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Family policies in Central America: Navigating the Unstable Balance between Explicit and De Facto measures

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Abstract

Over the past two decades, Latin American electoral democracies have significantly expanded their family policies. Through monetary transfers and services for care-dependent individuals and families, varying levels of social co-responsibility have been achieved, with states—and to a lesser extent, men—assuming more significant roles in family responsibilities. This chapter examines how Central American countries, with notable cross-national differences, have followed a similar trajectory. However, recent authoritarian political transitions, exemplified by El Salvador, have seen the rise of punitive populism, leading to a reversal of these advancements. *De facto* family policies now increasingly promote the refamiliarization and feminization of family responsibilities, disproportionately affecting lower-income populations.

Keywords

Family policies, protection, caregiving, co-responsabilities, punitive populism, Central America

1. Introduction

Family policies have long been a foundational aspect of social policy across Latin America, focusing on the well-being, functioning, and responsibilities of families with care-dependent members. Over the last two decades, a significant achievement in the region has been the shift

[1] Jeannette Aguilar's expert contribution was invaluable in providing insights into documenting human rights violations in El Salvador.

from implicit to explicit family policies. Kamerman and Kahn (1978) distinguish between the two, stating that explicit family policies are those where programs are specifically designed to achieve defined goals concerning family well-being, while implicit policies are those where government actions may not directly target families but have indirect effects on their welfare (Kamerman 1978, 3). This understanding aligns with the broader public policy literature, which views policy as the decisions and actions—both to act and not to act—taken by governments (Dye 1992).

In this chapter, we focus on a specific type of implicit family policy: highly consequential de facto measures.

To understand family policies in a structured way, we draw from the typology developed by Sátyro and Midaglia (2021). They identify five categories of family policies:

1. Sequential policies aimed at balancing labor market participation with family responsibilities.
2. Derivative measures providing care services for dependent individuals, such as children, the elderly, or people with disabilities.
3. Income protection policies.
4. Policies affecting family size and dynamics, including issues like birth control and gender-based violence.
5. Government inaction, which the authors also regard as a policy, since families are left to provide for their members without state support, within the limits of their income and caregiving capacity (Sátyro and Midaglia 2021).

Similar to the other chapters in this volume, we examine changes and continuities in family policies during the 21st century. Our focus is primarily on policies aimed at children, which serve as a proxy for the broader shift from implicit to explicit family policies. As Martinez Franzoni (2021) notes, children require food, shelter, affection, and physical presence, all of which demand that adults allocate money and time and manage access to essential services. If a country lacks explicit family policies for children, it is unlikely to have such policies for other care-dependent populations, such as the elderly or disabled.

In this chapter, we discuss sequential policies, followed by derivative policies, such as early childhood care services, income protection measures, and the legal framing of fatherhood. These policies acknowledge that within families, the allocation of resources often involves conflict, rather than cooperation, among adults responsible for children's well-being. We then explore the concept of de facto family policy, using the Salvadoran case as an example. In El Salvador, prison policies have hindered the progress of family policies, demonstrating the impact of state inaction on family well-being.

Our analysis includes all six Central American countries: Nicaragua, Honduras, Guatemala, Panama, El Salvador, and Costa Rica. Nicaragua, Honduras, Guatemala, Panama, and El Salvador experienced a "left turn" during Latin America's first "pink tide" between 2005 and 2009, followed by a shift to the right in Honduras, Guatemala, and Panama, and a process of autocratization in Nicaragua and El Salvador. Costa Rica, a latecomer, elected a center-left government in 2014, followed by a right-wing government in 2022. Although an in-depth political economy analysis of these shifts is beyond the scope of this chapter, these political changes influenced the move from explicit to implicit family policies in the region.

Our research draws on official records, such as laws, policies, and program documents, along with publicly available statistics. We also utilize secondary sources, including reports from authoritative organizations and, in the case of El Salvador, a journalistic database documenting the experiences of Salvadoran families affected by the incarceration of relatives between 2022 and 2023. To assess policy performance, we examine coverage (access to regulations, transfers, and services), sufficiency (adequacy of policy provision), and equity (distribution of access and sufficiency across different population groups) (Blofield, Pribble, and Giambruno 2023; Martínez-Franzoni and Sánchez-Ancochea 2016).

In the following sections, we discuss sequential policies, derivative care services, income protection, and the legal framework for parental responsibilities. Finally, we address the de facto family policies in El Salvador, where punitive measures introduced in 2022 have radically altered the organization of time and income generation among low-income families.

2. Sequential policies: leave at birth and adoption

Leave at birth or adoption—including maternity, paternity, and parental leave—is usually approached as a measure that helps paid work and unpaid carework. Such leave can be maternalist or promote co-responsibility. The former reaffirms mothers' sole and almost exclusive responsibility for caregiving, while the latter promotes a reorganization of care between mothers and fathers (Blofield and Franzoni 2015; Marzonetto and Franzoni 2022).

Marzonetto and Martínez Franzoni characterize maternity, paternal, and parental leave in Latin America according to whether they are maternalist or take steps, albeit minimal, towards co-responsibility. Those that promote co-responsibility involve maternal leaves of 14 to 18 weeks, paternal leave of more than one week, 100% salary replacement, and parental leave that establishes a quota for fathers. On the other hand, maternity leave is generally shorter, accompanied by paternal leave of less than a week to support the mother, and lacks shared parenting leave.

The Central American countries are in the second scenario (see Table 6.1). The exception is the recently approved paternity leave in Costa Rica, which grants fathers two days of leave per week during the first four weeks of life and is financed by the social security system and the employers (Asamblea Legislativa de Costa Rica 2022). In the rest of the countries, paternity leave not only lasts a shorter number of days (3 to 5) but is also hardly implemented since it is financed only by employers.

Table 1 considers adoption leave, which denotes a move towards a social and not only a genetic understanding of parenthood. All of these leaves are maternalistic—in that they are directed exclusively at mothers—and financed by social security and the employer. Except in El Salvador, the leave is only three working days and funded by the employer.

Table 1. Central America: parenting leave in place and reforms since 2000, national level legislation

Country	**Current parenting leave**				**Most recent policy reforms**	**Year**
	Maternity	**Paternity**	**Parental**	**Adoption**		
Costa Rica	Maternalistic 12 weeks 100%	Co-responsible 8 days	-	Mothers 12 weeks 100%	Paternity	2022

	Mix	100% Mix		Mix		
El Salvador	Maternalistic 16 weeks 75% Employer	Maternalistic 3 workdays 100% Employer	-	Mother/father 3 workdays 100% Employer	Paternity and adoption Maternity, from 12 to 16 weeks	2013 2015
Guatemala	Maternalistic 12 weeks 100% Mix	Maternalistic 3 workdays 100% Employer	-	Mothers[1] 8 weeks ND ND	Maternal, paternal, adoption	2001
Nicaragua	Maternalistic 12 weeks 100% Mix	Maternalistic 5 natural days 100% Employer	-	Mothers 12 weeks 100% Mix	Paternity and adoption	2014
Honduras	Maternalistic 10 weeks 100% Mix	-	-	Mothers ** 6 weeks 100% Mix	Adoption	2000
Panama	Maternalistic 14 weeks 100% Mix	Maternalistic 3 workdays 100% Employer	-	Mothers 4 weeks 100% Soc insurance	Paternity	2017

[1] If child less than 1 year old

[2] If child less than 5 years old

Source: Updated based on Marzonetto and Martínez Franzoni (2022).

In the case of same-sex partnerships, Costa Rica grants maternity leave only to the birth mother, while the rest of the countries do not yet grant civil rights to same-sex partnerships (see section 5).

In terms of adequacy, table 6.1 shows the duration of parenting leave for all Latin American countries by June 2024, taking the latest reforms in Panama (2017) and Costa Rica (2022), albeit the rest of the countries exhibited reforms during 2000-2015, after the expansionary period, parallel to the average of countries in Latin America. Regarding parental leave, Central America

catches up with the whole region. While the Latin American average length of maternity leave is about 101,4 days, and paternity leave is about 7.23 days, the Central American countries exhibit an average of 93.3 and 2.16 days, respectively.

Concerning sufficiency, parental leave generally follows a formal employment-based entitlement scheme that does not fit prevailing labor relations across Central America. Informal work ranges from 44% in Costa Rica and Panama to over 80% in Guatemala (81%) and Nicaragua (82%), with levels above 70% in El Salvador (71%) and Honduras (77%). However, except in Costa Rica, where maternity leave was extended to the self-employed during the 2000s, leave is aimed exclusively at formal salaried workers.

In short

High levels of informality continue to hinder progress in Central American countries regarding the coverage and adequacy of maternity and paternity leave. The prevalence of informal employment places significant limitations on standard, employment-based leave policies. Costa Rica, however, stands out by extending leave benefits beyond salaried workers to include the self-employed. The Children's and Adolescent Code (1998, reformed in 2011; Art. 51) grants pre- and postnatal subsidies as a child's right rather than a benefit tied solely to their parent's employment status.

At the same time, reforms have demonstrated a need for state action in promoting alternatives to traditional family structures, particularly regarding shared parental leave. Furthermore, these reforms fail to ensure equitable access to parental leave for same-sex partners, with only Costa Rica making any provisions in this regard. As a result, the care arrangements of diverse families remain inadequately supported.

3. Derivative policies: Childcare services

Below, we address policy, plans, and programs, which are relevant as proxies to agenda setting on family policies, on the one hand, and actual childcare services, on the other hand.

Policies, plans, programs

Since 2000, there has been intense public policy activity since 2009 (see Table 6.2).

Table 2 Central America: Care reorganization and services as enacted in public policy, 2000-2023

Country	Policy, Plan, Program	Years	Promotes	
			reorganization of care within families	referral of care outside the family
Costa Rica	Early Childhood Policy	2015-2020		x
	Gender Equality and Equity Policy Action Plan	2019-2022	X	x
	RedCudi Strategic Plan	2018-2022		x
El Salvador	*Sistema de Protección Social Universal*, Care component in Child Welfare centers and Child Development Centers	2009		x
	Comprehensive Early Childhood Development National Strategy	2018-2028		x
	Five-Year Development Plan	2014-2019		x
	Crecer Juntos; Nat. Pol. Support for Early Childhood Development	2020-2030		x
Guatemala	Equality of Opportunities Plan	2008-2023		x
	Comprehensive Early Childhood Development Public Policy	2010-2020	X	
Honduras	II Plan for Equality and Equity of Gender in Honduras	2010-2022		x

	Creciendo con Amor Comprehensive Protection System	2015	X	
Nicaragua	National Gender Equity Program	2006	Recognized women as main caregivers. The plan proposes a transformation of gender roles.	
	Amor por los más chiquitos, Early Childhood National Policy	2011		x
Panama	Early Childhood Care National Plan	2009		x
	Action Plan for Equal Opportunities for Women	2016-2019	X	

Source: Adapted from analysis of primary sources in Marzonetto (2024).

Except for Nicaragua, countries have recognized domestic and care work as work and proposed the need and/or incipient measures to reorganize it within families. Costa Rica and Honduras stand out for explicitly questioning the sexual division of labor and considering the need to transcend it. For example, Honduras promotes transcending patriarchal relations through "responsible parenthood," involving parenting and household chores for one's benefit and that of one's children. (República de Honduras 2015)

All countries have announced the need to refer carework outside the family partly. Costa Rica's public policy foresees the articulation of all care services under the National Care System. In El Salvador, the Law for the Integral Protection of Children and Adolescents in 2009 established free and compulsory care with sufficiency starting in preschool and kindergarten. More recently, the *Creciendo Juntos* plan proposed the role of the State in promoting universal, differentiated, and quality services - while advocating that from inception to age 8, families and other primary caregivers are the best providers of the loving and sensitive care required. In Guatemala, the 2008-2023 Equal Opportunity Plan proposed to create, encourage, and promote childcare and breastfeeding centers in compliance with international human rights and ILO treaties and conventions to facilitate women's labor insertion. Panama stands out for training programs for female caregivers.

Services

The policy effort has been variable across countries. We document this based on what has happened in early education - that is, care, stimulation, development, and education services from birth to the beginning of the first year of primary school[2]. During this period, a distinction is made between a non-compulsory first cycle - from 0 to 3 years of age - and a compulsory second cycle - from 4 to 5 years of age.[3] When the State defines the compulsory nature of access, it must guarantee the provision of public services and regulate private services. Both state provision and regulation are weaker for optional services than compulsory ones (Rozengardt 2020).

On average, the enrollment gap between one subsystem and the other is 30 percentage points, with a minimum of 20 in Costa Rica and a maximum of 40 in Panama (see Table 6.3). Behind these gaps are the scarcity of public services, the high costs of private services, and families' lack of confidence in the quality of services, all of which reaffirm the social norm that young children should remain at home (Devercelli and Beaton-Day 2020).

Table 3. Central America: Coverage of care services, mandatory and non-mandatory, measured by school enrollment, last data available

Country	Minimum age mandatory[1]	Year	(%)	Non-mandatory, one year before mandatory (%) [2]	Gap (percentage points)
Costa Rica	4	2015	95	75	20
El Salvador	4	1996	58	22	36
Guatemala	4	1993	42	16	26
Honduras	3	2011	48	18	30
Nicaragua	5	2006	52	25	27
Panamá	4	1996	75	35	40
Average	4	--	61,6	32	30

[1] From 5 years of age on, except for Costa Rica, where mandatory schooling starts at four years of age.

[2] Usually at 6; in Costa Rica, at 7 years of age.

[3] For a detailed analysis of the legal frameworks on early childhood education and care, see UNESCO (2024).

[2] Data are for children aged 3 in Costa Rica and 4 in other countries.

Sources: Marzonetto, based on Estudio Regional Comparativo y Explicativo (ERCE) 2019, UNESCO.

In terms of sufficiency, mandatory public services are generally part-time, while private services have extended hours.

The 0 to 3 stage is the one that generates the most significant challenges for the organization of care in general and for the labor participation of mothers in particular. In practice, services are way more diverse than mandatory ones. These include public educational and non-educational services—such as those offered by social protection and welfare institutions—community programs, and private non-profit and for-profit services. They are also funded in various ways, from public budgets to out-of-pocket spending. Being optional services weakens the guarantees of adequate health, nutritional, and educational conditions, which are fundamental during this stage.

The following summarizes the universe of public childcare services in Central America. Table 6.4 summarizes the countries' early childhood care programs.

Table 4. Central America: public programs aimed at children

Country	Program	Eligibility criterion	Age (years)	Schedule	Voluntary work	Coverage
Costa Rica	CEN-CINAI	Economic need and social vulnerability of children	0-6	7 am-5 pm	No	20% of the population 0 to 6 years old below the poverty line
	REDCUDI	Working mothers	0-3	6 am-6 pm; night	No	
	Attention to rural children	Rural areas	0-6	7 am to 5 pm	No	
Guatemala	Crecer Juntos[1]	Economic need	0-3	7 am to 3 pm	No	1,5%
Honduras	Criando con Amor	Economic need and social vulnerability of	0-3	No Data	Yes*	17%

		children				
Nicaragua	Amor para los más chiquitos	Economic need	0-6	7 am to 3 pm		
	Centros de Desarrollo Infantil	Economic need	0-4		Yes	
	Hogares de cuidado diurnos[2]	Working families	0-3		Yes	
	Hogares de cuidado diurnos[2]	Working families	0-3	Linked to adult workday	Yes	
El Salvador	Centros de desarrollo infantil	Economic need	0-3	7 am to 5 pm	No	
	Centros de cuidado Ciudad Mujer [1]	Children of mothers in social vulnerability	0-6	7 am to 5 pm	No	
Panama	CAIPI governmental	Economic need	0-3	8 am-3.30 pm or 7.30 pm		
	CAIPI Communitarian	Social vulnerability	0-3	Within the family, a Social Assistant or teacher follow up by phone call every other week	Yes (parents of families enrolled in the program)	
	CAIPI Flexible	Children in special situations	0-3	Flexible, adapted to the family's needs		

[1] Family support; no mention of early childhood education.

[2] Explicit care.

Note: The centers primarily emerged as communitarian experiences based on voluntary work

Source: Adapted from Marzonetto (2024), based on the official webpages of the OEA, ILO, SICA, SITEAL UNESCO, and programs.

Generally, policy restricts access to means-tested programs based on social and economic vulnerability, while coverage is scarce and mainly urban. In terms of adequacy of services, service hours are similar to those offered in the rest of Latin American countries, where early childhood services are provided in shifts of between 3.20 hours (Argentina) and 5 hours (Brazil), negatively affecting the possibility of reconciling work and family responsibilities (Marzonetto 2024).

In Costa Rica, RedCUDI, the National Network of Child Care and Development (RedCudi), enacted in 2014, coordinates investment in this stage while supporting working women. In Nicaragua, the services provided in these centers include volunteer work carried out by women in the community.

In short

Changes in agenda-setting have moved towards a more equitable family policy model. However, policy implementation remains wanting, including Costa Rica as the best-case scenario. The enrollment gaps between mandatory and non-mandatory services and between urban and rural areas and service hours show severe limitations. Remote services and the lack of multilingualism threaten coverage and sufficiency, for instance, among rural and indigenous communities.

4. Income protection

While poverty is a multidimensional challenge, evidence also shows that access to regular cash transfers for families with children can provide simple and effective protection, especially against extreme poverty. Such transfers, by helping families meet basic needs, especially food, have improved child health, education, cognitive development, and overall well-being, representing a beneficial investment for them, their families, and society (Blofield, Martinez Franzoni and Oviedo 2024).

Conditional cash transfer programs were created across Central America as part of the dissemination wave that took place elsewhere in the region (Sugiyama 2011). Honduras (1998)

and Nicaragua (2000) were early comers (Barham, Mancours and Maluccio 2018). The other countries followed suit in the mid-2000s. Guatemala and Honduras, two countries with weak social policies, achieved 29 and 20.5% coverage in 2012 and 2013, respectively. The shallow current coverage speaks to how sensitive these countries have been to the expansionary and retrenchment waves that cut across the region as well, hand in hand with changes in economic conditions and the ideological leaning of the political parties in office (Arza et al. 2022).

Table 5. Central America: Cash transfers aimed at young children

Country	Year of creation first CCT program	Current program	Year of Creation	Coverage ([1])	
				Current (most recent data available)	Maximum Reached
Costa Rica	2006	Crecemos	2019	13% (2022)	14% (2021)
El Salvador	2005	Comunidades solidarias	2009	6% (2016)	10% (2009)
Guatemala	2008	Bono Social (ex Bono Seguro)	2012	3% (2022)	29% (2012)
Honduras	1998	Bono Vida Mejor (ex Bono 10,000)		0.15% (2021)	20,5% (2013)
Nicaragua	2000[2]	--	--	--	--
Panama	2005	Red de Oportunidades	2005	6% (2022)	13% (2009)

[1] Estimated people in households with recipients.

[2] Terminated in 2006.

Source: CEPALStat, Database non-contributive social protection programs in Latin America and the Caribbean https://dds.cepal.org/bpsnc/ptc

Beyond specific programs, in 2009, El Salvador designed a System of Universal Social Protection (2009) as an umbrella for all available non-contributory programs to coordinate with contributory programs (Rivera Ocampo 2016). Meanwhile, in Nicaragua, the program Red de

Protección Social, despite its positive impact assessment, was replaced in 2006 with an in-kind transfer program called Hambre Cero,which is part of the Early Childhood National Plan “Amor por los más chiquitos y chiquitas”(Gobierno de Nicaragua 2011).

Before the pandemic, most CCT programs had experienced retrenchment in coverage, sufficiency, or both. The Central American governments that responded to the pandemic with cash transfers did it by creating new measures - Bono Proteger, “de los 300 dólares” and Bono Familia in Costa Rica, El Salvador, and Guatemala, respectively. None of these efforts entailed expanding the coverage of pre-existing programs to families with dependent members (Blofield and Franzoni 2024; Blofield, Martinez Franzoni and Oviedo, 2024).

In short

The creation and deployment of social assistance over time demonstrate that governments´ capacity to reach people in need is higher than often assumed. This capacity reflects the political will and the support and financing of international organizations to implement these programs, which are not necessarily sustained over time. Especially during the recent pandemic in 2020, countries like Guatemala reached 16.25% of the population (over 10 million people in 3.2 million households) with emergency income protection measures. Thus, it exhibited a policy effort similar to other Latin American countries, challenging state capacity as the critical factor for its underperformance (Martínez Franzoni and Sánchez-Ancochea 2021).

5. Policies aimed at affecting family size and power dynamics

Family law has an essential influence on the needs of children as they depend on adults to access resources. For this chapter, we focus on family law that sets parental responsibility over children as a proxy of those policies affecting the dynamics of families. Family law is about forming, maintaining, and dissolving personal relations, including rules concerning maternal and paternal responsibilities. It focuses on the public regulation of private transfers and services. Within families, maternal and paternal responsibilities historically reflect the sexual contract. In the last decades, female labor participation, women's enrolment in higher education, and access to birth control methods affected and changed family relations, generating new dynamics and arrangements. However, family laws and regulations need to catch up to these changes.

Therefore, there are discrepancies between the rights and obligations respective to men and women as fathers and mothers, respectively.

In everyday life, there is a tight interplay between state regulation of public and private transfers and services, the domain of welfare and family policies, respectively (Martinez Franzoni 2021). Family concerns the forming, maintaining, and dissolving of personal relations, including rules regarding maternal and paternal responsibilities. Within families, maternal and paternal responsibilities historically reflect the sexual contract. In Central America, have these regulations changed to transform the rights and obligations of men and women as fathers and mothers? To respond to this question, we must consider the genetic, caregiving, and income maintenance dimensions of fatherhood.

Most Latin American countries presume fatherhood as complementary rather than co-responsible with motherhood (Martinez Franzoni 2021), and Central American countries are no exception. However, there is cross-national variation.

Access to DNA testing in approximately a dozen of the region's countries handed the courts a simple, accessible, and conclusive test to establish or deny biological bonds between men and children. DNA testing challenged men's capacity to opt out of fatherhood and enforced specific duties – both financial and emotional – to all their children. The degree to which DNA testing became effective in establishing biological fatherhood, however, largely depended upon whether the burden of proof was maternal or paternal. When such proof was placed on mothers, its demonstration entailed high monetary costs and lengthy judicial procedures. Regarding the burden of proof for identifying biological fathers, Costa Rica led the movement towards transferring the burden of proof from mothers to fathers (Asamblea Legislativa de Costa Rica 2001).

In terms of caregiving, until very recently, physical child custody reflected the 'tender years' doctrine: mothers were assumed to be more suitable caregivers than fathers (Raday 2019). More recently, some countries have taken steps towards shared custody in the presence of a parental agreement and/or towards a judicial rule based on the actual childrearing arrangements before separation, namely the 'approximation method' (Scott 1992). Still, time-use surveys across Latin America clearly show that caregiving continues primarily in the hands of mothers (UN Women 2017). Such imbalance makes gender neutrality–in family law a controversial demand, usually

advocated by organizations supporting separated fathers. Feminists argue that legal provisions are not effective tools for altering gender relations, given the persistent power asymmetries and conflict between mothers and fathers (Lathrop 2009; Herrera and Lathrop 2016). In fact, liberal and radical feminist thought appears to converge on the issue of child custody with the idea that replacing maternal preference for joint custody altogether, without further consideration or policy tools that alter the actual social organization of child-rearing, would entail a significant and damaging loss of power for women as those who continue to do most of this work.

Child support refers to the periodic, usually monthly, economic transfer to meet food expenses and other needs (e.g., housing, clothing, health, recreation, and education) required for children's livelihood and well-being (Ploscowe 1969). It is expected to be paid by the non-resident parent (Bucheli and Cabella 2009; Cuesta and Meyer 2012).

Table 6 shows how Central American countries address the three dimensions of fatherhood. Like the rest of Latin American countries, Central American countries presume fatherhood to be complementary rather than co-responsible with motherhood. They are no exception, but cross-national variation is worth addressing. First, fathers have the burden of proof in Costa Rica, El Salvador, Guatemala, and Nicaragua. In Costa Rica, state services are effective and free of charge.

Secondly, all countries share the "tender years" doctrine beyond the first years of life. Concerning caregiving, family law is highly maternalistic across the board. However, regarding income maintenance, Costa Rica makes child support mandatory for fathers in all circumstances, and Nicaragua makes it the case only if fathers do not live with their children[4]. Child support is paid jointly in El Salvador, Guatemala, Honduras, and Panama, even if mothers provide all the caregiving.

Table 6.Central America: State regulation of parental responsibility over children

Paternity dimensions	CRI	ElS	GUA	HON	NIC	PAN

Genetic	Fathers have the burden of proof	Yes 2001	Yes 1993	Yes 2008	No	Yes 2007	No
Caregiving	In the absence of agreement, laws give children to mothers regardless of age	Yes	Yes	Yes	Yes	Yes	Yes
Income maintenance	Fathers have to pay child allowance	Yes	Jointly with mother	Jointly with mother	Jointly with mother	Only if he does not live with the child	Jointly with mother

Source: Adapted from Martínez Franzoni, 2021.

Other family policies implicitly impact the inner dynamics related to the respected childbirth rights of women. The regulations in this matter are expressed under the human rights and life course approach to reach pregnant women, their partners, and their unborn children. Up to 2024, Nicaragua (2010), Honduras (2010), Guatemala (2010), Costa Rica (2021), and El Salvador (2021) have implemented policy programs and established guidelines to accompany and protect the gestational, prenatal, perinatal process, to guarantee the safeness of newborns and their mothers, and to provide information about contraceptive methods as well as lactation.[5]

Despite progress in terms of equity, these measures are generally implemented in public and private healthcare services concentrated in urban areas. Also, by relying primarily on the Western medical paradigm, Indigenous people are naturally excluded from this coverage, or if covered, services do not necessarily respect their cultural practices. This is not to say there has not been progress toward culturally pertinent services. For instance, in Guatemala, a strong

[5] In Panama, a bill project was presented in 2015, 2017, and 2021 that advocates for humanitarian childbirth.

movement of indigenous midwives has gained constitutional recognition since 1999 and made inroads to collaborate with official services (Monteperque 2022).

Much of their recognition drew on their role in reducing maternal mortality in the country with the highest rates in Latin America (Farmamundi/ACECSA 2015). In general, such collaboration has been hierarchical regarding the Western medical establishment. However, in January 2024, the incoming center-left government signed a “healthcare pact” to promote and enact horizontal collaboration between ancestral and official healthcare arrangements (Ministerio de Desarrollo Social 2024).

Last but not least, the underlying idea of family composition is that besides the mother-child dyad, the third figure is the father as complementary but not co-responsible for the childbearing and caring with the mother.

In short

Co-responsibility, which is first built on regular paternal involvement in income provision and later addresses the joint participation of fathers in child custody, primarily benefits the income security of mothers and children. On the contrary, sharing income maintenance when the same does not happen with caregiving or forcing joint custody in cases of parental conflict risks letting fathers evade responsibility for much of their income provision without ensuring they will be consistently present in childrearing.

6. Government (explicit) inaction

> "The women relatives of those detained under the state of emergency have suffered a deterioration in their living and subsistence conditions. Their upbringing and care tasks have increased, particularly for older women, who are generally mothers and grandmothers of detainees, in addition to being left without financial resources and in charge of young children. Despite the deterioration of their income, women invest time and resources to investigate the whereabouts of their relatives, obtain certificates, solvency and go to different institutions (PNC, PGR, Penal Centers, among others), in addition to the effort to pay for food or medicine packages." (Cristosal 2023, 70)

One dimension of family policy concerns those where families are reshaped by public policy by default, since with or without state help, families will seek to protect their members within their

income limits and capacity for caregiving. In this chapter, however, we focus on *de facto* family policies, understood as policies with empirical consequences for the organization and functioning of families with care-dependent members in terms of income maintenance, caregiving, or both. The recent experience of El Salvador illustrates the overwhelming effect that punitive populism (or penal populism) as state public policy can have on social policies in general and family policies in particular[6].

Under the state of exception enacted to eliminate gang violence ("maras"), over 70,000 people have been imprisoned since March 2022 (World Population Review 2024)[7]. Of these people, 50,000 were apprehended during the first three months and 60,000 between March and December 2023 (SSPAS 2023), causing extraordinary and abrupt changes in the organization of families and entire communities[8]. These figures have remained relatively stable, so in 2024, El Salvador has the highest incarceration rate worldwide: 2% of its adult population (SSPAS 2023; World Population Review 2024). The proportion of children living without their mothers or fathers was already high in the Latin American context before the state of exception (Salvador 2015). However, following the state of exception, it has reached the highest proportion ever recorded: 37% of children and teens 0-17 (La Prensa Gráfica 2023).

Given the opacity of official information, access to data is itself challenging (Cristosal 2023). To document the transformations in families, we conducted a content analysis of articles published in three national press outlets from March 26, 2022, when the constitutional guarantees were suspended, until September 8, 2023, when the seventeenth extension took place[9]. The media were the daily Elsalvador.com, La Prensa Gráfica, and Diario de Hoy, and the weekly El Faro,

[6] This strategy assumes three premises: higher penalties lead to reduced crime, penalties reinforce a moral consensus in society, and the strategy carries an electoral reward (Sáenz-Solís 2023; Sales Campos 2023; Larrauri 2006). Moreover, this strategy takes criminal policy out of the expert realm to make it a matter of common sense and citizenship (Muñoz Tejada 2009). Bukele president´ strategy has become dominant in many corners of the world "as a shock absorber against the seismic events taking place elsewhere in the social fabric brought about by neo-liberal economic and social restructuring over the same period" (Pratt y Miao 2019), hence the relevance of examining these policies as *de facto* family policies.

[7] By May 24, 2024, authorities reported 79,000 detentions, as posted by the Salvadorean president of Congress (Castro 2024).

[8] This was done with the suspension of constitutional guarantees, which has acquired the character of a permanent repressive measure" (Cristosal 2023). According to the authorities, 7,000 people were released between March 2022 and August 2023 (Human Rights Watch 2024).

[9] In addition, a mega-prison (Tecoluca, for 40,000 inmates) had already been inaugurated six months earlier, adding to the stability of the situation established by the emergency regime.

which specialized in investigative journalism[10]. The result was a database with 95 entries. We also used official documents from the Presidency, the Ministry of Justice, and the Legislative Assembly, as well as reports from experts and human rights organizations whenever possible.

Data processing was done through content analysis on NVivo. It focused on the breadwinning role of incarcerated men, expanded demands of women's breadwinning roles, expanded demands on women´s caregiving roles, and existing public arrangements to support women and children throughout the radical changes in family arrangements. Below, we present evidence regarding the transformations produced in the families during the 18 months examined due to the exception regime.

Families massively lost income providers

In the first month, only 2.6% of the persons captured were women. Ninety-seven percent were men, mostly between 18 and 30 years of age, with economic family responsibilities (Urbina 2022). By 2024, 92.6% of those apprehended were men (World Population Review 2024).[11] Also, almost all were detained in homes or on the streets of low-income communities (HRW/Cristosal 2022; Human Rights Watch 2024).

Both the gender and socioeconomic composition have been maintained over time, leading to a significant loss of income in families that live very much on a day-to-day basis. Journalistic data included in the El Salvadorean de facto family policy database shows that detainees were mostly informal workers such as delivery men, street vendors, cashiers, farmers, plumbers, fishermen, masons, and others.

These characteristics, the scale of incarceration, and the permanent character it has acquired substantially transform the organization of families. Specifically, it increases the demand for income generation by women, increases the pressure on the use of time allocated to care, and lacks state responses to accompany family/female responses. Table 6.7 reports the recurrence of

[10] Diario de Hoy and ElSalvador.com generally presented individual stories useful for describing detainee profiles. La Prensa Gráfica paid more attention to delivering food and hygiene kits and following up on families waiting outside the prisons. The keywords used for the search in the press were emergency regime, Mariona, Izalco, captured and/or detained, mothers denounce, detainee information, releases, cleaning kits, and food kits.

[11] The situation of imprisoned women deserves separate attention. We prefer here to focus on the changes experienced in women's lives due to the incarceration of their male relatives.

money and time in press sources. In addition, in 17 articles, we identified 20 references to women as protagonists in the face of the emergency precisely because they are the ones who seek to respond to the new demands for money and time.

Table 7. Effects of the state of exception in the use of:

NVivo Coding	Money	Time
References	41	61
Entries	15	39

Sources: Journalistic database on Salvadoran *families of incarcerated people* 2022-2023.

Money: women's economic responsibility massively increased

While the vast majority of those imprisoned ceased contributing income to their families, the exception regime meant a reduction in family income (see Box 1).

Box 1. Role of men imprisoned by the state of emergency as providers of services

Selection of 7 of 11 coded entries

“Sara expressed that hunger is another problem because, since her husband was captured, there is no one to provide for their home”. (2022 05 30 ELH)

"...[her 24-year-old son in detention lived with his mother]. “He is the one who gave me money for medicine and took care of me.” (2022 05 14 LPG)

“He is a farmer and has family responsibilities as his three children and wife depend on him” (2022 05 06 LPG)

“More than 15 fishermen have been arrested in the last four months at Los Blancos Beach [...] Entire families have been left without their main economic income.” (2022 07 22 LPG)

“All the men of the family are in Mariona [...] ... my husband, my father-in-law, cousins of my husband [...] The men of the households were taken away [...] those who support us”” (2022 08 17 LPG)

"Mirna juggles to support her 7 detained family members: ‘At home I am the only one left‘” (2022 05 30 EDH)

Source: Own elaboration based on the Journalistic database on Salvadorean families of incarcerated people 2022-2023

In addition, the emergency regime led to an expansion of both temporary and permanent expenses. In temporary terms, at the beginning of the emergency regime, family members, the vast majority of whom were women, had to allocate resources to travel to and stay for hours, days, or even weeks around the prisons to wait for information. (HRW/Cristosal 2022, 71).

In permanent terms, these people had to assume the cost of supporting their family members. Between March 2022 and February 2023, this cost was expressed in so-called "packages," including uniforms, food kits, and toilet kits. According to the database on El Salvadorean de facto family policy in 2022, families could access different kits in three main price ranges. The first, between US $20 to US $45, contained mostly towels, socks, t-shirts, shorts, and underwear. The second, between US $90 and US $145, added more diverse food and hygienic products like cookies, cereal boxes, milk, sugar, toilet paper, and shampoo. Finally, the US$225 kit incorporates supplies of greater value, such as mats, chairs, sheets, glasses, body lotion, tennis shoes, and others[12].

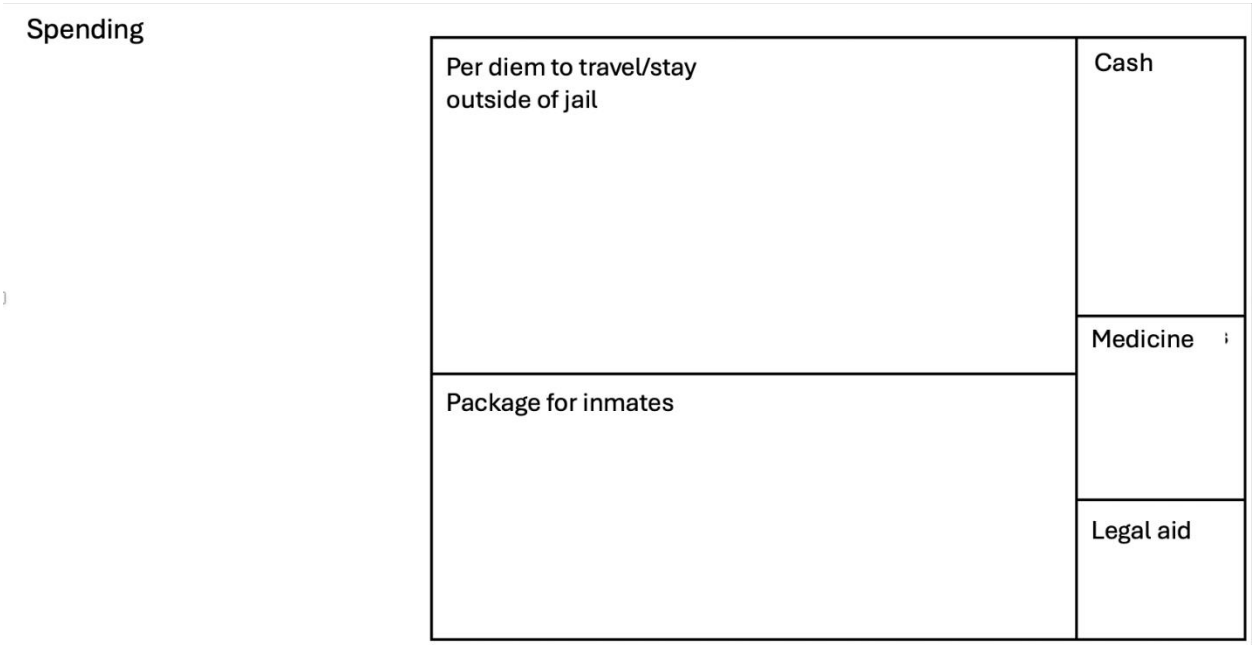
As of December 2022, the government introduced a new modality that has being extended to the entire prison system. It replaces the package with monthly cash payments. It is US$170 per month for food, clothing, cleaning, and miscellaneous; US$2040 per year (Silva 2023)[13]. The prison also set up a deposit of between US$5 and 150 for inmates to access additional items in institutional stores (Silva 2023).

The press analysis reported two primary sources of spending: transportation to prisons and maintaining family members in prisons. Cash deliveries, the purchase of medicines, and legal support came in third, fourth, and fifth place (see Figure 1).

[12] Underwear and shirts two for $5.00, shorts for $4.00, pants, sheet and towel for $5.00 each, sandals $3.00 and socks or toe caps $1.00 or two for one dollar. (ElSalvador.com, June 2022. The demand for the sale of clothes increases...).

[13] The cost includes food US$35, hygiene US$15, clothing US$30, area cleaning US$20, and miscellaneous US$70. If this cost is extended to all prisons, families would be forcibly making $17 million monthly in state revenues.

Figure 1. Spending associated with the state of exception (by number of coded entries)



Source. Own elaboration based on the Journalistic database on Salvadoran *families of incarcerated people* 2022-2023.

In extreme cases, families contributed to the financial support of their relatives for months after their deaths, which they were unaware of (Azul Originario et al. 2023)

In short, incarceration not only led to a reduction in the income of families but also to the creation of entirely new expenses associated with the maintenance of those in prison.

Time: Women's caregiving responsibilities increased

Since the beginning of the state of emergency, hundreds of relatives, mostly women, have been transferred to prisons to seek information on the whereabouts and state of health of their relatives[14]. They wanted to know where they were, their legal status, and their needs. In the

[14] Human rights organizations classify several of the detentions as enforced disappearances because family members were not provided with information on their whereabouts, and prisoners were held incommunicado for days or weeks.

absence of a centralized system of information on detainees, this situation was widespread, forcing women "to move between different offices of prisons to find out the whereabouts of their detained relatives, often at great distances from their homes" (Azul Originario et al. 2023, 53). In addition, they came to seek to provide them with food or the implements required by the authorities, such as clothing and hygiene (Azul Originario et al. 2023, 53).

The database on El Salvadorean de facto family policy notes that during the regime, as a result of the detention of family members, women increased their caretaking responsibilities between home and prisons. Some remained outside the detention centers awaiting news for weeks or months. Many others made periodic trips to deliver hygiene kits, food, and medicine deliveries. In addition, they moved on an emergency basis when announcements were made of alleged mass releases from the largest prisons. Two months after the beginning of the state of emergency, on May 21, the Penal Centers set up an information office. However, the office limited itself to reporting whereabouts and not, for example, health situations. Nor did it reduce the time women spent carrying packages to their relatives.

Box 2. Feminization of the state of emergency in terms of time use

Selection of 4 out of 20 coded entries

“The place has been attended mainly by mothers of the detainees” (2022 04 01 LPG)

"The main door of El Penalito is opened, occasionally, to give way to some police. ...[...]... a handful of women gather, on the other side of the street, to try to take a look inside... [...]... carrying small children (2022 04 23 LPG)

"Saturday morning brings together on the sidewalk opposite the enclosure, about twenty relatives of detainees. Most of them are women...[...]... who carry children with them. They wait there, on the other side of the street, for their relatives, all men, to be transferred” (2022 04 23 LPG)

“Like dozens of family members who visit the Izalco prison daily, Sara de Morales has been sleeping in the street for almost two weeks, under the sun and rain, waiting for her husband's release”. (2022 05 30 EDH).

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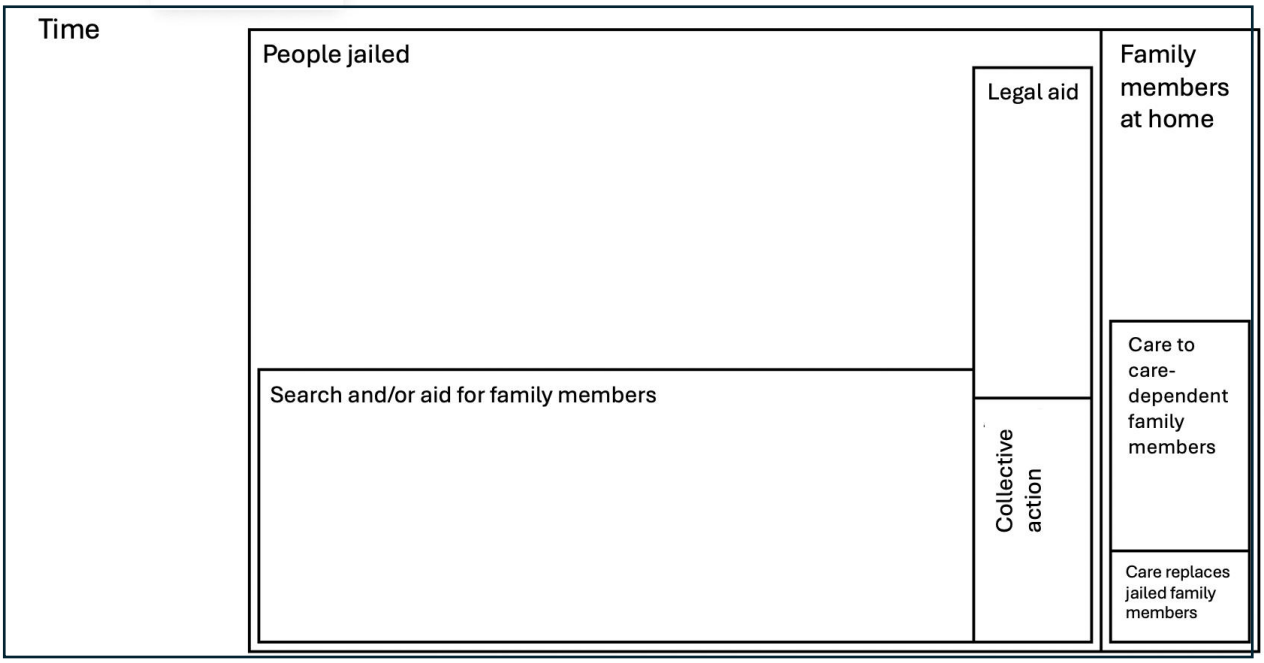
Source: On elaboration based on the Journalistic database on Salvadoran *families of incarcerated people* 2022-2023

Figure 2 reports the entries that the press published regarding the time allocated by women, first of all,-destined to search for assistance (mainly delivery of packages), followed by the search for

legal aid and collective action[14]. In addition, the graph reports entries related to the demand for time to care, distinguishing between care carried out simultaneously as being transferred to prisons and care delegated to other people to cope with the needs of time associated with prisoners. Figure 2 reports the entries that the press published regarding the time allocated by "Health vulnerabilities and lack of access to health services, mainly when a single person – usually women – must assume all the care tasks and provide resources for maintenance since this prevents them from going to preventive health centers and taking them to health centers; They cannot also buy medicines." (Cristosal 2023, 52).

Figure 2. Time allocated by women associated with the emergency regime (by number of coded entries)



Source: On elaborated based on the Journalistic database on Salvadoran families of incarcerated people 2022-2023.

There was a lack of public policy responses

According to estimates by the *Socorro Jurídico Humanitario*, 100,000 children and adolescents in El Salvador are abandoned as a result of the state of emergency (Azul Originario et al. 2024).

“Many children and adolescents who are left in the care of relatives experience significant deterioration in their living conditions, are unable to continue their studies or must also take on domestic chores and work to contribute financially to the family group." (Cristosal 2023, 52).

The Salvadoran State has a legal mandate to "adopt all measures to ensure that the deprivation of liberty has the least impact on its children; it also must implement care and protection programs for those directly affected (Cristosal 2023, 53). However, "there are no specific programs for the care and protection of children and adolescents whose fathers, mothers or responsible persons have been deprived of their liberty during the state of emergency” (Cristosal 2023, 52). These families are not entitled to state support: they are villains rather than victims.

Our press review did not mention state support, but we did find evidence of state measures that undermine human rights, such as the right of children to maintain contact with fathers and mothers as defined by the *Creciendo Juntos* law. For example, since March 2022, all family prison visits have been suspended, and new facilities like Tecoluca lack the required infrastructure (Azul Originario et al., 2023).

In short

By reducing income provision, increasing expenses, and stretching demands on women´s capacity to provide income and caregiving on a massive scale, the state of exception reshaped the organization of low-income families in the direction of less gender co-responsibility and strengthened maternalism.

7. Discussion and implications

Across Central America, we have seen notable progress in the shift from implicit to explicit family policies and, to a lesser extent, towards greater social co-responsibility in caregiving. These shifts reflect efforts to reorganize care both within and outside the family. However, more emphasis has been placed on external care structures (such as public care services) rather than transforming caregiving dynamics within households. Much of this progress, however, has been confined to agenda setting rather than actual implementation, with significant challenges related

to coverage and equitable access to services. Policies remain limited in scope, often focusing on small-scale initiatives. For instance, Creciendo Juntos in El Salvador and Amor por los más chiquitos in Nicaragua are explicit examples of familistic measures that promote a traditional division of labor by emphasizing the family's central role in society, especially regarding caregiving.

Simultaneously, de facto policies, such as those seen under El Salvador's state of emergency, have strengthened familistic and feminized labor arrangements. These policies have significantly increased women's paid and unpaid work, particularly in contexts of widespread labor informality. In purely distributive terms, this has had regressive effects on low-income families, exacerbating both socioeconomic and gender inequalities. While these regressive trends are most evident in El Salvador, they are also emerging in less extreme forms in other Central American countries, including Costa Rica, where informal labor and insufficient social protection remain persistent challenges.

Looking forward, the rise of punitive populism, especially in countries like El Salvador, may further undermine the strides made towards social co-responsibility in caregiving. The trend towards authoritarianism across Central America, as seen in the autocratization processes in Nicaragua and El Salvador, could lead to a rollback of explicit family policies that promote gender equality and shared caregiving responsibilities. Instead, we might witness a resurgence of policies that place the burden of caregiving disproportionately on women and reinforce traditional family roles. If this trajectory continues, family policies across the region will likely become increasingly stratified along socioeconomic lines, deepening the divide between families with access to state-supported caregiving resources and those forced to rely solely on their capacities.

For example, in El Salvador, where de facto policies have already increased the caregiving burden on women in low-income families. Further authoritarian shifts could lead to even greater state neglect of gender equality measures. This could manifest in the formal abandonment of efforts to redistribute caregiving responsibilities between men and women, effectively undoing the achievements of recent decades.

In other countries, such as Honduras and Guatemala, where informal labor dominates, we may see similar trends emerge if authoritarianism strengthens. The retreat of explicit policies promoting gender co-responsibility, combined with punitive measures targeting marginalized

communities, could create a situation where family policies become highly segmented, benefiting only the middle and upper classes while leaving vulnerable populations unsupported.

In conclusion, the coexistence of explicit family policies promoting gender equality and de facto policies that reinforce traditional, feminized caregiving roles creates a volatile environment for family policy in Central America. Without solid and proactive measures, the trend towards regressive de facto policies may undo many of the region's recent achievements in social co-responsibility. To avoid deepening stratification and inequality, Central American countries must prioritize expanding the reach and scope of their explicit, progressive family policies.

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