



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States Parties

## List of issues in relation to the combined fifth and sixth reports of El Salvador

### Addendum

## Replies of El Salvador to the list of issues\*, \*\*

[Date received: 9 August 2018]

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\* The present document is being issued without formal editing.

\*\* The annexes and the appendices to the present document are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.



## Introduction

1. The Republic of El Salvador hereby submits the information requested by the Committee on the Rights of the Child in the list of issues relating to the combined fifth and sixth reports, issued at the Committee's seventy-ninth session on 12 March 2018 (CRC/C/SLV/Q/5-6).

2. The present report was prepared by the National Council for Children and Adolescents (CONNA), in coordination with the Ministry of Foreign Affairs, and includes reporting from 19 competent State institutions, namely: the Ministry of Education (MINED); Ministry of Finance; the Ministry of Health (MINSAL); the Salvadoran Institute for the Rehabilitation of Persons with Disabilities (ISRI); the Salvadoran Social Security Institute (ISSS); the Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA); the Salvadoran Institute for the Advancement of Women (ISDEMU); the Secretariat for Social Inclusion (SIS); the Technical and Planning Secretariat of the Presidency (SETEPLAN); the National Civil Police (PNC); the Directorate General of Statistics and Censuses (DIGESTYC); the Directorate General for Migration and the Status of Foreigners (DGME); the National Council on Trafficking in Persons (CNCTP); the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict (CNB); the National Council for Persons with Disabilities (CONAIPD); the Supreme Court of Justice (CSJ); the Office of the Attorney General of the Republic (*Fiscalía General de la República*, FGR); the General Inspectorate for Public Security (IGSP); the Office of the Counsel-General of the Republic (*Procuraduría General de la República*, PGR); and the Office of the Human Rights Advocate (*Procuraduría para la Defensa de los Derechos Humanos*, PDDH).

## Part I

### Question 1

3. The National System of Comprehensive Protection for Children and Adolescents (hereafter referred to as the "System of Protection") refers to the coordinated set of public and private bodies, entities and institutions<sup>1</sup> of which the policies, plans and programmes are aimed at guaranteeing the rights of children and adolescents in El Salvador.

4. The National Council for Children and Adolescents (CONNA) plans and coordinates the System of Protection and is responsible for implementing the National Policy on Comprehensive Protection for Children and Adolescents (PNPINA) at the political, institutional, executive and operational levels. At the executive level, the Technical Coordinating Committee was created in 2014 to guide implementation of the policy and the corresponding National Action Plan. Also involved are the Bureau for coordination between the administrative and judicial components, which is attached to the Technical Coordinating Committee and aims to improve the efficiency and effectiveness of administrative and judicial proceedings dealing with real and threatened violations of the rights of children and adolescents; and the Technical Committee on Implementation of the PNPINA. The Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA) also forms an integral part of the System of Protection.

5. In operational terms, protection of individual and collective rights at the local level is guaranteed by the various coordinated components of the System of Protection, which take the form of Child Protection Boards (*Juntas de Protección*), local rights committees,

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<sup>1</sup> Consisting of the National Council for Children and Adolescents (CONNA), local committees on the rights of children and adolescents, Child and Adolescent Protection Boards, associations for the promotion of child and adolescent rights, Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA), the judiciary, the Office of the Counsel-General of the Republic (PGR), the Office of the Human Rights Advocate (PDDH) and the Shared Care Network.

the Shared Care Network, and associations for the promotion of child and adolescent rights, among others.

6. The System of Protection also has Special Regulations on Coordination and Oversight of the Shared Care Network, which build upon the provisions of the Child and Adolescent Protection Act (LEPINA) with regard to coordination and oversight of the Shared Care Network, and the competencies of CONNA in terms of monitoring compliance with the institutional care and oversight activities of ISNA.

7. CONNA leads the work of the National Bureau for the Strengthening of the Local System of Protection, thus forming a mechanism for coordinating dialogue, information exchange and technical cooperation between civil society representatives and the State. As at July 2018, 119 local committees have been established, covering 45 per cent of municipalities nationwide.

8. The Plan for the Coordination of the National System of Comprehensive Protection for Children and Adolescents (2016–2019) serves as another management tool to guide the coordination, operation and functioning of the System of Protection, on the basis of public policy and actions addressing real and threatened violations of the rights of children and adolescents. The Plan is overseen by CONNA.

9. To guarantee effective coordination between CONNA and the Child Protection Boards, CONNA has both a technical assistance department, which offers guidelines and technical guidance on dealing with cases and recommends administrative protection measures, and an oversight department which investigates the measures and procedures ordered by the Child Protection Boards.

10. The Child Protection Boards also coordinate, at both the central and local level, with the entities that form the Shared Care Network, given that they are responsible for developing programmes and services for the population. The measures prescribed by the Child Protection Boards are also enacted, for example, by the Ministry of Health in cases of real and threatened violations to the personal integrity of children and adolescents and assistance for pregnant adolescents; by the Women's City Programme when referring cases in accordance with the Plan for the Protection and Safeguarding of the Rights of Children and Adolescents; and also by entities including the National Civil Police, Attorney General's Office, Ministry of Education, professional boards of teachers, and the judiciary.

11. In 2017, ISNA produced the National Coordination Strategy for the Shared Care Network,<sup>2</sup> which offers guidance to public and private institutions on coordinating and managing services for children and adolescents, in line with one of its mandates as set out in article 180 of the Child and Adolescent Protection Act.

## Question 2

12. The Five-Year Development Plan (2014–2019) set children and adolescents as a priority population group; consequently, between 2015 and 2017 the budget for the protection of their rights was increased, as detailed under question 16.

13. The approach used to assign the general State budget is by Areas of Management. In 2014, the Ministry of Finance began a process of reforming the public budget system to introduce the Results-Oriented Programming Budget, which enables the public budget to be planned in a way that permits implementation of public policies covering periods that extend beyond the fiscal year. The first phase of the reform process has been completed.

14. In addition, the Social Development and Protection Act, which was adopted by legislative decree in 2014, supports social investment, human development and social protection and inclusion, and guarantees fulfilment of the rights of citizens, especially those in situations of poverty, vulnerability and discrimination, with special priority given to children, adolescents, young people, women and persons with disabilities.

<sup>2</sup> <http://www.isna.gob.sv/ISNANEW/?wpdmpo=estrategia-nacional-de-la-red-de-atencion-compartida>.

15. On the basis of that legislation, the Social Development, Protection and Inclusion Plan (2014–2019) was established and the National Social Development, Protection and Inclusion System was created, along with a corresponding subsystem made up of the following programmes: urban and rural solidarity communities; provision of school supplies, shoes and uniforms; nutrition and health at school; the ‘glass of milk’ programme; the Women’s City Programme; free and universal access to comprehensive public health care; access and improvement to housing; and comprehensive care in early childhood. Those programmes follow a child and adolescent rights-based approach, within the framework of social investment (see annex 1).

16. In 2015, article 4 of the Municipal Code was reformed, so as to promote and develop programmes and activities to serve the best interests of children and adolescents and create Municipal Units for Children and Adolescents in line with the financial capacity of each municipality, as well as authorizing municipalities to allocate a budget for that purpose.

17. Since 2012, the Technical Bureau for Early Childhood (METPI) has spearheaded the Pact for Comprehensive Education and Development in Early Childhood, which encourages investment in the comprehensive development of early education at the municipal level, through cross-sectoral and countrywide coordination and capacity-building. As at June 2018, a total of 48 municipalities have signed the Pact and are investing in health, education, recreation and cultural services for young children.

### Question 3

18. The Child and Adolescent Information System (SINAES), which was created in 2014, is an institutional coordination and planning mechanism to share, process, analyse and disseminate information on child and adolescent rights via an online platform<sup>3</sup> which offers access to information and indicators from public institutions, namely the Directorate General of Statistics and Censuses (DIGESTYC), the Salvadoran Institute for Comprehensive Child and Adolescent Development (ISNA), the Ministry of Health, the Ministry of Education, the Ministry of Labour and Social Security, the Office of the Counsel-General of the Republic (PGR); the Office of the Attorney General of the Republic (FGR), the Directorate General for Migration and the Status of Foreigners (DGME), the Supreme Court of Justice and the Child Protection Boards. The information is recorded on the Information Reporting System (SID).

19. This information is available in the form of reports on the situation of children, sets of indicators and statistical tables. SINAES displays geographically referenced data provided by the Ministry of Education, the Institute of Forensic Medicine (IML) and the Child Protection Boards, disaggregated by theme, sex, age group, and geographical location by department and municipality. The Ministry of Education has also created the ‘Observatory on Public Education Centres in El Salvador’. This information is input into SINAES.

20. To improve the effectiveness of SINAES, work is being carried out to standardize data and indicators relating to children and adolescents; 142 indicators have been identified, and 74 have been prioritized, from six institutions.<sup>4</sup> On the basis of those, a methodology is being developed to standardize the information that is entered into SINAES, with technical assistance from the Directorate General of Statistics and Censuses (DIGESTYC) and the United Nations Children’s Fund (UNICEF).

21. CONNA drafts the Report on the Situation of Child and Adolescent rights;<sup>5</sup> to date, it has compiled reports for 2013, 2015 and 2017. In addition, SINAES is used by civil

<sup>3</sup> <http://app.conna.gob.sv/sinaes/index.html>.

<sup>4</sup> CONNA, Ministry of Education, Ministry of Health, ISNA, Institute of Forensic Medicine (IML), Directorate General for Migration and the Status of Foreigners (DGME) and Office of the Attorney General of the Republic (FGR).

<sup>5</sup> The following reports have been made available:  
(2013): <http://app.conna.gob.sv/sinaes/busqueda.html?t=128>;  
(2015): <http://app.conna.gob.sv/sinaes/busqueda.html?t=-1>;

society organizations, academic institutions and other entities as part of their reporting, assessment and decision-making processes.

22. The Child Protection Boards also use the Information Reporting System to record allegations, warnings and cases relating to threats to or violations of child and adolescent rights, while guaranteeing confidential information management and processing. The process of automating administrative procedures for child protection began in 2017, with technical assistance from the Government Information System (SIGOB) and the United Nations Development Programme (UNDP).

#### Question 4

23. The Secretariat for Social Inclusion (SIS) advises the Ministry of Education on the Gender Policy with regard to the handling of cases of discrimination and exclusion based on sexual orientation, identity and gender expression in public education establishments.

24. Ongoing programmes have been set up to raise awareness among carers and teachers at the ISNA Protection Centres and to support and raise awareness among children and adolescents at the centres, so as to prevent bullying among peers on grounds of sexual orientation, identity or gender expression. Training and advice days have been held at the Child Protection Boards in order to guide specific activities aimed at introducing protection measures for the LGBTI (lesbian, gay, bisexual, transgender and intersex) population.

25. Similarly, through its initial assessment of 21 public institutions in 2017, the Secretariat for Social Inclusion identified best practices for non-discrimination using an institutional inclusion index,<sup>6</sup> a tool which provides templates and indicators to evaluate the implementation of Executive Decree No. 56, which sets out “Provisions for the avoidance of all forms of discrimination in the civil service on the grounds of gender identity and/or sexual orientation”.<sup>7</sup>

26. The Secretariat also has a free helpline (131) which offers information on LGBTI rights, guidance on filing complaints, and psychological and emotional support, as well as hosting online forums on social networks to offer information on the protection of LGBTI rights.

27. As part of its inclusive education policy, which has been in place since 2010, the Ministry of Education creates teacher training programmes and implements teaching methods which are designed to include children with disabilities, as well as adapting the infrastructure of certain education centres in the mainstream and special education systems. The Inclusive Full-time School Attendance model, which was introduced in 2009, is designed to allow pupils to access, remain in and be discharged from education establishments on an equal basis; by 2017, a total of 2,103 State schools had signed up to the model, representing an increase of 662 compared with the figure of 1,441 in 2015.

28. Also being implemented is the Inclusive Teaching Support strategy, which is a teaching resource used in mainstream schools to create basic and specialized methods for adapting school curricula and to introduce specific methodologies to promote inclusion in schools, assess teaching practices, and assist students with disabilities. Furthermore, the Guidance and Resource Centres provide learning support for children, including those with disabilities, in both mainstream and special schools. As at March 2018, El Salvador has 19 such Centres, of which 15 are in special educational establishments and four are in mainstream schools.

29. Furthermore, a Resource Centre for Educational Inclusion of Blind and Visually Impaired students has been created, and agreements have been implemented with civil society institutions that provide special assistance to students with disabilities.

(2016–2017): <http://app.conna.gob.sv/sinaes/busqueda.html?t=-1>.

<sup>6</sup> <http://www.inclusion-social.gob.sv/sis-presenta-el-indice-de-inclusion-institucional-lgbti/>.

<sup>7</sup> [https://www.paho.org/els/index.php?option=com\\_docman&view=download&alias=804-diario-oficial-decreto-56-erradicacion-de-cualquier-tipo-de-discriminacion-por-orientacion-sexual&category\\_slug=vih-sida&Itemid=364](https://www.paho.org/els/index.php?option=com_docman&view=download&alias=804-diario-oficial-decreto-56-erradicacion-de-cualquier-tipo-de-discriminacion-por-orientacion-sexual&category_slug=vih-sida&Itemid=364).

30. Between 2015 and 2017, the National Council for Persons with Disabilities (CONAIPD) carried out training and disability rights promotion activities in coordination with the Ministry of Education, universities and disability associations. CONAIPD also led the National Plan on Accessing and Using Information and Communication Technology in order to fulfil institutional commitments to provide persons with disabilities with the technical tools that they require to participate in the education system.

31. With regard to the inclusion of indigenous children, the Ministry of Culture provides support to Nahuat schools via the cultural centres in the municipalities of Izalco and Santo Domingo de Guzmán, covering a total of 110 girls and boys.

## Question 5

32. The Safe El Salvador Plan addresses violence through prevention, control and criminal prosecution, as well as rehabilitation, reintegration, care and victim protection. As part of the Plan, cross-sectoral social violence prevention activities are developed with a specific focus on children and adolescents. In November 2015, the Special Contribution Act for Citizen Security and Coexistence and the Special Contribution Act for Major Taxpayers were adopted, with the aim of financing projects that promote citizen security and coexistence. Under the Special Contribution Act for Citizen Security and Coexistence, a total of \$50,541,07 was collected in 2016, of which 72.2 per cent was allocated to institutions working in criminal prosecution and victim support, and 27.8 per cent was used for prevention activities. In 2017, \$127,748,055 was collected, of which 28.8 per cent was allocated to prevention and 71.2 per cent to criminal prosecution and victim support.

33. As part of efforts to prevent violence and generate education opportunities in priority municipalities under the Safe El Salvador Plan, the Ministry of Education upgraded infrastructure in 252 educational establishments, thus improving the learning environment of 138,979 students. The Ministry also implemented flexible education models to help 20,528 students reintegrate into school, gave psychosocial support to 149,837 members of education communities from 250 different schools, developed workshops to improve vocational skills,<sup>8</sup> and provided assistance to 375,189 students from 1,369 schools through prevention programmes.

34. The Ministry of Health (MINSAL) assisted 3,272 individuals and 135 families through prevention programmes in schools;<sup>9</sup> and the Strong Families programme helped 16,760 mothers and fathers to improve their parenting skills and become more involved in their children's education.

35. The National Public Security Academy (ANSP) implemented the 'Stop Bullying', interinstitutional violence prevention programme, which benefited 1,825 students, teachers and police officers. The Office of the Counsel-General of the Republic (PGR) carried out violence prevention activities in 36 schools, with a coverage of 19,644 children and adolescents.

36. Other measures include the construction and upgrading of 129 public spaces (including sports complexes, sports fields, community centres, parks and green spaces) with support from municipalities and funding from the Governance Secretariat. To complement those efforts, 49,303 individuals participated in sporting activities organized by the Salvadoran Sports Institute (INDES), and 114,606 individuals participated in coexistence and prevention activities as part of the 'Activate' coexistence programme developed by the Institute for Youth (INJUVE), Ministry of Culture and Salvadoran Sports Institute.

37. In 2014, the Young Women's City Programme was implemented, offering adolescents aged 13 to 18 specialized training in human rights and prevention of gender-

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<sup>8</sup> Ministry of Justice and Public Security, Report on the Implementation of the Special Contribution Budget for Citizen Security, January–September 2017. Submitted to the National Council for Citizen Security and Coexistence on 11 October 2017.

<sup>9</sup> Ministry of Justice and Public Security (2017). 2017 progress report, pp. 5 and 6.

based violence, with a focus on sexual violence; technical, vocational and artistic workshops; sexual and reproductive health care; and pregnancy prevention (see annex 2).

38. Since 2015, the Ministry of Culture (formerly known as SECULTURA) has been running the El Salvador System of Choirs and Orchestras for children and young people, which involves 500 children and adolescents nationwide, as part of violence prevention efforts; it has also implemented the *La Colmenita* project in 26 communities, involving 788 children and adolescents in the same number of artistic teams at the national level.

39. As part of efforts to combat poverty and generate opportunities for productive work, the National Commission on Micro-Enterprises and Small Businesses (CONAMYPE) offered training to 350 individuals, of whom 250 (primarily young people and women) received seed capital. In addition, the Ministry of Livestock and Agriculture (MAG) boosted food security and family income by setting up 64 community vegetable gardens for the benefit of 1,920 young people living in vulnerable areas.

40. In 2017, the Technical Coordinating Committee drew up the operating guidelines indicating how the System of Comprehensive Protection should address real and threatened breaches of the rights of children and adolescents through violence. The guidelines, which have a particular focus on gang violence and sexual violence, serve as a source of advice on activities relating to violence prevention, victim support and protection of the rights of child and adolescent victims of violence.

## Question 6

41. To guarantee effective investigation practices and modernize control systems for disciplinary proceedings conducted by the National Civil Police, the General Inspectorate for Public Security (IGSP) is developing an internal and external control system for the National Civil Police, with technical assistance from UNDP and the Government Information System (SIGOB). In the short term, a standardized system for disciplinary proceedings is expected to be introduced, which will generate statistics and identify risk factors, as well as assessing management and performance in decision-making, and management efficiency. The system will link together all stakeholders in the process, including the General Inspectorate, disciplinary sections and disciplinary tribunals.

42. As regards reporting mechanisms used by the National Civil Police to receive complaints from children and adolescents, a needs assessment and cost evaluation are being carried out for the potential creation, remodelling or construction of facilities and development of protocols. With a view to safeguarding the best interests of children and adolescents, police staff seek to ensure that persons lodging complaints are treated with dignity and respect.

43. When the General Inspectorate for Public Security receives a complaint from the Office of the Human Rights Advocate, it initiates an investigation which, depending on the facts of the case, may be conducted with support from the disciplinary investigation unit or the disciplinary sections of the police units, in accordance with the parameters set out in the Disciplinary Police Act, and taking into account any recommendations or requirements that the Office of the Human Rights Advocate may make to the law enforcement authorities.

## Question 7

44. The Social Policy contains programmes and subsidies designed to establish a basic standard level of protection, thus helping to reduce poverty and inequality. The multidimensional poverty measurement fell from 35.2 per cent of households in 2014 to 33.4 per cent of households in 2017. In the same period, the monetary measurement also fell from 31.8 to 29.2 per cent of households. With regard to basic services, in 2017, 88.3 per cent of households had a piped water supply (95.5 per cent in urban areas and 76.5 per cent in rural areas); 96.7 per cent had access to electricity (98.8 per cent urban and 93.2 per cent rural); and 94.6 per cent had sanitation services (98.2 per cent urban and 88.9 per cent

rural). Inequality levels, as measured by the Gini Coefficient, fell from 0.38 in 2014 to 0.34 in 2017.<sup>10</sup>

45. Among other measures, subsidies are applied to basic household services such as liquefied gas, electricity, water and public transport; the ‘glass of milk’ programme is being implemented; and, as part of the social transfers programme, families receive agriculture packages, school packages, benefits for elderly persons, education vouchers, health vouchers, and monetary support for persons with severe disabilities; all of which have helped to reduce economic and social exclusion. Free provision of services in the national hospital network and sustainable medicine supplies have also helped to reduce families’ health costs.

46. Between 2009 and 2018, the implementation of programmes designed to boost skills and employability has helped to create 138,293 formal jobs, of which the majority (79 per cent) are in the private sector. In addition, public banking services have been oriented towards promoting micro, small and medium enterprises, resulting in benefits for families.

47. With regard to reporting mechanisms for cases of domestic violence and abuse, in 2013 the Ministry of Health initiated an update of its information systems, notably the morbidity, mortality and vital statistics system (SIMMOW), statistical service production system (SEPS) and family record card information system (SIFF). SIMMOW collects information on the types of violence affecting children and adolescents (such as physical, psychological or sexual violence) and the environment in which it occurs (for example, within the family or local community). This information is categorised by age, age group, type of environment (such as rural or urban), and sex, as well as by health facility, country, department and municipality. Since 2017, SEPS has included a tabulator to detect persons affected by violence and two tabulators for violence prevention and health support (for example through talking and counselling sessions). This information is categorised by type of violence, age, age group, sex, and occupation, as well as by health facility, country, department and municipality.

48. As part of comprehensive health care for children and adolescents affected by domestic violence, information is duly recorded and notified to the protection authorities (such as the Attorney General’s Office, family courts, courts of the peace, juvenile courts, Child Protection Boards and the National Civil Police). Staff members of the institutions of the national health system are legally required to adhere to the official standard for comprehensive health care for victims of violence.

49. The 45,928 cases received by the protection boards are dealt with by a multidisciplinary team of professionals who report on compliance with the measures that have been instructed; visit homes and emergency reception centres; interview children and adolescents and their family members; perform psychological assessments and on-the-spot verifications; and request reports from other institutions as necessary.

50. CONNA provides technical assistance and support for the creation of annual improvement plans, and carries out annual supervision exercises focussing on how to apply due process, deal with legal, psychological and social factors when processing cases, and enable children and adolescents to make decisions on the care that they receive. Guidelines and technical opinions are also issued depending on the nature and complexity of each case. Technical and administrative staff receive specialized training on an annual basis, and between 2016 and 2017 additional staff and resources were assigned to the multidisciplinary teams so as to improve field research processes. In February 2017, a third Child Protection Board was established in the department of San Salvador to cover the municipalities of Ilopango, San Martín, Soyapango, Tonacatepeque and Ciudad Delgado.

<sup>10</sup> Ministry of Economy and Directorate General of Statistics and Censuses (2018). Multi-Purpose Household Survey 2017. San Salvador, El Salvador.  
<http://www.digestyc.gob.sv/index.php/temas/des/ehpm/publicaciones-ehpm.html?download=652%3Apublicacion-ehpm-2017>.



## Question 8

51. CONNA has issued regulations governing entities and programmes that work in the field of child and adolescent care, including foster care programmes, and works on the basis of the parameters set out in the Guidelines for the Alternative Care of Children, in particular the Special Regulation on Coordination and Supervision of the Shared Care Network (2016) and the Regulation on Care Programmes for Children and Adolescents (2017), the latter of which explicitly requires foster care entities and programmes to comply with the aforementioned Guidelines (articles 20 and 47).

52. The aforementioned Regulation on Care Programmes includes criteria and templates from the Guidelines for the Alternative Care of Children, which apply not only to care services for children and adolescents, but also to other processes such as preparation and follow-up of family reintegration processes; intervention with families before, during and after the reintegration process; and training and specialization of personnel.

53. As part of processes for the registration of care providers and the accreditation of their programmes, which CONNA carries out pursuant to the Child and Adolescent Protection Act and the respective regulations, work is being done to assess the alignment of these processes with the doctrine of comprehensive protection and compliance with established national and international standards and soft law instruments, in particular with regard to the rules governing fostering programmes in line with the Guidelines for the Alternative Care of Children.

54. Moreover, through the Training School on Child and Adolescent Rights, ISNA is developing training courses for staff working in childcare and dealing directly with foster care entities and programmes.

55. The Special Regulation on Coordination and Supervision of the Shared Care Network establishes the necessary mechanisms and procedures for the oversight of childcare entities and their programmes, in particular by verifying that the rights of children and adolescents in foster care programmes are being respected. CONNA oversees the foster programme which is implemented by ISNA; and ISNA oversees the functioning and programmes of private foster care entities. With regard to children and adolescents in foster care, CONNA monitors childcare entities' compliance with institutional measures. For that purpose, a system of basic standards for the fulfilment of rights has been developed. The recommendations issued to entities also include actions related to compliance with the Guidelines for the Alternative Care of Children and standards contained in the Convention of the Rights of the Child and other human rights treaties such as the Convention on the Rights of Persons with Disabilities.

56. As part of measures to tackle the challenges identified in paragraph 95 of the report, in particular as regards the complaints mechanism for treatment received or the review of the measures contained in the Regulation on Care Programmes for Children and Adolescents, a regulation has been introduced which requires all childcare entities that run foster programmes to have a complaints mechanism in place for treatment received. As part of the programme accreditation process, CONNA verifies that entities have those mechanisms in place, given that they are mandatory requirements for programmes to be accredited. In addition, as part of oversight procedures, checks have been carried out to ensure that staff at reception centres implement the necessary measures to allow children and adolescents to communicate their complaints and concerns regarding the authority that has imposed the measures in question. Furthermore, whenever cases are identified in which the measure has not been reviewed, CONNA notifies the competent authorities so that they can immediately review it.

57. As part of measures to improve foster programmes to facilitate the reintegration of children into the family environment, CONNA checks that programmes being accredited include a component on re-establishing emotional ties and strengthening family bonds; and as part of the oversight procedures, both CONNA and ISNA verify that the entities carry out those processes before, during and after reintegration into the family environment.

58. In addition, the Institutional Fostering Programme carried out by ISNA is designed to ensure that children and adolescents spend as little time in reception centres as possible. The results generated from care and research processes are notified to the authority that has ordered the measure, especially in cases where those results may favour transition to another administrative measure by means of family reintegration. Furthermore, the Department for Family-based Childcare (DAMF), which belongs to ISNA, has expanded its foster family programme to include a family placement process, called the “Family Living” programme, in accordance with the Guidelines for the Alternative Care of Children.

## Question 9

59. To broaden access to education for girls and boys under the age of 7, the Social Protection System uses education vouchers as part of the urban and rural solidarity communities programme, the school supplies and uniforms programme, the school nutrition programme and the ‘glass of milk’ programme, thus helping to maintain school enrolment and reduce school dropout rates.

60. In addition, the National Plan for Education for the Nation (under the Ministry of Education), in its second axis titled ‘educational development in early childhood’, aims to increase the net coverage of family-based preschool education by 10 per cent, and increase the net coverage rate of nursery education by 6 per cent. The third challenge listed in the Educated El Salvador Plan also refers to comprehensive early childhood care.

61. Within that context, the Ministry of Education has established the fundamental components of early childhood care; it is implementing measures to promote family and community childcare, has trained 420 specialists and 4,400 nursery and early childhood teachers and 212 early childhood technical assistants; and is developing a coordination strategy with public and private institutions and organizations to broaden coverage of early education; it has thus managed to increase enrolment in early education from 8,663 in 2014 to 29,009 in 2017, which is equivalent to a gross rate of 6.5 per cent and a net rate of 5.1 per cent for that year. Geographic coverage for basic and nursery education increased from 79 municipalities in 2015 to 150 in 2017.

62. In 2016, the Multi-Purpose Household Survey found that the two main reasons why 113,815 children and adolescents never attended an educational establishment were that their parents didn’t wish them to go to school, and for age reasons. 90 per cent of those not attending school were between the age of 4 and 7.

63. The Ministry of Education reports that the proportion of students who drop out of the education system has decreased since 2015. Overall dropout rates fell from 6.3 per cent in 2014 to 4.0 per cent in 2017. During the same period, the dropout rate from basic education fell from 5.9 per cent to 4.1 per cent, and in secondary education it fell from 8.2 per cent to 5.1 per cent.

64. In order to incorporate students who have dropped out of school, the Ministry of Education adopts a process of ‘accelerated education’, according to which students are placed in academic categories with consideration for their age. Furthermore, 100 per cent of teachers in the first cycle of basic education have been trained in teaching literacy.

65. In the field of violence reduction, the Ministry of Education is implementing the National Policy on Coexistence and a Culture of Peace, which is designed to foster inclusive, participatory environments for healthy coexistence, promote quality education and prevent violence. In that context, an agreement was signed with the Ministry of Justice and Public Security to offer security and protection to 1,104 schools which had reported risks associated with violence, by implementing measures to boost resilience, prevent abuse of alcohol, drugs and other psychoactive substances, prevent abuse and harassment through information and communication technology, and provide perimeter security and ‘safe passage’ personal security measures for students living in areas where criminal groups are active.

66. As part of the Protection and Safe Educational Environments Programme, the following actions are being implemented to prevent gender-based violence, adolescent

pregnancy, and threats to the life or mental health of members of the educational community:

(a) Provision of psychosocial support to over 149,000 members of educational communities, including through the following measures: provision of training to over 700 teachers in self-care, psychological first aid, comprehensive sexuality education, music therapy and creation of committees on coexistence and psychological first aid; creation of 349 coexistence-friendly spaces; and training for student ‘advocates for coexistence’ to help improve their communication skills. In addition, mothers, fathers and heads of family have received training in how to promote violence-free education, and emergency-preparedness drills been developed, including at special education schools.

(b) Establishment of the Open School for Coexistence, where over 70,000 students participate in sporting, artistic, cultural, vocational and life-skills activities during extra hours on school days, at weekends or during the school holidays.

(c) Creation of the School Security Index, to identify educational establishments according to the risk categories ‘very high’, ‘high’, ‘moderate’, ‘low’ and ‘very low’ in reference to weapon use, drug presence, cases of harassment and abuse and school dropout, among other indicators; this enables programmes to be focussed where they are needed.

(d) Commencement of the design of the Early Warning Module for School Dropout, in coordination with UNICEF.

(e) Commencement of the design of the Early Warning System for Critical Cases of Violence in Schools, in coordination with the Ministry of Justice and Public Security and UNDP.

(f) Creation of the Protocol for Care and Monitoring of Young Offenders in educational establishments.

## Question 10

67. An increased Ministry of Health presence throughout the country, through the community family health teams (ECOS) and health promoters, has helped to reduce infant and maternal mortality rates.

Between 2015 and 2017, the Ministry of Health:

- (a) Reinforced the community oral rehydration units;
- (b) Updated the clinical guidelines on comprehensive care for children under the age of 10;
- (c) Drafted the community health guidelines for comprehensive care of children under the age of 10;
- (d) Included the Hepatitis B vaccine in the immunization programme for newborn children;
- (e) Promoted compliance with the immunization scheme for pregnant women;
- (f) Promoted education for pregnant women on hygiene measures to prevent urinary tract infections (UTIs), vaginosis and periodontal disease;
- (g) Enhanced follow-up procedures for premature babies weighing under 2000 grams;
- (h) Reinforced the maternal and fetal medicine programme;
- (i) Followed up on cases of children affected by the Zika virus;
- (j) Broadened access to long-term contraceptives such as subdermal hormonal implants and intrauterine devices (IUDs);
- (k) Increased the number of personnel trained in counselling for workshops on: life planning, education circles, peer learning strategies and youth outreach work; all of

which are initiatives aimed at actively involving adolescents in education and self-reflection processes.

68. The National Strategy for Comprehensive Development in Early Childhood 2018-2028 was also adopted, which includes actions that are aligned with service provision for children in early childhood, which in El Salvador is defined as the period from gestation to the age of nine years.<sup>11</sup> The Strategy is designed to reinforce and sustain efforts to reduce infant mortality and chronic malnutrition in children under the age of 5.

69. As part of efforts to reduce adolescent pregnancy, the Ministry of Health has increased coverage of sexual and reproductive health services; carried out studies on early marriage and adolescent pregnancy, with technical assistance from the United Nations Population Fund (UNFPA); and launched the National Cross-sectoral Strategy for the Prevention of Child and Adolescent Pregnancy 2017-2027,<sup>12</sup> which is geared towards preventing pregnancy through coordinated, sector-specific interventions using an approach based on human-rights, gender, inclusion, and empowerment of girls and adolescents.

## Question 11

70. With regard to individuals in the returnee population who have been identified as members of youth gangs (or “maras”), it must be clarified that children and adolescents are not subjected to the interview process stipulated in article 4 of the Special Provisions for Control and Monitoring of the Returnee Salvadoran Population Identified as Members of Maras, Gangs or Illicit Groups; those provisions are only applicable to adults.

71. Children and adolescents travelling alone or separated from their parents are returned to their families or guardians by the child protection authorities.<sup>13</sup> Adult returnees are interviewed by staff from the intelligence subdivision of the National Civil Police; if the adult returnees are accompanied by their children, the children are cared for by specialized staff in the recreation area to ensure due regard for their rights.

72. The Government of El Salvador considers that family unity must be guaranteed, regardless of the migration status of the individuals concerned; in particular, children must not be separated from their parents, as stipulated in international instruments, which state that the best interests of the child must take precedence, and that transit countries and destination countries should consider taking measures to protect the human rights of child and adolescent migrants and their families.

73. As concerns support for families, children and adolescents who have been internally displaced as a result of violence, in April 2018 the Ministry of Justice and Public Security published a profiling study on internal mobility due to violence in El Salvador, which was compiled with support from the Office of the United Nations High Commissioner for Refugees (UNHCR), the Directorate General of Statistics and Censuses (DIGESTYC) and the Latin American Faculty of Social Science (FLACSO) and financial assistance from the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG-ECHO). As an initial response to the issues identified in the study, the Ministry of Justice and Public Security drew up the Interinstitutional Coordination Roadmap for Comprehensive Victim Support and Protection.<sup>14</sup> The aim of the Roadmap is to establish a mechanism for interinstitutional and cross-sectoral coordination with regard to support and protection services for persons who have been internally displaced due to violence. As part

<sup>11</sup> Document available at: <http://www.conna.gob.sv/?wpdmpro=definicion-rango-etario-para-la-primera-infancia-en-el-salvador>.

<sup>12</sup> Document available at: <http://www.conna.gob.sv/?wpdmpro=estrategia-de-prevencion-de-embarazos#>.

<sup>13</sup> According to the Protocol on Protection and Care for Salvadoran Child and Adolescent Migrants, only CONNA is authorized to return unaccompanied children and adolescents to their parents or family members, through the Child Protection Boards or the multidisciplinary team at the Child Protection Department.

<sup>14</sup> <http://www.seguridad.gob.sv/seguridad-publica-y-la-agencia-de-onu-para-los-refugiados-presentan-hoja-de-ruta-para-proteger-a-victimas/>.

of those efforts, the Office of the Counsel-General of the Republic (PGR) has provided assistance to 167 children and adolescent victims of displacement.

## Question 12

74. ISNA is implementing the Open-Environment Support Programme for Adolescents, in conformity with the Framework Programme of Support for Adolescents Subject to Juvenile Criminal Responsibility, which is comprised of six components, namely: access to formal and non-formal education, psychosocial support, family support, legal assistance and life skills development. These programmes take a rights-based approach, and conform with the principle of ‘open-environment support’ as established by the competent judge. Within that context, as part of the project on comprehensive security and prevention of violence affecting children, adolescents and young people in the countries of the Central American Integration System (SICA), support grants will be awarded to 50 adolescents participating in the Social Integration Programmes.

75. Certain measures adopted to reduce violence in detention centres and control of those centres by criminal groups have been codified, including in the General Regulations Governing Detention Centres for Juvenile Offenders (article 35),<sup>15</sup> which regulates a complaints mechanism for actual or threatened violations of human rights. For example, under the Administrative Complaint Procedure, adolescents may file complaints with the director of the reintegration centre in case of any breach of the legal or regulatory provisions relating to their rights; the director must then investigate the veracity of the complaint and order the restoration of the right that has been infringed. If the person responsible for the rights violation is the director of the reintegration centre, the complaint must be referred to the competent authority.

76. The Law on Surveillance and Control of Execution of Measures for Young Offenders (article 12)<sup>16</sup> establishes another complaints mechanism and procedure, according to which adolescents, young people, their advocates, parents, guardians or carers, the Office of the Human Rights Advocate, the Procurator for Juveniles, the Juvenile Prosecutor or any other person or group of persons may submit a complaint to the competent juvenile magistrate. This procedure is used to address fundamental rights violations and situations where a young offender has been subjected to an activity or disciplinary sanction which is either prohibited or not permitted by the law or by the General Regulations Governing Detention Centres for Juvenile Offenders. In addition, the complaints system is accompanied by a complementary procedure to sanction staff of detention centres who, whether actively or by omission, have breached or threatened to breach the rights of detainees.

77. In accordance with the above, as part of the “Youth Well-being Policy Review of El Salvador”,<sup>17</sup> the complaints handling mechanism in detention centres was given a very positive rating (level 4) based on the 2008 standards set by the United Nations Office on Drugs and Crime (UNODC) and UNICEF, which use a four-level classification system to rate penal systems.

78. A further complaints mechanism is in place to allow adolescents and young people in Social Integration Centres to report violations of their rights to counsellors, teachers, health-care professionals, technical staff or management staff, who are then obliged to

<sup>15</sup> Executive Decree No. 105, dated 12 November 1995, published in Official Gazette No. 237, vol. 329, of 22 December 1995.

<http://www.isna.gob.sv/ISNA/phocadownload/20.%20ReglImto%20Gral%20de%20Centros%20Intern.%20Menores%20Infractores.pdf>.

<sup>16</sup> Legislative Decree No. 361, dated 7 June 1995, published in Official Gazette No. 114, vol. 327, of 21 June 2016.

<sup>17</sup> OECD Development Centre (2017), “Youth Well-being Policy Review of El Salvador”, a joint OECD-EU project on youth inclusion, Paris. <https://www.oecd.org/development/inclusivesocietiesanddevelopment/Estudio-de-bienestar-y-politicas-de-juventud-El-Salvador.pdf>. Partially available in English at: <https://www.oecd.org/countries/elsalvador/Youth-Well-being-Policy-Review-of-El-Salvador-Assessment-and-Recommendations.pdf>.

report the information to the relevant authorities as soon as possible so that internal protection measures can be taken in response, such physically separating individuals from a group, or, if a latent threat has been identified, securing the transfer of the individual(s) in question to a different centre by court ruling. In addition, periodic reviews (i.e. searches) are undertaken by the competent authorities in order to confiscate prohibited items (such as weapons, drugs and mobile telephones) that could lead to violence in the detention centres.

79. Though the reform of articles 52, 53 and 54 of the Juvenile Criminal Justice Act<sup>18</sup> 2016, the Attorney General's Office was authorized to deprive minors of liberty without prior need for a court order. In addition, the replacement of paragraph 3 of article 119 and the reform of article 120<sup>19</sup> provided for the creation of Intermediary Centres and the implementation of various comprehensive open-environment programmes to guarantee adolescent rights and ensure adequate conditions in detention centres, intermediate centres and Assisted Liberty Centres by introducing a legal requirement for the centres to operate in adequate premises, with trained staff, and to provide detainees with schooling, vocational training and reintegration programmes.

80. In 2015 and 2016, two parliamentary groups submitted proposals for the reform of the Juvenile Criminal Justice Act: in 2015, the Nationalist Republican Alliance (ARENA) submitted a proposal for adolescents over the age of 14 years to be judged under ordinary criminal law; and in 2016 the Grand Alliance for National Unity (GANU) proposed that sentences of deprivation of liberty should be applied to adolescent offenders over the age of 12 years who belong to "maras" or gangs or who have committed a crime as part of gang-related activities, and that limitation periods for investigation should be extended to five months for serious crimes. Both proposals are under consideration by the Legislative Assembly's Committee on Security and Drug Trafficking.

### Question 13

81. The Special Act on Trafficking in Persons, adopted by the Legislative Assembly in 2014, defines the sale of children and adolescents as an aggravated offence of trafficking in persons (articles 5, 54 and 55) which is punishable by 16 to 20 years' imprisonment and a ban on exercising any public or private profession, office or employment for the duration of the sentence. Moreover, any receipt of remuneration for activities involving victims of trafficking is punishable by four to 10 years' imprisonment, which is increased by up to one third of the maximum sentence if the victim is under the age of 18 (article 56).

82. To investigate such crimes, specialized units on trafficking in persons and related offences have been created within the National Civil Police and the Attorney General's Office. The units have specialized staff and technical and logistical resources for investigations, both at police stations to deal with the operational side of cases, and at courts to address judicial matters.

83. The National Council on Trafficking in Persons is the entity responsible for formulating, monitoring, coordinating and evaluating the National Policy on the Elimination of Trafficking in Persons, and for creating plans, programmes and actions to prevent and combat trafficking in persons. The Policy is currently being reformed, and the Protocol on Interinstitutional Action for Comprehensive Care for the Victims of Trafficking in Persons has recently been adopted.

84. To support the physical and psychological recovery and social reintegration of children and adolescent victims of sale, prostitution and pornography, ISNA is developing the 'Change Your Life' programme, which helps victims and survivors of sexual violence to develop life skills and overcome trauma through education, psychosocial education, technical and vocational training and back-to-work schemes.

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<sup>18</sup> Legislative Decree No. 349, dated 21 April 2016, published in the Official Gazette, No. 81, vol. 411 of 3 May 2016.

<sup>19</sup> Decree No. 767, dated 29 September 2017, published in the Official Gazette, No. 183, vol. 417, of 3 October 2017.

85. In addition, ISNA manages the regional shelter for victims of trafficking, which is a specialized centre offering comprehensive care to females aged 12 to 18 who are victims of sexual exploitation, commercial exploitation and trafficking. This support is based on the institutional care programme for children and adolescents, and includes protection measures made up of various components such as comprehensive health care and education, strengthening family bonds, psychosocial support, sporting activities and life skills.

86. The Salvadoran Institute for the Advancement of Women (ISDEMU) also offers psychological, social and legal support to women at every stage of their lives, including child and adolescent girls. Through support and financing from UNHCR, the ISDEMU psychologists at the six headquarters of the Women's City Programme are provided with materials allowing them to offer therapeutic treatment to female child and adolescent victims of sexual violence.

## Question 14

87. During its first six years in operation, the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict (CNB) received 142 new cases (concerning 84 boys and 58 girls), bringing the total number of children who disappeared during the armed conflict to 307 by December 2017. Since 2013, the CNB has had a cooperation agreement in place with the National Registry of Natural Persons (RNPN) to facilitate the processing and collection of information used to locate the disappeared persons.

88. Between 2015 and 2016, the adoption and protection files dating from 1980 to 1984 were reviewed, the latter being the period during which the highest number of forced victims were reported, which corresponds to the higher number of military operations carried out during that period to identify new cases of disappeared children.

89. As at December 2017, 236 cases have been investigated, of which 89 (38 per cent) have been resolved, giving an average rate of one case solved per month. Of the total resolved cases, 33 of the young people have been reunited with their biological families; 12 have been found and are in the process of being reunited with their families, 30 children have been recorded as deceased and 13 cases have been closed. Of the 33 reunited with their families, 21 are resident in El Salvador, six in the United States of America, two in Guatemala, two in Belize, one in Italy and one in France.

90. The CNB offers psychosocial support when children are reunited with their families. When a child who disappeared during the conflict is found to have deceased and the place of burial has been located, if the family so wishes, the CNB oversees and manages the process of exhuming the remains. This psychosocial support is a crucial element of compensation to the victims' families.

## Part II

### Question 15

91. Between 2015 and 2017, El Salvador adopted seven laws that contribute towards compliance with the Convention on the Rights of the Child, namely: the Special Law on Adoption;<sup>20</sup> the Special Law on Cybercrime and Related Offences;<sup>21</sup> the Law on Fiscal Responsibility for Sustainable Public Finance and Social Development;<sup>22</sup> the Law on Prevention and Control of Infections Caused by the Human Immunodeficiency Virus

<sup>20</sup> Legislative Decree No. 282, dated 16 February 2016, published in the Official Gazette, No. 205, vol. 413, of 4 November 2016.

<sup>21</sup> Legislative Decree No. 260, dated 26 February 2016, published in the Official Gazette, No. 40, vol. 410, of 26 February 2016.

<sup>22</sup> Legislative Decree No. 533, dated 10 November 2016, published in the Official Gazette, No. 210, vol. 413, of 11 November 2016.

(HIV);<sup>23</sup> the Mental Health Act;<sup>24</sup> the Culture Act<sup>25</sup> and the Law Prohibiting Metal Mining.<sup>26</sup>

92. Previously existing legislation was also reformed, including: the repeal of various articles of the Family Code so as to prohibit child marriage;<sup>27</sup> reform of article 33 of the Child and Adolescent Protection Act (LEPINA)<sup>28</sup> and the inclusion of article 85-A,<sup>29</sup> relating to the protection of children and adolescents against pornography and school bullying; reform of the Penal Code to include and modify definitions of criminal offences, so as to facilitate the work of the authorities; reform of the Juvenile Criminal Justice Act<sup>30</sup> to create a range of programmes to guarantee the rights of adolescents deprived of their liberty; reform of the General Education Act<sup>31</sup> to promote literacy among adolescents who have not received formal education; reform of the Law on Adoption to postpone its entry into force<sup>32</sup> and assign a provisional role (lasting 6 months) to the Counsel General of the Republic pending the establishment of the Adoptions Office (OPA);<sup>33</sup> and reform of the Municipal Code<sup>34</sup> to promote local government investment in children's services and create the Municipal Units for Children and Adolescents.

93. The Legislative Assembly is currently considering a reform of the final paragraph of article 172 of the Child and Adolescent Protection Act (LEPINA) to introduce a deadline requiring entities to apply to CONNA for authorization to operate within one year of their establishment. The following preliminary bills are also being considered: the Law on the Rights of Indigenous Peoples, the General Water Act, and the Special Law on Migration and the Status of Foreigners.

94. During the same period, the following jurisdictions were created: the Environmental Jurisdiction, consisting of the Environmental Trial courts and the Environmental Appellate Court;<sup>35</sup> the Specialized Jurisdiction to Guarantee Women a Life Free from Violence and Discrimination, consisting of the Specialized Courts of Investigation, Specialized Trial Courts and the Specialized Chamber;<sup>36</sup> and the Administrative Disputes Jurisdiction, with

<sup>23</sup> Legislative Decree No. 562, dated 14 December 2016, published in the Official Gazette, No. 8, vol. 414, of 12 January 2017.

<sup>24</sup> Legislative Decree No. 716, dated 29 June 2017, published in the Official Gazette, No. 132, vol. 416, of 17 July 2017.

<sup>25</sup> Legislative Decree No. 442, dated 11 August 2016, published in the Official Gazette, No. 412, vol. 159, of 30 August 2016.

<sup>26</sup> Legislative Decree No. 716, dated 29 June 2017, published in the Official Gazette, No. 132, vol. 416, of 17 July 2017.

<sup>27</sup> Legislative Decree No. 754, dated 17 August 2017, published in the Official Gazette, No. 164, vol. 416, of 5 September 2017.

<sup>28</sup> Legislative Decree No. 479, dated 20 September 2016, published in the Official Gazette, No. 173, vol. 412, of 20 September 2016.

<sup>29</sup> Legislative Decree No. 781, dated 18 September 2017, published in the Official Gazette, No. 190, vol. 417, of 12 October 2017.

<sup>30</sup> Legislative Decree No. 767, dated 07 September 2017, published in the Official Gazette, No. 183, vol. 417, of 3 October 2017.

<sup>31</sup> Legislative Decree No. 847, dated 29 November 2017, published in the Official Gazette, No. 229, vol. 417, of 7 December 2017.

<sup>32</sup> Legislative Decree No. 607, dated 9 February 2017, published in the Official Gazette, No. 29, vol. 414, of 10 February 2017.

<sup>33</sup> Legislative Decree No. 944 dated 6 April 2017, published in the Official Gazette, No. 73, vol. 419, of 23 April 2018.

<sup>34</sup> Legislative Decree No. 625, dated 20 February 2018, published in the Official Gazette, No. 43, vol. 418, of 2 March 2018.

<sup>35</sup> Legislative Decree No. 684, dated 22 May 2014, published in the Official Gazette, No. 105, vol. 403, of 9 June 2014.

<sup>36</sup> Legislative Decree No. 286, dated 25 February 2016, published in the Official Gazette, No. 60, vol. No. 411, of 4 April 2016.



the creation of the Administrative Courts and Administrative Tribunal.<sup>37</sup> In addition, the Secretariat for Culture became the Ministry of Culture.<sup>38</sup>

95. As part of both organic and programmed developments in institutional structures, the following steps were taken: creation of the City of Children and Adolescents (2016); creation of a dedicated unit on children and adolescents at the Office of the Counsel-General of the Republic (PGR) (2017); issuance of the Regulations on Healthy School Shops (Ministry of Education, 2017); establishment of the Presidential Commissioner for Human Rights<sup>39</sup> (2018); inauguration of phase I of the First Metropolitan Protection Centre for Criminally Responsible Adolescents in Administrative Detention (2018); creation of the National Institute for Teacher Training<sup>40</sup> (2018); and creation of the Special Activities Fund for the benefit of Salvadoran expatriates and returnees.<sup>41</sup>

96. In addition, the following public policies were adopted: National Health Policy 2015–2019; Policy for the Indigenous Peoples of El Salvador (2015); Policy of the Ministry of Economy on Equality and Non-Discrimination for Productive Transformation (2016); Policy on Citizen Participation in the Executive (2016); National Policy on Decent Work 2017–2030; National Policy for the Protection and Development of Salvadoran Migrants and their Families (2017); Policy on Sustainable Tourism (2017); Policy of the Ministry of Justice and Public Security on Support for the LGBTI Population (2017); Policy on the Elderly (2017); Policy on Climate Change for the Agriculture, Forestry, Fishing and Aquaculture Sector (2017); and National Policy on Associated Land Management (2018).

97. A number of national plans were also established, namely: the Safe El Salvador Plan (2015); National Plan on Training for Teachers Working in the Public Sector 2015–2019; Educated El Salvador Plan (2016); National Plan on Restoration and Reforestation 2016–2017; National Strategic Multi-Sectoral Plan on Tuberculosis Control in El Salvador 2016–2020; National Strategic Multi-Sectoral Plan on the Elimination of Malaria in El Salvador 2016–2020; National Action Plan on “Women, Peace and Security” (2017); National Plan on Climate Change and Agroclimatic Risk Management for the Agriculture, Forestry, Fishing and Aquaculture Sector 2018–2022; and the Sustainable El Salvador Plan (2018).

98. El Salvador also ratified the Rome Statute of the International Criminal Court and its two amendments<sup>42</sup> and the Inter-American Convention on Protecting the Human Rights of Older Persons.<sup>43</sup>

## Part III

### Question 16

99. Between 2015 and 2017, the budget allocated<sup>44</sup> to the area of social development<sup>45</sup> was increased by 0.7 per cent, from \$2.301 billion in 2015 to \$2.317 billion in 2017,

<sup>37</sup> Legislative Decree No. 761, dated 28 August 2017, published in the Official Gazette, No. 174, vol. 416, of 20 September 2017.

<sup>38</sup> Legislative Decree No. 1, dated 17 January 2018, published in the Official Gazette, No. 12, vol. 418, of 19 January 2018.

<sup>39</sup> Legislative Decree No. 7, dated 6 March 2018, published in the Official Gazette, No. 46, vol. 418, of 7 March 2018.

<sup>40</sup> Legislative Decree No. 913, dated 20 February 2018, published in the Official Gazette, No. 42, vol. 418, of 1 March 2018.

<sup>41</sup> Executive Decree No. 617, dated 23 February 2017, published in the Official Gazette, No. 45, vol. 414, of 6 March 2017.

<sup>42</sup> Legislative Decree No. 197, dated 26 November 2015, published in the Official Gazette, No. 409, vol. 236, of 22 December 2015.

<sup>43</sup> Legislative Decree No. 836, dated 15 November 2017, published in the Official Gazette, No. 231, vol. 417, of 11 December 2017.

<sup>44</sup> Comprises both the allocations made in the General Budget Act and the additional allocations incorporated through reforms during the fiscal year.

<sup>45</sup> The general State budget is structured according to six areas of management. The area of Social Development includes budget allocations made by the Presidency of the Republic as well as the

representing 46.4 per cent and 43.0 per cent of the respective total budgets for those years (see annex 3).

100. With regard to the health and education budgets, the health budget rose from \$621 million in 2015 to \$627 million in 2017 (representing an increase of 1.1 per cent); and the education budget was increased from \$930 million in 2015 to \$966 million in 2017 (representing an increase of 3.9 per cent). As a proportion of the total budget as modified for 2017, health and education accounted for 11.6 and 17.9 per cent respectively. The budget allocation to the Presidency of the Republic, which includes the implementation of various social programmes, went from \$645 million in 2015 to \$559 million in 2017. The budget of CONNA remained consistent at \$6.4 million between 2015 and 2017 (see annex 4).

101. The budget of ISNA, which creates plans for the prevention of rights abuse and the protection and restoration of human rights, has been continually increasing. The cumulative total increase in its budget between 2014 and the approved 2018 budget amounts to \$2.5 million, having risen from \$17,624,788 to \$20,197,800 during that period. Notably, in 2016 its total budget was just over \$22 million. The cumulative budget growth between the aforementioned years was 14.6 per cent; the increase between 2015 and 2016 was particularly marked because of a special funding allocation for the implementation of violence prevention projects.

### Question 17

102. Between 2015 and 2017, the infant mortality rate for children under the age of one remained constant at 9.2 per 1000 live births, while the maternal mortality rate fell from 42.3 per 100,000 live births in 2015, to 31.1 per 100,000 live births in 2017 (see annex 5).

### Question 18

103. Between 2015 and 2017, the rate of homicides of children and adolescents fell by 50 per cent, from 734 to 365 respectively. According to the records of the Office of the Attorney General of the Republic, the total number of homicides committed by gangs was 134 in 2015, 118 in 2016 and 56 in 2017. The Office of the Attorney General also reported that in 2018, a total of 115 cases of child and adolescent victims of homicide dating from 2015 were in the administrative phase of proceedings; compared with 229 dating from 2016 and 162 from 2017. Of the total number of open cases at the judicial stage of proceedings, there were 19 cases of child and adolescent victims dating from 2015; 78 from 2016; and 75 from 2017. In addition, the cases of 751 children and adolescents were reported to have been closed<sup>46</sup> in 2015, as well as 954 in 2016 and 572 in 2017 (see annex 6).

### Question 20

104. In 2015, a total of 21,239 adolescents<sup>47</sup> were married or in union, representing 2.6 per cent of adolescents in the country. Of those, 80.8 per cent were female, 19.2 per cent were male; and 54.9 per cent of marriages and unions were in rural areas. Between 2016 and 2017, the number of adolescents who were married or in union decreased to 16,756 adolescents, accounting for 2.1 per cent of adolescents in 2017, of whom 74.9 per cent were female and 25.1 per cent were male. The highest incidence remained in rural areas, which accounted for 57.3 per cent (see annex 7).

105. As at December 2017, a total of 964 children and adolescents are in institutional care, either in ISNA centres or private care entities (see annex 7a). During the same period,

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branches of health, education, labour and social security, as well as public Works, transport and housing, and urban development.

<sup>46</sup> The administrative proceedings for cases closed in a given year may not have begun in the same year.

<sup>47</sup> Directorate General of Statistics and Censuses (DIGESTYC) (2016). Multi-Purpose Household Survey (EHPM) 2015. San Salvador, El Salvador.

ISNA's Department for Family-Based Care attended to 1,402 children and adolescents, and by the end of December 2017 only 262 children and adolescents remained in institutional care (see annex 7b).

106. The number of child and adolescent returnees to El Salvador by means of irregular migration rose from 7,545 in 2015 to 9,259 in 2016. Subsequently, this figure dropped significantly to 2,598 in 2017. Of the 19,402 children and adolescents who returned during that period, 60.5 per cent were male, 43.8 per cent travelled unaccompanied and the main cause of migration was economic factors, which accounted for 37.1 per cent (see annex 8).

107. Rates of child labour decreased between 2015 and 2017; from an initial total of 140,700 children and adolescents in 2015, to under 131,904 in 2016, and subsequently to 130,157 in 2017, representing a 7.5 per cent reduction during that period. The number of children working under the minimum working age was 49,443 in 2015; 42,723 in 2016 and 41,735 in 2017 (see annex 8a). The number of children in hazardous work decreased from 91,257 in 2015 to 88,422 in 2017<sup>48</sup> (see annex 8b).

108. The Attorney General's Office also reported 85 child and adolescent victims of pornography-related crime,<sup>49</sup> and 249 victims of crimes related to sexual exploitation and the sale or supply of sexual services<sup>50</sup> (see annex 9).

## Question 21

109. According to the National Survey of Persons with Disabilities, in 2015 a total of 65,108 children and adolescents had a disability, of which 62,925 (96.6 per cent) were living with one or both parents. Of the total, 55.7 per cent were male and 44.3 per cent were female. In terms of geographical distribution, 58.8 per cent (36,989 individuals) lived in urban areas and 41.2 per cent (25,936 individuals) in rural areas<sup>51</sup> (see annex 10).

110. Between 2015 and 2017, 150 children and adolescents with disabilities entered ISNA institutional care centres, and only 6 left during the same period, bringing the total at December 2017 to 144 individuals, of whom 42 per cent were biologically aged under 18 years (see annex 11).

111. In 2015, the Ministry of Education recorded a total of 14,106 girls, boys and adolescent males in the mainstream education system, among whom the most common disability was visual impairment (35 per cent); 66.7 per cent lived in urban areas and 33.3 per cent lived in rural areas. By 2017, the total number had fallen to 10,099 girls, boys and adolescents. Visual impairment remained the most commonly recorded disability, at a rate of 30 per cent of students; and the distribution between urban and rural environments remained similar (see annex 12).

112. In 2015, the Ministry of Education recorded a total of 2,741 students in the Special Education System, of which 60.5 per cent were male and 39.5 per cent female. Of the total, 90 per cent were in educational establishments in urban environments, and 76.5 per cent displayed intellectual disabilities. By 2017, this number had fallen to 2,670 students, of which 62.2 per cent were male and 37.8 per cent female; 95 per cent were in urban areas, and intellectual disabilities continued to be the most common form of disability, representing 64.5 per cent of those students (see annex 13).

## Question 22

113. In 2015, the National Civil Police reported 3,218 adolescents deprived of liberty, of whom 572 (accounting for 17.8 per cent) had been convicted of belonging to "illicit groups" and 14 for "acts of terrorism" (accounting for 0.43 per cent). By 2017, the number

<sup>48</sup> Directorate General of Statistics and Censuses, based on data from the 2015, 2016 and 2017 Multi-Purpose Household Survey.

<sup>49</sup> Articles 170, 172, 173 of the Penal Code of El Salvador.

<sup>50</sup> Office of the Attorney General of the Republic, statistics from 2015 to 2017.

<sup>51</sup> National Survey of Persons with Disabilities, 2015.

of adolescents deprived of liberty had fallen to 3,167; of which 508 (16.0 per cent) had been convicted of belonging to illicit groups and 9 (0.24 per cent) adolescents for acts of terrorism (see annex 14).

114. Between 2015 and 2017, the Office of the Human Rights Advocate received a total of 26 cases concerning alleged infringements of the right not to be subjected to cruel, inhuman or degrading treatment during the detention process.

### **Question 23**

115. Between 2015 and 2017, the National Registry of Natural Persons (RNPN) facilitated data collection for the registration of 79,747 newborn babies at 13 specialized maternity hospitals; this information is entered into the Family Status Registry to allow birth certificates to be issued. In 2017, the Directorate General of Statistics and Censuses (DIGESTYC), United Nations Population Fund (UNFP) and National Registry of Natural Persons (RNPN) worked in cooperation with the Ministry of Health to establish a system under which children born in national hospital centres are assigned a Unique Medical Code, which serves as basic information for the generation of a unique legal identification at birth.

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