

**Country session: El Salvador**  
**Date of session: 18<sup>th</sup>-19<sup>th</sup> September 2018**

**Background information**

[OHCHR press release](#)

**Webcast:** [first part](#) and [second part](#)

**Audio file**

**Reporting**

**Reporting methodology**

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	20 Jul 1998
<a href="#">Updated document</a>	16 Nov 2017
<a href="#">Annexes</a>	16 Nov 2017

<a href="#">CRC</a>		OPAC		OPSC	
No. of report	5 <sup>th</sup> and 6 <sup>th</sup>	No. of report	-	No. of report	-
Due date	03 Jan 2016	Due date	-	Due date	-
Submission	23 Jan 2018	Submission	-	Submission	-

<a href="#">Written replies</a>	
Submission	<u>17 August 2018</u>
Due date	<u>15 June 2018</u>

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Global Initiative to End All Corporal Punishment of Children</li> <li>• Human Rights Watch</li> <li>• Women's Link Worldwide</li> </ul>
<b>NHRIs</b>	Organizations



## State delegation

The delegation was composed by a mix of high and technical level staff. The delegation was headed by Zaira Navas, Executive Director of the National Council for Children and Adolescents of El Salvador and assisted by Representatives of the National Council for Children and Adolescents, Ministry for Social Inclusion, Direction of the Population Groups and members of the Permanent Mission of El Salvador to the United Nations Office at Geneva.

## Committee's Task Force members

Name & Last Name	Country
Luis Ernesto Perdenera Reyna (Coordinator)	Uruguay
Amal Aldoseri	Bahrain
Jorge Cardona	Spain
Renate Winter	Austria

## Dialogue description

### i. Character of the dialogue

The dialogue was honest, constructive and interactive with in depth and focused discussions. The delegation was open to receive recommendations and discuss honestly (also on sensitive topics like abortion).

### ii. General assessment made by the Committee

The Committee lauded the delegation for the efforts to strengthen the country's legal and institutional framework in children's rights protection, particularly with the LEPINA law (integral law of children and adolescent's protection) and for the OPIC's ratification. However, the Committee highlighted the remaining legal gaps on administrative and judicial procedures; the lack of disaggregated data about children's situation and the small national budget for education and health - which remain under the Latin America's average. The violence was identified as a key problem in El Salvador: the country has one of the highest ratio of murder among children in the world. The Committee concluded of addressing poverty and impunity to tackle the violence.

### iii. Main issues discussed:

- **Definition of the child:** in El Salvador, the conception of "child" is until 12 years old. The Committee questioned if the adolescents (12-18) are also included by the definition of the child according article 1 CRC. The delegation replied by saying that the distinction is made to cover different needs; however, the LEPINA law cover the protection of the child until 18 years old. Under the Salvadorian law, child marriage is prohibited; however, the Committee asked what were the difficulties to overcome this issue.
- **Principle of non-discrimination and the best interest of the child:** The Committee questioned the government about concrete measures have been taken to tackle the discrimination against children, particularly against girls, LGBTI community an indigenous people and to guarantee that the principle of the best interest of the child was systematically applied in decision-making concerning children. The government replied by saying that they have intersectional plans and programs aiming to eradicate discrimination against girls. The reform of the Constitution allows recognizing indigenous people's rights. Regarding the LGBTI community, an executive decree was adopted to avoid all forms of discrimination in public organisation and a special helpline was created. The staff of the National Council for Children and Adolescents received regular training on the principle of the best interest of the child.

- Right to life, survival and development:** The Committee raised the issue of the situation in detention centres: the fights between gangs and the violence Maras (gang) were a threat for the rights to life, survive and development of children placed in detentions centres. The Committee raised also the issue of the protection of children from families that have been forced to disappear due to the Maras and it was also concern about the protection of children returned from the Mexican border, who were often threatened. The delegation was aware about that problem; in order to break the circle of violence the delegation stressed on the implementation of program of education, occupation for young boys.
- Right to be heard:** The Committee members welcomed that the LEPINA law had included the participation principle following article 12 CRC. However, the Committee was worried about the application of this principle, in administrative and criminal procedure particularly for children under 14 years old. The Committee commended the involvement of children in the preparation of the report; however, it was worried about the budget for children's participation and asked if the consultation was widespread practices across all policies affecting children.
- Civil rights and freedoms:** The Committee asked about concrete measures to ensure birth registration of each child and to overcome the challenges in registration system in remote areas, particularly the fact that the free service was provided for 90 days only. The Committee also suggested to create a legal status for the National Commission for Missing children. The access to information was also raised.
- Violence against children:** The Committee highlighted violence as one of the core problems of El Salvador: one child per day continued to be murdered. The high criminality rate, the violence of youth criminal gang - which recruited children as young as 5 old - affected the entire county and stigmatized children who joined the gangs. The National Security Plan "Safe El Salvador"- according the Committee- should be more on prevention and victims' protection rather than repression. Aware of that problem, the delegation replied that El Salvador had changed its approach, which was more on prevention: programmes - aimed to promote access to youth employment and education - were adopted to reduce the recruitment of youth. The Committee also stressed on the police violence and brutality against teenagers and asked if police received training to reduce the violence and if there were follow-up investigations to the complained cases received by the Office of the Human Rights. The delegation replied that there were continuing education and programmes in human rights for national public security and all cases of death adolescent in custody were investigated.
- Sexual violence and corporal punishment:** The Committee asked if there were any national strategy to end child abuse and corporal punishment at home, which affected four out of ten children. The Committee deplored the high ratio of sexual violence against adolescents, especially girls and denounced the widespread impunity. The delegation was concern about this issue: education, combat against genders stereotype and a law on protection of victims of sexual violence by gangs were the measures highlighted by the delegation to tackle the problem.
- Teenager pregnancy and sexual education:** The Committee was concerned about the high rate of teenage pregnancy. Regarding that point the Committee asked about the sexual education in school - which seemed prohibited before the age of 12 - and the availability of contraception. The delegation replied that sexual education in school is progressive; before the age of 12 children received also an education regarding the own body. They also said that children could access any type of contraception without a legal document from the adult.
- Special protection measures:** The Committee showed concern over the situation of unaccompanied migrants blurred with refugees on the forced displacement system. On this topic the Committee raised the need to update data on migrant children using the educational system and the measures to increase acceptance of migrant children in schools. The delegation replied that migrant children can be enrolled in public schools, where parents are also provided with permits to search for job.
- Mental health:** The Committee asked about the situation of mental health of children, particularly of them victim of multiples violence: the report was silent on that point. The question of the medicalization and institutionalization was also raised. The delegation replied that a programme and a policy on that came into force in 2017 and multidisciplinary team at national and regional level support children.

- **Children with disabilities:** The Committee welcomed the progress in inclusive education; however it was concern about the situation of children with intellectual and psychosocial disabilities, for whom inclusive education is still not achieved. The delegation was aware of that but highlighted the progress made in ensuring accessibility and adapting curricula for children with disabilities. The Committee also asked if the forced sterilization is still a legal practice. Even if this practice was still legal in some cases, the delegation was committed to repeal this provision.
- **Economic exploitation and Child labour:** The Committee were concern about the high rate of child labour in the agriculture sector, especially in sugar cane plantations and asked if companies exploiting children - as such as Coca-Cola - were sanctioned. The delegation replied that an agreement with the sugar cane industry to eradicate child labour were signed. Furthermore, the Ministry for Social Protection conducted regular labour inspections to control the implementation of this agreement.

## Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of urgent measures concerning the following six areas:

- **Right to life, survival and development:** The Committee urges the State party to investigate, prosecute and sanction cases of killings of children and strengthen measures to monitor the performance of the police and judicial institutions. It also recommends conducting studies the root causes of child homicides and taking measures to prevent them. Moreover, the Committee recommends the State party stepping up its efforts to eradicate the availability of arms, including small arms; It also asked to the State party to take into consideration the recommendations included in the report “Protecting children affected by armed violence in the community” of the United Nations Special Representative of the Secretary General on Violence Against Children.
- **Children affected by Maras:** The Committee - referring to GC 13 and considering target 16.2 SDG - urges the State party to review the policies and programmes addressing violence and criminality by *maras* with a view to adopting more effective actions for the prevention of killings, disappearances and recruitment of children by criminal groups. It also urges State party to address the root of violence and child recruitment - such as poverty and discrimination - and taking into consideration the particular needs of boys and girls victims. It also recommends strengthening the technical and investigative capacities of the police and increasing the human and financial resources available to the police and the judiciary to conduct prompt, impartial and thorough investigations of crimes committed by *maras* against children.  
Violence is recognized as a root cause of internal displacement; the Committee thus recommends to the State party to take the measures implementing the Ministry of Justice’s roadmap for the inter-institutional coordination of the comprehensive care and protection of victims. Moreover, the Committee recommends reviewing the “Plan El Salvador Seguro” to reflect the particular situation of children and reinforce the human, technical and financial resources necessary to effectively implement the measures directed at the prevention of violence, rehabilitation and reinsertion and services to child victims. It also urges to review the “Special Law Against Terrorist Acts” with the view to eliminating the classification of members of *maras* as terrorists, in order that children aren’t seen as terrorist. State party is also encouraged to strengthen its efforts to implement the *National Action Plan to End Violence against Children* and, in the light of the Global Partnership to End Violence against Children, to continue cooperating with UNICEF and the United Nations Development Programme (UNDP) in this regard.
- **Gender based violence, sexual exploitation and abuse:** The Committee urges the State party to establish mechanisms, procedures and guidelines to ensure mandatory recording of cases of girls’ sexual abuse and exploitation and ensure that reporting channels are accessible, confidential and child-friendly reporting channels for such violations. The Committee recommends to the State to develop and implement the protocols necessary for health workers and law enforcement entities to ensure that cases of child rape are promptly recorded, investigated and prosecuted and perpetrators duly sanctioned; and that child victims receive the support necessary for their physical and psychosocial care and rehabilitation. The State party is also encouraged to strengthen the policy “*Ciudad Mujer Joven*” to effectively combat sexual and gender based violence against girls. The Committee also urges that the State party provide regular substantive training for

judges, lawyers, prosecutors and the police on gender- and child-sensitive procedures for dealing with girl victims and training on how gender stereotyping by the judiciary negatively affects law enforcement.

- **Adolescent health:** mentioning its GC 4 and 16, the Committee urges the State party to take urgent measures to address, prevent and reduce girl pregnancies, including the availability of contraceptives and access to age-appropriate, gender-sensitive and confidential sexual health services to teenage girls and boys. The State party is also encouraged to take measures to ensure the availability of age-appropriate, gender-sensitive and confidential mental health services to pregnant teenagers and provide adequate and timely information to teenage girls about illnesses transmitted by mosquitos, including the Zika virus, and its consequence. Moreover, the Committee urges the State party to decriminalize abortion and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process. The State party is also encouraged to guarantee the resources necessary for the effective implementation of the national inter-sectorial strategy for the prevention of teenage pregnancies (2017-2027) and related programs, including those aimed at raising awareness of and promote responsible parenthood and sexual behavior among girls and boys. Finally, It recommend to take measures to address poverty, exclusion and discrimination from a child rights and gender perspective with the aim to eliminating the root factors leading to teenage pregnancies.
- **Standard of living:** the Committee urges the State party to prioritize the adoption of measures to improve the standard of living of children, including indigenous children, paying particular attention to housing, water, food and sanitation; measures to support families with children and families in rural areas to improve their standard of living. It also encourages conducting consultations with families, children and civil society organizations on the issue of child poverty, with a view to strengthening the measures to reduce child poverty in poverty reduction policies and programmes.
- **Education:** The Committee urges the State party to ensure human, technical and financial resources necessary for the effective implementation of the National Education Plan (PESE) and all its six components (violence-free school, teachers, early childhood care, twelve levels of schooling, higher education and infrastructure=, which would contribute to both the child's right to education and freedom from violence. The State party is asked to identify, with the participation of children, the causes of insecurity and violence on the way to schools and inside schools and take the measures necessary to address them, favouring social prevention policies. The State party should take the measures necessary to address the root causes of school absenteeism and drop-out of children aged 4 to 18 years; take urgent measures to ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools and have access to support services from schools and social services; Invest and expand flexible education modalities to allow for children in situations of migration or internal displacement to continue their studies with minimal disruption.

## Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.1 and 1.2 on eradicating extreme poverty and reducing by half the proportion of people living in poverty
- 2.2 on ending all forms of malnutrition
- 3.2 on ending preventable deaths of new-borns under 5 years of age
- 4.1 and 4.2 on ensuring that all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education.
- 5.2, on eliminating violence against all women and girls, including sexual and other types of exploitation
- 16.2 on ending all forms of violence against children
- 16.5 on reducing corruption and bribery in all their forms.
- 16.9 on providing legal identity for all, including birth registration.



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## Next State report

CRC	
No. of report	7th
Due date	1 <sup>st</sup> Sep 2023

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