Fighting Domestic Violence - El Salvador

3. Similarities and differences in terminology

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# 3.1 Domestic violence

According to Article 3 of the LADV, domestic violence or intrafamilial violence is any direct or indirect action or omission that causes physical, sexual or psychological suffering or harm, or even the death of family members (Article 3 of the LADV).

# 3.2 Stalking

Local regulations in El Salvador do not define stalking and they do differentiate between stalking and harassment.

# 3.3 Harassment

Local regulations in El Salvador do not define harassment, only "workplace harassment" and "sexual harassment." Article 8 of the SCVW defines "workplace harassment" as systematic and recurrent physical or psychological hostile action against a woman, for being a woman in the workplace, with the purpose of isolating, intimidating or destroying the communication networks of the person that faces these events, damaging her reputation, discrediting work performed or disturbing or hindering the performance of their duties (Article 8 of the SCVW). The PC defines "sexual harassment" as sexual conduct unwanted by the recipient, involving phrases, touching, gestures or other unequivocal conduct of a sexual nature or content (Article 165 of the PC).

# 3.4 Victim

According to Article 105 of the CP, a "victim" is considered the person directly offended by the crime, the spouse, life partner, relatives within the fourth degree of consanguinity or second degree of affinity, son or adoptive father, or testamentary heir in crimes whose result is the death of the offended person (Article 105 of the PC). Article 8 of the SCVW defines both "indirect" and "direct" victims. A "direct victim" refers to any woman whose right to live free from violence is violated, regardless of whether the aggressor is denounced, individualized, apprehended, prosecuted or convicted; while an "indirect victim" is any person whose right to live a life free from violence is violated, or who suffers damage by intervening to assist the direct victim or prevent the direct victim's victimization, regardless of the type of relationship that exists between the direct and indirect victims. For clarity, the law does explicitly draw a distinction between a direct victim being a woman and an indirect victim being a person (Article 8 (l and m) of the SCVW).

# 3.5 Abuser

Article 8 of the SCVW defines an abuser or aggressor as anyone who exercises any type of violence against women, in an unequal relationship of power and in any of its forms (Article 8 of the SCVW).

# 3.6 Civil protection order

While there is not a direct translation from English to Spanish, local regulations in El Salvador define civil protection orders as "judicial orders" (*Orden Judicial*) or "precautionary measures" (*medidas cautelares* or *medidas de protección*), which are orders to protect the victim from the aggressor (Article 7 of the LADV).

# 3.7 Causes of action

There is no definition for causes of action in local legislation in El Salvador.

# 3.8 Marital rape

Local legislation in El Salvador does not have a specific definition for marital rape. However, the LADV defines "sexual violence" as actions that oblige a person to have physical or verbal sexualized contact, or to participate in it, by means of force, intimidation, coercion, blackmail, bribery, manipulation, threat or any other mechanism that nullifies or limits personal will. The definition of sexual violence includes any situation in which an aggressor forces a person to carry out any of the aforementioned acts against third parties (Article 3 of the LADV).

# 3.9 Are there any other important domestic violence terms defined in relevant domestic violence statutes and codes?

**Economic violence**

This means acts or omissions of an aggressor that affect the economic livelihood of the victim through limiting, controlling or impeding her economic income (Article 9 of the SCVW).

**Patrimonial violence**

This means an action or omission of the individual that prevents adequate attention to the needs of the family; and any act that damages, loses, steals, destroys, retains, distracts or appropriates objects, instruments or property (Article 3 of the LADV).

**Physical violence**

This means actions, behaviors or omissions that threaten or injure the physical integrity of a person (Article 3 of the LADV).

**Psychological violence**

This means a direct or indirect action or omission with the intent of controlling or degrading the actions, behaviors, beliefs and decisions of other people, by means of intimidation, manipulation, direct or indirect threat, humiliation, isolation or any other conduct or omission that causes damage to the psychological health, self-determination, integral development or personal growth of an individual (Article 3 of the LADV).

**Violence against women**

This means any action taken against a woman because of her gender that causes death, damage or physical, sexual or psychological suffering to women in both the public and private spheres (Article 8 of the SCVW).

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