



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of El Salvador\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of El Salvador (CRC/C/SLV/5-6) at its 2314th and 2315th meetings (see CRC/C/SR.2314 and 2315), held on 18 and 19 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/SLV/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, in particular its ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the General Act on Young People adopted in 2012, the National Policy on Comprehensive Protection for Children and Adolescents (2013–2023), the “Educated El Salvador” (*El Salvador Educado*) Plan (2016–2026), the amendment to the Civil Code concerning the age of marriage, and the restructuring of the Salvadoran Institute for Comprehensive Child and Adolescent Development and the National Council for Children and Adolescents. It further welcomes the reduction in child mortality and the increase in the provision of free health services at the local level.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: the right to life, survival and development (para. 16), children affected by *maras* (para. 23), gender-based violence,

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\* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



sexual exploitation and abuse (para. 28), adolescent health (para. 36), standard of living (para. 41) and education (para. 43).

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. Noting the insufficient implementation of the 2009 Child and Adolescent Protection Act, in particular of the National System for the Comprehensive Protection of Children and Adolescents, the Committee recommends that the State party ensure the human, technical and financial resources necessary for its implementation and review the provisions on administrative and judicial procedures to ensure children's access to protection services and justice.

### **Comprehensive policy and strategy**

6. The Committee welcomes the National Policy on Comprehensive Protection for Children and Adolescents (2013–2023) and recommends that the State party take the measures necessary to adopt updated plans of action for its implementation at the local level, supported by sufficient human, technical and financial resources.

### **Coordination**

7. The Committee recommends that the State party clearly define the mandate and function of the National Council for Children and Adolescents and of the Salvadoran Institute for Comprehensive Child and Adolescent Development to ensure their effective collaboration and cooperation, particularly regarding their management systems and databases for the registration and supervision of service providers. The Committee also recommends that the State party strengthen its efforts to decentralize the network for childcare and coordinate with the local committees on the rights of children and adolescents, in cooperation with local authorities.

### **Allocation of resources**

8. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party set up a budgeting process that includes a child rights perspective, including by:

- (a) Significantly increasing the budget allocations for health and education, with a view to reaching the minimum internationally accepted levels as soon as possible;
- (b) Promptly implementing a programme-based budget with a focus on results for the financing of public policies longer than one year;
- (c) Implementing a tracking system for the allocation and use of resources for children throughout the budget;
- (d) Defining budgetary lines for children in disadvantaged or vulnerable situations, particularly in situations of poverty, violence or migration;
- (e) Ensuring transparent and participatory budgeting through public dialogue, including with children, for the proper accountability of local authorities;
- (f) Strengthening institutional capacities to effectively detect, investigate and prosecute corruption, taking note of target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms.

### **Data collection**

9. With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Ensure that its multiple systems for the collection of data regarding the rights of the child are integrated to avoid duplication, and facilitate the timely and regular collection and analysis of information on the situation of all children;

(b) Ensure that the data and indicators are shared among the ministries and agencies concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Create a single system for the registration and monitoring of all organizations providing care services to children and ensure effective coordination between the National Council for Children and Adolescents and the Salvadoran Institute for Comprehensive Child and Adolescent Development in this regard;

(d) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human Rights Indicators: A Guide to Measurement and Implementation*;

(e) Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF).

#### Independent monitoring

10. The Committee recommends that the State party take the measures necessary to:

(a) Ensure that the deputy advocate for the protection of the rights of children, adolescents and young persons, part of the Office of the Human Rights Advocate (Procuraduría para la Defensa de los Derechos Humanos), is able to receive, investigate and address complaints from children in a child-sensitive manner;

(b) Ensure that the deputy advocate performs monitoring, follow-up and verification activities, including at all facilities where children are deprived of liberty, and that the complaints procedure guarantees the privacy and protection of child victims;

(c) Seek technical cooperation from, among others, OHCHR and UNICEF.

#### Dissemination, awareness-raising and training

11. The Committee recommends that the State party continue to provide regular training activities for professionals working with and for children and extend these activities to police, prosecutors, judges and border staff. The Committee recalls its previous recommendation (CRC/C/SLV/CO/3-4, para. 24) and further recommends that the Convention is included in school curricula at all levels and regularly promoted on the radio, the television and social media.

#### Cooperation with civil society

12. The Committee recalls its previous recommendation (CRC/C/SLV/CO/3-4, para. 20) and recommends that the State party strengthen its efforts to systematically involve civil society, including non-governmental organizations and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights.

## B. General principles (arts. 2, 3, 6 and 12)

#### Non-discrimination

13. The Committee urges the State party to strengthen its efforts to eliminate discrimination: against girls, particularly regarding their access to education and to sexual and reproductive health services, and in relation to sexual violence, civil unions and teenage pregnancy; against boys concerning stereotypes related to criminality,

violence and conflict with the law; and against indigenous children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children.

#### **Best interests of the child**

14. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that this right is consistently interpreted and applied in all proceedings related to children;

(b) Develop procedures and criteria to provide guidance to law enforcement authorities on determining the best interests of the child and on giving this right its due weight as a primary consideration;

(c) Strengthen its efforts to ensure that this right is appropriately integrated into all policies, programmes and projects that are relevant to and have an impact on children, in particular in the areas of public security and migration.

#### **Right to life, survival and development**

15. The Committee notes the reduction in the number of homicides but remains deeply concerned by:

(a) The very high number of killings in the State party, with 4,094 recorded between 2010 and 2017, mostly affecting boys, and by the insufficient information provided by the State party on the investigations and prosecutions conducted;

(b) The limited measures taken to eliminate and control the availability of arms.

16. The Committee urges the State party to:

(a) Promptly investigate, prosecute and sanction cases of killing of children, and strengthen measures to monitor the performance of the police and judicial institutions;

(b) Further study the root causes of child homicides and take measures to prevent them;

(c) Urgently step up its efforts to eliminate the availability of arms, including small arms;

(d) Take into consideration the recommendations included in the report of the Special Representative of the Secretary-General on Violence against Children entitled *Protecting children affected by armed violence in the community*.

#### **Respect for the views of the child**

17. The Committee recommends that the State party:

(a) Establish procedures for social workers and courts to ensure that in all proceedings concerning children, the views of the child are duly taken into consideration in all phases of the process;

(b) Strengthen the participation of children within the family, communities and schools and include children in decision-making processes in all matters relating to them, including matters of violence and migration.

### **C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

#### **Birth registration**

18. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee recommends that the State party continue its efforts to provide free birth registration to all children and to

make the civil registration system available at the local level, paying particular attention to children with disabilities in rural areas.

#### Freedom of association and peaceful assembly

19. The Committee encourages the State party to promote and protect the right of children to freedom of association and peaceful assembly and to ensure that, in the current climate of violence, law enforcement officials and other professionals are trained adequately to respect those rights.

#### Right to privacy

20. The Committee recommends that the State party strengthen its efforts to protect children, particularly adolescents, from being stigmatized as violent, which could constitute an unlawful attack on their honour and reputation. It also recommends that the State party encourage the media to protect the privacy of children.

#### Access to appropriate information

21. The Committee recommends that the State party promote children's access to appropriate information from a diversity of sources, and strengthen awareness-raising programmes for children, parents and teachers on Internet safety, particularly regarding cyberbullying and stalking by adults for sexual purposes.

### D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

#### Children affected by *maras*

22. The Committee notes the measures taken by the State party to address the issue of *maras* (youth gangs), in particular the adoption of the "Safe El Salvador" (*El Salvador Seguro*) Plan, but remains deeply concerned about the extent to which criminal violence is affecting children, and particularly:

(a) The extremely high number of killings and disappearances affecting children, most of them committed by *maras*, and the vulnerability of boys as young as 5 years old and girls as young as 12 to being recruited by *maras*;

(b) The high level of impunity for crimes committed against children by *maras*, with limited investigations and prosecutions being carried out and few cases reaching the courts or resulting in sanctions for the perpetrators;

(c) The lack of official recognition of the impact that *maras* and criminal violence have on the internal displacement of children and their families;

(d) The limited focus on the structural causes of violence, evidenced by the limited resources allocated to the prevention and rehabilitation measures contained in national policies, and the prevalence of a repressive approach to security, including the increasing involvement of the army;

(e) The classification of members of *maras* as terrorists, which implies that assisting the rehabilitation of children seeking to leave those groups is a criminal act.

23. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to:

(a) Review the policies and programmes addressing violence and the criminal acts committed by *maras* with a view to adopting more effective measures to prevent the killings and disappearances of children and their recruitment by criminal groups; and address the root causes of violence and child recruitment such as poverty and discrimination, and take into consideration the particular needs of boy and girl victims;

(b) Strengthen the technical and investigative capacities of the police and the prosecution authorities, and increase 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 and to bring perpetrators to justice;

(c) Officially recognize violence as a root cause of internal displacement, and take the measures necessary to effectively implement the road map of the Ministry of Justice and Public Safety for the inter-institutional coordination of the comprehensive care and protection of victims;

(d) Review the “Safe El Salvador” (*El Salvador Seguro*) Plan to ensure that its measures directed at the prevention of violence, rehabilitation and reintegration, and services for victims, reflect the particular situation of children; and reinforce the human, technical and financial resources necessary for their effective implementation;

(e) Review the Special Law against Acts of Terrorism with a view to removing the classification of members of *maras* as terrorists;

(f) 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, continue to cooperate with UNICEF and the United Nations Development Programme in this regard.

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

24. The Committee is seriously concerned about the continued allegations of torture, extrajudicial executions and enforced disappearances of children at the hands of the police and armed forces, particularly in the context of the fight against organized crime, and, recalling its previous recommendations (CRC/C/SLV/3-4, para. 44), it urges the State party to:

(a) Strengthen its measures targeting the police and armed forces to prevent children from being subjected to torture, extrajudicial executions and enforced disappearances, particularly during and after security operations;

(b) Reinforce the capacities of the General Inspectorate of Public Security to put in place an internal and external control system of the police and to promptly and duly record, investigate and prosecute all allegations of torture and ill-treatment of children by law enforcement officials, and reinforce the capacities of the courts to judge and sanction perpetrators;

(c) Consider creating a national independent mechanism for the prevention of torture.

#### **Corporal punishment**

25. The Committee is deeply concerned that corporal punishment of children is still lawful and culturally justified, and that the multiple indicator cluster survey for 2014 showed that 40 per cent of children suffered corporal punishment at home. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and recalling its previous recommendations (CRC/C/SLV/CO/3-4, para. 55), the Committee urges the State party to:

(a) Promptly adopt a law prohibiting corporal punishment in all settings;

(b) Review article 215 of the Family Code, article 204 of the Criminal Code and article 38 of the Children and Adolescent Protection Act to criminalize corporal punishment without exceptions;

(c) Take measures to promote positive, non-violent and participatory forms of child-rearing and discipline.

### Abuse and neglect

26. Noting with concern the 45,925 cases of abuse and neglect, affecting 52,065 children, reported to the protection boards between 2012 and 2015, the 13,011 cases, involving 15,389 children, reported to the National Council for Children and Adolescents in 2016, and the lack of information on the follow-up to these cases, the Committee recommends that the State party:

(a) Establish a national database on all cases of abuse and neglect of children and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(b) Promptly investigate cases of child abuse and neglect and sanction the perpetrators;

(c) Strengthen awareness-raising and education programmes, with the involvement of children, to formulate a comprehensive strategy for preventing and combating child abuse at the family and community levels.

### Gender-based violence, sexual exploitation and abuse

27. The Committee is deeply concerned about:

(a) The exceptionally high, and increasing, number of cases of sexual violence against girls, with 1,029 cases of sexual offences committed against girls aged between 13 and 17 years old recorded in the first eight months of 2017, and rape being the most reported offence with 769 cases;

(b) The vulnerability of girls, aged from 12 years onwards, known as “brides”, to being targeted by *maras* for sexual purposes;

(c) The overall impunity for cases of sexual violence against girls, with 90 per cent of these cases not resulting in sanctions between 2013 and 2016.

28. Taking note of target 5.2 of the Sustainable Development Goals on eliminating all forms of violence against all women and girls, including sexual and other types of exploitation, the Committee urges the State party to:

(a) Establish mechanisms, procedures and guidelines to ensure mandatory recording of cases involving the sexual abuse and exploitation of girls, and ensure accessible, confidential and child-friendly reporting channels for such violations;

(b) 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;

(c) Strengthen the Young Women’s City Programme (*Ciudad Mujer Joven*) to effectively combat sexual and gender-based violence against girls;

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

### Harmful practices

29. The Committee recommends that the State party develop comprehensive awareness-raising programmes on the harmful effects of civil unions involving girls on their physical and mental health and well-being. These actions should target girls and boys, families, health and education professionals and judges.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

30. The Committee recommends that the State party:

(a) Strengthen its efforts to develop and implement comprehensive family services and support programmes such as parental training, family counselling, home visits and family recreation programmes in every community; and encourage mothers and fathers to share equal responsibility for their children;

(b) Strengthen the network for childcare, protection boards and local committees on the rights of children and adolescents with a view to identifying early signs of abuse and taking corrective measures promptly;

(c) Provide social, psychological or financial support to families affected by migration to provide adequate assistance to children of migrant parents.

**Children deprived of a family environment**

31. The Committee welcomes the decrease in the number of children placed in institutions but remains concerned about allegations of ill-treatment in such centres and the insufficient information on the measures taken to address the reported cases. The Committee recalls its previous recommendations (CRC/C/SLV/CO/3-4, para. 49), and recommends that the State party take prompt measures to create a suitable mechanism to: receive complaints from children and review institutionalization measures; improve foster care programmes to support the reintegration of children into the family environment; and update the legal framework for the supervision of alternative care providers.

**Adoption**

32. The Committee welcomes the promulgation of the 2016 Special Act on Adoption and encourages the State party to ensure that the newly created central adoption authority has the resources necessary to operate and guarantee the effective coordination of the entities involved in the adoption process, to improve the collection of disaggregated data and to clarify the conditions necessary for foster parents to adopt a child.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

33. While welcoming the measures taken by the State party regarding the health and education of and data collection on children with disabilities, the Committee, referring to its general comment No. 9 (2006) on the rights of children with disabilities, recommends that the State party adopt a human rights-based approach to disability and:

(a) Consider reviewing the Child and Adolescent Protection Act with a view to ensuring the full inclusion of children with disabilities in society;

(b) In the light of the National Policy for the Comprehensive Care of Persons with Disabilities, define objectives and time frames focused specifically on the rights of children with disabilities;

(c) Continue to invest in measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes, and inclusive education;

(d) Develop awareness-raising programmes, with the participation of children with disabilities, aimed at health and educational professionals, the public



and families, to combat the stigmatization of and prejudice against children with disabilities, and to promote a positive image of those children.

#### **Health and health services**

34. The Committee welcomes the measures taken by the State party to promote children's health, and with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and taking note of target 3.2 of the Sustainable Development Goals on ending preventable deaths of newborns and children under 5 years of age, it recommends that the State party:

(a) Significantly increase the budgetary allocations to health, estimated at only 2.1 per cent of the national gross product for 2018, and establish clear budget lines for children's health;

(b) Continue to invest in measures to decrease preventable deaths of newborns and children under 5 years of age, particularly in the departments of Chalatenango, Santa Ana, La Libertad and Usulután;

(c) Strengthen the measures taken to continue decreasing health costs, including the cost of medicines, and increase the availability of vaccines without compromising quality.

#### **Adolescent health**

35. The Committee is deeply concerned about the extremely high number of teenage pregnancies in the State party, and in particular:

(a) The fact that one third of all pregnancies involve girls aged between 10 and 18 years old; and that a high number of girls become pregnant as a result of rape or statutory rape;

(b) The lack of access to contraceptives and sexual health services for girls and boys;

(c) The inadequacy of mental health services for pregnant teenagers and teenage mothers, with suicide being the most common cause of death among teenage mothers;

(d) The limited information available to teenage girls on the consequences of the Zika virus on the fetus during pregnancy, and the inadequate support provided to children born with Zika-related conditions and their mothers;

(e) The total ban on abortions, including in cases when the pregnancy is the result of rape or incest, when the life of the mother is at risk, or when the fetus is unviable, forcing girls to resort to unsafe and illegal abortions that may lead to their incarceration;

(f) The failure of national policies, programmes and services to effectively prevent and decrease teenage pregnancies;

(g) The lack of attention paid to the root causes of teenage pregnancy, such as poverty, exclusion, discrimination and patriarchal norms.

36. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee urges the State party to:

(a) Take urgent measures to address, prevent and reduce teenage pregnancies, which should include ensuring the widespread availability of contraceptives and access to age-appropriate, gender-sensitive and confidential sexual health services to teenage girls and boys;

(b) Take urgent measures to ensure the availability of age-appropriate, gender-sensitive and confidential mental health services for pregnant teenagers and teenage mothers;

(c) Provide adequate and timely information for teenage girls on illnesses transmitted by mosquitos, including the Zika virus and its consequences on pregnancy and newborns;

(d) 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;

(e) Guarantee the resources necessary for the effective implementation of the national intersectoral strategy for the prevention of teenage pregnancies (2017–2027) and its related programmes, including those aimed at raising awareness of and promoting responsible parenthood and sexual behaviour among girls and boys;

(f) Take measures to address poverty, exclusion and discrimination from a child rights and gender perspective with the aim of eliminating the root causes of teenage pregnancies.

37. The Committee is concerned about the unavailability of specialized health facilities for children aged older than 12 years and the number of children consuming alcohol, tobacco and drugs, and recommends that the State party:

(a) Make specialized health facilities available for children aged older than 12 years;

(b) Continue taking measures to address alcohol, drug and tobacco use among adolescents, including through awareness-raising programmes and campaigns, strengthen the regulation of alcohol and tobacco sales, and develop accessible and youth-friendly drug dependence treatment and harm-reduction services.

#### **HIV/AIDS**

38. With reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party continue to take measures to prevent mother-to-child transmission of HIV/AIDS and improve girls' and boys' access to quality, age-appropriate sexual and reproductive health education to prevent HIV/AIDS.

#### **Nutrition**

39. The Committee remains concerned about the incidence of child malnutrition, mostly among children in situations of poverty and, taking note of target 2.2 of the Sustainable Development Goals on ending all forms of malnutrition, recommends that the State party:

(a) Address the underlying causes of child malnutrition, including economic deprivation;

(b) Continue to invest in measures to promote exclusive breastfeeding for the first six months;

(c) Strengthen measures to address the issue of overweight children and childhood obesity in both urban and rural areas;

(d) Systematically collect data on children's food security and nutrition.

#### **Standard of living**

40. The Committee notes the measures taken by the State party and the slight decrease in levels of poverty and inequality between 2012 and 2016. However, it remains extremely concerned about the prevalence of poverty and extreme poverty, the disparities between urban and rural areas, and the higher level of poverty among households with children.

41. The Committee, recalling its previous recommendation (CRC/C/SLV/CO/3-4, para. 67), and drawing attention to targets 1.1 and 1.2 of the Sustainable Development Goals on eradicating extreme poverty everywhere and reducing by half the proportion of all persons living in poverty, urges the State party to:

(a) **Prioritize the adoption of measures to improve the standard of living for children, including indigenous children, paying particular attention to housing, water, food and sanitation;**

(b) **Adopt targeted measures to support families with children and families in rural areas to improve their standard of living;**

(c) **Conduct 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 the relevant policies and programmes.**

## **G. Education, leisure and cultural activities (arts. 28–31)**

### **Education**

42. While noting the slight increase in the education budget, the Committee remains seriously concerned about:

(a) The overwhelming impact of violence on children's access to education, with the majority of schools situated in communities where *maras* are active, or in areas affected by drug circulation, the presence of weapons or extortion, and with the occurrence of sexual violence and child trafficking in schools and the high number of killings of teachers and students;

(b) The dangers faced by children on their way to school and within school;

(c) The insufficient funds allocated to education, with only 3.2 per cent of the gross domestic product allocated to education in 2018;

(d) The insufficient number of teachers and the precarious school infrastructure, with schools lacking water, electricity, adequate sanitation and access to educational resources such as libraries, computers and the Internet;

(e) The high number of dropouts in primary and, in particular, secondary schools;

(f) The lower educational attainment of teenage mothers, with pregnant girls being forced to leave education and finding it difficult to resume after giving birth, hindering their personal development;

(g) The difficulties faced by children in migration situations and internally displaced students in continuing and resuming their education.

43. **With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals on free, equitable and quality primary and secondary education, the Committee urges the State party to:**

(a) **Ensure the human, technical and financial resources necessary for the effective implementation of the national education plan and its six components, aimed at violence-free schools, quality teachers, improved early childhood care, 12 levels of schooling, and improved higher education and infrastructure, which would help to ensure children's rights to both education and freedom from violence;**

(b) **Identify, with the participation of children, the causes of danger and violence on the way to school and inside school and take the measures necessary to address them, with a focus on prevention policies;**

(c) **Take the measures necessary to address the root causes of school absenteeism and the high number of dropouts among children aged 4 to 18 years old, as identified by the Directorate General of Statistics and Censuses in 2017;**

(d) **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 mechanisms from schools and social services;**

(e) Invest in and develop flexible education measures to allow children in situations of migration or internal displacement to continue their studies with minimal disruption.

#### Early childhood development

44. Taking note of target 4.2 of the Sustainable Development Goals on ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education, the Committee recommends that the State party increase access to early childhood care for children under 2 years old and to preschool education for children under 6 years old.

#### Rest, leisure, recreation and cultural and artistic activities

45. Recalling its previous recommendation (CRC/C/SLV/CO/3-4, para. 71) and drawing the State party's attention to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to create more public and safe places at the community level for sports, cultural, leisure and recreational activities for children.

### H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

#### Children in situations of migration

46. The Committee welcomes the creation of the comprehensive migrant care centre and the child, adolescent and family care centres, and the adoption in 2017 of the protocol for the protection and care of Salvadoran migrant children and adolescents. With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

(a) Strengthen the identification system in Salvadoran consulates in transit or destination countries for children awaiting deportation, and in the assistance centres in the State party for children who have been deported;

(b) Improve access to care centres and shelters and step up measures to expand family-based alternative care for unaccompanied children who have returned or been deported;

(c) Strengthen the implementation of the protocol for the care of unaccompanied migrant children and adolescents through improved inter-institutional coordination at the municipal level, in particular for children leaving the comprehensive migrant care centre, and extend the protocol to include migrant children who are non-nationals of the State party;

(d) Strengthen the technical capacity of the protection boards of the National Council for Children and Adolescents to process and follow up the cases of children in need of protection, including through better coordination with other services;

(e) Develop a referral protocol to identify and assist returned or deported children who are survivors of sexual and gender-based violence;

(f) Continue seeking technical assistance from the Office of the United Nations High Commissioner for Refugees in this regard.

### **Children belonging to minorities and indigenous children**

47. With reference to its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party strengthen its measures to promote quality education for indigenous children, including intercultural and bilingual education, and to improve their standard of health and eliminate food insecurity and poverty, with the full and effective participation of indigenous children.

### **Economic exploitation, including child labour**

48. While welcoming the creation of the Information System for Monitoring and Evaluating Child Labour, the Committee notes the consistently high number of children involved in child labour, despite efforts towards its reduction, and recommends that the State party strengthen its measures to combat the economic exploitation of children, especially in rural areas, and in particular girls working in domestic service and boys working in agriculture and commerce. It further recommends that the State party continue seeking technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization.

### **Children in street situations**

49. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendation (CRC/C/SLV/CO/3-4, para. 79), and recommends that the State party develop, implement, monitor and evaluate a national strategy for children living and working on the streets, with the active involvement of those children and with a strong emphasis on education, preventive measures at the community level and reunification with their families, when appropriate and in the best interests of the child.

### **Trafficking**

50. The Committee welcomes the adoption in 2014 of the Special Act against Trafficking in Persons and the updated National Policy on Trafficking in Persons, and recommends that the State party:

(a) Review the Special Act to include a definition of human and child trafficking consistent with international law, and adjust the National Policy and the mandate of the National Council on Trafficking in Persons to include children under the age of 18;

(b) Ensure that the National Council has sufficient resources to implement its mandate and strengthen its efforts to promptly investigate, prosecute and sanction trafficking offences, including those committed by government officials;

(c) Develop and implement procedures to identify child victims of trafficking, including for labour exploitation;

(d) Continue to invest in measures to provide information and raise awareness on preventing trafficking, reporting cases to authorities and changing the social stigma associated with victims.

### **Administration of juvenile justice**

51. The Committee is concerned about the decrease in the allocation of funds to non-custodial measures, and with reference to its general comment No. 10 (2007) on children's rights in juvenile justice and recalling its previous recommendation (CRC/C/SLV/CO/3-4, para. 88), it recommends that the State party:

(a) Take the measures necessary to establish a specialized juvenile criminal justice system in accordance with the law, encompassing non-custodial measures such as diversion, mediation and counselling;

- (b) Ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;
- (c) Review the special provisions for the control and monitoring of persons in the Salvadoran returnee population identified as members of *maras*, gangs or illicit groups adopted in 2017 to include a distinction between children and adults, and ensure that children are treated in accordance with international standards on juvenile justice;
- (d) Ensure that no national legislation contains provisions that result in lower protection standards for children, such as the minimum age of criminal responsibility, and review the amended articles 52, 53 and 54 of the Juvenile Criminal Justice Act allowing the Attorney General's Office to detain children with administrative orders, with a view to guaranteeing that a judicial decision is mandatory for the detention of any child;
- (e) Take prompt measures to prevent and thoroughly investigate deaths of children in custody and to prevent violence among peers in custody;
- (f) Improve education and vocational training in juvenile detention facilities;
- (g) Establish an independent and confidential complaint mechanism accessible to children deprived of liberty;
- (h) Provide systematic training on the Convention and juvenile justice standards to police, prison staff, prosecutors and judges;
- (i) Ensure the provision of qualified and independent legal aid to children in conflict with the law throughout the legal proceedings;
- (j) Take awareness-raising measures to eliminate the false perception among the population, legislators and law enforcement agents, that adolescents are responsible for most crimes and violence and that they enjoy impunity because of the specialized juvenile criminal justice system.

#### **Child victims and witnesses of crimes**

52. The Committee recommends that the State party:

- (a) Strengthen its efforts to protect the identity of child victims and witnesses who participate in judicial processes;
- (b) Continue to invest in the creation of local care centres for victims to provide adequate care for all child victims of crime.

#### **Follow-up to the Committee's previous concluding observations and recommendations on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography**

53. The Committee regrets the lack of information provided on the implementation of its concluding observations on the State party's report under the Optional Protocol (CRC/C/OPSC/SLV/CO/1) and recommends that the State party:

- (a) Define and criminalize the sale of children in accordance with the Optional Protocol and review the 2016 Special Law against Cybercrime and Related Offences to include all offences under the Optional Protocol;
- (b) Ensure that data relevant to the Optional Protocol, disaggregated by age, sex, nationality, ethnic group, socioeconomic background and geographic area, are regularly collected and analysed to inform policy design, implementation and review;
- (c) Strengthen its efforts to investigate and prosecute cases involving the sale of children, child prostitution and child pornography, including online, and sanction the perpetrators;
- (d) Strengthen measures to prevent and protect children from offences under the Optional Protocol, including those committed online, such as the

programme to protect children and adolescents against violence, abuse and sexual exploitation online;

(e) Continue to seek technical assistance from, among others, UNICEF and the United Nations Office on Drugs and Crime.

**Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocol on the involvement of children in armed conflict**

54. The Committee recalls its previous recommendations (CRC/C/OPAC/SLV/CO/1) and requests that the State party provide information on:

(a) The prohibition by law of the recruitment of children under 15 years old into armed forces or groups and their direct participation in hostilities;

(b) The abolition by law of the voluntary recruitment of children between 16 and 17 years old, to reflect the situation in practice.

55. The Committee, in the light of the unconstitutionality of the amnesty law of 1993, recommends that the State party investigate and prosecute the alleged perpetrators of crimes committed against children during the internal armed conflict to ensure the right to truth, justice and reparation, and a guarantee of non-recurrence.

56. The Committee encourages the State party to increase the human, technical and financial resources of the National Commission on the Search for Children Who Disappeared during the Internal Armed Conflict, created in 2010, to register and investigate all reported cases of enforced disappearances of children, including those identified by civil society organizations such as the Asociación Pro-Búsqueda.

## **I. Ratification of international human rights instruments**

57. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

## **J. Cooperation with regional bodies**

58. The Committee recommends that the State party cooperate with the Organization of American States on the implementation of the Convention and other human rights instruments, both in the State party and in other member States of the Organization.

# **IV. Implementation and reporting**

## **A. Follow-up and dissemination**

59. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

**B. National mechanism for reporting and follow-up**

60. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

**C. Next report**

61. The Committee invites the State party to submit its seventh periodic report by 1 September 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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