



# WAGE



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

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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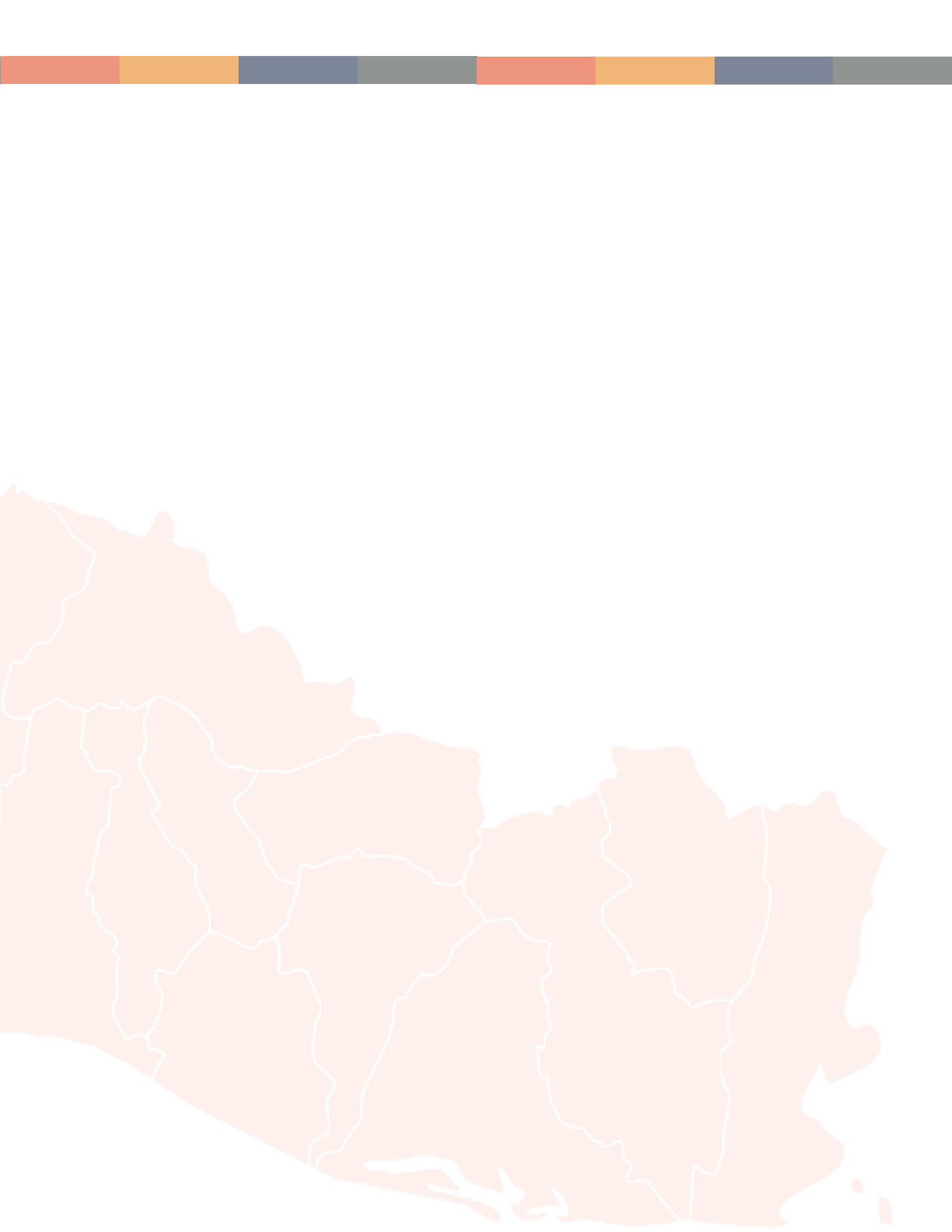
Cover photo: a woman who received loans for her business through WAGE's Salvadorean partner, PA-DECOMSM (Fund for the Development of the Communities of Morazán and San Miguel).  
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# ABOUT WAGE

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).



## 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.



[wageglobal.org](http://wageglobal.org)



@WAGEGlobal

# 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,<sup>1</sup> while gender-based discrimination in social institutions induces a worldwide loss of up to USD 12 trillion.<sup>2</sup> Women's empowerment is therefore an essential element to realizing inclusive and sustainable economies. Despite significant progress towards gender equality over the past decade,<sup>3</sup> 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.<sup>4</sup>

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).<sup>5</sup> 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.<sup>6</sup> Research illustrates that economic empowerment interventions can both lower and increase the risk of VAW.<sup>7</sup> 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.<sup>8</sup>

1 Press Release, The World Bank, *Globally, Countries Lose \$160 Trillion in Wealth Due to Earnings Gaps Between Women and Men* (May 30, 2018).

2 GAËLLE FERRANT & ALEXANDRE KOLEV, OECD DEVELOPMENT CENTRE, *THE ECONOMIC COST OF GENDER-BASED DISCRIMINATION IN SOCIAL INSTITUTIONS* (2016).

3 WORLD BANK GROUP, *WOMEN, BUSINESS AND THE LAW 2019: A DECADE OF REFORM* (2019).


4 WORLD BANK GROUP, *WOMEN, BUSINESS AND THE LAW 2018* (2018).

5 LORI HEISE, STRIVE RESEARCH CONSORTIUM, LONDON SCHOOL OF HYGIENE AND TROPICAL MEDICINE, *WHAT WORKS TO PREVENT PARTNER VIOLENCE? AN EVIDENCE OVERVIEW* (2011).

6 H. ELIZABETH PETERS ET AL., URBAN INSTITUTE, *WOMEN'S ECONOMIC EMPOWERMENT: A REVIEW OF EVIDENCE ON ENABLERS AND BARRIERS* (2016).

7 Mary Ellsberg et al., *Prevention Of Violence Against Women And Girls: What Does The Evidence Say?*, 385 THE LANCET 1555 (2014).

8 Jhumpka Gupta et al., *Gender Norms and Economic Empowerment Intervention to Reduce Intimate Partner Violence against Women in Rural Côte d'Ivoire: A Randomized Controlled Pilot Study*, 13 BMC INT'L HEALTH AND HUMAN RIGHTS (2013); Julia C. Kim et al., *Understanding the Impact of a Microfinance-based Intervention on Women's Empowerment and the Reduction of Intimate Partner Violence in South Africa*, 97 AM. J. PUB. HEALTH 1794 (2007).



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.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup> 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," published in an electronic form on WAGE's website ([wageglobal.org](http://wageglobal.org)). This summary document presents key findings from the study, along with a set of recommendations and a comprehensive bibliography.<sup>12</sup>

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.

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<sup>9</sup> U.S. DEPARTMENT OF STATE, STRATEGY FOR WOMEN'S ECONOMIC EMPOWERMENT (2016).

<sup>10</sup> WORLD ECONOMIC FORUM, THE GLOBAL GENDER GAP REPORT 2018 (2018).

<sup>11</sup> International Women's Day 2019: Think Equal, Build Smart, Innovate for Change, UN WOMEN (Oct. 16, 2018).

<sup>12</sup> Instead of references, this summary document offers an extensive bibliography as an appendix. Sources of information are cited throughout the comprehensive report published online. In addition, WAGE translated a detailed executive summary of the report into Spanish and distributed it among key stakeholders in El Salvador.



## 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 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.





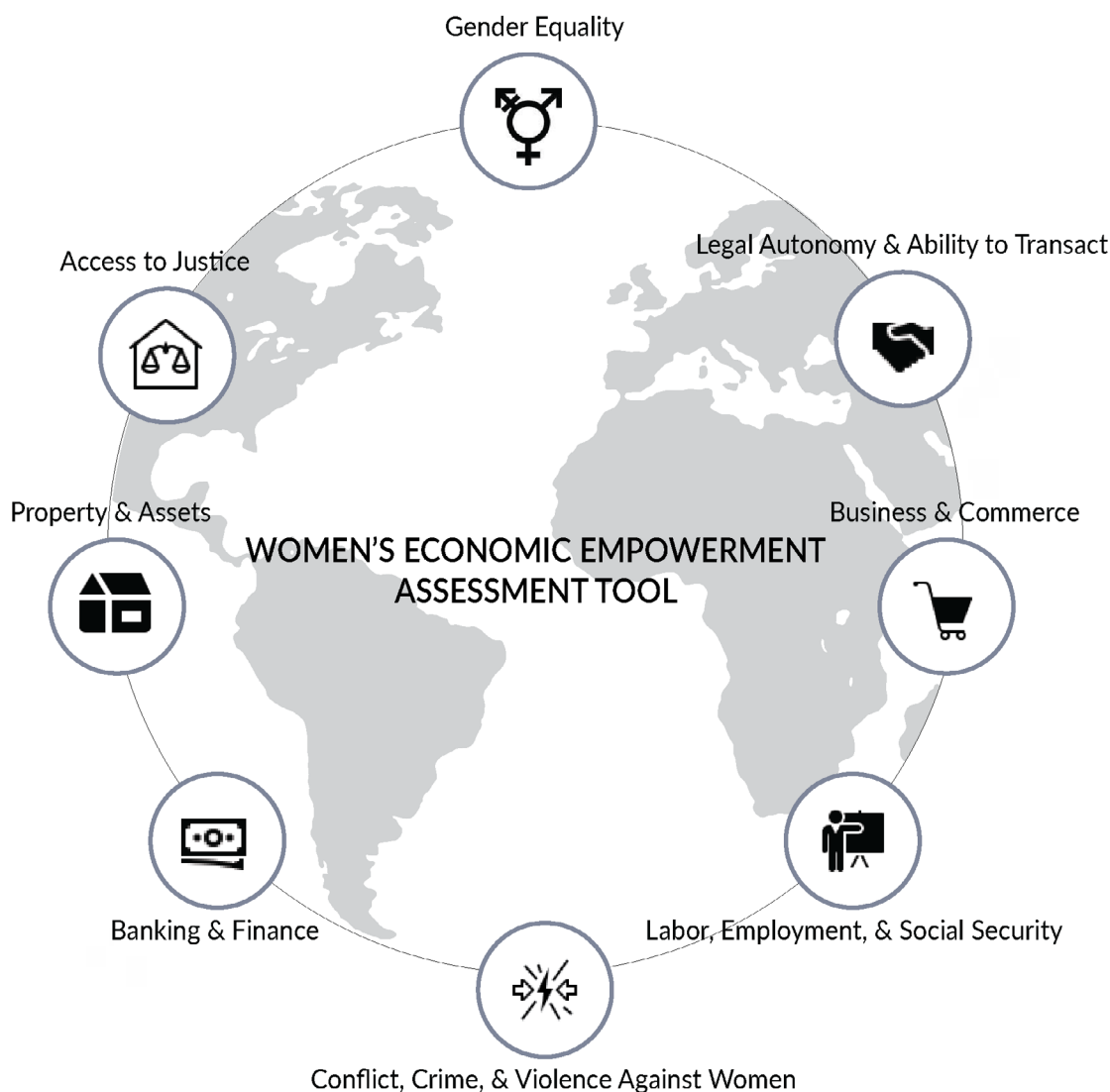
Country reports based on the tool are not intended to be scientific, statistical surveys. They are first and foremost complex legal and factual inquiries into the countries' efforts to ensure gender equality and into the opportunities and challenges underscoring women's economic empowerment and legal 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" 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" and "Solutions Innovations Process," and CIPE's framework entitled "Understanding Women's Economic Empowerment Through Policy Gaps and Silences."

## 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.<sup>13</sup> 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

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

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

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

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



## SEARCH

Search 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.<sup>14</sup> 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.

14 WAGE translated the executive summary of the report into Spanish and distributed it among key stakeholders in El Salvador.

# ACKNOWLEDGEMENTS

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 (Seach). 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.

WAGE wishes to cordially thank the team of *pro bono* attorneys, paralegals, and interns from Hogan Lovells, who played an instrumental role in the process of gathering and analyzing the *de jure* information for the study. WAGE received invaluable contributions from the following individuals representing Hogan Lovells: Brenda Rogel (Partner), José F. Valdivia (Partner), Mary Carmen Fuertes A. (Counsel), Fernando Medina L. (Counsel), Andrea López D. (Associate), Maria Aldonza Sakar A. (Associate), Lila A. Gasca Enríquez (Associate), Juan Enrique Lizardi (Associate), Andres Diaz Barriga Ocampo (Associate), Carlos S. Romero (Associate), Javier Camacho P. (Associate), Tayde Bautista (Paralegal), Pedro Martínez Rubí (Foreign Law Clerk), and Morgane Willekens (Intern).

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# KEY ASSESSMENT FINDINGS

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 is 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 business owners 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 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.







## 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.

### Positive Findings

- Women and men in El Salvador are equal before the law regardless of their marital status. The Constitution of the Republic of El Salvador 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—*Ciudad Mujer*) 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

- 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. Single mothers and female heads of households are also significantly disadvantaged.

## 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.

#### Positive Findings

- In 2014, El Salvador 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 the 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 (OLAV).

#### 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. The country 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.



## SECTION II

### Conflict, Crime, and Violence against Women



#### Key Barriers (continued)

- 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

**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.

#### Positive Findings

- The constitution 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

**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.

#### 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 MSE 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 female owners of small and medium enterprises (SMEs) 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 multifaceted 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.

## SECTION IV

### Business and Commerce

#### Key Barriers (continued)

■ **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.

■ **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.

**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 to growing 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 suffer from VAW.

■ **Risk aversion.** According to several study participants, female business owners are less likely to take risks than male business owners.



# 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.

### Positive Findings

- Women and men have equal property rights under the Salvadoran 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 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.
- The law does not envision valuation of non-monetary contributions upon dissolution of marriage.
- 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

**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.

### 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 (FON-AVIPO); 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 based on 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. This creates an important opportunity for increasing financial inclusion through digital solutions.

### Key Barriers

- 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

**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.

### 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 based on 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 (UNDP).

### 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

**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 judgments for all. Women have equitable access to legal information, advice, and representation.

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.



## SECTION VIII

### Access to Justice



#### 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 and 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,<sup>14</sup> 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.

<sup>14</sup> 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 increase financial inclusion by attracting more clients and improving their chances to repay 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, must find ways to balance both cost-recovery and profit with attractive product designs and 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 numerous 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, *The Impact of Interest Rate Ceilings on Microfinance*, CONSULTATIVE GROUP TO ASSIST THE POOR (CGAP) (May 2004).

## INSTITUTIONAL CAPACITY BUILDING

Support and strengthen the capacity of:

- **Government agencies** to: a) 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; b) maintain commitment to preventative and restorative initiatives as ways to address conflict and violence; c) effectively respond to VAW in a trauma-informed and victim-centered manner; and d) eliminate prevalent institutional gender biases.
- **Financial institutions** to: a) 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 b) accept lawful alternatives for collateral and, in general, engage in fairer and more inclusive lending practices.
- **Microfinance institutions** to: a) 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; b) 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; c) enable effective client segmentation and development of services tailored to the needs of women operating new, growing, and mature businesses; d) sensitize them to the potential unintended negative consequences of women's economic empowerment; e) ensure that their services adhere to the highest ethical standards and "do no harm" principles; and f) 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: a) better engage with pertinent government agencies and successfully advocate for gender-transformative legal reforms and implementation of gender equality provisions; b) offer referrals (e.g., to MFIs) and more holistic services to women.
- **Organizations and institutions** which are working on advancing the status of women entrepreneurs to invest in innovative and sustainable economic empowerment projects that will generate employment and wealth, rather than simply help families survive.
- **Female business leaders** to: a) guide and participate in reform efforts; and b) mentor and serve as role models for less experienced female entrepreneurs.
- **Private sector firms** to: a) deconstruct sexist thinking that prevails in workplaces; b) eliminate occupational segregation by challenging stereotypes dictating that women are not equally competent to thrive in certain jobs or access better paid positions; c) decrease gender bias, discrimination, and violence in the workplace; d) grant women greater flexibility in their work arrangements to ensure work-life balance; and e) provide reasonable accommodations and service referrals to employees facing VAW and other shocks and stresses; and f) 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: a) reduce pervasive gender bias; and b) 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.

# 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 of ratification (R) or accession (A)
International Covenant on Civil and Political Rights (ICCPR) (adopted 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 (adopted 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 (adopted Dec. 15, 1989 by U.N. G.A. Res. 44/128)	Apr. 8, 2014 (A)
International Covenant on Economic, Social and Cultural Rights (ICESCR) (adopted 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 (adopted 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) (adopted 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 (adopted 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) (adopted 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) (adopted 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 (adopted Dec. 18, 2002 by U.N. G.A. Res. A/RES/57/199)	n/a
Convention on the Nationality of Married Women (adopted January 29, 1957 by UN G.A. Res. 1040 (XI))	n/a
Convention on the Political Rights of Women (adopted 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 (adopted Nov. 7, 1962 by UN G.A. Res. 1763 (XVII))	n/a
Convention on the Rights of the Child (CRC) (adopted 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 (adopted 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 (adopted May 25, 2000 by UN (adopted 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 (adopted 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 (adopted Nov. 15, 2000 by U.N. G.A. Res. A/RES/55/25, annex II)	Mar. 18, 2004 (R)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) (adopted 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) (adopted Dec. 20, 2006 by U.N. G.A. Res. A/RES/61/177)	n/a
Convention on the Rights of Persons with Disabilities (CRPD) (adopted 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 (adopted Dec. 13, 2006 by U.N. G.A. Res. A/RES/61/106)	Dec. 14, 2007 (R)



Treaty	Date of ratification (R) or accession (A)
Convention on the Reduction of Statelessness (adopted August 30, 1961 by Conference of Plenipotentiaries)	n/a
Convention against Discrimination in Education (adopted Dec. 14, 1960 by General Conference of UNESCO)	n/a
Convention No. 29 Concerning Forced or Compulsory Labor (adopted 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 (adopted June 1951 by International Labor Organization)	Oct. 12, 2000 (R)
Convention No. 105 Concerning the Abolition of Forced Labor (adopted June 25, 1957 by International Labor Organization)	Nov. 18, 1958 (R)
Convention No. 111 Concerning Discrimination in Respect of Employment and Occupation (adopted 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 (adopted June 17, 1999 by International Labor Organization)	Oct. 12, 2000 (R)
American Convention on Human Rights (Pact of San Jose, Costa Rica) (adopted 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) (adopted 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 (adopted 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) (adopted Jun. 9, 1994 by Organization of American States)	Nov. 13, 1995 (R)
Inter-American Convention Against All Forms of Discrimination and Intolerance (adopted Jun. 5, 2013 by Organization of American States)	n/a
Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance (adopted 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 (adopted Jun. 7, 1999 by Organization of American States)	Jan. 15, 2002 (R)
Inter-American Convention on Protecting the Human Rights of Older Persons (adopted Jun. 15, 2015 by Organization of American States)	Mar. 13, 2018 (A)
Inter-American Convention on Forced Disappearance of Persons (adopted Jun. 9, 2015 by Organization of American States)	n/a
Inter-American Convention to Prevent and Punish Torture (adopted Dec. 9, 1985 by Organization of American States)	Oct. 17, 1994 (R)

# APPENDIX III: LIST OF PERTINENT NATIONAL LAWS & POLICIES

Anti-Gang Bill, 2003<sup>15</sup>  
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  
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  
15 Year of initial adoption. Many of these laws have been amended.



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
FUNDEMAS	Business Foundation for Social Action ( <i>Fundación Empresarial para la Acción Social</i> ) <b>Funsalprodesa</b> 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> )
GANNA	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
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> )
Search	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



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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.

