

El Salvador

The Loss of the "Honra" - A Story of Sexual Assault

By Marina Castellanos from El Salvador

I would like to start this paper by introducing a writer from El Salvador (my country of origin), Salvador Salazar Arrue (Salarrue). In his book "Cuentos para Cipotes" (Children's Stories) he wrote "La Honra", where a peasant teenager girl, Juanita, full of life and illusions goes to bathe in the spring water pond near her home.

A man who is passing by, riding a horse, assaults her sexually. She is left without any understanding of why this happens to her.

She comes home and cries. Her father asks her what happened. She tells her father what happened to her. Her father then bashes her, blaming her and yelling at her, asking why she was so stupid to have lost her "honour". Why she had to go there to lose the only valuable thing she had.

This story, as with the stories of many young girls and women, again blames and punishes the victim.

I share another story of a girl who I met some years ago in El Salvador. This girl I have named Tina. Her father raped her when she was ten years old. She was the only girl with two older brothers. The father was the only breadwinner in the family. The mother knew what happened to the girl but she could not do anything about it. The father, who was very violent, used terror to control the whole family. Her mother knew this but the man was so violent and the whole family was living in fear so they saw no way to escape from this hell. There is no social security in El Salvador at all so they could not leave the place or have some income to allow them to escape from this situation. When the girl was 18 years old she met a young man who wanted to marry her.

When she told him that her father had raped her when she was little, he raped and left her. By then she was pregnant.

The mother and daughter told the father but after bashing both of them, he threw them into the street. They did not have any place to go. They could not go far away from the same barrio so it became a public story. Some relatives gave them shelter and food but they had to work as servants in return. The girl withdrew and became very depressed. She had the baby. Some years later the man who raped her, told another friend that she was easy and enjoyed sex. This man broke into the house and raped her and she got pregnant again.

The people who provided them with shelter blamed her and exploited her even more. Now she had two children to raise and became more withdrawn and depressed. She had several suicidal attempts. Last year the last man who raped her told other friends about this. Early one night, when she was home alone with her youngest child the men broke into the house and raped her in front of the little child. When the people

asked her to report this crime she was afraid to do so because she knew the men. They could attack her and nobody was going to help her. She was also ashamed that the people in the barrio were going to find out. She became worse and worse in her depression, became withdrawn and started to have hallucinations. Later on she was able to get psychiatric treatment. Both stories reflect how victims of sexual assault are blamed, punished and continue to be abused. This results in a deterioration of their physical and mental health. The issue of women being valued just by their virginity within a macho culture, allows perpetrators to inflict even more violence against them. I met women in El Salvador who were sexually assaulted when they were little or young girls. When they got into marriage or defacto relationships they continued to experience different forms of violence inflicted by their partners. Their partners reminded them of their lost virginity and harassed them with the question - why they "had sex with men before them." Usually the women believed they were responsible for the crime committed against them and again men were left without having to take responsibility for their criminal actions. In the barrio where I grew up and during my years of teaching in poorer areas, I became aware of many cases of sexual assault. Most of the perpetrators were male members of the same family, close friends and/or boyfriends of the victims. Some of the victims developed drug and alcohol addiction and became involved in prostitution. The fear of reporting this crime is real. According to the Report El Salvador Human Rights Practices, 1995, "Incidents of domestic violence and rape continued to be under-reported for several reasons: Societal and cultural pressures against the victim; a fear of reprisal; poor handling of victims by the authorities; fear of publicity; and the belief that cases are unlikely to be resolved." With regard to reported cases of sexual assault, The 1999 Report on Human Rights Practices in El Salvador , "ISDEMU (Instituto Salvadoreño para el Desarrollo de la Mujer) states that 359 cases of "sexual aggression" were reported in 1997, 298 cases in 1998 and 479 in 1999. In the same Report the Institute of Legal Medicine "reported 1,082 cases of sexual crime against women of all ages, an average of 89 cases per month. Under the new Criminal Procedures Code (implemented in 1998)), victim testimony is admissible evidence. The former law did not allow victims to testify, and since the rape victim is often the only witness, this resulted in little change for conviction in rape cases. In 1996 the Assembly repealed an old law that exonerated a rapist if he offered to marry the victim and she accepted." Even though there are changes in legal procedures and law to protect women and children from all forms of violence against them, victims still may be reluctant to report this crime. Economic and culture factors still prevent victims of violence from reporting the crime and even to continue living with their perpetrators. I also met women who endured all kinds of violence because they depended financially on their partners. There was no way for them and their children to survive financially away from the relationship. This situation of economic dependency gave their partners more power to control and abuse them. Changes in the law to protect women and children from violence against them. I came to Australia in 1988. Before I came I had never heard domestic violence spoken of as a crime in El Salvador. Even in my years as student of psychology at university we never talked about family violence as a serious topic although it was part of many people's daily experiences in their lives. Fortunately, the Peace Accords were signed which ended El Salvador twelve year civil war. Women's non-government organisations had more freedom to pressure and influence the legal system in order to change old laws and create new ones to protect women and children from all kinds of violence. I have tried to summarise some important aspects of the new legislation which is reported by the IIN Instituto Interamericano del Niño.

On December 20th 1996 a new law was decreed (Decree # 902) which has the following objectives:

- a) Establish the proper mechanisms to prevent, punish and eradicate family violence, violent relationships among family members or another interpersonal relationship whether or not they are sharing the same house.
- b) Apply the necessary preventive measures to protect, and guaranty the life, integrity and dignity of victims of domestic violence.
- c) Regulate rehabilitation measures for offenders; and
- d) Provide special protection to victims of violence in the family, boys and girls, adults and people with disabilities who have been victims of incest. This special protection is necessary to decrease the inequality of power that exists in the family and takes into account every person's special situation.

The law includes former partners, siblings, in-laws, adopted children who are under custody and any relationship that can be violent.

Principles for this law

Article 2:

- a) Respect for life, dignity, physical, psychological and sexual integrity of the person.
- b) Equal rights for men, women and children.
- c) The right to live without violence in private and public environment.
- d) The protection of all the members which form the family; and
- e) All principles of international conventions and treaties and the current family legislation.

All forms of violence are included in this law.

I will focus on the definition of Sexual Violence which states in Article 3, of the same law, as follows: "actions which force a person to keep physical or verbal sexual contacts, or participate in them by force, intimidation, blackmail, manipulation, threats or other mechanisms which annul personal willpower."

In addition, it will be considered sexual violence, "when the perpetrator forces another person to have sex with other persons."

Application of the law

Family and Peace Tribunal, Public Minister, Public Security Minister and Government, institutions which protect families, women, children and people with disabilities will intervene in the application of the law. In the same Decree in Chapter II there is included the State Policy for Prevention of Family violence the purpose of which is stated in Article 6: "The state has the obligation to prevent, punish and eradicate family violence. In this article there are actions which will be implemented so that the State can fulfil this purpose. I will mention some of them because I

consider they illustrate some degree of achievement in the struggle to stop family violence:

-Teaching ethical, civic and social values; respect for the human person's dignity, rights and responsibilities of members of the family. This teaching is implemented at all levels of the education system.

-Promoting research of causes and consequences of family violence and also signs and its dynamics.

-Establishing an efficient legal mechanism to protect victims of family violence

-Creating a Specialised National Police Division to handle the cases of family violence, and human rights abuses.

-Permanent training of the judicial system and staff, to educate them to have an efficient role in dealing with family violence.

-Incorporating training on the dynamics of family violence and its legislation for students from state and private universities of the following careers: Law, Social Science, Public Health, and National Academy of Public Security. (DECRETO No. 902. Ley Contra la Violencia Intrafamiliar, de 20 de diciembre de 1996. The implementation of this law may continue to be a challenge and struggle for organisations that stand up for social justice and against the violation of human rights. The greatest difficulty will be to change people's attitudes within a patriarchal society where women continue to be discriminated against. The Inter-American Children's Institute, states that "so far, most countries in the inter-American region have enacted legislation against domestic violence, and/or annexed articles to their penal codes, to prevent, punish and eradicate violence." A comparative chart shows that El Salvador is working on five of the six areas that are contended in the chart as follows: reporting and punishment, general prevention, education in the family, education in the schools and re-education of aggressors. Dunne, M. (1999), compares the situation of human rights in EL Salvador with the years of civil war. He says that: "Overall, El Salvador has vastly improved its human rights record from previous years of atrocities especially during the civil war". However, he argues that El Salvador continues to be plagued with many human rights abuses and the government claims to recognise them and take actions against them. "Unfortunately, the judicial system is so backlogged with cases that often these abuses will go under punished or even overlooked." It seems there is still a long way to go to eradicate violence against women and children. However, a big step has been achieved so far. Violence against women and children is not a secret any longer. The silence has been broken. The legislation and the willingness to address and understand domestic violence as a human rights abuse is showing a willingness from government and non-government institutions and organisations to eradicate all forms of violence against women and children.

Rape as a form of torture

Torture becomes a weapon of war, and, as we know El Salvador is no exception. Women, young girls and men were subjected to torture in the most horrible way. Rape

was part of the torture inflicted on women, young girls and men. The horror the victims suffered at the hands of their captors was beyond all human comprehension. Bodies of young girls, women and men were dumped in different places with evidence of brutal sexual assault as part of the torture perpetrated against them before they were killed. Those who survived, still carry the physical and psychological scars of this suffering. Bunster-Burotto, X. (1991) analysed the nature of the torture endured by Latin American female political prisoners. In her analysis she documented that: "Military regimes in Latin America have developed patterns of punishment specifically designed for women who are perceived as actively fighting against or in any way resisting the oppression and exploitation."(p.156). Similar patterns of punishment were developed in El Salvador during the civil war. Bunster -Burotto states, "there are written testimonies of how pain and suffering was inflicted on women prisoners, as a distinctive pattern of torture emerges. In the state torturers' efforts to force confessions, elicit information, or to punish, a pattern in structure and in content is clearly discernible" (p.157)

Therefore, cruel sexual attacks became part of the torturer's procedures to violate female victims, their dignity and integrity. She also analysed the culturally assigned gender differences in Latin American society (p.158) where the roles of men and women have been conditioned through the socialisation process within a macho culture. Men are expected to be strong, aggressive and to have all their demands and needs met by women. Women are expected to be feminine, submissive, dependent and able to endure all kind of suffering and able to sacrifice for the sake of the entire family. Men are considered superior, therefore they have all the privileges. People from El Salvador living for several years in Australia may not be aware of the new legislation and initiatives to eradicate all forms of violence against women and children both in El Salvador and in Australia. Therefore, it would require more effort on the part of health and legal service providers to reach out to this community in order to increase awareness of these issues and of services. Culture and language barriers and isolation stop victims from seeking help and access to services.

The Need for Research

Even though, sexual assault is a very complex issue to be researched, the impact of this and the acculturation process should be explored. Sexual assault as a form of racism may be experienced by girls and women in different ethnic groups.

Recommendation for services

My recommendation for services which provide support and help to victims of sexual assault from El Salvador is that they should try to focus on restoring the integrity and dignity of the victims of this crime. It should be reinforced that they are valuable because they are human persons. They deserve to be respected and have the right to enjoy their life without fear of being punished and isolated from others because they have lost their "honour".

Finally, I would like to express my deep admiration and respect for the courage of all victims of sexual violence who have spoken out and broken the silence. Their painful stories have been able to heal others, influence changes in legislation and create services.

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