2014, the President of El Salvador issued an executive decree creating a **National Committee** charged with implementing the UN Security Council resolution 1325 (2000) and subsequent resolutions on women, peace and security (WPS), chaired by the Ministry of Foreign Affairs (*Ministerio de Relaciones Exteriores*) in collaboration with ISDEMU.¹⁴⁶ Three years later, El Salvador adopted its first 5-year **National Action Plan on WPS**, which aims to strengthen women’s participation in all decision-making levels of peace processes; creating a culture of zero-tolerance for VAW; offering protections and basic services to women and girls; increasing reparations for women and girl victims of armed conflict; and strengthening the monitoring of the implementation of UN Security Council resolutions on WPS.¹⁴⁷ However, according to the Women’s International League of Peace and Freedom, the plan does not have a clear strategy for ensuring that its implementation is duly funded within ministerial budgets.¹⁴⁸

Implications of Conflict on Programming

The contemporary conflict in El Salvador is incredibly complex and its nuances—including gender dynamics and perceptions of conflict—need to be taken into consideration while addressing conflict and its root causes at the individual and community level, and while designing and implementing women’s empowerment interventions.

- Salvadoran private sector, public institutions, and CSOs, including MFIs, function within a context that is characterized by high levels of conflict, crime, and violence, with constant shocks and stresses affecting women entrepreneurs and other community members. A relatively small program cannot change this operating environment but can build the resilience of women and their businesses to better navigate conflict environments and succeed under very difficult circumstances.
- Men and women understand, experience, and view the conflict differently. Therefore, it is vital to design specific interventions to address the different concerns that women and men have.
- Given the micro-territorial nature of conflict, it is important to recognize that individuals understand their context best. Some program beneficiaries might be coming from different neighborhoods, affected by different local conflict dynamics.

Violence against Women

El Salvador has a pandemic prevalence of, and high levels of impunity for, violent crimes against women. Between January and August 2018, the National Civil Police registered 274 femicides, mostly of women under 30 years of age—a staggering number illustrating that statistically, more than one woman is murdered in El Salvador every single day because her gender.¹⁴⁹ Although gangs are perceived to be the primary perpetrators of femicides (including revenge killings), some experts believe that the majority of femicides are, in fact, the consequence of escalating rates of intrafamilial violence, which are reportedly “drastically higher than in most other countries in the region.”¹⁵⁰ Notably, these two types of VAW are often interrelated, because many women and girls are forced into relationships with gang members.¹⁵¹

ORMUSA estimates that in the first quarter of 2018 alone, 10 women were murdered by their partners—three more than during the first quarter of 2017.¹⁵² Based on data from January to June 2018, the National Civil Police receives, on average, over 3 reports of domestic violence and 11 reports of sexual violence a day. Most victims of reported crimes against sexual freedom are minors under the age of 17.¹⁵³ One interviewee stressed that official statistics on VAW are not fully reliable because numbers vary from one institution to another.

According to the IACHR, “El Salvador continues to be the country with the highest number of killings of women in the region,” and femicides “show signs of especially severe cruelty, such as stoning, asphyxiation, or hanging.”¹⁵⁴ Gangs are well-known for explicitly targeting women and girls, as young as 12 years old, for sexual violence and coerced relationships. In some cases, mothers are forced to pay weekly extortion fees to gang members to protect their daughters from sexual abuse. Gangs also use Salvadoran women for other purposes, such as collecting money from extortion, delivering drugs into penitentiaries, cooking, cleaning, and caring for gang members’ children. Reportedly, “[w]omen used to be full, recognized members of the gangs until 2000,” but are currently treated as the gangs’ property.¹⁵⁵ One interviewee noted that the gang members’ control over the lives of Salvadoran women constitutes a form of “symbolic” VAW.

Studies indicate that VAW is significantly underreported in El Salvador. Many women are reluctant to come forward because of societal pressures, lack of confidence in the justice system, and fear of reprisal from family and gang members who often see them as police informants and, therefore, a threat.¹⁵⁶ Acts of VAW in connection to gang activity are commonplace. In addition to revenge killings and rapes, gangs use women’s bodies to smuggle objects into prisons and force women into relationships with their members, including intimate visits with members who have been incarcerated.¹⁵⁷ Reportedly, 75% of femicide cases are never prosecuted and only 5% of all VAW cases result in conviction.¹⁵⁸

According to the UN Special Rapporteur on Violence against Women, its Causes and Consequences, who conducted a follow-up visit to El Salvador in 2010, Salvadoran women’s high vulnerability to violence is driven by socio-economic insecurity, impunity for crimes, deeply rooted patriarchal attitudes, and the pervasive culture of machismo, which “reinforces stereotypes about the roles and responsibilities of women and men in the family, the workplace and society.” While discussing various forms of VAW in El Salvador, the Rapporteur emphasized the high risks of exploitation, harassment, and VAW in the workplace, particularly in the domestic and *maquila* sectors, which tend to escape regulation and entail poor and dangerous working conditions, sometimes amounting to forced labor and slavery.¹⁵⁹ Per the OECD, “[t]here is no evidence to suggest that female genital mutilation is practiced in El Salvador.”¹⁶⁰

Experts emphasize that VAW is so common in El Salvador that society not only tolerates it but considers it normal. As a result, “El Salvador is one of the most dangerous places in the world to be a woman.”¹⁶¹

Legal and Policy Framework

Since 1996, El Salvador has made concerted efforts to create a comprehensive legal and policy framework for addressing VAW. While these efforts are highly commendable, experts emphasize that the design of many pertinent provisions is inherently flawed. In addition, these laws are not adequately implemented due to insufficient funding and institutional resistance to gender equality. Experts further argue that the adoption of these laws has not resulted in the reduction of VAW or lower impunity for VAW. Reportedly, there is virtually no accountability for the failure of government officials to carry out their responsibilities under this legal framework.¹⁶²

Law Against Intrafamily Violence (LVI)

(Ley Contra la Violencia Intrafamiliar) (adopted 1996, as amended)

LVI was the first significant law addressing VAW in El Salvador. It was adopted in 1996, following the ratification of the Convention of Belém do Pará in 1995. The law established mechanisms to strengthen the protection of victims of intrafamily violence, defined as "any act or omission, direct or indirect, which causes harm, physical, sexual, or psychological suffering, or death to members of the family." LAW AGAINST INTRAFAMILY VIOLENCE art. 3. Among other mechanisms, the law introduced the concept of protection orders, outlined several prevention strategies, and set forth steps to be undertaken by the police when domestic violence is reported. *Id.* arts. 6, 10. LVI was reformed several times. The 2002 amendment removed the requirement of conciliation and directed prosecutors to proceed with conciliation only upon the victim's request or where appropriate. Reportedly, however, this legal change did not prevent judges or prosecutors from pressuring parties to reconcile. In 2014, LVI was reformed again to extend the length of police-issued special temporary protective orders from 8 to 48 hours, and to place an obligation on the National Civil Police to provide victims with information on their rights and available services. According to experts, LVI has failed to reduce domestic violence in El Salvador, largely due to institutional biases and design flaws. For example, there appears to be a lack of coordination between courts charged with issuing protective measures and the police charged with enforcing them.¹⁶³ Notably, LVI neither recognized domestic violence as a crime nor established sanctions for its commission.

Penal Code

(Código Penal) (adopted 1997, as amended)

The Penal Code, adopted in 1997, criminalized certain forms of VAW, including sexual harassment and sexual assault, but like LVI did not penalize intrafamily violence. PENAL CODE arts. 158–162, 165–167. Two amendments to article 200 of the Penal Code, adopted in 1998 and 2004, sought, but effectively failed, to rectify this omission. Article 200, as amended, appears to criminalize domestic violence and prescribes a penalty of 1 to 2 years in prison. However, according to Salvadoran experts, this provision has been widely interpreted to penalize acts of domestic violence only if they are recognized as distinct crimes under other provisions of the Penal Code. This has adverse consequences in terms of accountability and victims' access to justice. For example, psychological violence in the family could only be prosecuted "if the psychological harm met the criteria for other defined crimes, such as those that affect the dignity or personal autonomy of the person, constitute slander or defamation, or are an insult."¹⁶⁴ In addition, article 200 includes a confusing clause stating that "criminal prosecutions may be initiated only once the judicial proceedings established in the LVI are exhausted."¹⁶⁵ Because the only judicial proceedings envisioned by LVI relate to the issuance of protective orders, some actors claim that a woman cannot press charges and have her abuser arrested unless and until she exhausts her request for a protective order. This places her at a greater risk because her abuser may continue or even escalate violence while these proceedings are pending.¹⁶⁶

Special Integral Law for a Life Free of Violence against Women (LEIV)

(Ley Especial Integral para una Vida Libre de Violencia para las Mujeres) (adopted 2010)

LEIV prohibits physical, sexual, psychological, emotional, economic, patrimonial, and "symbolic" VAW, and mandates the creation of prevention and protection programs, including vocational training for survivors to assist them with reentering the workforce. These are some of the most notable provisions in the context of this report.

- LEIV includes an explicit prohibition of **femicide** punishable by 20–35 years in prison or 30–50 years when aggravated circumstances are present. LEIV arts. 9, 45–46, 61.
- LEIV addresses several forms of **economic violence**, such as failure to comply with financial maintenance (e.g., child support) duties; property (including patrimony) grabbing from a woman by her relative, spouse, or cohabitant; and the taking away of income or profits from the family's economic activity to the detriment of women's rights. *Id.* arts. 52–54.
- LEIV expressly criminalizes certain forms of **online VAW**, such as doxing (publishing private or identifying information about a woman that can damage her image, honor, personal integrity, or family relations), which is crucial in prosecuting cyberbullying; distribution of sexually explicit images of women without their consent, which is crucial in prosecuting revenge pornography; and—more generally—dissemination of pornography without a woman's consent. *Id.* arts. 49–51.

- LEIV prohibits such acts as **sexual harassment, mocking, intimidation, isolation, hate speech, and other acts of discrimination and violence** that limit women’s participation in political and economic life, prevent them from obtaining education and healthcare, or undermine their parental authority. *Id.* art. 55.
- LEIV “explicitly prohibits any form of conciliation or mediation for its enumerated crimes.”¹⁶⁷

Notably, LEIV fails to expressly prohibit all forms of domestic violence, including sexual assault within marriage and non-matrimonial unions.¹⁶⁸ This is a significant omission, because—as noted above—domestic violence is not effectively criminalized under LVI or the Penal Code.¹⁶⁹ Presumably, intimate partners could file charges under the general sexual assault provisions.

To implement the law in practice, LEIV mandates the creation of **shelters** for female survivors and their affected family members under the supervision of ISDEMU as well as the establishment of Institutional Units for Specialized Assistance to Women Victims of Violence (**UNIMUJER**) (*Unidad Institucional de Atención Especializada a las Mujeres en Situación de violencia*.) UNIMUJER shall comprise representatives of the judiciary, the Prosecutor General, the Attorney General, the Ombudsperson, the National Civil Police, the Institute of Legal Medicine, the Ministry of Health (*Ministerio de Salud*), and other institutions working on women’s rights. *Id.* arts. 25–26. LEIV also provides for the creation of the **Special Fund** for Women Victims of Violence (*Fondo Especial para Mujeres Víctimas de Violencia*), designed to finance social assistance measures, and the **National System of Data, Statistics and Information on Violence against Women** (*Sistema Nacional de Datos, Estadísticas e Información de Violencia contra las Mujeres*). *Id.* arts. 30–32, 34–35. Finally, the law mandates the General Prosecutor’s Office (FDR) (*Fiscalía General de la República*) to develop special protocols for the prosecution of crimes enumerated in LEIV. *Id.* art. 56. It is unclear if the National System of Data has been established. It did not exist as of the end of 2016. Because the Special Fund is supposed to be financed by sanctions imposed for violations of LEIV, and as of 2018 no such fines were levied, the fund is effectively not operational.¹⁷⁰

Decree 286 on Creation of Specialized Courts for a Life Free of Violence and Discrimination Against Women

(*Decreto 286 para la Creación de los Tribunales Especializados para una Vida Libre de Violencia y Discriminación para las Mujeres*) (adopted 2016)

The Decree mandates the establishment of special courts for adjudicating 11 VAW crimes established under LEIV, failures to comply with protection orders, and several crimes under the Penal Code, including labor discrimination. The courts must be staffed with judges, lawyers, psychologists, social workers, and educators who are trained on VAW and can process cases in a victim-centered manner.¹⁷¹ Despite its laudable intent, experts emphasize that the law is ill-conceived. First, it provides for limited jurisdiction of the special courts, excluding intrafamilial and sexual violence, which are the most prevalent forms of VAW. Second, it creates a hybrid system, in which cases that fall under the jurisdiction of special courts must first pass through the courts of peace. This is a significant obstacle to access to justice, not only for procedural reasons, but also because peace judges have low capacity to handle VAW cases in a victim-centered manner. Finally, the specialized courts are located in only three departments, and therefore are not accessible by most victims.¹⁷²

Special Law Against Trafficking in Persons

(*Ley Especial Contra la Trata de Personas*) (adopted 2014)

The law criminalizes both sex and labor trafficking and prescribes penalties ranging from 10 to 14 years in prison, which are higher than those mandated by the Penal Code. In contravention of international standards, the Salvadoran law considers “the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime.”¹⁷³ If these elements are present, the penalties are increased.¹⁷⁴

National Policy for Women’s Access to a Life Free of Violence

(*Política Nacional para el Acceso de las Mujeres a una Vida Libre de Violencia*) (adopted 2013) and its corresponding **2016–2020 National Action Plan**¹⁷⁵

In August 2017 El Salvador amended its **Family Code** (*Código de la Familia*) (adopted 1993) to ban child marriage. Specifically, the amendment eliminated a provision that “had allowed minors under age 18 to marry, with their parents’ authorization, if they had a child together or if the girl or adolescent were pregnant,”¹⁷⁶ even if the

pregnancy had resulted from sexual assault.¹⁷⁷ The legal age of marriage for women and men is currently 18 years. FAMILY CODE art. 14. Interviewees noted that while this is a positive step forward, the amendment does not extend to non-matrimonial unions, which is a significant omission given the fact that such unions are very common in El Salvador and are recognized under the law if the couple lives in a stable relationship for at least one year. The Family Code gives cohabitants (life partners) similar rights to those of married couples as long as the union is registered in court. *Id.* arts. 2, 118–126. According to external studies, 21% of girls under 18 are married in El Salvador.¹⁷⁸

In its 2017 Concluding Observations on El Salvador’s periodic reports, the UN CEDAW Committee noted with concern that the government has not allocated enough resources to implement LEIV and to ensure protection and recovery of victims. The Committee also expressed concern about the low level of prosecutions and convictions in VAW cases and limited enforcement of protection orders. The Committee then emphasized the need to strengthen the capacity of judges, lawyers, and law enforcement officers to carry out “strict application” of LEIV.¹⁷⁹ According to an ORMUSA lawyer who co-drafted LEIV, “[t]he law is fine, but the ones who have to implement it are the ones who have to change.”¹⁸⁰ Indeed, local CSOs report that sexist bias permeates the justice sector, which is also overwhelmed by gang violence and does not treat VAW as a priority.¹⁸¹ Interviews confirmed that the application of laws against VAW in El Salvador is lax. One interviewee stated that “[LEIV] was born without a budget and was drafted and approved for political purposes.” Similarly, there is no proper infrastructure to apply LIE.

Institutional Framework

The government of El Salvador has taken the following actions to execute its obligations under the legal and policy framework addressing VAW.

- El Salvador has established three **specialized courts** for adjudicating cases of VAW in San Salvador, Santa Ana, and San Miguel.¹⁸² As of August 15, 2018, the specialized court in San Salvador resolved 22 cases, resulting in 11 convictions. 14 cases remained open.¹⁸³ Given the prevalence of VAW in El Salvador, these are low numbers. In 2018, the UN Human Rights Committee expressed concern about these courts’ accessibility, “particularly for women living in rural areas,” and about “the fact that conciliation is still an option in cases of family violence.”¹⁸⁴
- As of 2016, there were 16 **UNIMUJER** units across El Salvador, including several in the country’s capital. According to ORMUSA, UNIMUJER’s capacity to process VAW cases and assist victims is severely undermined by organized criminal groups, which often perceive women reporting violence “as police informants providing information about gangs.”¹⁸⁵ In addition, gang members have targeted UNIMUJER staff; in 2016 a prominent UNIMUJER agent was murdered in San Vicente.¹⁸⁶
- **ISDEMU** operates one **shelter** for women victims of domestic violence and another for women victims of human trafficking. Reportedly, these shelters have a very limited capacity, both in terms of the number of spots and the duration of stay. There are also private shelters across the country, some of which are run by religious organizations.¹⁸⁷ In addition, ISDEMU operates a confidential, free telephone helpline (*SOS Mujer 126*), through which women can report acts of violence and receive psychosocial and legal counselling;¹⁸⁸ a Comprehensive Program for a Life Free of Violence for Women (*Programa de Integral para una Vida Libre de Violencia para las Mujeres*), with a physical clinic located in San Salvador;¹⁸⁹ Permanent Care Units in each department; Mobile Detection and Screening Units; and the National System of Care for Women Who Face Violence (SNA) (*Sistema Nacional de Atención para Mujeres que enfrentan Violencia*)—a mechanism for strengthening and coordinating institutions charged with implementing LEIV.¹⁹⁰
- Through a module focused on the prevention and response to VAW, **Woman’s City** centers conduct trainings and public awareness campaigns, and offer crisis care, legal advice, psychological counselling, and

other support to VAW survivors through Special Care Units. The module is implemented by representatives of ISDEMU, the National Civil Police, the Prosecutor General, the Attorney General, the Institute of Legal Medicine, and the Ministry of Culture.¹⁹¹

- In May 2018, the Salvadoran government approved the creation of a **national gender-based violence (GBV) alert system**—an initiative to address sexual harassment in public institutions, other forms of sexual violence, and femicide.¹⁹²
- In 2012, the General Prosecutor’s Office issued a Protocol for Performance in the Investigation of Femicide (*Protocolo de Actuación para la Investigación del Femicidio*), which aims to ensure that prosecutors adequately consider the gender dimensions of killings of women.¹⁹³ Reportedly, the Gender Unit of the Judicial Branch, the Attorney General's Office, and ISDEMU are presently working on guidelines for handling VAW cases in a manner that would prevent revictimization of survivors.
- In 2005, El Salvador established the **National Committee against Trafficking in Persons**. The National Civil Police has a Specialized Human Trafficking and Related Crimes Unit, and the Office of the Attorney General has a unit against trafficking and smuggling.¹⁹⁴

In addition, various institutions have special units dedicated to VAW response, including the judiciary, the Ministry of Health, and the Attorney General’s Office. There are also **Local Victim Assistance Offices (OLAVs)** (*Oficinas de Atención a Víctimas*), which provide comprehensive care to victims.¹⁹⁵ According to respondents, there is no comprehensive redress system for victims of VAW in El Salvador, especially in terms of compensation and follow-up after judicial proceedings. One interviewee stated, “There are advances but not what would be required to save lives.”

Between 2011 and 2018, WAGE core partner ABA ROLI worked to address some of these issues in El Salvador through a Program to Strengthen Forensic Capacity in Central America, funded by the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL). Among others, the program trained over 70 justice system actors on an effective and victim-centered investigation of VAW, including femicide, and offered a “Forensic Medicine with a Gender Perspective” course to 45 aspiring judges of the Specialized Courts for a Life Free of Violence and Discrimination Against Women.

In practice, the government has been unable to ensure security and freedom of movement for Salvadoran women because of the strength of criminal gang activity,¹⁹⁶ social practices that normalize VAW, the flawed legal system, and institutional biases. According to interviewees, both social and gender-based violence impede women’s legal and economic autonomy, particularly given the fact that women often work in the informal sector and insecure places (e.g., as street vendors or small shop owners).

SECTION III: LEGAL AUTONOMY AND ABILITY TO TRANSACT

Factor Statement: Women’s legal capacity is identical to that of men and women have the same opportunities to exercise that capacity. In particular, women have the power and agency to independently, and on an equal basis with men, make and act on decisions, conclude contracts, perform transactions, and interact with public and private institutions. Women enjoy freedom of movement, can make autonomous choices about where and how to live, and have meaningful voice in the processes that shape their families, businesses, communities, nations, and international affairs.

Legal Identity and Capacity

The constitution of El Salvador prohibits the imposition of any sex-based restrictions on the enjoyment of civil rights and guarantees the equality of spouses. CONST. arts. 3, 33. Pursuant to the Civil Code, legal age is acquired by individuals who turn 18 years old, regardless of their sex or gender. CIVIL CODE art. 26 (*Código Civil*) (adopted Aug. 23, 1859, as amended). All individuals of legal age have the right to transact unless they are legally incapacitated.

The National Registry of Natural Persons (*Registro Nacional de Personas Naturales*), which has service centers across the country, is the central authority in charge of issuing the Unique Identity Document (DUI) (*Documento Único de Identidad*) to Salvadoran nationals. DUI is an official and mandatory document through which Salvadorans of legal age can identify themselves in any public or private act. LAW ON PERSONAL IDENTITY CARD art. 1 (*Ley de Cédula de Identidad Personal*) (adopted 1959, as amended); SPECIAL LAW ON THE ISSUANCE OF THE UNIQUE IDENTITY DOCUMENT arts. 1–3 (*Ley Especial Reguladora de la Emisión del Documento Único de Identidad*) (adopted Oct. 18, 2001). Women can apply for the DUI and for a passport in the same way as men, regardless of their marital status. *Id.*; LAW ON THE ISSUANCE AND REVALIDATION OF PASSPORTS AND AUTHORIZATIONS FOR ENTRY INTO REPUBLIC art. 20 (*Ley de Expedición y Revalidación de Pasaportes y Autorizaciones de Entrada a la República*) (adopted 1982, as amended). Under the law, there are no known gendered restrictions on travel within or outside the territory of El Salvador.¹⁹⁷

Either a father or a mother can register a newborn with the Family Status Registry (*Registro del Estado Familiar*). Parents are obliged to do so within 90 business days from the date of birth. If both parents are unable to register the newborn, the most proximate relative shall do it. LAW ON THE FAMILY STATUS REGISTRY AND MARITAL PROPERTY REGIMES art. 28 (*Ley Transitoria del Registro del Estado Familiar y de los Regímenes Patrimoniales del Matrimonio*) (adopted 1995).

Both women and men can confer Salvadorian citizenship to their children born in a foreign country. Those born in the territory of El Salvador are Salvadorans by birth regardless of their gender. Similarly, both women and men can confer Salvadoran citizenship to their foreign spouses if they have resided in the country for two years before or after marriage. CONST. arts. 90–92.

Family Life

In El Salvador, spouses are equal under the law and women and men have equal rights to enter into marriage and to initiate divorce.¹⁹⁸ CONST. art. 33; FAMILY CODE arts. 4, 13, 21, 106–07. In 1993, El Salvador modernized its family law by repealing a series of discriminatory provisions, including unequal grounds for divorce and “the obligation for a woman to take her husband’s domicile.”¹⁹⁹ The current Family Code explicitly states that neither of the spouses may restrict each other’s rights to undertake lawful activities, including education and training. Under the law, both spouses can be heads of household (including for tax purposes) and must act in the spirit of cooperation

“Men create obstacles for women with unjustified jealousy and subtle acts of control or micro-machismo. The fact that women leave home to start a business or a job may mean more acts of violence against women. Many women gain awareness on breaking the cycles of violence and that generates tensions, because men lose control exercised over them.”

Interviewee, San Salvador

to organize their family life. They exercise joint custody over their children, have equal responsibilities with respect to childcare and housework, and make joint decisions about the place of residence and other domestic matters. FAMILY CODE arts. 37, 39, 207.

Both spouses share the responsibility for financially maintaining their family and are obliged to pay family expenses proportionally to their economic resources. If one of them does not have assets or profits, the law calls for the valuation of their nonmonetary contributions (such as homemaking and childcare). *Id.* art. 38. As noted above, a failure to comply with financial maintenance duties, property grabbing from a woman, and taking away income or profits from the family's economic activity to the detriment of women's rights are punishable forms of economic VAW under LEIV. LEIV arts. 52–54.

The Family Code recognizes and protects non-matrimonial unions, but the property and inheritance rights attached to such unions can only be claimed if the union is registered in court. FAMILY CODE arts. 118–26. One interviewee pointed out that such unions are very common in El Salvador, but the majority are unregistered, which leaves women, especially those economically dependent on their male partners, without any legal protections. As noted above, it is estimated that non-matrimonial unions constitute approximately 49% of all partnerships in El Salvador, and are often short-lived.²⁰⁰

“Husbands are jealous and don’t want to run the risk of their wives leaving them when they leave home to work.”

MFI staff member

“Almost always women are limited to participate in this type of initiative due to family [and] cultural factors.”

Mainstream business association leader

Study participants emphasized that El Salvador is an eminently patriarchal country and women's economic autonomy is hindered by pervasive machismo and an array of sociocultural factors which dictate traditional gender roles and responsibilities. Women are perceived as the primary caregivers and homemakers, while men typically assume the role of heads of household and have the primary responsibility to provide for, protect, and defend their families. As a result, women frequently ask their husbands or

fathers for permission when they want to work or start a business; men tend to get upset when women work or have higher incomes; and many women who operate a business or otherwise generate income do not have the full capacity to decide when and how this income should be disposed. In addition, women spend disproportionately more time than men on unpaid care and domestic work.²⁰¹ One interviewee pointed out that some of these gender norms are rooted in religious beliefs, which is exacerbated by the fact that churches have strong control and influence over Salvadoran people. According to MFI credit assessors, men say they want the best for the women in their homes; yet, they want to maintain control over women and believe that if a woman becomes independent, she may no longer be obedient. Respondents also emphasized the particularly dire situation of female heads of households and single mothers. Research indicates that about 70% of all births in El Salvador are nonmarital.²⁰²

Public Life

The constitution guarantees every person the rights to liberty and security, as well as freedom to enter, remain in, and leave the territory of El Salvador. No one can be compelled to change domicile or residence, and there are no legal restrictions on the freedom of movement within the country. CONST. arts. 2, 5. Women and men have the same legal rights to vote and stand for elections, and the law requires the state to take special measures to ensure that women can exercise their equal right to political participation. *Id.* arts. 71–72; LIE art. 20. As noted above, the 2014 amendment to the Law on Political Parties introduced quotas for female candidates on party candidate lists.

In 2018, Salvadoran women held 31% of seats in the unicameral Legislative Assembly. Although there is no gender parity in the parliament, it is a relatively high percentage in comparison with other countries and can be interpreted

as an asset. In 2019, El Salvador was ranked 44th out of 193 countries in the Inter-Parliamentary Union's world classification of women in national parliaments.²⁰³

Reportedly, women's participation in voting is generally higher than men's, but their right to political participation is undermined by traditional gender roles, lack of time, and limited access to political leadership training. "Furthermore, women who are politically active often face discrimination and violence and are assigned gender-typical tasks in political parties and institutions."²⁰⁴ For similar reasons, women have generally more limited access to public spaces where they can network, conduct business, and benefit from development opportunities.

SECTION IV: BUSINESS AND COMMERCE

Factor Statement: Women have the power and agency to independently, and on an equal basis with men, establish, operate, and grow businesses, control resources and profits, and benefit from economic opportunities. State policies promote women’s economic empowerment, including female entrepreneurship.

Starting and Growing a Business

The constitution explicitly guarantees the freedom to enter into contracts in conformity with the law. CONST. art. 23. Commercial activities are governed by the **Commercial Code**, which does not include any gender restrictions. COMMERCIAL CODE (*Código de Comercio*) (*adopted 1970, as amended*). Both natural and legal persons can conduct business in El Salvador. A company can be incorporated before a notary public by at least two founder shareholders, who do not need to be Salvadoran nationals. The company must obtain a business license from the **Registry of Commerce** and register with the municipal authorities.²⁰⁵ The government has set up an electronic platform **MiEmpresa** for business creation, which includes a step-by-step guide to business procedures in El Salvador, many of which can be completed online.²⁰⁶ Despite the relative simplicity of the formalization of businesses, ongoing research shows that registration of micro and small enterprises (MSEs) has been a long-standing challenge in Latin America given the disincentives to formalization, including a lack of fairness and efficiency among government officials.²⁰⁷ In fact, one WAGE interviewee asserted that registration of companies is not complicated in El Salvador, but there are no incentives to formalize them.

Gender Profile of the Private Sector

According to the **National Commission for Micro and Small Enterprises (CONAMYPE)** (*Comisión Nacional de la Micro y Pequeña Empresa*) MSEs in El Salvador comprise approximately 97% of the business sector, account for about 24–36% of GDP, and employ over one million people. Women own 64% of microenterprises and 26% of SMEs, while men own 28% of MSEs. Most female entrepreneurs begin with subsistence microenterprises and as many as three out of four women-owned businesses start out in the informal sector. As companies increase in size, women’s participation as business owners decreases, contrary to the situation of men, who own the vast majority of small, medium, and large companies. This pattern indicates that women face greater barriers in growing their businesses than in launching them.²⁰⁸ Based on feedback received from business association leaders and women business owners, WAGE estimates that only about a third of new women-owned businesses may progress into formally registered businesses, and approximately one in five women entrepreneurs gives up on her informal business.

GLOBAL INSIGHTS

Report	Key Data
Enterprise Survey 2016	The World Bank’s 2016 Enterprise Survey found that women constitute 35% of employees in El Salvador’s formal small, medium, and large private firms outside of the agricultural sector. Only 28% of these firms have women among their top managers and 38% of them have women participating in firm ownership. These percentages are higher than equivalent percentages for the LAC region and for economies at a similar lower-middle income level, but still indicate a low level of female inclusion in the country’s formal economic activity. ²⁰⁹
Doing Business 2019	El Salvador received a 78.41 DTF score and a rather low 147 th rank for starting a business in the World Bank’s Doing Business 2019 report. It takes approximately 16.5 days and 9 procedures to start up and formally operate a small-to-medium-sized limited liability company in El Salvador’s largest business city, San Salvador, which is relatively short in comparison to the regional average in LAC (28.5 days). The procedures, timeline, and costs of starting a business in El Salvador are identical for women and men. The same is

true of other relevant procedures, such as getting construction permits and electricity, or registering property. Accordingly, Salvadoran women are not required to obtain any gender-specific authorizations that could impact the registration or operations of their companies.²¹⁰

Women can carry out business on their own as sole proprietors as well as incorporate or become partners of commercial entities. They also have an equal right to serve on boards of directors. As noted above, Salvadoran women are not legally required to obey their husbands (or other family members) or obtain their permission to work and transact. Therefore, under the law, they can independently enter into contracts, open bank accounts, obtain loans, register their companies, and obtain any licenses and permits required to operate a business. However, due to high levels of informality and rather hostile business environment, Salvadoran women entrepreneurs face an uphill battle to financial sustenance for themselves and their families.

Key Barriers to Entrepreneurship

Despite robust legal protections and guarantees of equality, Salvadoran women face an array of practical barriers to entrepreneurship, which were discussed in detail by study participants. These barriers can be classified into following categories: structural, relational, material and personal, cognitive, and perceptible.

Structural Barriers

- **Policy gaps and silences.** Neither interviewees nor focus groups participants believed that there are any formal legal restrictions inhibiting Salvadoran women's ability to start or grow businesses. However, many study participants pointed out prevalent policy gaps and silences. Even though laws explicitly prohibit discrimination and require the state to adopt measures to bring women into a state of equality with men, the government has neither committed sufficient resources nor coordinated efforts to ensure full implementation of these laws in practice. In addition, many laws are gender-neutral and do not consider their potentially disparate impact on women and men. For example, most laws on banking and finance do not provide any specific protections or incentives for female borrowers, even though limited access to finance is widely recognized as one of the top business challenges that women face. Study participants also asserted that laws and policies fail to account for the multifaceted nature of women's lives and work, in particular their unpaid caretaking burdens. Notably, there were gender differences in perceptions of barriers related to lax implementation of laws among ten interviewed business association leaders: 60% of women's business association (WBA) leaders perceived this as a major barrier compared to only 20% of mainstream business association leaders.

"I think you have to have connections for having all the permissions. If you try to do it by yourself, you are wasting your time."
Female entrepreneur
- **Formalization challenges.** Many female entrepreneurs (particularly those who operate or seek to operate a formal business) and 9 out of 10 business association leaders agreed that cumbersome regulations, bureaucracy, and government corruption are major or debilitating barriers to all businesses. There were no differences of opinion on these issues between mainstream and women's business association leaders. Interviewees observed that women may have a harder time navigating this highly complicated business environment than men. Because of significant household obligations, women often lack the time, material assets, and networks to access support services (e.g., legal aid or business consultancy) necessary to complete complex paperwork and meet all the legal requirements for registering and operating an.

"All of us think that government corruption is here in this country...it affects us a lot."
Female entrepreneur

"We don't have the government support. They make women give up their businesses because of the payment of high taxes [and] paperwork."
WBA leader

enterprise. One study participant emphasized that it was difficult to get information on one's own about how to meet these requirements. In this context, 8 out of 11 participants in the focus group with women MSMs owners rated improving civil service competence as a high priority, which suggests that the quality of government services is lacking in El Salvador. Once formalized, businesses become subject to taxation, which can be daunting and frightening for entrepreneurs. These are some of the primary reasons why the vast majority of women-owned businesses start out and remain in the informal economy. It is important to note that these barriers severely impede business growth, which requires formalization, e.g., to access bank loans, markets, and government services.

- **Informality.** Informality arose among both women business owners and among business association leaders as a major barrier for current and aspiring women entrepreneurs. The costs of remaining in the informal sector include the payment of fines upon detection, inability to access public goods and services provided by the government (including the justice system), insecurity over the rights of ownership of capital and products, a lack of collateral, and higher costs of accessing credit.
- **Insecurity and crime.** Most study participants cited insecurity and crime, including theft, gang violence, and extortion as high barriers affecting all businesses in El Salvador. Many participants emphasized, however, that these challenges are particularly limiting for women business owners, because women face greater personal security risks in public spaces (including on public transportation) than men. Fear for personal safety, especially in high crime areas, greatly affects women's freedom of movement within and beyond their communities, which—in turn—impedes their access to business and networking opportunities. Under these circumstances, women have a hard time growing their businesses, remain trapped in the informal sector, and even close their businesses due to threats. This was an emotional issue among female focus group participants, provoking a lot of discussion. As noted by business association leaders, insecurity also has broader economic implications, because it obstructs the ability of the Salvadoran private sector to create jobs, grow the economy, and represent women's interests. 9 out of 10 business association leaders rated crime and disorder as major or debilitating barriers to business. While there were no gender differences in perceptions of barriers related to organized and non-organized crime (including theft), all (100%) WBA leaders saw insecurity as a major barrier compared to only 60% of the mainstream business association leaders.

"The total number of members has decreased during the last five years (...) because of the insecurity in the country."

WBA leader

Relational Barriers

- **Sexism and machismo.** As noted above, machismo is most frequently cited in the context of intrafamily violence and unequal power dynamics within households. However, it also emerged as a major challenge for women in their public and business lives. Both WBA leaders and female entrepreneurs stressed that machismo is pervasive, affecting all aspects of their business relationships with vendors, suppliers, and peer entrepreneurs. Women are often "discounted" or "not taken seriously" in their business roles. They are also given non-business reasons for being treated differently or unequally, for example when they apply for credit or seek to develop business networks. These findings suggest that women face a more hostile business environment than men.

"As women, we are discriminated in business (...) because always [when] I go to a meeting, the company's managers think I am just the assistant and not the CEO. They are asking for the CEO's contact [information] all the time."

Female entrepreneur

Material and Personal Barriers

- **Limited access to finance.** Most study participants perceived limited access to finance as one of the top challenges to female entrepreneurship. In fact, 70% of business association leaders cited this challenge as the single most significant barrier.^{iv} Problems associated with financing women-owned businesses appear to be structural, gendered, and age-oriented. First, high interest rates^v and strict collateral requirements are often perceived as prohibitive for women who tend to have lesser access to land and other assets than men. Second, women-owned SMEs face a finance-oriented policy gap: they are too large for microfinance and too small to benefit from investors and bank loans. This illustrates a dire need both for a greater diversity of financial products tailored to the unique needs of women and for policy reforms stimulating greater financial inclusion of women, which would allow them to expand their businesses, go beyond subsistence living, and even create jobs in their communities.^{vi} Third, some women report not being taken seriously by the banks and being denied loans for reasons that have little to do with their businesses. As a result, they fear rejection and often turn to their closest friends and family members for loans. Finally, many women face age discrimination in accessing finance: they are either “too young” to “too old” to obtain credit. This is particularly limiting for women over the age of 40, who often seek to launch a business after already experiencing old-age discrimination in the labor market. Even when achieved, financing is fraught with challenges, especially for women who are sole providers for their families and/or operate their businesses from their homes. In such circumstances repayment is not always easy, given the frequent lack of support from spouses and family members, and challenges in separating business finance from personal finance.
- **Limited access to productive resources.** A lack of access to land, electricity, and affordable office space stood out as a theme for many study participants, particularly for women entrepreneurs who wanted to grow their businesses. Limited land rights were mentioned primarily in the context of resources needed to guarantee a loan in El Salvador. Guaranteeing a loan poses challenges both for prospective entrepreneurs

“I have a male coworker and it is easier for him to apply to a financing. I really don’t know why.”

Female entrepreneur

^{iv} 70% of all interviewed business association leaders rated women business owners as less likely to have access to investors, and 60% rated women as less likely to have access to bank finance. Among WBA leaders, all 5 rated investor finance as less likely and 4 out of 5 rated bank finance as less likely.

^v Many study participants mentioned **high interest rates** as a barrier to accessing credit, which is a frequently reported concern in many economies, regardless of the interest rate itself. This topic is highly debated in the financial sector, particularly as it relates to government regulations and issues of interest rate transparency. On the one hand, some believe that lower interest rates will enhance financial inclusion by attracting more clients and increasing their chances of repaying the loans in a timely manner. On the other hand, lending to the poor is an expensive proposition and financial institutions, including banks and MFIs, have to find ways to balance both cost-recovery and profit with attractive product designs and the impact of their services on their clients’ well-being. While government regulations can be used to protect people from predatory lending, interest rate caps can also be detrimental to the sustainability of the very organizations who aim to provide financial products to underserved populations. For low-income people and microbusinesses, any interest rate can be perceived as challenging. But if financial institutions do not have the capacity to offer credit to them at all, the alternative is often to turn to loan sharks or moneylenders who can be more opportunistic and predatory than a regulated financial institution. It is important to note that interest rates charged by MFIs in developing countries with unstable economies are often higher due to high rates of inflation, which leads to a high depreciation of cash by the time repayment is completed. In addition, the risks associated with serving borrowers who do not have collateral or credit histories are higher than serving borrowers who can guarantee their loans. Finally, the costs of servicing a large number of microloans can be higher than the costs of servicing fewer large loans. *See, e.g., Amy Yee, Why Microfinance Loans Have Such High Rates, WALL STREET JOURNAL (Aug.11, 2015); Laura Giadorou Koch, Interest Rate Debate in Microfinance: Reflections on Regulated Caps, MF TRANSPARENCY (Feb. 23, 2015); ANN DUVAL, CONSULTATIVE GROUP TO ASSIST THE POOR (CGAP), THE IMPACT OF INTEREST RATE CEILINGS ON MICROFINANCE (2004).*

^{vi} The seed capital desired by women owners of SMEs who participated in the study was in the range of USD 2,500–3,000, which is a small amount, but nevertheless exceeds the typical microloan.

who have no land or other resources that can serve as collateral, and for existing enterprises, which are required to put forward their limited business assets as collateral.

Notably, WBA leaders were more likely than mainstream business association leaders to see limited access to finance, electricity, and land as barriers for female entrepreneurs. All 5 (100%) WBA leaders agreed that a lack of access to finance was a major or high barrier, compared to only 2 out of 5 (40%) mainstream business association leaders. 40% of mainstream business association leaders said that a lack of access to finance was “not at all” a barrier. None of the WBA leaders shared this view. 60% of WBA leaders saw a lack of access to land as a major or debilitating barrier compared to none of the mainstream business association leaders. 80% of WBA leaders perceived a lack of access to electricity as a debilitating or major barrier compared to none of the mainstream business association leaders.

- **Limited access to family support, entrepreneurial services, and business networks.** Women entrepreneurs often face greater personal costs of doing business than men. On the one hand, they frequently have dual or even triple work days due to gendered societal expectations around their family responsibilities. On the other hand, they tend to receive less support from spouses and other family members than men in a similar situation. Single mothers and female heads of households are particularly disadvantaged in this regard. In addition, women entrepreneurs are largely excluded from mainstream, male-dominated business networks and entrepreneurial services, such as training, mentoring, or business fairs and other trade opportunities. In this context, many study participants emphasized the need for support from peer women business owners and women’s business associations.

Cognitive Barriers

- **Poor education and occupational segregation.** According to interviewees, women face technological marginalization and limited access to good quality education that would prepare them to launch and operate successful businesses in diverse economic sectors. As certain industries are not viewed as suitable for women, they often engage in similar types of entrepreneurial activities, such as food, clothing, and jewelry production. These gender norms are reproduced at the institutional level, including in schools, hospitals, and companies. Even programs that aim at empowering women continue to reinforce gender stereotypes. For example, the Woman’s City centers routinely offer courses in cooking, baking, and cosmetology, and fail to train women in other areas, such as science, engineering, plumbing or automotive mechanics. In addition, financial assistance offered by these centers is usually in the form of subsistence funding, which allows women to generate income meant to fulfill their traditional roles (i.e., feed the family), but does not allow them to grow as businesswomen. One interviewee asserted that women’s empowerment initiatives “must transcend traditional roles” to bring about real change for Salvadoran women. Another interviewee remarked that these attitudes and practices are deeply rooted in the Salvadoran culture and because of them, “women are entrepreneurs of survival and not of opportunities.”
“I love to be trained because [you are able] to learn a lot of things to improve yourself, but they have high costs, so I prefer to have my business growing slowly, to invest that money in the business.”
Female entrepreneur
- **Limited access to training and mentoring.** Study participants observed that business training in El Salvador is expensive and, as one participant put it, there is a trade-off between investing in the business and gaining business skills. Many women SME owners consulted for this assessment emphasized that the lack of adequate, affordable, and “women-friendly” business skills training proves to be a major barrier in their ability to grow their businesses. In 50% of focus groups with female MFI clients and in 17% of focus groups with female non-clients, the participants agreed that the lack of knowledge and training is the primary business challenge. Notably, none of the male focus groups arrived at the same conclusion.

Business association leaders were asked to compare female and male business owners on a variety of business strengths. Overall, they rated women entrepreneurs well on entrepreneurial skills, awareness of business opportunities, and joining business associations—all positive assets for aspiring entrepreneurs. All business association leaders agreed that women business owners either had the same amount or were more likely to have entrepreneurial skills and an awareness of business opportunities compared to men business owners. Most WBA leaders felt women were more likely to have entrepreneurial skills (80%) and an awareness of business opportunities (60%). The majority of association leaders (70%) believed that there was no difference or that women were more likely to have memberships in business associations. There was no difference in this regard between women’s and mainstream associations. Of course, these perceptions are largely limited to women entrepreneurs who interact, in some ways, with business associations. Therefore, these findings cannot be generalized.

Perceptive Barriers

- **Low self-esteem.** MFI managers and credit assessors pointed out that living in sexist communities with little support from family and community members lowers women’s self-esteem and makes them feel incapable. These feelings are exacerbated when women are victims of gender-based violence. Interviewees emphasized the need to provide women with support, solidarity, and empowerment that go beyond giving out loans and facilitate long-term improvements in the quality of their lives. On a positive note, participants of the focus group with women owners of micro-, small-, and medium-sized enterprises (MSMEs) displayed strong “entrepreneurial mindsets” and passion for their business ideas, both critical assets.
- **Risk aversion.** According to 70% of business association leaders consulted for this assessment, including 100% of mainstream association leaders, female business owners are less likely to take risks than male business owners. However, when viewed in context, this might be due to structural factors, which place women’s businesses at a market disadvantage.

INSIGHTS FROM BUSINESS ASSOCIATION LEADERS

FIGURE 1: What are the major or debilitating barriers to business?

Major or Debilitating Barriers	Percentage of Business Association Leaders
Cumbersome regulations, bureaucracy, and government corruption	90%
Crime and disorder	
Lack of access to finance	70%
Lack of access to electricity	40%
Lax implementation of laws and policies	
Lack of access to land	30%

FIGURE 2: What is the most significant barrier to business?

Most Significant Barrier	Percentage of Business Association Leaders
Lack of access to finance	70%
Insecurity	10%
Cumbersome regulations	10%
Lack of government support	10%

FOCUS GROUP INSIGHTS: KEY BARRIERS TO ENTREPRENEURSHIP

Focus Groups with MFI Clients and Non-Clients

Participants of focus groups with MFI clients and non-clients identified **four key barriers** to starting and growing a business in El Salvador: a lack of education and training, a lack of economic resources, fear of violence and crime, and sexism and machismo. As indicated in the table below, there were clear differences between MFI clients and non-clients and between men and women in terms of deciding which of these barriers are most limiting for business owners. Notably, in 50% of focus groups with female MFI clients (6 out of 17 groups total) and in 17% of focus groups with female non-clients (1 group total) the participants agreed that a lack of knowledge and training is the primary business challenge. None of the male focus groups arrived at the same conclusion.

Lack of education and training. Participants in all focus groups felt that a lack of business education is an important barrier, but this feeling was particularly strong among women, especially female MFI clients.

Lack of economic resources. Participants viewed a lack of economic resources and money to invest in business as a strong impediment to entrepreneurship both in rural and urban areas. Although men believed that they had more opportunities to access credit than women, they felt that access to economic resources is a greater necessity than, for example, access to knowledge and training. Women believed they had more limited access to credit because they did not have jobs or sufficient assets required as collateral. Participants also pointed out to other challenges faced by businesswomen, such as declining sales, high interest rates, and a lack of financial products that meet the needs of women in terms of requirements, processes, and guarantees. This occurs because in many cases MFIs do not offer loans that adapt to the needs of female borrowers, or these products are not sufficiently promoted. This situation is not a constant as certain women who participated in the study were able to achieve progress. Entrepreneurial will and training were essential for these women to succeed.

Fear of violence and crime. The fear associated with conflict, violence, and the presence of gangs in Salvadoran communities was deeply felt by women and men in urban and rural areas. Participants emphasized the inhibiting nature of the *rent*, i.e., expensive payments that gangs demand from business owners, hindering their growth and stability. If entrepreneurs refuse pay, they put themselves and their families at risk of being killed. In fact, many microentrepreneurs opt to close their businesses to live a simpler but more peaceful life. Some discussants remarked that men suffer from the presence of gangs more than women, because they are more likely to establish businesses and be stronger (and perhaps more profitable) businesspersons. Some participants asserted that these problems originate at home because some parents are gang members and raise their children within this context while others are forced to migrate and leave their children behind. At the same time, gangs recruit and indoctrinate young people at a very young age, because small children are easier to manipulate. Young people often succumb to gangs because they are tempted to make easy money and gain more power in society.

Sexism and machismo. According to the focus group participants, sexism and machismo are as some of the principal barriers to the empowerment of women in rural and urban areas. The notion that the woman should take care of the house and the man should provide for the family was slightly less prevalent in the urban areas than in rural areas, but nevertheless, women were perceived as the primary homemakers regardless of location. Because of the lack of time and childcare, women often abstain from pursuing their business goals and innovative ideas. In rural areas this is amplified by the fact that women are expected to tend to family agriculture, but this work is not accounted for or paid for, and women often feel that they do not have the confidence necessary to move forward on their own. The perceptions of machismo varied within the study. While the MFI clients observed lower levels of sexist attitudes thanks to the courses they were offered that encourage change, the non-clients felt that machismo was still present in their communities. Although participants noted that support for women exists, they emphasized that men view themselves as being superior to women. Male entrepreneurs discussed how other men mistreat their female counterparts and treat them as inferior, while businesswomen did not have this perception. However, the participants observed that there are regions and jobs that are seen as suitable specifically for men given the need for physical strength or a high level of danger, such as in construction.

FIGURE 3: What are the key barriers to starting or growing businesses in El Salvador?^{vii}

Key Barriers	Women		Men	
	Clients	Non-Clients	Clients	Non-Clients
Lack of knowledge and training	50% (6 groups)	17% (1 group)	0% (0 groups)	0% (0 groups)
Lack of economic resources	33% (4 groups)	50% (3 groups)	67% (4 groups)	67% (2 groups)
Fear of crime and violence	17% (2 groups)	33% (2 groups)	33% (2 groups)	33% (1 group)

Key Barriers	Urban	Rural
Lack of knowledge and training	21%	31%
Lack of economic resources	50%	46%
Fear of crime and violence	29%	23%

Focus Groups with Women MSME Owners

Participants of the focus group with women MSME owners were asked to rate what they perceived as high and medium barriers to starting and growing a business in El Salvador. All 11 (100%) agreed that a **lack of access to financing, insecurity, government corruption, and machismo** were the top four barriers to female entrepreneurship. 10 participants rated government bureaucracy as a high or medium barrier, though only 4 felt that this barrier was high. Similarly, 10 participants concluded that age discrimination was a high or medium barrier, and this factor was intertwined with the perception of not being taken seriously by key business stakeholders, such as banks or vendors. Other barriers rated as high or medium, although with less unanimity, included taxation (9 participants), incompetence among civil servants (8 participants), complex paperwork (7 participants), high interest rates (5 participants), and lack of access to land (4 participants). 7 participants rated a lack of access to land and high cost of office space as a lower priority barrier. While each of these factors was perceived as important, the results suggest that there were differences of opinion between women who owned micro and small business and women who owned, or aspired to own, larger businesses. Growing a business requires formalization, which in itself is daunting. Once formalized, businesses become subject to taxation, which again is daunting and frightening, as explained by one participant. In this context, the participants were asked to explore **regulatory barriers to starting a business** in greater depth. All 11 participants concluded that the need to obtain a “legal constitution” (i.e., business registration) was the top barrier. Other high or medium barriers identified by this group included the requirements for securing business licenses (9 participants), producing balance sheets (8 participants), and obtaining taxpayer identification numbers (6 participants). In addition, 6 participants mentioned limited access to social security and pensions as a major challenge. Notably, barriers to formalization were not emphasized in the focus groups with MFI clients and non-clients, presumably because most of the participants either operated their enterprises informally or did not own businesses at all.

Overall, the participants in this group displayed a strong “entrepreneurial mindset,” which is a critical asset. All stressed that they had a lot of passion for their businesses and self-confidence in their skills to succeed. Most participants were heads of household, and entrepreneurship provided them with an opportunity to get out of poverty or to survive day-to-day life through self-employment. Thus, starting a business was both a solution to providing for their families and an opportunity to have more flexible hours and independence in decision-making, which gave them more time to care for their children. A lack of work-family balance was both a constraint and a motivating factor in promoting business success.

Notably, most entrepreneurs in this group sought financing prior to formalizing their business plans and identifying their market potential. Before starting their businesses, only few underwent a training for women entrepreneurs or obtained professional advice, had a clearly defined business idea, prepared a business plan, conducted a market study, studied the location of the business, planned for different aspects of business management, contacted potential customers or suppliers, or integrated into groups or networks of entrepreneurs. This illustrates a range of critical needs that Salvadoran women entrepreneurs have to run successful businesses.

^{vii} Results illustrate a percentage or number of focus groups in which participants agreed that a particular barrier is most inhibiting.

FIGURE 4: Which barriers are most inhibiting to starting or growing businesses in El Salvador?^{viii}

High or Medium Barriers	Rating	No. of Participants
Lack of access to financing, insecurity, and government corruption	1	11 (100%)
Machismo	2	11 (100%)
Government bureaucracy and age discrimination	3	10
Taxation	4	9
Incompetence among civil servants	5	8
Complex paperwork	6	7
High interest rates	7	5
Lack of access to land	8	4

Findings from the focus groups indicate that some barriers, such as machismo, insecurity, and a lack of access to material resources (particularly financing) are deeply felt by women entrepreneurs regardless of the size of their businesses. For female microentrepreneurs, a lack of knowledge and training was one of the most significant challenges, while women SME owners had a greater tendency to mention barriers to operating formal businesses, such as government bureaucracy and corruption.

Promoting Entrepreneurship

The government has adopted several laws and policies aimed at promoting entrepreneurship and economic growth in El Salvador. Most of them are gender-inclusive.

Law on the Promotion, Protection, and Development of Micro- and Small Enterprises (MYPE) (<i>Ley de Fomento, Protección y Desarrollo de la Micro y Pequeña Empresa</i>) (adopted 2014)
<p>MYPE aims to create a favorable, inclusive, and sustainable environment for MSEs, with a focus on improving the business climate for female entrepreneurs. The law emphasizes the need to promote women’s greater and more equitable access to business development opportunities as well as their integration into the formal economy. It further directs the state and municipal governments to develop programs and instruments that stimulate the creation, development, and competitiveness of the MSEs in the short, medium, and long term, including by fostering women’s access to finance, productive resources, training, and technical assistance. MYPE also prescribes specific mandates for several institutions:</p> <ul style="list-style-type: none"> • CONAMYPE shall provide, with the support of higher education institutions, private nonprofit organizations and/or state entities, training programs, technical assistance, and business and financial advice for MSEs, including specific interventions to foster the participation of businesswomen and other groups of people that may need it. • Development Bank of El Salvador (BANDESAL) (<i>Banco de Desarrollo de El Salvador</i>) shall establish lines of credit to finance MSEs, including adequate and accessible instruments for companies owned by women entrepreneurs. • Central Reserve Bank (<i>Banco Central de Reserva</i>) shall foster the creation and strengthening of loan guarantee programs and other mechanisms for funding MSEs, with a gender focus. <p>Finally, MYPE mandates the creation of the Fund for Entrepreneurship and Working Capital to finance new or existing MSEs, again with a focus on enterprises owned by women. Since 2013, El Salvador also has a National Policy for the Development of MSEs.</p>

^{viii} The facilitator used the nominal voting technique to arrive at these ratings.

<p>Five-Year Development Plan 2014–2019 (PQD) <i>(Plan Quinquenal de Desarrollo 2014–2019)</i></p>
<p>PQD aims to turn El Salvador into an inclusive, equitable, safe, and prosperous country that offers opportunities for “good living” to all its people, recognizing their differences and specific needs. It focuses on three priority areas: 1) stimulating productive employment; 2) bolstering education; and 3) strengthening citizen security. PQD explicitly promotes the concepts of equality and social inclusion, and directs government agencies to develop policies and programs aimed at reducing inequality between men and women in access to development opportunities. Women, particularly heads of households, are among the priority populations covered by the plan. One of PQD’s objectives is to improve women’s access to credit as well as to housing and land subsidies.²¹¹</p>
<p>National Entrepreneurship Policy <i>(Plan Nacional de Emprendimiento)</i> (2014)</p>
<p>The plan obligates state agencies tasked with designing pertinent plans and programs to consider gender gaps in the creation of companies, in access to capital, and in income generation opportunities.</p>
<p>El Salvador Ahead 2014–2019 <i>(El Salvador Adelante 2014–2019)</i></p>
<p>El Salvador Ahead is the government’s signature program for moving the country forward, with a focus on improving Salvadoran people’s quality of life. It calls for enhancing women’s autonomy and improving their enjoyment of economic rights. It also includes a commitment to establish effective measures for combating VAW and trafficking in persons.²¹²</p>

To discharge its legal obligations presented above, the government of El Salvador has established several institutions and programs to foster women’s economic empowerment. These programs tend to focus on female heads of households, women who own MSMEs, and rural women.

- ISDEMU, in collaboration with municipal governments, has set up 13 **Centers for Training and Development of Women** (*Centros de Formación y Producción de la Mujer*), which offer trainings for women entrepreneurs and help women access the labor market.
- **CONAMYPE** implements the National Female Entrepreneurship Program (*Programa de Empresarialidad Femenina*) to reduce barriers that women face in launching and growing their businesses. The program has three main components: 1) information centers for female entrepreneurs (*las Ventanillas de Empresarialidad Femenina*), which offer advice, trainings, and referrals to women business owners in multiple municipalities; 2) Women and Business Initiative (*Mujer y Negocios*), which helps women entrepreneurs develop and implement successful business models and plans, focusing on customer development and innovation; and 3) Micro and Small Business Development Centers (CDMYPEs) (*Centros de Desarrollo de la Micro y Pequeña Empresa*), which provide specialized technical assistance services to female entrepreneurs. In addition, CONAMYPE has set up a network of businesswomen, created a mentoring program, and organized conferences, meetings, expos, and business fairs. Finally, CONAMYPE has a network of over 20 business consultants who provide advice to female entrepreneurs in such areas as business registration, intellectual property, licenses and permits, branding and communications, and technology.²¹³
- As noted above, the Secretariat of Social Inclusion operates the **Woman’s City** program. Through the women’s economic empowerment module, the Woman’s City centers offer labor intermediation services; career and resume advice; vocational training and education; technical assistance in the development of MSEs; microcredit with competitive interest rates; and fairs for female entrepreneurs. The module is implemented through an interinstitutional effort including CONAMYPE, the Salvadoran Institute of Vocational Training (INSAFORP) (*Instituto Salvadoreño de Formación Profesional*), the Solidarity Fund for

Families Having a Small Enterprise (FosoFamilia) (*Fondo Solidario Para la Familia Microempresaria*) the Agricultural Development Bank (*Banco de Fomento Agropecuario*), BANDESAL, the National Registry of Natural Persons, the Ministry of Labor and Social Welfare (*Ministerio de Trabajo y Previsión Social*), the Ministry of Education, and the Ministry of Agriculture and Livestock (*Ministerio de Agricultura y Ganadería*). One of the key approaches is offering “advice and loans to help women set up their own businesses, to enable them to earn their own money and establish their independence.”²¹⁴

- As of 2015, the government operated 18 **Women’s Entrepreneurship Service Units (VEFs)** (*Ventanillas de Empresarialidad Femenina*) across the country to provide specialized services to businesswomen. They are located in Woman’s City centers and CDMYPEs.²¹⁵
- The **Salvadoran Institute of Agrarian Transformation (ISTA)** (*Instituto Salvadoreño de Transformación Agraria*), which works on rural development and land security issues to improve the standard of living for farmers and indigenous families, created a gender unit in 2014 and developed an institutional policy on equality and non-discrimination.²¹⁶ There is also a Rural Women’s Bureau within the **Ministry of Agriculture and Livestock**.

In February 2018, El Salvador signed the Declaration on Strengthening SMEs and Entrepreneurship for Productivity and Inclusive Growth. Adopted at the Ministerial Conference on SMEs organized by OECD, the Declaration calls for strengthening women- and youth-owned businesses, including by analyzing and addressing “the unique challenges faced by women and other underrepresented entrepreneurs.”²¹⁷

In addition to state-sponsored programs, several international institutions have supported MSME development and women’s economic empowerment in El Salvador. For example, between 2011 and 2016, Chemonics International carried out the United States Agency for International Development (USAID) Program for SME Development. This multimillion-dollar initiative worked with CONAMYPE, CDMYPEs, the Export and Investment Promotion Agency (PROESA) (*Organismo Promotor de Exportaciones e Inversiones de El Salvador*), and the Productive Development Fund (FONDEPRO) (*Fondo de Desarrollo Productivo*) managed by the Ministry of the Economy (*Ministerio de Economía*) to support the development of SMEs in El Salvador. The initiative had a gender focus and 50% of all SMEs served by the program were women-led enterprises.²¹⁸ El Salvador is also a part of the Women’s Entrepreneurship in the Americas (WEAmericas) initiative, implemented by the U.S. Department of State. Founded at the 2012 Summit of the Americas, the initiative brings women entrepreneurs from LAC to the U.S. on an International Visitor Leadership Program.²¹⁹ At the regional level, the Regional Center of the Promotion of MSMEs (CENPROMYPE) (*Centro Regional de Promoción de la MIPYME*) is active in El Salvador, working to enhance the productive development of MSMEs through technical assistance services developed in collaboration with the University of Texas in San Antonio. Some of these services target women entrepreneurs. CENPROMYPE is an agency of the Central American Integration System (SICA) (*Sistema de la Integración Centroamericana*) and, since 2010, has been in charge of executing the Regional MSME Agenda.²²⁰ As such, CENPROMYPE works with SICA members to strengthen their entrepreneurial ecosystems, including pertinent laws and policies.

Finally, many local CSOs implement economic empowerment and inclusion programs for women and youth. For example:

- **JA-El Salvador**—a member of Junior Achievement Worldwide—has worked in El Salvador for 41 years to prepare children and young people to be successful in a globalized economy. JA trains young people between the ages of 14 and 25 in entrepreneurship, financial education, and soft skills. 53% of trainees are women and girls. JA works in collaboration with the Ministry of Education and is present in more than 100 municipalities across El Salvador. One of its programs is focused on building self-esteem among young female entrepreneurs.

- **The Business Foundation for Social Action (FUNDEMAS)** (*Fundación Empresarial para la Acción Social*) is a non-profit foundation with corporate and individual membership, which promotes corporate social responsibility practices to increase the competitiveness of companies and the sustainable economic and social development of El Salvador. Under its "Equality of Opportunities for Women and Men" module, FUNDEMAS trains its members on gender equality and works with businesses to develop inclusion plans and fair labor and operating practices.²²¹

As noted below, **business associations**, including WBAs, have tremendous potential to support their female members. Leaders of both WBAs and mainstream associations indicated a strong desire for capacity building in growing their membership and better serving their members. The needs for technical assistance ranged from research (association diagnostics); gender sensitivity training for male members and leaders; strategic planning, leadership, and communications training; and support for member services, including training, mentoring, and advocacy programs. Notably, business association leaders translated several of the barriers noted above into key needs for which programmatic assistance would be beneficial to empower women entrepreneurs:

- 8 out of 10 business association leaders agreed that assisting women in starting a new business is a very large need.
- 7 out of 10 business association leaders, including all 5 WBA leaders, asserted that assisting women with moving their businesses to the formal sector and building the stability of these businesses are very large needs.

STATUS AND ROLE OF WOMEN'S BUSINESS ASSOCIATIONS (WBAs)

WBAs constitute a major policy asset for current and aspiring women entrepreneurs in El Salvador. As part of their member services, they offer, or have a potential to offer: 1) safe space for women entrepreneurs to develop connections with other business owners and gain business skills; 2) "women-friendly" trainings that are flexible, affordable, and include childcare; 3) networking and trading opportunities (e.g., business fairs). WBAs are also key in supporting women entrepreneurs' collective voice, including through policy reform advocacy aimed at creating a more enabling business environment for women.

In El Salvador, WBAs are "younger" and less established than the mainstream business associations, which serve members irrespective of their gender. 60% of the mainstream associations consulted for this assessment were formed 30 or more years ago, while over 50% of WBAs were formed within the last six years (2012 or after).

WBAs have less capacity and fewer staff members in comparison to mainstream associations. 3 out of 5 WBAs consulted for this assessment do not have staff compared to only one mainstream business association. Nevertheless, WBAs are more likely to engage in policy advocacy on behalf of their members and offer a greater diversity of member services, such as networking or information on public tenders and procurement opportunities. All 5 WBAs consulted for the assessment conduct advocacy, while 2 out of 5 mainstream business associations never do advocacy. Further, 3 out of 5 WBAs: 1) often advise members on business and investment opportunities compared to only 1 in 5 mainstream business associations; 2) often provide networking opportunities with suppliers and other businesses compared to only 1 in 5 mainstream associations; 3) regularly or often provide information on public tenders and procurement opportunities compared to none of the mainstream associations.

All 5 WBA leaders and 3 out of 5 mainstream association leaders noted challenges in recruiting women members due to their family responsibilities and gendered roles within family-owned businesses, the cost of membership, and limited mobility linked to public transit and safety issues.

FOCUS GROUP INSIGHTS: EMPOWERING FEMALE ENTREPRENEURS

Focus Groups with MFI Clients and Non-Clients

Community-based focus groups revealed that many Salvadoran women and men perceive **empowerment** differently. Female participants defined empowerment primarily as displaying positive and optimistic attitude, having knowledge and information, and being prepared to take risks. Male participants discussed empowerment more in terms of economic independence, but they also noted the importance of having knowledge and information and being prepared to take risks. Interestingly, many men saw the empowerment of women as key to improving communities and the quality of life, and yet exhibited strong attachment to the culture of machismo that stifles progress among women.

The majority of participants agreed that women are provided with at least some level of **community support** when they choose to establish and manage a business. Only 17% of female focus groups and 22% of male focus groups arrived at a conclusion that such support does not exist. Nonetheless, female participants overwhelmingly felt that women are not given any priority in terms of access to opportunities and resources, while male participants felt that there is some degree of prioritization given to women in the context of labor relations.

All focus group participants affirmed that El Salvador has **laws** “in favor” of women. Many discussants expressed positive attitudes toward the Woman City program and asserted that the program helps women become empowered in their homes, neighborhoods, and communities so that they can gain self-esteem, become self-sustainable, and serve as role models for other entrepreneurs. Female participants felt it was important for successful businesswomen to motivate and support other women, though some participants noted that sometimes, this leads to the duplication of business models and the necessity to divide the market and profits.

Similar to interviewed MFI staff members, focus group participants argued that **business education** is the number one solution that could improve the growth of women-owned enterprises. Discussants did not necessarily view business education as a university degree, but rather as a series of tailored trainings on such topics as marketing, customer service, business management, financial literacy, and above all, industry-specific education. For example, a person starting a clothing business would want to learn about fabrics, designs, colors, and combinations to provide a better service to the customers. Participants also argued that trainings aimed at building women’s self-esteem, challenging sexist attitudes, and ending the cycle of gang violence are also important.

Finally, discussants, particularly women entrepreneurs in urban areas, emphasized the need for follow-up and continuous support as they work to improve their businesses because learning occurs in stages. In this context, participants contemplated the broader support role that MFIs could play in their communities, which is discussed in the section on “Banking and Finance” below.

FIGURE 5: How are women treated in the community?

Treatment of Women in the Community	Women	Men
Women are not given support	22%	17%
Women are given support	44%	33%
Women are prioritized in access to opportunities	0%	17%
Women encourage other women to start a business	33%	33%
Women sometimes receive training	0%	0%

Focus Groups with Women MSME Owners

Women MSME owners unanimously agreed that they needed support both in terms of financing and technical assistance centered around mentoring and business opportunities. They prioritized the following needs:

- Seed capital in the range of USD 2,500 - 3,000, an amount that is relatively small, but typically exceeding most microloans. While microcredit packages have been recently designed to support women microentrepreneurs, these packages are not useful for aspiring women owners of small and growing businesses, which need larger amounts of seed capital from banks, angel investors, equity capital, public subsidies, venture capital, and crowdfunding.
- Low interest rates for loans in the range of 6 to 7%.
- Business fairs that promote goods produced by women's businesses, networking to identify business prospects, more open markets, and trade opportunities outside of El Salvador.
- Mentoring, training, and capacity building in business skills, marketing, and product differentiation.
- Assistance with taxation and complex paperwork required for business registration and compliance.
- Business association member services.

The participants also embraced the idea of making these programs "women-friendly" by providing childcare, offering flexible times for training, ensuring that these programs are located in safe areas, and tailoring the services to the needs of women entrepreneurs.

Study participants emphasized that enhancing women entrepreneurs' personal and business assets can empower them, increase their resilience, and enable them to overcome adversity and better adapt to the hostile business environment they face. Personal assets can include enhanced confidence and entrepreneurial skills, while business assets can include increased financial inclusion and membership in business associations, which offer collective action and connections with other entrepreneurs.

SECTION V: PROPERTY AND ASSETS

Factor Statement: Women, regardless of their marital status, have an equal right to own, acquire, inherit, manage, administer, enjoy, and dispose of property alone and in association with others. Women are effectively protected from arbitrary deprivation of property.

Legal and Policy Framework

The constitution of El Salvador guarantees women and men equal rights to property and possession (including land), to dispose property freely in conformity with the law, and to testamentary freedom. In addition, the constitution expressly prohibits arbitrary deprivation of property; recognizes various forms of private property ownership over farmland (individual, cooperative, and communal); and limits land ownership by natural and juridical persons to 245 hectares (605 acres). This restriction does not apply to land cooperatives and communal lands. CONST. arts. 2, 3, 11, 22, 105. It was introduced by the 1980 agrarian reform, when the government began expropriating and redistributing land belonging to large estate holders. The government does not need to authorize real property transfer, but the title transfer must be properly registered at the National Registration Center (*Centro Nacional de Registro*) to be valid vis-à-vis third parties.²²² The National Registration Center is composed of five registries, including the Real Estate and Mortgages Public Registry (*Registro de la Propiedad Raíz e Hipotecas*). CIVIL CODE arts. 673–98.

Women and men have equal property rights under Salvadoran legislation, regardless of their marital status. The Family Code explicitly states that, during marriage, both spouses have the right to freely administer and dispose of their personal and marital property. CIVIL CODE art. 568; FAMILY CODE art. 70. According to legal experts, the law does not establish any known limits on the ability of married or unmarried women to acquire, purchase, hold, own (or co-own), administer, manage, use, transfer, exchange, sell, or lease property, including productive assets (e.g., land, machinery, animals); to register and transact with respect to land; or to secure, own, assign, license, register, and enforce intellectual property rights (e.g., trademarks, copyrights, or patents). Similarly, Salvadoran law provides women, men, girls, and boys with equal inheritance rights, regardless of the type of property. CIVIL CODE arts. 983–92. In practice, however, “men are often privileged when it comes to land inheritance” due to cultural norms and societal perceptions that men are responsible for public spaces and land while women are responsible for private spaces and the home.²²³ In addition, women rarely claim their land inheritance due to low legal awareness and the perception that inheritance is a right of men.²²⁴

In 1993, El Salvador modernized its family law, including by introducing three voluntary marital property regimes that guarantee equality and recognition of the value of housework:²²⁵ separate property (separation of assets) (*separación de bienes*), community of profit (participation in profits) (*participación en las ganancias*), and deferred community property (*comunidad diferida*).

- Under the **separate property regime**, each spouse retains the right to own, administer, enjoy, and freely dispose of property and profits acquired before and during marriage. If it is not possible to prove ownership of the property by one of the spouses, they are presumed to co-own it in equal parts. FAMILY CODE arts. 48–50.
- Under the **community of profit regime**, both spouses have the right to participate in each other’s profits acquired during marriage, but retain the right to own, administer, enjoy, and freely dispose of property acquired before or during marriage. If the spouses jointly acquire property, they are considered co-owners. FAMILY CODE arts. 51–61.

- Under the **deferred community regime**, the property, assets, and profits obtained by either of the spouses during marriage belong to both and shall be distributed equally (in half) upon the dissolution of the marriage. Both spouses have the right to own, administer, enjoy, and freely dispose of both their personal and common property during marriage. Existing assets held by any spouse are presumed to be held in community when they are not proven to be their own. FAMILY CODE arts. 62–83.

Future spouses may either choose one of these three regimes or opt for a different regime as long as it does not contravene the provisions of the Family Code. This premarital agreement must be recorded. Deferred community is El Salvador’s default marital property regime.²²⁶ “Titling can be either joint or individual, but both parties’ consent is required for the mortgaging or sale of any property used as a family dwelling.”²²⁷ See FAMILY CODE arts. 36–89, 118–26.

The Civil Code envisions civil remedies for the deprivation of property.²²⁸ CIVIL CODE art. 927. Under LEIV, property (including patrimony) grabbing from a woman by her relative, spouse, or cohabitant, and taking away income or profits from the family’s economic activity to the detriment of women’s rights, are forms of punishable economic VAW. LEIV arts. 52–54.

Situational Analysis

Studies indicate that despite legal guarantees of equality, Salvadoran women face significant barriers to land ownership. Although their situation has improved following agrarian reforms and land transfer programs instituted over the past 40 years to reverse the historically unequal land distribution, global data indicates that women constitute only 12% of all agricultural land holders in El Salvador.²²⁹ Two interviewees asserted that, currently, 14–18% of agricultural land holders are women, and one of the respondents added that inequalities in access and control over economic and productive resources generate higher levels of poverty for rural women.

GLOBAL INSIGHTS

Report	Key Data
Doing Business 2019	El Salvador received an above-average score (66.32 DTF) and 73 rd rank for registering immovable property in the World Bank’s Doing Business 2019 report, which is comparable to other countries in the LAC region. It takes approximately 31 days to complete the six procedures required to register property. The report does not note any gender differences in this regard. ²³⁰

SECTION VI: BANKING AND FINANCE

Factor Statement: Women have an equal and independent access to a diversity of financial products and services, including bank loans, microcredit, mortgages, and savings accounts. The state and financial institutions take all appropriate measures to enhance financial inclusion among women and vulnerable populations. Fair lending laws and policies effectively protect women and vulnerable populations from discrimination and predatory or deceptive lending practices.

Legal and Institutional Framework

The legal framework for banking and finance in El Salvador consists of the following core laws. None of these laws contain any special protections or incentives for women or any other group.

- **Banking Law** (*Ley de Bancos*) (adopted 1999, as amended) regulates the creation, operation, and dissolution of public and private banks, their required attributes, and permitted and prohibited activities.
- **Law on Investment Funds** (*Ley de Fondos de Inversión*) (adopted 2014) regulates the creation, operation, and dissolution of investment funds, including the minimum capital and permitted activities.
- **Law on the Credit Card System** (*Ley del Sistema de Tarjetas de Crédito*) (adopted 2009) regulates the relationships between participants in the system and between participants and the state.
- **Law on Financial Leasing** (*Ley de Arrendamiento Financiero*) (adopted 2002, as amended).
- **Law on Securities Market** (*Ley del Mercado de Valores*) (adopted 1994, as amended) provides rules for the issuance and trading of securities to make the securities markets efficient and to protect the investing public.
- **Law on Insurance Companies** (*Ley de Sociedades de Seguros*) (adopted 1996, as amended).
- **Law Against Usury** (*Ley Contra la Usura*) (adopted 2013, as amended) addresses the practice of lending money at unreasonably high interest rates.
- **Law on the Securitization of Assets** (*Ley de Titularización de Activos*) (adopted 2007).
- **Laws creating special banks**, including the Organic Law on the Central Reserve Bank of El Salvador (*Ley Orgánica del Banco Central de Reserva de El Salvador*) (adopted 1991, as amended), which directs the Central Reserve Bank (*Banco Central de Reserva*) to formulate, analyze, evaluate and ensure the execution of policies of the financial sector; the Law on the Creation of the Multisectoral Investment Bank (*Ley de Creación del Banco Multisectorial de Inversiones*) (adopted 1994, as amended); the Law on the Mortgage Bank of El Salvador (*Ley del Banco Hipotecario de El Salvador*) (adopted 1934, as amended), and the Law on the Agricultural Development Bank (*Ley del Banco de Fomento Agropecuario*) (adopted 1973, as amended).
- **Financial oversight laws**, including the Law on Supervision and Regulation of the Financial System (*Ley de Supervisión y Regulación del Sistema Financiero*) (adopted 2011), the Organic Law on the Superintendence of the Financial System (*Ley Orgánica de la Superintendencia del Sistema Financiero*) (adopted 1990, as amended), and the Organic Law on the Superintendence of Securities (*Ley Orgánica de la Superintendencia de Valores*) (adopted 1996, as amended).

According to external studies, “the banking industry [in El Salvador] is competitive due to the presence of foreign banks and the openness of the banking law.”²³¹ As of 2017, El Salvador had 14 banks (12 private and 2 state-owned) providing commercial banking services.²³²

External studies also show that, in recent years, El Salvador has experienced a proliferation of cooperatives dedicated to savings and credit, including cooperative banks, credit unions, and microfinance institutions. In fact, the Salvadoran microfinance sector has reached the greatest level of dynamism and in Central America, resulting

in a certain level of market saturation and increased competition between MFIs.²³³ El Salvador has a vibrant cooperative financial system, including the Federation of Credit Unions and Workers’ Banks (FEDECRÉDITO) (*Federación de Cajas de Crédito y de Banco de los Trabajadores*), comprised of 48 credit unions; the Federation of Savings and Credit Cooperatives of El Salvador (FEDECACES) (*Federación de Asociaciones Cooperativas de Ahorro y Crédito de El Salvador*), comprised of 28 cooperatives; and the Federation of Savings, Credit, and Multiple Related Services Cooperatives of El Salvador (FEDECRECE de R.L.) (*Federación de Asociaciones Cooperativas de Ahorro, Crédito y Servicios Múltiples Afines de El Salvador*), which affiliates 11 savings and credit cooperatives. All of these cooperatives are regulated under the Law on Cooperative Banks and Savings and Credit Associations (*Ley de Bancos Cooperativos y Sociedades de Ahorro y Crédito*). Cooperatives are promoted by, monitored, and registered with the Salvadoran Institute for Cooperative Development (INSAFOCOOP) (*Instituto Salvadoreño de Fomento Cooperativo*). The sector comprises four cooperative banks in the form of cooperative societies (*Primer Banco de los Trabajadores, Banco Izalqueño de los Trabajadores, Multi Inversiones Banco Cooperativo, and Banco de los Trabajadores Salvadoreños*), two cooperative associations (*COMEDICA de R.L. and BANCOVI de R.L.*), and FEDECRÉDITO.²³⁴

Financial Inclusion and Fair Lending

Legal and Policy Framework

El Salvador has adopted the following laws to enhance economic and financial inclusion in the country.

<p>Law to Facilitate Financial Inclusion (<i>Ley para Facilitar la Inclusión Financiera</i>) (adopted 2015, as amended)</p>
<p>The law fosters economic inclusion by facilitating the use and expansion of electronic currency (or e-money). Among other functions, it allows natural persons to open electronic savings accounts with simplified requirements.</p>
<p>Law on the Financial System for the Promotion of Development (<i>Ley del Sistema Financiero para Fomento al Desarrollo</i>) (adopted 2011)</p>
<p>The law created BANDESAL—a public bank which promotes economic growth and the development of entrepreneurs, with a focus on MSEs. LAW ON THE FINANCIAL SYSTEM FOR PROMOTION OF DEVELOPMENT arts. 1–2.</p>
<p>Law on Cooperative Banks and Savings and Credit Associations (<i>Ley de Bancos Cooperativos y Sociedades de Ahorro y Crédito</i>) (adopted 2000, as amended)</p>
<p>The law aims to enhance access to and availability of financial services in urban and rural communities. It focuses on small savings and microfinancing for SMEs.</p>
<p>Law on the Creation of the Solidarity Fund for Families Owning a Small Enterprise (<i>Ley de Creación del Fondo Solidario Para la Familia Microempresaria</i>) (adopted 1999)</p>
<p>The law established FosoFamilia in an effort to satisfy the credit needs of small, family-owned businesses operating in various productive sectors of Salvadoran economy.</p>
<p>Law on Movable Collaterals (<i>Ley de Garantías Mobiliarias</i>) (adopted 2013)</p>
<p>The law established a Collateral Registry for Movable Assets (<i>Registro de Garantías Mobiliarias</i>) within the National Registry Center (<i>Centro Nacional de Registros</i>) to enable the use of movable assets to guarantee loans.²³⁵ Evidence from around the world illustrates that such registries increase access to credit for individuals and companies who lack access to fixed assets (land or buildings), which are commonly required as collaterals by financial institutions. According to the World Bank, “in the developing world 78% of the capital stock of businesses is typically in movable assets such as machinery, equipment or receivables, and only 22% is in immovable property.”²³⁶ The law particularly benefits MSMEs, which are frequently owned by women.</p>

<p>Law on the National Fund for Social Housing (FONAVIPO) <i>(Ley del Fondo Nacional de Vivienda Popular) (adopted 1992)</i></p>
<p>The law established a fund to provide Salvadoran families of the lowest income with access to credit for housing purposes.</p>
<p>Law on the Regulation of Information Services on People’s Credit History <i>(Ley de Regulación de los Servicios de Información Sobre el Historial de Crédito de las Personas) (adopted 2011, as amended)</i></p>
<p>The law provides the legal basis for fair credit reporting by El Salvador’s credit bureaus and enables greater access to credit records. Credit bureaus may collect and consider repayment data from retailers, utility companies, and microfinance institutions provided that the consumer expressly consents to such collection by signing a separate form. LAW ON THE REGULATION OF INFORMATION SERVICES ON PEOPLE’S CREDIT HISTORY arts. 14–15, 19. This is crucial for determining the credit-worthiness of individuals and firms who have experienced financial exclusion and do not have credit histories. Financial institutions can access borrowers’ credit information online. Under the law, consumers have the right to know, free of charge, all the information that credit bureaus have collected on them. <i>Id.</i> art. 14. There are currently four approved credit bureaus in El Salvador, covering 33.6% of adult population.²³⁷</p>
<p>Consumer Protection Act <i>(Ley de Protección de Consumidores) (adopted 2005)</i></p>
<p>The law protects the rights of consumers, establishes the National System for Consumer Protection (<i>Sistema Nacional de Protección al Consumidor</i>) and expressly prohibits any provider (including all financial institutions) from discriminating against consumers based on sex, disability, race, religion, age, socio-economic status, or political opinion. CONSUMER PROTECTION ACT art. 18(e). In addition, the law creates special obligations for financial service providers with an aim of promoting fair lending practices. <i>Id.</i> arts. 19–20.</p>

El Salvador has also adopted the **Law on the Restructuring and Strengthening of Commercial Banks and Savings and Credit Assortations** (*Ley de Sanamiento y Fortalecimiento de Bancos Comerciales y Asociaciones de Ahorro y Préstamo*) (adopted 2004, as amended).

According to legal experts, these laws apply equally to men and women. They establish the same requirements and documentation burdens regardless of gender and do not provide any specific protections or incentives for female borrowers or consumers.

Institutional Framework

The following institutions and programs have been put in place to promote financial and economic inclusion in El Salvador.

- **FosoFamilia**, established by the Law on the Creation of the Solidarity Fund for Families Owning a Small Enterprise, is a financial institution with a gender focus, which grants loans to microbusiness owners, considering such criteria as their socioeconomic status, family responsibilities, experience, available guarantees, and ability to repay. In addition, FosoFamilia provides loan oversight as well as non-financial services, including advice and training, to ensure that its beneficiaries achieve their goals. Its social mission is to promote equality and women’s financial inclusion, generate employment opportunities, and improve the living conditions of its clients. FosoFamilia has special lines of credit for certain types of businesses and populations, including mobile businesses (such as food carts), young people, the disabled, and women. To this end, FosoFamilia has entered into formal agreements with several of institutions and programs, including the Woman’s City program and the National Youth Council.²³⁸

- **FONAVIPO**, established by the Law on the National Fund for Social Housing, has a special credit line called Woman’s House (*Casa Mujer*) for low-income single women, female heads of households, single mothers, and widows.
- In 2014, BANDESAL established the **Banca Mujer** program to foster economic empowerment and financial inclusion of women entrepreneurs through special credit lines, training, and technical assistance.²³⁹ In addition, BANDESAL administers the program of guarantees for businesswomen at Woman’s City centers.²⁴⁰
- Created in 2016 by UN Women in partnership with the Secretariat of Social Inclusion and BANDESAL, the **Women’s Fund** (*Fondo Mujer*) aims at empowering women entrepreneurs who benefit from the services offered by the Woman’s City centers in the departments of Usulután and Morazán. The Women’s Fund provides credit with preferential interest rates as well as guarantees for loans obtained from other sources to women who wish to expand or improve their businesses but are otherwise unable to secure financing.²⁴¹ In a similar fashion, the **Agricultural Development Bank** has established special lines of credit to support MSEs owned by women who are heads of households and users of the Woman’s City program. In addition, the bank has points of contact in all Woman’s City centers to increase the quality and effectiveness of financial services offered to women.²⁴² The bank has also entered into an agreement with the Ministry of Agriculture and Livestock to enable women’s associations access credit at a preferential rate, with the difference covered by the Ministry.²⁴³
- **The Productive Development Fund (Fondepro)** (*Fondo de Desarrollo Productivo*), operated by the Ministry of Commerce and Industry, works to strengthen the productivity and competitiveness of MSMEs through non-reimbursable co-financing. Its mission is to create better jobs and increase the level of income for the Salvadoran population. Fondepro focuses on promoting innovation, technology, and market development.²⁴⁴
- Since 2012, the Central Reserve Bank and the Superintendence of the Financial System have been members of the global **Alliance for Financial Inclusion (AFI)**, which includes 70 financial institutions from developing and emerging countries, representing over 57 percent of the world’s unbanked population. They have endorsed the 2011 Maya Declaration, which encourages national commitments to responsible and sustainable financial inclusion,²⁴⁵ and the Denarau Action Plan (DAP) adopted in 2016 to halve the financial inclusion gender gap across AFI member jurisdictions by 2021 by increasing women’s access to quality and affordable financial services. The Central Reserve Bank is a member of AFI’s Gender and Women’s Financial Inclusion Committee,²⁴⁶ and has worked with Woman’s City centers to offer financial education and promote financial inclusion with a gender focus.²⁴⁷

In addition to state agencies, efforts to promote financial inclusion in El Salvador have been undertaken by international organizations and institutions, including SICA, USAID, European Union, UN Women, and IADB.

Situational Analysis

Despite a strong legal and institutional underpinning for financial inclusion, the penetration of financial services in El Salvador is relatively low²⁴⁸ and gender disparities in access to finance are widespread. Even though there are no gender-based restrictions on opening and maintaining a bank account, global data indicates that only 24.4–29.4% of Salvadoran women have an account at a financial institution or with a mobile money-service provider, compared to 38–40.3% of Salvadoran men.²⁴⁹ A study conducted in 2016 by the Central Reserve Bank revealed that only 18% of women had a savings account with a financial institution, compared

“The majority of women have a clean credit report.”

MFI staff member

to 27% of men, and only 3% of women participated in financial education compared to 6% of men.²⁵⁰ It is estimated that women constitute merely 20% of beneficiaries of the Agricultural Development Bank.²⁵¹

GLOBAL INSIGHTS

Report	Key Data
Doing Business 2019	El Salvador received a relatively high score (80.00 DTF) and rank (22 nd) for getting credit in the World Bank’s Doing Business 2019 report, although it fell behind other countries in the region, including Colombia (95.00 DTF and 3 rd rank), Honduras, and Costa Rica (both with 85.00 DTF and 12 th rank). ²⁵²
Global Findex Database 2017	According to the 2017 Global Findex Database, which is the world’s most comprehensive data set on how adults save, borrow, make payments, and manage risk, only 29.3% of adults in El Salvador have an account with a financial institution (e.g., a bank, credit union, a microfinance institution, a cooperative, or a post office), which is below the regional LAC average (53.5%). Although the figures show a significant improvement since 2011, when only 13.8% of adult Salvadorans had an account with a financial institution, they also reveal backsliding between 2014 and 2017. Both men and women have experienced these fluctuations, but there is a considerable (approximately 13 percentage points) gender gap between men and women in account ownership. Only 24.4% of women have an account at a financial institution or through a mobile money provider (compared to 38% of men), which puts El Salvador far behind the regional LAC average (51.3%). In 2017, merely 7% of women reported having asked for a loan to open, grow, or expand a business, down from 11% in 2014. An estimated 23.6% Salvadorans make or receive digital payments, but only 6.3% use a mobile phone or internet to access an account. While approximately 37.9% Salvadorans save at least some money, only 10.9% do so at a financial institution and 5.4% use a savings club or person outside the family. ²⁵³

Notably, almost 20% of the Salvadoran population lives abroad, and remittances sent back to El Salvador account for approximately 20% of the GDP. As such, remittances constitute the second largest source of external income after exports and are recognized for their positive impact on poverty reduction in the country.²⁵⁴ Remittances from the U.S. alone amount to USD 4.3 billion annually, representing 17% of El Salvador’s GDP.²⁵⁵ In March 2019, USD 492 million was sent back to El Salvador in the form of remittances.²⁵⁶ That said, one interviewee asserted that overreliance on remittances has a negative impact on young people in rural areas by lessening their motivation to continue their education and work.

“I look for help like donations or some other to access to a finance.... because I don’t have anything else to guarantee a financing.”
 Female entrepreneur

Studies indicate that Salvadoran women face **unique barriers in accessing credit**. They “tend to have more limited credit history and collateral than their male counterparts,” have lower financial literacy, “and often lack the technical know-how to apply for a loan at a financing institution.”²⁵⁷ Interviewees added that most banks do not

support microfinance and focus on financing medium and large companies, which are largely run by men. Microcredit is offered predominantly by cooperatives and MFIs, such as Apoyo Integral or WAGE’s partners CrediCampo and PADECOMSM CRÉDITO. Another problem is that there is often no additional support after women are given loan capital. In addition, in some cases “men take [loan and income] money away from women and use them for other activities.”

ROLE OF MFIs IN COMMUNITIES THEY SERVE

While MFIs are predominantly known as financial service providers, many of them, including WAGE’s Salvadoran partners CrediCampo and PADECOMSM, have extensive social missions and dual for- and non-profit structures. For example, **CrediCampo** is an independent non-profit organization, which operates through the Associations of Communal Development (ADESCOs) (*Asociaciones de Desarrollo Comunal*). Its mission is to promote the development of rural communities and to improve the quality of life of the people that live within them through inclusive financial and community development services. **PADECOMSM** is also a non-profit organization with a social mission and a financial arm—PADECOMSM Credito—a cooperative. PADECOMSM’s mission is to provide accessible and timely financial services to small and micro entrepreneurs with social responsibility, and thus contribute to the improvement of its clients’ quality of life. Focus group discussions with clients of these two institutions revealed that generally, women and men are able to access credit from them without any problems and that the MFIs’ staff treat their clients with kindness, regardless of gender. MFIs staff members asserted that credit requirements are the same for women and men but acknowledged that the lack of formal income sometimes impedes women’s access to credit. At the same time, they asserted that some women tend to take out loans on behalf of their husbands because men do not have time to apply for loans and women have cleaner credit records.

Focus group discussions further revealed that many community members expect MFIs to play broader support roles in their lives, for example by offering courses that would allow local enterprises to professionalize and grow; by mitigating the risk of family violence and conflict; and by participating in the development of women. Most MFI clients felt that MFIs should offer both economic support (primarily in the form of loans) and work toward achieving equality women and men. There were, however, differences of opinion on this topic between female and male non-clients. In 100% of the male non-client focus groups and in 40% of the female non-client focus groups, participants agreed that MFIs’ core role is to provide economic support. In 60% of the female non-client focus groups participants arrived at a conclusion that MFIs’ core role is to promote gender equality.

Interviews with CrediCampo and PADECOMSM staff members confirmed that both of these institutions provide non-financial services, such as trainings, aimed at empowering women. The interviewees acknowledged that these MFIs do not yet have well-developed gender policies, strategies, or tools that would help them prevent or mitigate the potential negative consequences of women’ economic empowerment programs, such as increased levels of VAW. However, they expressed a desire to develop such policies and integrate them into their strategic and operational plans.

Female entrepreneurs operate in a challenging environment. While it is not expected that financial service providers become a one-stop-shop for support, these institutions can design tailored products and services that satisfy the needs of this particular population. Given their proximity to women, MFIs are a fundamental piece of the puzzle in the women’s economic empowerment cycle, as long as their staff are equipped with institutional policies and training necessary to provide gender-responsive services in collaboration with other financial and non-financial service providers. These policies and training should address the complex web of challenges that their female clients likely face, including conflict and VAW.

FIGURE 6: What is the primary role of MFIs in the community?

Role of MFIs	Women		Men	
	Clients	Non-Clients	Clients	Non-Clients
Achieving equality between women and men	50%	60%	40%	0%
Economic support (primarily loans)	50%	40%	60%	100%

Role of MFIs	Urban	Rural
Achieving equality between women and men	40%	50%
Economic support (primarily loans)	60%	50%

Interestingly, El Salvador is “among the top 15 mobile money markets in the world as measured by the proportion of active accounts relative to the total adult population,”²⁵⁸ which creates an important opportunity for increasing financial inclusion in the country through **digital solutions**. One interviewee discussed a promising initiative where a group of female business owners who did not have bank accounts partnered with the Tigo communications company to use the Tigo Money service to perform financial transactions for their businesses using cellular phones. Reportedly, the initiative has been approved by the Superintendence of the Financial System and there are plans to expand it despite a push back from banks, which view it as a threat. The interviewee concluded that this is a good example of a financial inclusion project with a gender approach. A similar approach could be explored with MFIs, which are focused on financial inclusion and clients in rural areas who could benefit from digital financial solutions.

SECTION VII: LABOR, EMPLOYMENT, AND SOCIAL SECURITY

Factor Statement: Women enjoy equal rights to work in public and private sectors, just conditions of work, and freedom to form and join trade unions. The state promotes decent work for all and takes all appropriate measures to eliminate discrimination against women in employment. Women have an equal access to social protection and material assistance in the event of unemployment, sickness, and disability, and are afforded special accommodations during pregnancy and the postnatal period.

Legal and Institutional Framework

The constitution guarantees every person the right to work. CONST. art. 2. No one can be obligated to perform work or render personal services without fair remuneration and without their consent, except in cases of public disaster and other cases specified by the law. *Id.* art. 9. The constitution includes a comprehensive list of legal protections to improve the living conditions of workers, including:

- Equal remuneration for equal work without discrimination based on sex, race, religion, or nationality;
- Equal right to earn a minimum wage and additional remuneration for night and overtime work;
- Equal right to an annual bonus;
- Working hours limitations;
- Rest, vacation, and holiday leave requirements;
- Protections against unfair termination of employment; and
- Special protections for domestic and agricultural workers. *Id.* arts. 38, 41, 45.

The **Labor Code** prohibits differential, exclusionary, or preferential treatment of employees based on sex, race, color, religion, political opinion, nationality or social status, but allows for legally established exceptions to this rule to protect workers. LABOR CODE art. 30(12). The Labor Code further expounds the principle of equal pay for equal work and explicitly states that employees who face violations of this right are entitled to wage adjustments. *Id.* arts. 123–24. Serious workplace discrimination based on sex, pregnancy, marital status, origin, race, social or physical condition, religious belief, political opinion, trade union affiliation (or lack thereof), or kinship ties with other workers of the company is a criminal offence under the **Penal Code**, punishable by 6 months to 2 years in prison. The offender can circumvent the criminal penalty by restoring the state of equality, paying damages, and fulfilling administrative sanctions. PENAL CODE art. 246. Acts of workplace discrimination, e.g., wrongful dismissal of pregnant workers, can be reported to a special anti-discrimination unit established by the **Ministry of Labor and Social Welfare** under the **Directorate General for Labor Inspection** (*Dirección General de Inspección de Trabajo*).²⁵⁹ Sexual harassment is not explicitly prohibited by the Labor Code but it is criminalized under the Penal Code and LEIV. Discrimination on the basis of sex in employment is also prohibited under LIE. LIE art. 25.

In accordance with the **General Law on the Prevention of Occupational Risks**, employers, in close collaboration with employees, must formulate and execute a plan for the management of occupational risks. The strategy must include programs aimed at preventing and raising awareness of VAW, sexual harassment, and other psychosocial risks, such as those associated with workplace discrimination. GENERAL LAW ON THE PREVENTION OF OCCUPATIONAL RISKS arts. 7, 8(10) (*Ley General de Prevención de Riesgos en Lugares de Trabajo*) (adopted 2010).

In 2018, El Salvador reformed the Labor Code to further address discrimination and VAW. Among others, the new provisions allow women to take paid leaves of absence if they have experienced violence and are either unable to work because of physical or psychological reasons or because they are taking part in relevant legal proceedings.²⁶⁰ Employees also have the right to take leaves of absence in the case of death or serious illness of a spouse, child, parent, or another close relative. LABOR CODE art. 29(6)(b).

The constitution prohibits the employment of minors under the age of 14 and individuals who remain subject to obligatory education under the law and limits the length of the workday and workweek for those under 16 years of age. The constitution further prohibits women and individuals under the age of 18 to perform unhealthy or dangerous work, which is defined in the Labor Code. CONST. art. 38; LABOR CODE arts. 104–07. Every private employer who hires more than ten employees must develop internal regulations stating, among other requirements, what type of work cannot be performed by women and minors. LABOR CODE arts. 302, 304(e). While protecting children from unhealthy and dangerous working conditions is reasonable, applying the same standard to adult women is discriminatory. As noted above, it reflects a protectionist approach to gender difference, through which women are understood as in need of special care and protection, thus reinforcing gender stereotypes.

It is unlawful for employers to demand any proof of pregnancy from women during the hiring process. Employers are also prohibited from requiring pregnant women to perform physical tasks that can be unsafe for their state. LABOR CODE arts. 30(13), 110. They also must ensure that pregnant women do not come into contact with chemical substances that may harm the fetus. GENERAL LAW ON THE PREVENTION OF OCCUPATIONAL RISKS art. 51.

Working women have a constitutional right to job security and paid leave before and after childbirth. CONST. art. 42. Therefore, employers must return women to equivalent positions after maternity leave.²⁶¹ The Labor Code explicitly prohibits employers from dismissing female employees on the grounds of pregnancy from the moment of conception. In line with an amendment to the Labor Code passed in 2018, new mothers cannot be dismissed for a period of six months after having returned to work.²⁶² LABOR CODE art. 113.

In 2015, an amendment to the Labor Code extended the length of maternity leave from 12 to 16 weeks, of which 10 weeks are mandatory and must be taken immediately after giving birth. Women may also take additional prenatal leave in case of pregnancy-related health problems. Employers are obliged to pay maternity benefits at 75% of the basic salary and these benefits are extended to women who have worked for the same employer for at least 6 months prior to giving birth. If the employee is covered under social security, 100% of the benefits are paid by the Salvadoran Institute of Social Security. *Id.* arts. 309–11; LAW ON SOCIAL SECURITY arts. 59, 100 (*Ley del Seguro Social*) (adopted 1953); REGULATIONS TO THE LAW ON SOCIAL SECURITY art. 28 (*Reglamento para la Aplicación del Régimen del Seguro Social*) (adopted 1954, as amended). Breastfeeding mothers are entitled to one-hour breaks daily, which are counted as working hours and paid as such. LABOR CODE art. 312. In 2013, El Salvador amended the Labor Code to introduce paternity leave, which is a positive development, although the prescribed length of paternity leave illustrates that the societal expectations of new fathers and new mothers are very different in El Salvador. Fathers are entitled to merely 3 days of paternity leave paid at 100%, which must be taken within 15 days from the date of birth or adoption. *Id.* art. 29(6)(d). The law also establishes parental leave for adoptive parents.

The **Salvadoran Institute for the Integral Development of Children and Adolescents** (*Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescenci*) runs public child development centers, which offer childcare for girls and boys between 6 months and 7 years of age. It is unclear whether childcare is otherwise subsidized, but relevant payments are tax deductible.²⁶³ In May 2018, the Legislative Assembly adopted a **Special Law for the Regulation and Installation of Nurseries for Workers' Children** (*Ley Especial para la Regulación e Instalación de Salas Cunas para hijos de trabajadores*) as mandated by the constitution and an order the Constitutional Chamber of the Supreme Court. CONST. art. 42. The law will go into effect in 2020, requiring public and private companies as well as municipal institutions with more than 100 employees to establish nurseries for employees' children aged 0–3. If companies do not have appropriate infrastructure to comply with the law, they will be able to enter into agreements with external childcare providers, but they will still have to absorb the costs.²⁶⁴

Employers and employees have a constitutional right to freedom of association to protect their interests and, accordingly, can freely form and participate in professional associations or trade unions without any distinction

based on sex, race, religion, or political opinion. Some exceptions exist for certain public officials and employees. CONST. art. 47.

The retirement age is 55 for women and 60 for men. LAW ON THE PENSION SAVINGS SYSTEM art. 104 (*Ley del Sistema de Ahorro para Pensiones*) (adopted 1996, as amended). Retirement benefits are available only to people who are enrolled in the pension savings system and pay the fees. In practice, only about 25% of people of working age are active contributors to the scheme. Those working in the informal sector are effectively excluded,²⁶⁵ which is a significant problem given the fact that over 65% of the economically active population work in the informal economy, the majority of whom are women.²⁶⁶ In fact, over 70% of working women have informal jobs, compared to less than 55% of working men.²⁶⁷ The Law on Social Security does not differentiate between women and men, so their access to unemployment or disability benefits is the same. Independent or self-employed workers between 18 and 60 years of age can register themselves and their families with the **Salvadoran Institute of Social Security** (*Instituto Salvadoreño del Seguro Social*), pay fees, and receive social security benefits.²⁶⁸ Again, this system excludes those in the informal economy.

The **Ministry of Labor and Social Welfare has a Gender Unit** and has implemented some measures to address gender discrimination in the labor market through its General Directorate of Labor Inspection and the General Directorate of Social Welfare (*Dirección General de Bienestar Social*), which implements a system of labor intermediation and has had some success in increasing job placements for women. In addition, the Ministry of Labor and Social Welfare, along with the Ministry of Economy and ISDEMU participate in the international **Gender Equality Seal** program operated by the UN Development Programme (UNDP). The program provides certifications to public and private institutions, including businesses, which support a more efficient and equitable workplace by eliminating gender-based pay gaps, increasing women's roles in decision-making, promoting work-life balance, enhancing women's access to non-traditional jobs, eradicating sexual harassment at work, and using inclusive, non-sexist communication.²⁶⁹ Several Salvadoran institutions have received the certification, including the Mortgage Bank (*Banco Hipotecario*), which has special lines of products for microenterprises and young entrepreneurs. While the Gender Equality Seal program has had some successes, one interviewee asserted that the mere award does not offer enough motivation for companies to espouse the principle of gender equality and, therefore, should be accompanied by other (e.g., fiscal) incentives. She further argued that many private sector actors link gender equality with issues and concepts perceived as "radical" in Salvadoran society, such as "feminism, abortion, violence against women, sexual orientation and gender identity." Consequently, companies "say that this has nothing to do with them, they do not want to work on those issues." This illustrates the importance of sensitizing businesses and employers on the importance of gender equality and inclusive workplaces.

Situational Analysis

Female participation in the labor market has been consistently low in El Salvador; it is currently estimated at 47%, which is significantly lower than male participation (78.8%).²⁷⁰ According to a study conducted in 2015 by the Salvadoran Foundation for Economic and Social Development (FUSADES) (*Fundación Salvadoreña para el Desarrollo Económico y Social*), the wage gap between female and male salaried workers is widespread, although it decreases with women's higher educational attainment. This pattern, however, is not true for female independent workers who face a large income gap regardless of their level of education. The study further notes that according to cultural norms, Salvadoran women are the primary homemakers and caregivers, and they tend to face difficulties managing their work and domestic responsibilities, unless they have a strong familial support network.²⁷¹

Business owners can take advantage of the social security and pension systems; however, being able to do so requires formalization, which is both a policy gap and a silence since pertinent legal provisions do not consider women's lives and the reasons why so many are forced to remain in the informal economy. Half of the participants

of the focus group with women MSME owners identified the lack of access to social security and pensions as a barrier to entrepreneurship.

According to the Salvadoran government, women work predominantly in the service and informal sectors of the economy, while men work primarily in agriculture and the formal sector. There is a very significant gender gap in union membership and leadership.²⁷² One respondent observed that women usually do not organize themselves in unions, but rather in informal groups of women workers or cooperatives, which have serious limitations, for example in the context of collective bargaining. Studies suggest that El Salvador's legal framework does not protect union rights sufficiently and contains particularly cumbersome procedures for conducting a strike. In addition, the Ministry of Labor and Social Welfare lacks sufficient resources to effectively enforce the existing laws on freedom of association.²⁷³

Interviewees observed that gender bias is persistent in the labor market, which is evident both in the types of work that women usually perform and in discriminatory hiring practices. For example, some employers continue to unlawfully ask women about their family status and results of pregnancy tests. In addition, having a job usually does not change women's responsibilities at home. Men are viewed as primary providers and "do not get too involved with their families." Women, regardless of their employment status, are perceived as primary homemakers and caregivers. Therefore, many of them must manage "a double or even triple working day." This situation is particularly dire for single mothers. One respondent emphasized the need for attitudinal change in Salvadoran society so that women can perform jobs that have been traditionally occupied by men and vice versa. To illustrate how this could be accomplished, she gave an example of a cement manufacturer who implemented an affirmative action to hire women and train them in operating cement trucks. She explained that cement manufacturing is a very masculinized sector in El Salvador and, initially, male employees resisted the initiative. Ultimately, however, the program yielded positive results. Another respondent pointed out that many employers, particularly in the textile industry, outsource work to home-based workers, mostly women from rural areas, and pay them miniscule wages for very elaborate work. To manage their work and home responsibilities, many of these women take their daughters out of school and put them to work.

SECTION VIII: ACCESS TO JUSTICE

Factor Statement: Women enjoy the rights to an effective legal remedy, equal protection of the law, and fair trial, including in cases of gender-based discrimination. The state takes all appropriate measures to ensure full equality of women before forums administering justice and effective enforcement of judgements for all. Women have equitable access to legal information, advice, and representation.

Justice System

Under the Constitution, justice in El Salvador is administered only by formal institutions consisting of the Supreme Court of Justice (which has a Constitutional Chamber), appellate courts, courts of first instance, and courts of peace. CONST. arts. 15, 79–80, 88, 121–32, 150–90. Courts of first and second instance are organized by subject-matter expertise (e.g., family courts, civil and commercial courts, labor courts, criminal courts, and juvenile courts). In judicial districts with no labor courts, labor disputes are resolved by civil courts. ORGANIC LAW ON THE JUDICIARY arts. 15, 20 (*Ley Orgánica Judicial*) (adopted 1984). As mandated by LEIV, El Salvador has also established three specialized courts for adjudicating cases of VAW, which started hearing cases in 2017.

The Civil and Commercial Procedure Code allows for a fast-track procedure for small claims not exceeding 25,000 Salvadoran colons (approximately USD 2,857)²⁷⁴ and in several other types of cases, e.g., dissolution or judicial liquidation of a company. CIVIL AND COMMERCIAL PROCEDURE CODE arts. 31, 241 (*Código Procesal Civil y Mercantil*) (adopted Sept. 18, 2008).

The constitution contains basic fair trial provisions, including the right to *habeas corpus*, the right to counsel in criminal cases, prohibition of double jeopardy, and the presumption of innocence. CONST. arts. 11–19. Although it does not explicitly guarantee the right to a legal remedy or equality before courts and tribunals, it states that “[a]ll persons are equal before the law” and gives everyone the right to submit written petitions to legally established authorities, have them resolved, and be informed of the result. CONST. arts. 3, 18. These provisions are reinforced by LEIV, which secures women’s right to equal protection of the law. LEIV arts. 2–3. Accordingly, “[u]nmarried and married women have the same capacity as unmarried and married men to sue and to be sued and their testimony carries the same weight in all types of court cases.”²⁷⁵

In 2006, El Salvador established a **Gender Unit of the Judicial Branch** (*Unidad de Género de la Corte Suprema de Justicia*), housed within the Supreme Court of Justice, which has signed cooperation agreements with several women’s rights organizations, including ORMUSA, CEMUJER, and Women’s Transforming Association. In 2014, the Supreme Court of Justice approved the **Institutional Policy on Gender Equality**, which aims at ensuring that courts pursue gender-sensitive approaches and that women and men can access justice on an equal basis. Respondents asserted that this policy has not been fully operationalized, and that gender bias and misogyny are prevalent at all levels of the Salvadoran justice system. In addition, justice system actors do not receive sufficient training on gender equality issues and enforcement of judgments is generally weak. According to external studies, 60% of Salvadoran women lack confidence in the justice system.²⁷⁶

Alternative Dispute Resolution (ADR)

The constitution guarantees the right to settle civil and commercial disputes via mediation or arbitration. CONST. art. 23. ADR is governed by the **Law on Mediation, Conciliation, and Arbitration** (*Ley de Mediación, Conciliación y Arbitraje*) (adopted 2002). The law allows chambers of commerce, trade associations, and universities to establish independent mediation and arbitration centers. LAW ON MEDIATION, CONCILIATION, AND ARBITRATION art. 84. The **Chamber of Commerce and Industry of El Salvador**, which co-authored the law, operates a Mediation and Arbitration Center, which resolves disputes in commercial matters.²⁷⁷ In 2009, the law was amended to allow parties to appeal

arbitration decisions to Salvadoran courts, which—in investors’ view—“dilutes the fundamental efficacy of arbitration as an alternative method of resolving disputes,” especially in light of the fact that “some investors find the slow-moving legal system to be costly and unproductive.”²⁷⁸ A legal expert confirmed that this provision poses a barrier to the execution of arbitration decisions and noted that this is an uncommon practice in other countries.

The responsibility for promoting and strengthening ADR is vested in the Attorney General. To this end, the Attorney General has established the **Mediation and Conciliation Unit** (*Unidad de Mediación y Conciliación*), which facilitates the resolution of conflicts in family, property, criminal, labor, school, community, neighborhood, and other matters that are appropriate for resolution through these mechanisms. In addition, the Attorney General offers training services for, grants accreditation to, and maintains a national registry of public and private Mediation and Conciliation Centers in El Salvador. ORGANIC LAW ON THE ATTORNEY GENERAL OF THE REPUBLIC arts. 12, 36 (*Ley Orgánica de la Procuraduría General de la República*) (adopted Dec. 3, 2008).

Legal Aid and Human Rights Mechanisms

There is no constitutional body with an exclusive mandate to protect the rights of women. The constitution has created the institutions of an **Ombudsperson for the Defense of Human Rights** (with a mandate to ensure respect for human rights, carry out inspections, investigate violations, assist victims, and promote human-rights based reforms) and an **Attorney General of the Republic** (with a mandate to protect the interests of the family, minors, the disabled, and other disadvantaged populations). As noted above, the Attorney General also has a specific mandate to defend women’s rights under LIE and must establish a special unit to discharge this obligation. Under the Constitution, the Attorney General is the principal government institution tasked with providing legal assistance to persons who have limited economic resources, and representing them in judicial proceedings. CONST. art. 194; ORGANIC LAW ON THE ATTORNEY GENERAL OF THE REPUBLIC art. 3; LIE art. 38.

The Attorney General, which has 17 branch offices across the country, provides legal aid in civil and criminal matters through the following units:

- **Unit for the Defense of the Family, Children and Adolescents** (*Unidad de Defensa de la Familia, Niñez y Adolescencia*), with jurisdiction over, *inter alia*, divorce proceedings and cases of domestic violence. In addition to legal assistance, the unit offers psychosocial services to victims of domestic violence. ORGANIC LAW ON THE ATTORNEY GENERAL OF THE REPUBLIC arts. 27–28.
- **Unit for the Defense of Workers’ Rights** (*Unidad de Defensa de los Derechos del Trabajador*), with jurisdiction over labor disputes brought by individual workers and their associations. In addition to legal aid, the unit offers conciliation services in labor matters. *Id.* arts. 29–30.
- **Unit for Real and Personal Rights** (*Unidad de Derechos Reales y Personales*), with jurisdiction over property disputes involving movable and fixed assets. *Id.* art. 31.
- **Public Defender Unit** (*Unidad de Defensoría Pública*), with a mandate to provide legal aid to minors and adults who have been accused of a criminal offence.²⁷⁹ *Id.* art. 33. The right to counsel for persons under state custody is explicitly guaranteed under the Constitution. CONST. art. 12.
- **Psychosocial Preventive Unit** (*Unidad Preventiva Psicosocial*), which provides psychosocial care to individuals and families and works to solve family problems and social violence. ORGANIC LAW ON THE ATTORNEY GENERAL OF THE REPUBLIC art. 35.

- **Unit for Specialized Care for Women**, which offers legal and psychosocial services to women, including victims of VAW, and works to empower women to exercise their rights in the administrative or judicial spheres.²⁸⁰

In 2018, the Attorney General set up a **National Directorate of Women, Children, Adolescents, LGBTI and Vulnerable Groups**, which—among others—addresses gender-based and bias-motivated violence.

In addition to Attorney General’s offices, access to legal information and legal aid is facilitated by many state institutions and programs mentioned throughout this report, including Woman’s City centers and UNIMUJER, as well as CSOs and university-based legal clinics. Reportedly, private law firms are increasingly providing *pro bono* services to individuals and organizations, but the extent of this practice unclear.²⁸¹ El Salvador does not have a uniform bar association, but rather several lawyers’ associations, centers, and circles, which are united under the **Federation of Bar Associations of El Salvador (FEDAES)** (*La Federación de Asociaciones de Abogados de El Salvador*), created in 1967.²⁸² Lawyers are admitted and authorized to practice law by the Supreme Court of Justice. CONST. art. 182(12).

APPENDICES

APPENDIX I: PERTINENT HUMAN DEVELOPMENT INDICATORS FOR EL SALVADOR

Indicator	Female	Male
Life expectancy at birth (years)*	78.1	69.1
Adult mortality rate (per 1,000 people)*	101	258
Maternal mortality ratio (deaths per 100,000 live births)	54	
Proportion of births attended by skilled health personnel (%)	99.9	
Contraceptive prevalence, any method (% of married or in-union women of reproductive age, 15–49 years)*	72.0	
Literacy rate (% ages 15 and over)**	86.3	90.3
Enrolment in primary education (%)**	81	80.2
Enrolment in secondary education (%)**	61.1	59.8
Enrolment in tertiary education (%)**	29.6	26.4
Expected years of schooling (years)*	12.5	12.8
Mean years of schooling (years)*	6.7	7.3
Population with at least some secondary education (% ages 25 and older)	42.2	47.9
Child marriage (% of women ages 20–24 years who are married or in union)*	26	
Share of seats in parliament (%)**	31	69
Women in ministerial positions (%)**	21.4	78.6
Estimated gross national income (GNI) per capita (USD)*	5,226	8,722
Estimated earned income (female-to-male ratio)**	0.63	
Wage equality for similar work (survey, female-to-male ratio)**	0.47	
Labor force participation rate (% ages 15 and older)*	47.0	78.8
Labor force participation rate, age 15–64 (%)**	50.8	82.4
Female share of employment in senior and middle management (%)*	34.1	
Female share of graduates in science, mathematics, engineering, manufacturing and construction at tertiary level (%)*	9.5	
Share of employment in non-agriculture, female (% of total employment in non-agriculture)*	49.7	
Workers in informal employment (as % of total female, male employment)	71.9	54.6
Total unemployment rate (female to male ratio)*	0.78	
Women with account at financial institution or with mobile money-service provider (% of female population ages 15 and older)*	24.4	
Hold an account at a financial institution (%)**	29.4	40.3
Internet users, female (% of female population)*	25.6	
Individuals using the internet (%)**	23.2	26.6

* Source: United Nations Development Programme, *Human Development Indicators: El Salvador (2017–2018)*.

** Source: World Economic Forum, *Global Gender Gap Report: El Salvador (2018)*.

APPENDIX II: LIST OF CORE INTERNATIONAL HUMAN RIGHTS TREATIES

Treaty	Date ^{ix}
International Covenant on Civil and Political Rights (ICCPR) (<i>adopted</i> Dec. 19, 1966 by U.N. G.A. Res. 2200A (XXI))	Nov. 30, 1979 (R)
Optional Protocol to the International Covenant on Civil and Political Rights (<i>adopted</i> Dec. 19, 1966 by UN G.A. Res. 2200A (XXI))	Jun. 6, 1995 (R)
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (<i>adopted</i> Dec. 15, 1989 by U.N. G.A. Res. 44/128)	Apr. 8, 2014 (A)
International Covenant on Economic, Social and Cultural Rights (ICESCR) (<i>adopted</i> Dec. 16, 1966 by U.N. G.A. Res. 2200A (XXI))	Nov. 30, 1979 (R)
Optional Protocol to the Covenant on Economic, Social and Cultural Rights (<i>adopted</i> Dec. 10, 2008 by U.N. G.A. Res. A/RES/63/117)	Sept. 20, 2011 (R)
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (<i>adopted</i> Dec. 18, 1979 by U.N. G.A. Res. 34/180)	Aug. 19, 1981 (R)
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (<i>adopted</i> Oct. 6, 1999 by UN G.A. Res. A/RES/54/4)	n/a
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (<i>adopted</i> Dec. 21, 1965 by U.N. G.A. Res. 2106 (XX))	Nov. 30, 1979 (A)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (<i>adopted</i> Dec. 10, 1984 by U.N. G.A. Res. 39/46)	June 17, 1996 (A)
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<i>adopted</i> Dec. 18, 2002 by U.N. G.A. Res. A/RES/57/199)	n/a
Convention on the Nationality of Married Women (<i>adopted</i> January 29, 1957 by UN G.A. Res. 1040 (XI))	n/a
Convention on the Political Rights of Women (<i>adopted</i> Dec. 20, 1952 by UN G.A. Res. 640 (VII))	Mar. 26, 2008 (R)
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (<i>adopted</i> Nov. 7, 1962 by UN G.A. Res. 1763 (XVII))	n/a
Convention on the Rights of the Child (CRC) (<i>adopted</i> Nov. 20, 1989 by U.N. G.A. Res. 44/25)	July 10, 1990 (R)
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (<i>adopted</i> May 25, 2000 by U.N. G.A. Res. A/RES/54/263)	May 17, 2004 (R)
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (<i>adopted</i> May 25, 2000 by UN (<i>adopted</i> May 25, 2000 by U.N. G.A. Res. A/RES/54/263)	Apr. 18, 2002 (R)
Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (<i>adopted</i> Dec 19, 2011 by U.N. G.A. Res. A/RES/66/138)	Feb. 9, 2015 (R)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (<i>adopted</i> Nov. 15, 2000 by U.N. G.A. Res. A/RES/55/25, annex II)	Mar. 18, 2004 (R)

^{ix} Date of ratification (R) or accession (A) by El Salvador.

Treaty	Date ^{ix}
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) (<i>adopted</i> Dec. 18, 1990 by U.N.G.A. Res. 45/158)	Mar. 14, 2003 (R)
International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (<i>adopted</i> Dec. 20, 2006 by U.N. G.A. Res. A/RES/61/177)	n/a
Convention on the Rights of Persons with Disabilities (CRPD) (<i>adopted</i> Dec. 13, 2006 by U.N. G.A. Res. A/RES/61/106)	Dec. 14, 2007 (R)
Optional Protocol to the Convention on the Rights of Persons with Disabilities (<i>adopted</i> Dec. 13, 2006 by U.N. G.A. Res. A/RES/61/106)	Dec. 14, 2007 (R)
Convention on the Reduction of Statelessness (<i>adopted</i> August 30, 1961 by Conference of Plenipotentiaries)	n/a
Convention against Discrimination in Education (<i>adopted</i> Dec. 14, 1960 by General Conference of UNESCO)	n/a
Convention No. 29 Concerning Forced or Compulsory Labor (<i>adopted</i> June 28, 1930 by International Labor Organization)	June 15, 1995 (R)
Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (<i>adopted</i> June 1951 by International Labor Organization)	Oct. 12, 2000 (R)
Convention No. 105 Concerning the Abolition of Forced Labor (<i>adopted</i> June 25, 1957 by International Labor Organization)	Nov. 18, 1958 (R)
Convention No. 111 Concerning Discrimination in Respect of Employment and Occupation (<i>adopted</i> June 25, 1958 by International Labor Organization)	June 15, 1995 (R)
Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (<i>adopted</i> June 17, 1999 by International Labor Organization)	Oct. 12, 2000 (R)
American Convention on Human Rights (Pact of San Jose, Costa Rica) (<i>adopted</i> Nov. 22, 1969 by Organization of American States)	June 20, 1978 (R)
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (<i>adopted</i> Nov. 17, 1988 by Organization of American States)	May 4, 1995 (R)
Protocol to the American Convention on Human Rights to Abolish the Death Penalty (<i>adopted</i> Jun. 8, 1990 by Organization of American States)	n/a
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (<i>adopted</i> Jun. 9, 1994 by Organization of American States)	Nov. 13, 1995 (R)
Inter-American Convention Against All Forms of Discrimination and Intolerance (<i>adopted</i> Jun. 5, 2013 by Organization of American States)	n/a
Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance (<i>adopted</i> Jun. 5, 2013 by Organization of American States)	n/a
Inter-American Convention on the Elimination of All Forms of Discrimination against Person with Disabilities (<i>adopted</i> Jun. 7, 1999 by Organization of American States)	Jan. 15, 2002 (R)
Inter-American Convention on Protecting the Human Rights of Older Persons (<i>adopted</i> Jun. 15, 2015 by Organization of American States)	Mar. 13, 2018 (A)

Treaty	Date ^{ix}
Inter-American Convention on Forced Disappearance of Persons (<i>adopted</i> Jun. 9, 2015 by Organization of American States)	n/a
Inter-American Convention to Prevent and Punish Torture (<i>adopted</i> Dec. 9, 1985 by Organization of American States)	Oct. 17, 1994 (R)

APPENDIX III: LIST OF PERTINENT NATIONAL LAWS & POLICIES

- Anti-Gang Bill, 2003¹⁰
- Banking Law (*Ley de Bancos*), 1999
- Civil and Commercial Procedure Code (*Código Procesal Civil y Mercantil*), 2008
- Civil Code (*Código Civil*), 1859
- Commercial Code (*Código de Comercio*), 1970
- Constitution of the Republic of El Salvador (*Constitución de la República de El Salvador*), 1983
- Consumer Protection Act (*Ley de Protección de Consumidores*), 2005
- Decree 286 on Creation of Specialized Courts for a Life Free of Violence and Discrimination Against Women (*Decreto 286 para la Creación de los Tribunales Especializados para una Vida Libre de Violencia y Discriminación para las Mujeres*), 2016
- El Salvador Ahead 2014–2019 (*El Salvador Adelante 2014–2019*), 2014
- Extended Hand (*Mano Extendida*), 2004
- Family Code (*Código de la Familia*), 1993
- Five-Year Development Plan 2014–2019 (*Plan Quinquenal de Desarrollo 2014–2019*) (PQD), 2014
- General Education Act (*Ley General de Educación*), 1996
- General Law on the Prevention of Occupational Risks (*Ley General de Prevención de Riesgos en Lugares de Trabajo*), 2010
- Helping Hand (*Mano Amiga*), 2004
- Iron Fist Plan (*Plan Mano Dura*), 2003
- Labor Code (*Código de Trabajo*), 1972
- Law against Intrafamily Violence (*Ley Contra la Violencia Intrafamiliar*) (LVI), 1996
- Law against Usury (*Ley Contra la Usura*), 2013
- Law on Cooperative Banks and Savings and Credit Associations (*Ley de Bancos Cooperativos y Sociedades de Ahorro y Crédito*), 2000
- Law on Equality, Fairness, and Elimination of Discrimination against Women (*Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres*) (LIE), 2011
- Law on Financial Leasing (*Ley de Arrendamiento Financiero*), 2002
- Law on Insurance Companies (*Ley de Sociedades de Seguros*), 1996
- Law on Investment Funds (*Ley de Fondos de Inversión*), 2014
- Law on Mediation, Conciliation, and Arbitration (*Ley de Mediación, Conciliación y Arbitraje*), 2002
- Law on Movable Collaterals (*Ley de Garantías Mobiliarias*), 2013
- Law on Political Parties (*Ley de Partidos Políticos*), 2013
- Law on Social Security (*Ley del Seguro Social*), 1953
- Law on the Agricultural Development Bank (*Ley del Banco de Fomento Agropecuario*), 1973
- Law on the Comprehensive Protection of Children and Adolescents (*Ley de Protección Integral de la Niñez y Adolescencia*) (LEPINA), 2009
- Law on the Creation of the Multisectoral Investment Bank (*Ley de Creación del Banco Multisectorial de Inversiones*), 1994
- Law on the Creation of the Solidarity Fund for Families Owning a Small Enterprise (*Ley de Creación del Fondo Solidario Para la Familia Microempresaria*), 1999
- Law on the Credit Card System (*Ley del Sistema de Tarjetas de Crédito*), 2009
- Law on the Family Status Registry and Marital Property Regimes (*Ley Transitoria del Registro del Estado Familiar y de los Regímenes Patrimoniales del Matrimonio*), 1995
- Law on the Financial System for the Promotion of Development (*Ley del Sistema Financiero para Fomento al Desarrollo*), 2011
- Law on the Issuance and Revalidation of Passports and Authorizations for Entry into Republic (*Ley de Expedición y Revalidación de Pasaportes y Autorizaciones de Entrada a la República*), 1982
- Law on the Mortgage Bank of El Salvador (*Ley del Banco Hipotecario de El Salvador*), 1934
- Law on the National Fund for Social Housing (*Ley del Fondo Nacional de Vivienda Popular*) (FONAVIPO), 1992
- Law on the Pension Savings System (*Ley del Sistema de Ahorro para Pensiones*), 1996
- Law on the Personal Identity Card (*Ley de Cédula de Identidad Personal*), 1959
- Law on the Promotion, Protection, and Development of Micro- and Small Enterprises (*Ley de Fomento, Protección y Desarrollo de la Micro y Pequeña Empresa*) (MYPE), 2014
- Law on the Regulation of Information Services on People's Credit History (*Ley de Regulación de los Servicios de Información Sobre el Historial de Crédito de las Personas*), 2011
- Law on the Securities Market (*Ley del Mercado de Valores*), 1994

¹⁰ Year of initial adoption. Many of these laws have been amended.

- Law on the Securitization of Assets (*Ley de Titularización de Activos*), 2007
- Law on the Supervision and Regulation of the Financial System (*Ley de Supervisión y Regulación del Sistema Financiero*), 2011
- Law on the Teaching Profession (*Ley de Carrera Docente*), 1996
- Law to Facilitate Financial Inclusion (*Ley para Facilitar la Inclusión Financiera*), 2015
- Law to Promote, Protect and Support Maternal Breastfeeding (*Ley de Promoción, Protección y Apoyo a La Lactancia Materna*), 2013
- Municipal Code (*Código Municipal*), 1986
- National Entrepreneurship Policy (*Plan Nacional de Emprendimiento*), 2014
- National Equality Plan 2016–2020 (*Plan Nacional de Igualdad 2016–2020*), 2016
- National Policy for Women (*Política Nacional de las Mujeres*) (PNM), 2011
- National Policy for Women’s Access to a Life Free of Violence (*Política Nacional para el Acceso de las Mujeres a una Vida Libre de Violencia*), 2013
- Organic Law on the Attorney General of the Republic (*Ley Orgánica de la Procuraduría General de la República*), 2008
- Organic Law on the Central Reserve Bank of El Salvador (*Ley Orgánica del Banco Central de Reserva de El Salvador*), 1991
- Organic Law on the Judiciary (*Ley Orgánica Judicial*), 1984
- Organic Law on the Superintendence of Securities (*Ley Orgánica de la Superintendencia de Valores*), 1996
- Organic Law on the Superintendence of the Financial System (*Ley Orgánica de la Superintendencia del Sistema Financiero*), 1990
- Pact for the Defense of Women’s Civil and Political Rights (*Pacto por la Defensa de los Derechos Civiles y Políticos de las Mujeres*), 2014
- Penal Code (*Código Penal*), 1997
- Protocol for Performance in the Investigation of Femicide (*Protocolo de Actuación para la Investigación del Femicidio*), 2012
- Regulations to the Law on Social Security (*Reglamento para la Aplicación del Régimen del Seguro Social*), 1954
- Safe El Salvador Plan (*Plan El Salvador Seguro*), 2015
- Sexual and Reproductive Health Policy (*Política de Salud Sexual y Reproductiva*), 2012
- Special Integral Law for a Life Free of Violence against Women
(*Ley Especial Integral para una Vida Libre de Violencia para las Mujeres*) (LEIV), 2010
- Special Law against Trafficking in Persons (*Ley Especial Contra la Trata de Personas*), 2014
- Special Law on the Issuance of the Unique Identity Document (*Ley Especial Reguladora de la Emisión del Documento Único de Identidad*), 2001
- Special Law on the Regulation and Installation of Nurseries for Workers’ Children (*Ley Especial para la Regulación e Instalación de Salas Cunas para hijos de trabajadores*), 2018
- Super Iron Fist Plan (*Plan Súper Mano Dura*), 2004
- 2016–2020 National Action Plan for Women’s Access to a Life Free of Violence, 2016.

APPENDIX IV: LIST OF ACRONYMS

ABA	American Bar Association
ABA ROLI	ABA Rule of Law Initiative
ACHR	American Convention on Human Rights
ADESCO	Associations of Communal Development (<i>Asociaciones de Desarrollo Comunal</i>)
ADR	Alternative Dispute Resolution
AFI	Alliance for Financial Inclusion
ARENA	Nationalist Republican Alliance (<i>Alianza Republicana Nacionalista</i>)
BANDESAL	Development Bank of El Salvador (<i>Banco de Desarrollo de El Salvador</i>)
CCNIS	Salvadoran National Indigenous Coordinating Council (<i>Consejo Coordinador Nacional Indígena Salvadoreño</i>)
CDMYPE	Micro and Small Business Development Centers (<i>Centros de Desarrollo de la Micro y Pequeña Empresa</i>)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEMUJER	Institute for Women’s Studies (<i>Instituto de Estudios de la Mujer “Norma Virginia Guirola de Herrera”</i>)
CENPROMYPE	Regional Center of the Promotion of MSMEs (<i>Centro Regional de Promoción de la MIPYME</i>)
CIPE	Center for International Private Enterprise
CLADEM	Latin American and Caribbean Committee for the Defense of Women’s Rights (<i>Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres</i>)
CONAIPD	National Council for Persons with Disabilities (<i>Consejo Nacional de Atención Integral a la Persona con Discapacidad</i>)
CONAMYPE	National Commission for Micro and Small Enterprises (<i>Comisión Nacional de la Micro y Pequeña Empresa</i>)
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DAP	Denarau Action Plan
DTF	Distance to Frontier
DUI	Unique Identity Document (<i>Documento Único de Identidad</i>)
EFIS	Training School for Substantive Equality (<i>Escuela de Formación para la Igualdad Sustantiva</i>)
FEDAES	Federation of Bar Associations of El Salvador (<i>La Federación de Asociaciones de Abogados de El Salvador</i>)
FEDECACES	Federation of Savings and Credit Cooperatives of El Salvador (<i>Federación de Asociaciones Cooperativas de Ahorro y Crédito de El Salvador</i>)
FEDECRECE de R.L	Federation of Savings, Credit, and Multiple Related Services Cooperatives of El Salvador (<i>Federación de Asociaciones Cooperativas de Ahorro, Crédito y Servicios Múltiples Afines de El Salvador</i>)
FEDECRÉDITO	Federation of Credit Unions and Workers’ Banks (<i>Federación de Cajas de Crédito y de Banco de los Trabajadores</i>)
FGR	General Prosecutor’s Office (<i>Fiscalía General de la República</i>)
FMLN	Farabundo Martí National Liberation Front (<i>Frente Farabundo Martí para la Liberación Nacional</i>)
FONAVIPO	Law on the National Fund for Social Housing (<i>Ley del Fondo Nacional de Vivienda Popular</i>)
Fondepro	The Productive Development Fund (<i>Fondo de Desarrollo Productivo</i>)
FosoFamilia	Solidarity Fund for Families Having a Small Enterprise (<i>Fondo Solidario Para la Familia Microempresaria</i>)
FSI	Fragile States Index
FUNDEMÁS	Business Foundation for Social Action (<i>Fundación Empresarial para la Acción Social</i>)
Funsalprodese	Salvadoran Foundation for Social Promotion and Economic Development (<i>Fundación Salvadoreña para la Promoción Social y el Desarrollo Económico</i>)

FUSADES	Salvadoran Foundation for Economic and Social Development (<i>Fundación Salvadoreña para el Desarrollo Económico y Social</i>)
GANAN	Grand Alliance for National Unity
GBV	Gender-Based Violence
GCR	Global Competitiveness Report
GDI	Gender Development Index
GDP	Gross Domestic Product
GGG Index	Global Gender Gap Index
GII	Gender Inequality Index
GNI	Gross National Income
HDI	Human Development Index
IACHR	Inter-American Commission on Human Rights
IADB	Inter-American Development Bank
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ID	Identification Document
IDI	Inclusive Development Index
IGDR	Inclusive Growth and Development Report
ILO	International Labor Organization
INL	U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs
INSAFOCOOP	Salvadoran Institute for Cooperative Development (<i>Instituto Salvadoreño de Fomento Cooperativo</i>)
INSAFORP	Salvadoran Institute of Vocational Training (<i>Instituto Salvadoreño de Formación Profesional</i>)
IPV	Intimate Partner Violence
ISDEM	The Salvadoran Institute for Municipal Development (<i>Instituto Salvadoreño de Desarrollo Municipal</i>)
ISDEMU	Salvadoran Institute for the Advancement of Women (<i>Instituto Salvadoreño para el Desarrollo de la Mujer</i>)
ISTA	Salvadoran Institute of Agrarian Transformation (<i>Instituto Salvadoreño de Transformación Agraria</i>)
LAC	Latin America and the Caribbean
LEIV	Special Integral Law for a Life Free of Violence against Women (<i>Ley Especial Integral para una Vida Libre de Violencia para las Mujeres</i>)
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
LIE	Law on Equality, Fairness, and Elimination of Discrimination against Women (<i>Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres</i>)
LVI	Law Against Intrafamily Violence (<i>Ley Contra la Violencia Intrafamiliar</i>)
MFI	Microfinance Institution
MLSW	Ministry of Labor and Social Welfare
MSEs	Micro and Small Enterprises
MSMEs	Micro, Small, and Medium Enterprises
MYPE	Law on the Promotion, Protection, and Development of Micro- and Small Enterprises (<i>Ley de Fomento, Protección y Desarrollo de la Micro y Pequeña Empresa</i>)
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
OLAV	Local Victim Assistance Offices (<i>Oficinas de Atención a Víctimas</i>)
ORMUSA	Salvadoran Women's Organization for Peace (<i>Organización de Mujeres Salvadoreñas por la Paz</i>)
Pact	Pact for the Defense of Women's Civil and Political Rights
PCN	National Conciliation Party (<i>Partido de Concertación Nacional</i>)
PNM	National Policy for Women (<i>Política Nacional de las Mujeres</i>)

PQD	Five-Year Development Plan (<i>Plan Quinquenal de Desarrollo 2014-2019</i>)
PROESA	Export and Investment Promotion Agency (<i>Organismo Promotor de Exportaciones e Inversiones de El Salvador</i>)
RBI	Reducing Barriers to Women’s Economic Empowerment in El Salvador and Honduras Initiative
S/GWI	U.S. Department of State, Office of Global Women’s Issues
SEMI	System of Statistics and Monitoring for Equality (<i>Sistema de Estadísticas y Monitoreo para la Igualdad</i>)
SFCG	Search for Common Ground
SICA	Central American Integration System (<i>Sistema de la Integración Centroamericana</i>)
SIGI	Social Institutions and Gender Index
SMEs	Small and Medium Enterprises
SNA	National System of Care for Women Who Face Violence (<i>Sistema Nacional de Atención para Mujeres que enfrentan Violencia</i>)
SNIS	National System for Substantive Equality (<i>Sistema Nacional para la Igualdad Sustantiva</i>)
SOGI	Sexual Orientation and Gender Identity
UN Trafficking Protocol	United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime
UN	United Nations
UNDP	UN Development Programme
UNIMUJER	Institutional Units for Specialized Assistance to Women Victims of Violence (<i>Unidad Institucional de Atención Especializada a las Mujeres en Situación de violencia</i>)
U.S.	United States
USAID	United States Agency for International Development
USD	U.S. Dollars
VAW	Violence against Women
VEF	Women’s Entrepreneurship Service Units (<i>Ventanillas de Empresarialidad Femenina</i>)
WAGE	Women and Girls Empowered
WBA	Women’s Business Association
WEAmericas	Women’s Entrepreneurship in the Americas
WEE	Women’s Economic Empowerment
WEF	World Economic Forum
WPS	Women, Peace, and Security

ENDNOTES

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- ² Gaëlle Ferrant & Alexandre Kolev, OECD Development Centre, *The Economic Cost of Gender-Based Discrimination in Social Institutions* (2016), https://www.oecd.org/dev/development-gender/SIGI_cost_final.pdf.
- ³ World Bank Group, *Women, Business and the Law 2019: A Decade of Reform* (2019), <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf>.
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⁴⁰ The World Economic Forum's (WEF) Inclusive Development Index (IDI) is an annual assessment of 103 countries' economic performance that measures how countries perform on 11 dimensions of economic progress, in addition to GDP. Accordingly, IDI considers not only the aggregate amount of goods and services produced in an economy, but also changes in citizens' standard of living (e.g., income, employment opportunity, economic security, and quality of life). IDI ranks economies in two groups – advanced (29 countries) and emerging (74 countries). IDI scores are based on a 1–7 scale: 1 (worst) and 7 (best). See World Economic Forum, *The Inclusive Development Index 2018: Summary and Data Highlights* (2018), <http://reports.weforum.org/the-inclusive-development-index-2018/files/2018/10/2018-Inclusive-Development-Index-FULL.pdf>.

⁴¹ WEF's Inclusive Growth and Development Report, which covers 109 economies, seeks to improve the understanding of how countries can use a diverse spectrum of policy incentives and institutional mechanisms to make economic growth more socially inclusive without dampening incentives to work, save, and invest. The Report contains a cross-country database of 140 Policy and Institutional Indicators divided into 7 pillars: 1) Education and Skills; 2) Basic Services and Infrastructure; 3) Corruption and Rents; 4) Financial Intermediation of Real Economy Investment; 5) Asset Building and Entrepreneurship; 6) Employment and Labor Compensation; and 7) Fiscal Transfers. Unless otherwise noted, scores are based on a 1–7 scale: 1 (worst) and 7 (best). See World Economic Forum, *The Inclusive Growth and Development Report 2017* (2017), http://www3.weforum.org/docs/WEF_Forum_IncGrwth_2017.pdf; World Economic Forum, *The Inclusive Growth and Development Report 2017, Country Profile: El Salvador* (2017), http://reports.weforum.org/pdf/ig-2017/WEF_Inclusive_Growth_2017_Profile_SLV.pdf.

⁴² Covering 137 economies, the **Global Competitiveness Index 2017–2018** measures national competitiveness—defined as the set of institutions, policies and factors that determine the level of productivity. Scores are on a 1 (worst) to 7 (best) scale. The report is published by the World Economic Forum within the framework of the System Initiative on Shaping the Future of Economic Progress. World Economic Forum, *Global Competitiveness Index 2018* at 13, 112 (2018), <http://www3.weforum.org/docs/GCR2018/05FullReport/TheGlobalCompetitivenessReport2018.pdf>.

⁴³ The World Bank's **Enterprise Survey** is a firm-level survey of a representative sample of an economy's private sector. The surveys cover a broad range of business environment topics, including access to finance, corruption, infrastructure, crime, competition, and performance measures. The surveys are administered to small, medium, and large firms, which are formal and have at least five employees. Microenterprises and firms in the agricultural sector are not covered. The World Bank Group, *Enterprise Surveys: El Salvador 2016 Country Profile* 10 (2016), <http://www.enterprisesurveys.org/~media/GIAWB/EnterpriseSurveys/Documents/Profiles/English/el-salvador-2016.pdf> [hereinafter *The World Bank, El Salvador 2016 Enterprise Survey*].

⁴⁴ The World Bank's **Doing Business 2019** report provides objective measures of business regulations and their enforcement across 190 economies and select cities at the subnational and regional level, capturing several important dimensions of the regulatory environment as it applies to local firms. It provides quantitative indicators on regulations pertaining to starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting minority investors, paying taxes, trading across borders, enforcing contracts and resolving insolvency. Doing Business also measures features of labor market regulation. The distance to frontier (DTF) measure shows the distance of each economy to the "frontier," which represents the best performance observed on each indicator across all economies. An economy's DTF is reflected on a scale from 0 to 100, where 0 represents the lowest performance and 100 represents the frontier. The "ease of doing business" ranking ranges from 1 to 190; the ranking of the 190 economies is determined by sorting the aggregate DTF scores, rounded to two decimals. The World Bank, *Doing Business 2019: Economy Profile of El Salvador* (2019), <http://www.doingbusiness.org/content/dam/doingBusiness/country/e/el-salvador/SLV.pdf>.

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⁵⁸ *Human Development Indicators: El Salvador*, UNDP, <http://hdr.undp.org/en/countries/profiles/SLV>; UNDP, *Briefing Note for Countries on the 2018 Statistical Update: El Salvador* (2018), http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/SLV.pdf; Estimation Inter-Agency Grp., *Maternal Mortality in 1990–2015: El Salvador* (2015), http://www.who.int/gho/maternal_health/countries/slv.pdf; UN Statistics Division (UNSD), *Global Indicator Framework for the Sustainable Development Goals and Targets of the 2030 Agenda for Sustainable Development*, U.N. Docs. A/RES/71/313 & E/CN.3/2018/2 (2018).

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⁶¹ The **Global Gender Gap Report**, published by the World Economic Forum (WEF), benchmarks 149 countries on their progress towards gender parity across four thematic dimensions: Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment. A score of 0.00 equals parity and a score of 1.00 equals parity. WEF, *Global Gender Gap Report: El Salvador*.

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WE RISE

Women Empowered
Realizing Inclusive & Sustainable Economies

ABOUT

Women Empowered-Realizing Inclusive & Sustainable Economies is a women's economic empowerment (WEE) initiative under Women & Girls Empowered (WAGE), a U.S. Department of State-funded global programming consortium to advance the status of women and girls, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (Search). To account for the deeply interconnected nature of women's experiences, WE RISE programs employ approaches that are highly collaborative, integrated, multidisciplinary, and inclusive, addressing WEE in the context of legal and practical barriers such as gender-based violence (GBV), conflict, and insecurity.

