

**Генеральная Ассамблея**

Distr.: General  
4 February 2011  
Russian  
Original: English

**Совет по правам человека****Шестнадцатая сессия**

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

**Доклад Специального докладчика по вопросу о  
торговле детьми, детской проституции и детской  
порнографии, Нажат Мааллы М'жид**

Добавление

**Миссия в Сальвадор\* \*\****Резюме*

В настоящем докладе с учетом международных стандартов в области прав человека рассматриваются вопросы о торговле детьми, детской проституции и детской порнографии в Сальвадоре, а также недавно принятый закон о всеобъемлющей защите детей и подростков. На основе информации, собранной до, в ходе и после этой поездки, Специальный докладчик отмечает законодательные инициативы и политику и стратегии в области защиты детей в связи с этими явлениями, а также программы по защите детей-жертв. Она также рассматривает усилия, предпринимаемые в этой области в рамках международного и регионального сотрудничества. В заключение Специальный докладчик предлагает рекомендации в целях содействия активизации уже предпринимаемых усилий по пресечению и предотвращению торговли детьми, детской проституции и детской порнографии, а также по защите прав детей – жертв этих видов практики.

\* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется в полученном виде только на том языке, на котором он был представлен, и на испанском языке.

\*\* Документ представлен с опозданием.

## Annexe

### **Report of the Special Rapporteur on the sale of children, child prostitution and child pornography on her visit to El Salvador (23–31 August 2010)**

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–9	3
II. General background .....	10–20	4
A. Context.....	10–15	4
B. International and regional human rights instruments .....	16–20	5
III. Situation analysis .....	21–119	6
A. Scope of the sale of children, child prostitution and child pornography	21–29	6
B. Domestic legal and regulatory framework.....	30–51	7
C. Institutional framework .....	52–74	10
D. Policies and programmes to address sale of children, child prostitution and child pornography .....	75–119	14
IV. Conclusions and recommendations .....	120–131	20
A. Conclusions.....	120	20
B. Recommendations .....	121–128	20

## I. Introduction

1. The Special Rapporteur undertook an official visit to El Salvador from 23 to 31 August 2010. She held meetings with stakeholders in San Salvador and La Libertad. She thanks the Government of El Salvador for its hospitality and collaboration in organizing meetings with relevant Government officials and for its cooperation before, during and after the visit.

2. In San Salvador, the Special Rapporteur met with the First Lady in her capacity as Secretary of the Secretariat of Social Inclusion and with Government ministers. She held meetings with representatives of the Office of the Attorney-General, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice and Public Security (including the General Direction for Migration), the National Civil Police, the Procurator for the Protection of Human Rights, the Office of the Procurator-General, the Ministry of Public Health and Social Assistance, the Ministry of Governance (Direction of Public Spectacles, radio and television), the Ministry of Labour, the Ministry of Tourism, the National Institute for the Comprehensive Development of Children and the National Institute for the Advancement of Women.

3. The Special Rapporteur met with members of the Legislative Assembly (Commission for Family, Women and Children), the Supreme Court of Justice and the National Committee to Combat Human Trafficking.

4. The Special Rapporteur visited three centres for children, including a protection centre and two detention centres, and a home for victims of trafficking, run by the National Institute for the Comprehensive Development of Children, and the Attention Centre for Women, run by the National Institute for the Advancement of Women.

5. During the visit, the Special Rapporteur also met with members of civil society and the media, a representative of the national telecoms regulator (SIGET), and international technical partners in San Salvador. The Special Rapporteur thanks the United Nations country team for engaging with her on ongoing child protection issues and programmes in the country, and particularly the Office of the United Nations Resident Coordinator for its valuable assistance and support.

6. The Special Rapporteur is also grateful for the opportunity to meet and have exchanges with children currently in care centres, non-governmental organization programmes and detention centres.

7. In a previous report (A/HRC/9/21), the Special Rapporteur identified the objectives of her mandate. With those objectives in mind, the aim of the visit was to explore the incidence of sale of children, child prostitution and child pornography in El Salvador and to examine the initiatives and measures taken by the Government and civil society to combat and prevent these phenomena, including by examining root causes and the child protection system in general.

8. The Special Rapporteur conducted her visit at a time of considerable domestic and international engagement and momentum regarding the issue of the rights of the child. The law on the comprehensive protection of childhood and adolescence was adopted in March 2009. At the international level, the situation in El Salvador had recently been reviewed by the Committee on the Rights of the Child with regard to the Convention on the Rights of the Child and the optional protocol on the sale of children, child prostitution and child pornography (2010), the Human Rights Committee (2010), the Committee against Torture (2009), the Committee on the Elimination of Discrimination against Women (2008), and had been reviewed by the Human Rights Council under the universal periodic review

mechanism (2010). The Government also received a follow-up visit from the Special Rapporteur on violence against women, its causes and consequences, in March 2010. The Special Rapporteur sought to provide assistance to the Government and civil society to implement, on the one hand, recent recommendations made by the above-mentioned mechanisms, and on the other, policies and programmes related to commercial sexual exploitation of children and the implementation of the new child protection law.

9. Throughout her visit, the Special Rapporteur solicited the views of all stakeholders regarding the situation of the rights of the child in the country and on the measures that had yielded success, as well as on those that needed to be strengthened, with a view to making targeted conclusions and recommendations to be followed up effectively by the stakeholders encountered.

## II. General background

### A. Context

10. The internal armed conflict fought from 1980 to 1992 mainly between the Government (ruled by the right-wing party Partido de Conciliación Nacional) and leftist guerrilla units, led by the Frente Farabundo Martí para la Liberación Nacional (FMLN), was rooted in socio-economic inequalities and military repression.<sup>1</sup> The conflict was brought to an end by the peace agreement of 16 January 1992, in which the Government and the FMLN indicated their intention to provide for military and political reforms to “end the armed conflict by political means as soon as possible, promote democratization of the country, guarantee full respect for human rights and reunify Salvadoran society”.<sup>2</sup>

11. After five consecutive presidential terms of the Alianza Republicana Nacionalista, voters elected an FMLN candidate and independent journalist, Mauricio Funes, as President on 15 March 2009, by a clear margin of 2.4 per cent, embracing his message of *cambio seguro* (safe change).

12. Common crime and security are still significant challenges in El Salvador, rendering children vulnerable to a wide range of violence and illegal practices. Government officials attribute problems to the activities of *maras* (gangs) and have introduced initiatives that include the anti-gang act, approved by decree 158 on 9 October 2003, and the more recent anti-gang bill of September 2010, which renders gang membership illegal. The proliferation of small and light weapons is a major source of insecurity in El Salvador. It is estimated that 450,000 weapons currently circulate in the country. Indeed, the high number and availability of weapons in El Salvador exposes women and children to a higher risk of violence.

13. In 2006, 43.83 per cent of the country’s population was less than 18 years of age (51.13 percent boys and 48.87 per cent girls). The homicide rate in 2009 was 70.9 per 100,000. The homicide rate for the 16-17 year-old age group is significantly higher, at 153.8 homicides per 100,000 persons. Additionally, in 2009, 12.3 per cent of all homicides were of children. According to recent statistics, 44 per cent of the population has at one time been victim of a crime and tends to avoid public spaces.

14. According to some reports, one third of El Salvador’s population of 7,185,218 currently lives in the United States of America, and accounts for approximately \$70 billion in remittances. Movements of people, including children, across borders in Central America

---

<sup>1</sup> E/CN.4/2005/72/Add.2, para. 4.

<sup>2</sup> A/HRC/WG.6/7/SLV/1.

and through to the United States thus represents a significant reality. Salvadorian children have been smuggled to the United States also for the purpose of reuniting them with their parents, often through the use of “coyotes”. According to various stakeholders, in such circumstances, children are particularly vulnerable to falling into the hands of organized crime networks and can easily become victims of trafficking or other forms of commercial sexual exploitation. Another challenge is that, even if Salvadorian children are found en route, it is often difficult to reintegrate them into a comprehensive and protective environment back in the country, as the children themselves insist that they will try to leave again.

15. Following the financial crisis, the Government encouraged investment in the country. Investments were injected into the northern part of the country, including in the tourism sector and in the development of ecological projects. Policies focus on encouraging local tourism, technical assistance and training, and encouraging the growth of small enterprises, targeting Salvadorians living abroad.

## **B. International and regional human rights instruments**

16. El Salvador is a party to the Convention on the Rights of the Child and the two optional protocols thereto, on the sale of children, child prostitution and child pornography<sup>3</sup> and on the involvement of children in armed conflict; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and the Optional Protocol thereto; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

17. El Salvador is not a party to the Optional Protocol to the Convention against Torture, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Rome Statute of the International Criminal Court and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization.

18. El Salvador has ratified the Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182) of the International Labour Organization (ILO), as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

19. A national committee to follow up on recommendations of international human rights mechanisms is currently being established. It will be composed of various institutions, including a national council of childhood and adolescence (to be established pursuant to the new comprehensive protection law), the Public Prosecutor’s Office, representatives of municipal councils, the Secretariat of Social Inclusion, the Supreme Court and representatives of the legislative assembly. The Ministry of Foreign Affairs reported that the committee would have a consultative role and the capacity to formulate policies to follow-up on recommendations made by international human rights mechanisms.

---

<sup>3</sup> The Government recognizes the extradition of nationals on the basis of the second and third clauses of article 28 of the Constitution.

20. At the regional level, El Salvador is a member of the Organization of American States and has ratified the Inter-American Convention on the International Traffic in Minors and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

### III. Situation analysis

#### A. Scope of the sale of children, child prostitution and child pornography

21. Given the nature of the phenomena of the sale of children, child prostitution and child pornography, the true scope of these practices in El Salvador is difficult to measure. Nevertheless, all stakeholders met by the Special Rapporteur stated that the phenomena of the sale of children, trafficking of children for sexual and for labour exploitation, child prostitution, child sex tourism and pornography were on the increase. The Office of the Procurator-General reported that, in 2005, there were 15 investigations into cases of trafficking in children, and 20 investigations in 2006. The Special Rapporteur regrets that these statistics are not disaggregated by sex and by form of exploitation (for example, sale for purposes of economic or sexual exploitation).

22. The Government provided the statistics for the period from 2007 to September 2009 in the table below:

	<i>Office of the Attorney-General</i>			<i>Judicial branch</i>			<i>National Institute for the Comprehensive Development of Children</i>	<i>Directorate General for Migration</i>
	<i>Cases of sale of children, child prostitution and child pornography</i>	<i>Cases entering the judicial system</i>	<i>Convictions</i>	<i>Victims of child trafficking</i>	<i>Cases which entered the Judicial system</i>	<i>Convictions</i>	<i>Victims of child trafficking</i>	<i>Victims of child trafficking</i>
2007	11	3	Unspecified	18	Unspecified	Unspecified	88	4
2008	23	Unspecified	Unspecified	23	37	4	84	2
September 2009	13	1	Unspecified	18	Unspecified	Unspecified	48	3
<b>Total</b>	<b>47</b>	<b>4</b>	<b>Unspecified</b>	<b>68</b>	<b>37</b>	<b>4</b>	<b>220</b>	<b>9</b>

23. The number of child victims of trafficking reported by the National Institute for the Comprehensive Development of Children is almost three times the number reported by the Office of the Attorney-General. The figures reported by the Institute reflect the number of children admitted to its shelters and programmes, although these numbers exclude children who have not reported a crime or who have not been placed in such shelters and programmes. Of the 220 cases reported, only seven related to male children; the vast majority of cases involved adolescent girls of 12 to 18 years of age. With regard to prosecution, the Special Rapporteur highlights the fact that, of the 37 cases brought before the lower courts in 2008, only four actually led to conviction.

24. The substantial difference in the number of cases presented by each institution highlights the lack of reliable data about the extent of the problem. The Special Rapporteur observes that the information available is incomplete, and that the classification and definition of the information managed seems to vary from one institution to the other. The divergence in data available is due to the absence of a centralized, standardized information system that can also analyse trends and be available to and shared by all relevant institutions. This divergence may also be explained by overlapping and links between the

concepts of sex trafficking, the sale of children, child prostitution, child pornography, the worst forms of child labour and sexual slavery.

25. According to a variety of relevant actors, commercial sexual exploitation of children is still largely tolerated in El Salvador. There is no legal age of consent for sexual intercourse; the social perception tends to be based on whether the child's body is "ready" for sexual intercourse rather than whether the child has reached 18 years of age. Furthermore, stakeholders repeatedly informed the Special Rapporteur that child victims of commercial sexual exploitation rarely report the crime owing to a variety of factors, including fear of reprisal from the perpetrator and a lack of confidence in the police and justice system. Other factors explaining low rates of reporting include limited knowledge of laws and the rights of the child, social tolerance for certain practices, local and regional organized crime networks, the weakness of mechanisms monitoring high-risk areas, such as cyber cafés, brothels and blind spots on borders, and the limited number of accessible complaint and reporting mechanisms.

26. Interestingly, the Procurator for the Protection of Human Rights, the national human rights institution, reported that it had recently increased its attention to cases of trafficking and smuggling in persons, areas where complaint levels are low.

27. The Special Rapporteur was encouraged to learn that the General Directorate for Migration was working in collaboration with the National Civil Police and the Office of the Attorney-General on mapping trafficking routes with a view to better orient their work and tackle the issue of trafficking in persons, including children. The mapping exercise is intended to localize victims and perpetrators, as well as "hot zones" of trafficking in and around the country.

28. The Special Rapporteur recalls the numerous and interlinked factors making children vulnerable to sale and to sexual exploitation, such as prostitution and child pornography. Poverty, dysfunctional families, unemployment, social tolerance, gender discrimination, drug and alcohol abuse and a climate of insecurity (such as gangs), the transnational dimension of the phenomenon, easy access to information communication technologies, the level of organization of crime/trafficking networks ("coyotes"), the increase in regular and irregular migration flows, the proliferation of the tourism industry and the development of a market for the sex industry are all significant, daunting challenges.

29. Furthermore, the physical, mental and social consequences on children are not sufficiently taken into account, owing to insufficient follow-up mechanisms.

## **B. Domestic legal and regulatory framework**

30. The Constitution of El Salvador (1983) is the highest ranking legal authority (art. 246). According to the Constitution, it is the duty of the State to ensure to its inhabitants the enjoyment of liberty, health, culture, economic welfare and social justice (art. 1). It guarantees the rights and freedoms of the person and the citizen, which are recognized, observed and protected by the State (art. 2). Furthermore, article 32 recognizes that the family is the bedrock of society and should enjoy State protection. The State promulgates the necessary legislation and establishes the appropriate bodies and services for the integration, welfare and the social, cultural and economic development of the family. Article 34 establishes the right of children to live in family and environmental conditions that allow for their integral development, which should be safeguarded by the State. Article 35 recognizes that there will be special jurisdiction to process children and adolescents in conflict with the law.

31. The law on the comprehensive protection of childhood and adolescence was adopted on 27 March 2009. At the time of the Special Rapporteur's visit, only parts I and III of the law had come into force. The Special Rapporteur was informed that part II was scheduled to come into force in January 2011, to allow relevant stakeholders more time to ensure that the law could be implemented effectively.<sup>4</sup> In addition to setting out certain rights, the law establishes a national, comprehensive child protection system (see paragraphs 67-73 below). In October 2008, a new penal procedural code was approved, although its implementation was postponed a second time to January 2011. The code includes at least 20 provisions relating to the protection of children and adolescents who participate in penal proceedings, either as victims or witnesses, with the objective of preventing the victimization of children.

32. Late in 2003, the Commission on the Family, Women and Children of the Legislative Assembly proposed reforms to the chapter of the Criminal Code dealing with sexual offences, to cover behaviour constituting forms of commercial sexual exploitation of children. In July 2004, criminal legislation and procedure were reformed in order to harmonize national legislation with the Palermo Protocol. The reform resulted in the introduction of the offence of trafficking in persons in article 367 (b) and of the related aggravating circumstances in article 367 (c). The offences of pornography and the use of minors in pornography were also introduced (Criminal Code, arts. 172 and 173).

### **1. Sale of children**

33. Article 367 of the Criminal Code provides that anyone who, on their own behalf or on behalf of a transnational organization, engages in the sale of persons for any purpose whatsoever will be liable to imprisonment for a term of four to eight years. If the sale involves Salvadorian women or children, the sentence may be increased by up to one third of the maximum applicable penalty.

34. Pursuant to article 56 of the new protection law, the sale and trafficking of children are considered to be a form of economic exploitation. The State has the obligation to eradicate all practices that affect the dignity and personal integrity of children.

### **2. Child prostitution**

35. Numerous provisions of the Criminal Code cover the phenomenon of sexual exploitation of children. Article 170 of the Criminal Code, on "incitement to prostitution", applies in certain circumstances, providing that anyone who, by coercion or by taking advantage of a situation of need, incites a person under 18 years of age to engage in or continue to practice prostitution will be liable to imprisonment for a term of two to four years. In other cases, the sexual exploitation of children may be classified as a form of coercion, covered under article 153 of the Criminal Code. It provides that anyone who, by means of force, compels another person to perform, tolerate or omit some action will be liable to imprisonment for a term of one to three years.

36. Inducement of a child younger than 18 years of age to engage in prostitution or the facilitation, promotion or encouragement of prostitution of a child under 18 years of age is punishable by imprisonment of a term of two to four years (art. 169). Furthermore, anyone who pays or promises to pay in cash or kind a person under 18 years of age or a third party

---

<sup>4</sup> Further to the partial enforcement of the law, two commissions were established, under the leadership of the National Institute for the Comprehensive Development of Children, mainly to review the institutional mechanisms proposed in part II. As a result, in December 2010, a significant number of recommendations to review the law were presented to the President of the Republic, who forwarded them to the Legislative Assembly for review.

to have the minor perform sexual or erotic acts is liable to imprisonment for a term of three to eight years (art. 169 (a)).

37. Child prostitution is also punishable as an aggravated form of trafficking in persons (articles 367 (b) and (c) of the Criminal Code).

38. Article 55 of the new protection law provides that all children have the right to be protected from sexual abuse and exploitation. Sexual exploitation is defined as any form of sexual abuse for payment in cash or in kind, with or without an intermediary, and with or without the intervention of a pimp.

### **3. Child pornography**

39. Article 172 of the Criminal Code prohibits the dissemination, sale or exhibit of pornographic material to children under 18 years of age. Article 173 of the Criminal Code provides that the use of a child under 18 years of age for exhibitionistic or pornographic purposes or shows is punishable by a term of imprisonment of six months to two years and a fine of 30 to 60 days' wages. Possession of pornographic material featuring images of children under 18 is also prohibited and punishable by imprisonment for a term of two to four years (art. 173 (a)).

40. Article 55 of the new protection law provides that the use, procuring or offering of children for prostitution or for production of pornography should be considered cases of sexual abuse and exploitation.

### **4. Transfer or removal of organs of children for profit**

41. The recruitment, transport, transfer, sheltering or harbouring of a child for the purposes of organ removal is considered "trafficking in persons" and thus punishable by imprisonment for four to eight years (article 367 (b) of the Criminal Code).

42. Article 147 (b) prohibits the extraction and transplant of human organs or tissue without due authorization as required by the Health Code and is punishable by imprisonment for four to eight years.

43. The removal of human organs or tissue, for profit or not, is considered to be economic exploitation of children, pursuant to article 56 of the new protection law.

### **5. Trafficking in children**

44. Article 367 (b) of the Criminal Code provides that anyone who, for the purposes of obtaining some financial benefit, recruits, transports, transfers, shelters or harbours persons, within or outside national territory, in order to engage in any activity related to sexual exploitation or to keep them in forced labour or service or practices similar to slavery, or for the purposes of organ removal, fraudulent adoption or forced marriage, is liable to imprisonment for four to eight years. Where the victim is less than 18 years of age, the offence is punishable by the maximum applicable penalty increased by up to one third of the maximum.

### **6. Adoption of children**

45. Pursuant to article 194 II (1) of the Constitution, the Office of the Procurator-General is required to protect the family as well as the persons and interests of minors and other persons without legal capacity.

46. The Special Rapporteur was informed that amendments were being brought to the Family Code, the Family Court Procedure Act, the Office of the Procurator-General Organization Act and the Act establishing the National Institute for the Comprehensive

Development of Children. The amendments were being brought to ensure that the relevant institutions based adoption procedures on the best interests of the child; emphasized the right of the child to remain in his or her family of origin; gave preference to national adoptions over inter-country ones; provided accurate information and advice on adoption and its effects to those whose consent and agreement are required, and provided thorough pre- and post-adoption support; and spelled out the responsibilities of the officials involved in the process and establish an office to handle the administrative proceedings related to the adoption process (see paragraphs 53-56 below).<sup>5</sup>

## **7. Juvenile justice**

47. The Juvenile Offenders Act, amended in 2006, sets forth measures relating to the placement of juveniles in conflict with the law. Courts and specialized branches of the judiciary that deal with minors have also been strengthened, and a social reintegration programme for juvenile offenders is being implemented.

## **8. Unaccompanied minors**

48. The General Directorate for Migration informed the Special Rapporteur about pending legislative proposals to the immigration law on care and assistance of unaccompanied migrant children.

49. Pursuant to a number of regional agreements, every child requires a passport to travel, as set out in the manual on rules and procedures for free movement in the region. The manual stipulates that, as of 1 August 2006, minors who are nationals of Guatemala, Honduras, El Salvador or Nicaragua and who are travelling without their parents must have a valid passport, a special passport or a special travel document with a photograph, with authorization to leave the country signed by the child's father or mother (if not present), duly certified by the competent authority.

50. The General Directorate for Migration reported that, in 2009, 7,000 Salvadorian children had been prevented from leaving the country by control mechanisms at land and sea borders.

51. While some agreements exist (for example with Mexico, regulating the date and time of repatriation of a Mexican minor arriving in El Salvador), the repatriation of unaccompanied minors arriving in El Salvador is currently not entirely regulated. Some measures are in place, such as receiving children in a special room at the airport, and establishing contact with the State of which the minor is a national. Nevertheless, most stakeholders insisted that clearer procedures were needed. According to the General Directorate for Migration, the law is currently being reviewed to include a section on the repatriation of unaccompanied children.

## **C. Institutional framework**

52. The National Institute for the Comprehensive Development of Children is the agency responsible for the protection of children. It currently carries out its work through a network of three regional and 10 local offices and provides shelter and care for victims by means of protection and prevention programmes. It runs a total of 12 protection centres and four social reintegration centres (for minors in conflict with the law), as well as a shelter for child victims of trafficking. In the community, the Institute provides psychosocial and legal services to child victims of crime and their families.

---

<sup>5</sup> See also CRC/C/OPSC/SLV/1, para. 23.

53. Adoption procedures in El Salvador are handled collaboratively by the National Institute for the Comprehensive Development of Children and the Office of the Procurator-General, which both function as the central authority pursuant to the Hague Convention. The Office of the Procurator-General operates as the Public Defender of the State, and is an independent institution with a variety of functions. Its mandate includes “defending the family, people and the interests of minors and other people who have judicial incapacity”, a function performed by 17 assistant attorneys. It includes the Adoptions Bureau (of which the National Institute for the Comprehensive Development of Children is also a part), the Family Unit and the Unit for Psychosocial Assistance and Prevention.

54. The adoption procedure comprises an administrative stage followed by a judicial stage. During the administrative stage, the National Institute for the Comprehensive Development of Children assesses the child’s capacity to adapt and suitability for adoption. The procedure aims to investigate and assess the conditions and situation of children declared to have been physically or emotionally abandoned by their biological families, or children considered suitable for adoption because their families are not able to assure their welfare. The Office of the Procurator-General is responsible for assessing the capacity of those families wishing to adopt the child. Once a child is deemed “adoptable”, a placements committee within the Office selects an adoptive family, which must then be validated by a judge. The Special Rapporteur was informed that, in recent years, family courts have given priority to national adoptions over international adoptions as a result of the foster family mechanism. A large majority of foster parents have tended to become the adoptive family.

55. The adoptions bureau of the Office of the Procurator-General reported that, in 2009, there were 159 adoptions, 110 of which were national. Of the 49 files for international adoptions, only 21 were completed, owing to administrative delays resulting from incomplete files.

56. Regarding law enforcement, the Special Rapporteur was pleased to learn that, throughout 2011, 4,600 additional persons would be hired by the National Civil Police, which would then count a total of over 28,500 staff. Furthermore, the Special Rapporteur welcomes the increasingly decentralized methods of working, including by dispatching officers at the local level who are accessible to children within their communities. The police added that collaboration with the Office of the Attorney-General must be strengthened at the local level.

57. The Ministry of Tourism reported that there are approximately 400 tourism officers across the country who come under the jurisdiction of the National Civil Police. These officers are responsible for keeping order and providing tourist information and orientation, and serve as guides for citizens and tourists. However, there is no legal basis to allow tourist officers to inspect and monitor motels, hotels, restaurants and bars to detect cases of child sex tourism. If they do see a case, they may report it, and are involved in prevention activities.

58. The Special Rapporteur also met with members of the National Institute for the Advancement of Women, who reported on a shift in the Institute’s operations since 2009, from providing direct care to child victims of commercial sexual exploitation to involvement in policymaking and, most notably, prevention of commercial sexual exploitation. The Institute increasingly collaborates with the Ministry of Education on the means of integrating a gender perspective into education and developing strategies to tackle the culture of sexism within schools. It is also involved in combating the culture of violence against women and girls. According to the Institute, a study conducted in 2007/08 on the profile of girl victims of commercial sexual exploitation showed that 80 per cent of girls in care and assistance programmes had been victims of sexual abuse or assault, often within the home. For this reason, the Institute insisted that combating commercial sexual exploitation, including child pornography, implied combating domestic violence.

59. Within the Supreme Court, a specialized unit monitors youth justice and has been implementing a plan to link community-based social services and comprehensive care programmes with juvenile criminal justice services for the enforcement of non-custodial sentences since 2008.<sup>6</sup> In addition, measures taken by the Sala de la Penal of the Supreme Court include the installation of Gesell chambers, specialized training of forensic psychologists in child victim interviewing techniques, development of a specialized manual documenting crimes and offences related to child commercial sexual exploitation, and a guide for the use of Gesell chambers. The Special Rapporteur was also pleased to learn that health care is provided to child victims of sexual exploitation free of charge.

60. The Ministry of Labour provided information about the political will to eradicate the worst forms of child labour in El Salvador. In cooperation with ILO, the Ministry implemented a national strategic plan on the eradication of the worst forms of child labour (2006-2009). The policy of decentralizing services, at the heart of numerous national policies, including the national policy on youth, translated into the creation of seven new labour offices across the country. Additional work scholarships were granted, in collaboration with local authorities.

61. A temporary centre for foreign unaccompanied minors arriving to El Salvador was created in 2009 with the collaboration of the National Institute for the Comprehensive Development of Children. The centre serves as a shelter and provides temporary care and protection, with a view to repatriating children to their countries of origin. Despite a request by the Special Rapporteur to visit the shelter, scheduling and organizational issues prevented the visit.

#### **1. Inter-agency collaboration**

62. A number of institutions are members of the Coordinating Commission of the Justice Sector (Technical Executive Unit), a permanent mechanism that develops policies in the area of justice. Institutions include the Office of the Attorney-General, the Office of the Procurator-General, the President of the National Judicial Council, the President of the Judiciary, and the Ministry of Justice and Public Security. The Unit was heavily involved in the development of the new comprehensive protection law.

63. Three main institutional mechanisms currently work on issues relating to the mandate of the Special Rapporteur: a working group (*mesa*) on commercial sexual exploitation of children was established in 2004, comprising 23 different institutions (Government and civil society) and coordinated by the Ministry of Labour; a committee on the worst forms of child labour, established in 2005, comprising representatives of State institutions, workers and the private sector; and the National Committee to Combat Human Trafficking, also established in 2005, and coordinated by the Ministry of Foreign Affairs. The Special Rapporteur did not meet with the members of the above-mentioned working group owing to organizational difficulties.

64. The National Committee to Combat Human Trafficking prepares the national plan of action to combat human trafficking; establishes priority areas to combat and prevent human trafficking and to rescue and provide services for victims; integrates and coordinates efforts aimed at investigating and preventing such crimes and provides services for the victims through national institutions and international organizations; and publicizes efforts to combat the practice.

---

<sup>6</sup> A/HRC/WG.6/7/SLV/1.

65. Recognizing that essentially the same institutions are represented in each of the above mechanisms, the Secretariat for Social Inclusion<sup>7</sup> expressed the importance of redefining the institutional approach to tackling commercial sexual exploitation of children. In this regard, the Special Rapporteur was informed that the new integrated child protection system pursuant to the new protection law would address previous incoherencies and duplication of efforts.

## 2. Integrated system of child protection

66. The law on the comprehensive protection of childhood and adolescence defines the “integrated system of child protection” as a coordinated set of organs, entities or institutions (public or private), whose policies, plans and programmes have the objective of ensuring the full enjoyment of the rights of the child (art. 103). The system comprises, inter alia, a national council of childhood and adolescence, the National Institute for the Comprehensive Development of Children, *comités locales* (local committees), *juntas de protección* (protection boards), the Office of the Procurator-General and the Procurator for the Protection of Human Rights.

67. The new protection law foresees the creation of a national council of childhood and adolescence, which will be an autonomous institution with legal personality. The primary functions of the council will be the design, approval and monitoring of the national policy on the protection of children and adolescence (yet to be adopted), coordinating the national protection system, and effective advocacy for the rights of children and adolescents. At the time of the visit, the council had yet to be established. The First Lady stated that the Secretariat for Social Inclusion may serve as its Secretary.

68. The National Institute for the Comprehensive Development of Children would then be the implementing organ of the child protection system. In addition to promoting the national policy (yet to be adopted), the Institute is also responsible for developing protection, assistance and education for children whose rights have been violated or threatened; providing services for the implementation and monitoring of protective measures for children (upon judicial or administrative authority); and developing plans and preventive programs for the protection of children in their family and those in state care institutions (law on the comprehensive protection of childhood and adolescence, art. 180).

69. At the local level, the *comités locales* will be responsible for implementing and disseminating national policy, developing local policies and plans for the rights of the child and reporting alleged threats and violations of the rights of the child committed by health-care institutions and associations for the protection and care of children.

70. The *juntas de protección* are units to be created within each Department in the country, responsible for establishing and ensuring the implementation of administrative measures of protection of rights that are threatened or violated, as well as recording the protective measures ordered.

71. A shared care network (*red de atención compartida*) would also be created, to be led by the National Institute for the Comprehensive Development of Children, for the coordination of care and assistance services.

72. The Special Rapporteur welcomes the above child-centred institutional initiatives. She encourages the Government to ensure that emphasis is placed on local efforts to detect and address violations of the rights of the child.

<sup>7</sup> Created through the merging of the Secretariat of the Family with the Secretariat of Youth.

### **3. National human rights institution**

73. The national human rights institution in El Salvador is the Office of the Procurator for the Protection of Human Rights, which was established by the 1992 peace agreements. The Procurator was accredited with “A status” by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in 2006.<sup>8</sup> The Special Rapporteur met with, inter alia, the Procurator and the Deputy Procurator for Children’s Rights. There are four regional representations of the Office.

74. The main functions of the Office of the Procurator for the Protection of Human Rights include addressing cases of human rights violations (upon receipt of a complaint or on its own initiative); assisting victims of alleged human rights violations; formulating conclusions and recommendations; conducting inspections of prisons and detention centres; submitting proposals for new human rights laws and issuing opinions on draft laws concerning human rights; promoting, inter alia, the signature and ratification by the State of human rights treaties; and proposing measures to prevent violations of human rights. In this regard, the Office of the Procurator reported that it frequently collaborates with the Office of the Attorney-General and the National Civil Police. Complaints are often submitted to the Office of the Procurator by the National Institute for the Comprehensive Development of Children or by non-governmental organizations, following which the Office conducts an investigation. According to the Office, children themselves rarely submit complaints to it. In this regard, the Procurator informed the Special Rapporteur that the Office would like to increase training of personnel and adapt offices to be more child-friendly to encourage more children to submit complaints in a safe, protective environment guaranteeing their rights to privacy and confidentiality.

## **D. Policies and programmes to address the sale of children, child prostitution and child pornography**

### **1. Policies to address the sale of children, child prostitution and child pornography**

75. El Salvador adopted a national plan for the eradication of the worst forms of child labour (2006-2009), which included a strategic plan against the commercial sexual exploitation of children.

76. In February 2010, the National Institute for the Comprehensive Development of Children presented a national policy for the comprehensive protection of children, yet to be adopted.

77. The Special Rapporteur learned of numerous national policies adopted since the new Government took office in 2009, such as the five-year national plan of development guaranteeing human rights (2009-2014), which includes national policies on youth, women, security and social inclusion.

78. The national youth policy, adopted in August 2010, was the result of a national dialogue that included the participation of youth from 262 municipalities across the country. The Special Rapporteur welcomes the child rights-based approach of the policy and the participatory approach that led to its elaboration.

79. The Government has also adopted a national policy on combating trafficking in persons in 2008 and a national plan of action to combat trafficking in persons (2009-2012), the latter based on prevention, prosecution, protection and legislation. Members of the National Committee to Combat Trafficking in Persons with whom the Special Rapporteur met stated, however, that the plan of action has proven to be insufficient to adequately

---

<sup>8</sup> A/HRC/WG.6/7/SLV/2.

tackle the phenomenon. They noted that awareness of trafficking in persons as a crime was still relatively poor among the general public and that more vigorous efforts of communicating this message must be taken.

80. All stakeholders reiterated the need to strengthen institutions at the local level and their involvement in tackling commercial sexual exploitation of children.

81. The Special Rapporteur welcomes the consultative and participatory process undertaken among all relevant actors, including children, with a view to implementing parts of the new comprehensive protection law and recommendations made by international human rights mechanisms and to strengthening institutions implementing the national child protection strategy in 2011 at the central and local levels.

## **2. Investigation and prosecution**

82. The Office of the Attorney-General, which is part of the Public Prosecutor's Office, undertakes penal investigations and prosecution. Represented in all departments across the country, its specialized units include the trafficking unit, a unit for minors and women, a support unit, a multidisciplinary team and a unit for minors in conflict with the law.

83. The trafficking unit covers prosecutions related to trafficking in persons (for labour or sexual exploitation), smuggling of persons and the transfer of organs. The unit for women and minors investigates crimes committed against women and children, including sexual abuse. Regional officers of the Office of the Attorney-General (there are 19 regional representatives) are trained in working with women and child victims of abuse, and in how to undertake investigations of child pornography. The unit works in close coordination with the National Civil Police. The Office is required to set up mechanisms to protect children from double victimization, by (a) taking evidence in advance of judicial proceedings, and (b) not calling victims to appear in court, in compliance with the Witness Protection Regime Act.

84. A major challenge for investigations into cases of child pornography is the gathering of evidence from Internet service providers who do not save information for very long. The Office of the Attorney-General reported that, by the time it requests saved data from the providers, that information had usually already been erased. Training of officers within the unit on detecting online child pornography and gathering of evidence has begun. A cybercrime unit is being established within the National Civil Police. The authorities regretted that they currently do not have jurisdiction to monitor cybercafés.

85. The Special Rapporteur expresses concern over information received that rates of conviction of offenders are low compared to the number of investigations conducted.

## **3. Assistance to child victims of exploitation and abuse**

86. Hotlines are accessible to child victims or witnesses. The National Institute for the Comprehensive Development of Children runs 12 protection centres and four detention centres for children in conflict with the law.

87. The Special Rapporteur visited a temporary crisis centre for children run and housed by the National Civil Police. She welcomed the child-friendly spaces, such as interview rooms, and the child rights-based approach to care. She was informed that the Police would like to open three more such centres across the country. In 2010, two additional centres were built: one in San Miguel, inaugurated in December 2010, and one in Santa Ana.

88. The shelter for girl victims of trafficking run by the National Institute for the Comprehensive Development of Children has a staff of 12, and can accommodate up to 15 girls. The average age of the victims is between 14 and 16 years, and the average stay is about 9 to 10 months. Services provided include psychological assistance, schooling, sports

activities and vocational training. The girls tend to stay at the shelter during the course of legal proceedings against traffickers.

89. Current assistance programmes visited by the Special Rapporteur face numerous challenges. Some stakeholders regretted the absence of a shelter for boys. In addition, the Special Rapporteur heard repeated calls for increased diversity in activities available to child victims. While sports and leisure activities are offered, a greater number of options available to girls could encourage their development and creativity. Furthermore, vocational training offered is often not commensurate with the job market, making it difficult for girls to find sustainable employment once they leave. Lastly, stakeholders regretted that current assistance programmes tend to treat child victims as if they were in conflict with the law, needing to be placed in custody and protected. Stakeholders expressed the need to find alternative models of protection for child victims of trafficking for sexual exploitation, which may include keeping children within the community or with their families while still guaranteeing their safety.

90. During the Special Rapporteur's visit to a centre for girls run by the National Institute for the Comprehensive Development of Children and to a detention centre for boys, she learned of increasing numbers of youths in conflict with the law. The main crimes committed by those currently in detention include extortion, homicide, drug possession, illicit association with criminal organizations and weapons possession. Challenges include the insufficient number of trained personnel to address the complex situation of these children, and the fact that families are often not or minimally involved in the lives of their children once they are placed in detention. Representatives expressed the need to find alternative placement for these youths in the community, with adequate psychological, medical and legal assistance. They also highlighted the need to increase the diversity of programmes available to those in detention, and encourage the creation of cooperatives and small businesses to stimulate the entrepreneurial spirit of the young.

91. The Special Rapporteur also visited the attention centre for women run by the National Institute for the Advancement of Women, which receives girls less than 18 years of age who are victims of sexual abuse or neglect. The centre, which operates as a temporary shelter, received 15 minors between January and August 2010, including three boys less than 4 years of age who came in with their mothers. Main causes included sexual abuse, neglect and domestic violence. The shelter has a capacity of 25, and adolescent girls often make up 60 per cent of shelter residents. There are five full-time staff members, three social workers and three support staff. Girls are often referred to the shelter by the Office of the Attorney-General, although girls sometimes check into the shelter themselves. For its part, the Institute often refers cases to the Office for criminal investigation.

92. One major challenge faced by the National Institute for the Advancement of Women is the fact that the shelter was designed to receive women victims of domestic violence; the model of care and assistance provided is not always tailored for girls under 18, as the centre does not turn girls away. Another challenge regards the follow-up and reintegration of women and girls after they leave the shelter, including finding appropriate and sustainable work opportunities. Furthermore, the shelter is the only one of its kind in El Salvador. The Institute Director reported that she had requested that more such shelters be opened, but funding was lacking.

93. Virtually all stakeholders declared that more shelters were needed to provide comprehensive, integrated services, offering a life project, treating the children as subjects of rights, and providing adequate psychosocial, medical and legal services. Such programmes must offer alternatives (varied activities and professional and vocational training) suited to the national labour market. Some civil society organizations are currently developing guidebooks for assistance and care centres on how to design "life projects" for child victims of, *inter alia*, commercial sexual exploitation.

94. Several actors agreed that ensuring restitution for victims of crime was complex. The Special Rapporteur was encouraged to hear that the Government is reviewing the model for reparation of child victims of crime.

#### **4. Prevention, capacity-building and awareness-raising**

##### *(a) Prevention*

95. The five-year national plan on development guaranteeing human rights (2009-2014) focuses on the fight against poverty and access to housing, as well as to education, health and decent work. The Special Rapporteur welcomes the plan, as it focuses on access to rights and creating conditions that can address the root causes of the commercial sexual exploitation of children. The Government has also embarked on a fight against corruption and impunity, which can lead to improvements in, inter alia, investigation and prosecution of offenders of commercial sexual exploitation of children.

96. Measures to encourage access to quality education could go a long way to addressing the situation of children vulnerable to commercial sexual exploitation. The Special Rapporteur learned about two recent initiatives launched by the Ministry of Education. Firstly, the Ministry has encouraged the development of early childhood education by providing services for infants from age 0 to 3, in order to close the gap and provide services from birth until the age of 18. Secondly, as of 2011, there will be 22 “inclusive schools” throughout the territory, which are public schools intended to accommodate all children, including disabled and gifted children, street and working children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. The Government hopes to establish 100 such schools across the country by 2015. More generally, the Ministry of Education informed the Special Rapporteur about seven pilot projects to increase coverage and quality of education across the country. They include increased distribution of educational material and the training of staff. The latter, which used to be provided by civil society on an ad hoc basis, is now provided by the Multidisciplinary Committee on Education.

97. The Ministry of Education’s initiative to ensure that each child in El Salvador receives school materials and school clothes has reportedly reached 1,300,000 children, and has reportedly led to a decrease in delinquency and an increase in enrolment rates .

98. One of the causes of school dropouts in El Salvador is early pregnancy; in 2009, there were reportedly 3,000 teenage pregnancies. While sexual and reproductive education exists in schools, the authorities admitted that they would like to see it strengthened, despite some opposition. In addition, greater efforts need to be made to raise awareness of teachers that pregnancy should not prevent girls from pursuing their studies.

99. The Special Rapporteur also learned about research undertaken into commercial sexual exploitation carried out by the ILO International Programme on the Elimination of Child Labour as part of its subregional project on combating commercial sexual exploitation, and analysis of the demand for commercial sexual exploitation of children.

##### *(b) Capacity-building*

100. The Special Rapporteur was pleased to learn about numerous trainings offered to relevant officials, including the police, the National Institute for the Comprehensive Development of Children, teachers, tourism officers and hotel staff. She also welcomes the existence of a national school dedicated to training professionals and other actors working on child protection.

101. All stakeholders expressed an urgent need for strengthened technical expertise on detecting and identifying cases of online child pornography, particularly in identifying children.

(c) *Awareness-raising*

102. The Special Rapporteur was informed of a large number of awareness-raising campaigns on commercial sexual exploitation and trafficking in persons, in schools and to professionals working in the area (teachers, Government officials, including of the Directorate General for Migration, the National Civil Police, the Office of the Attorney-General and the Ministry of Tourism). Campaigns are undertaken by the media and by governmental departments in cooperation with civil society organizations on topics such as the rights of the child, trafficking and sexual exploitation.

103. Efforts were also made to promote the rights of the child and human rights in general. The campaign entitled “Vamos a la Escuela” (“Let’s go to school”) (2009-2014) promotes the right of children to education. El Salvador receives human rights didactic materials and curricula as a result of an agreement with the Inter-American Institute for Human Rights. The Special Rapporteur learned that human rights are mainstreamed throughout the curriculum. Since 31 July 2010, El Salvador has shared experience and advice on how to teach and integrate human rights in education with Uruguay and Costa Rica.

104. The Government has also launched the Piensa (“Think”) campaign to raise awareness in schools about safe Internet use, and encourages teachers and parents to take and promote effective prevention measures in schools and homes.

**5. Child participation**

105. According to the Ministry of Education, school councils currently do not have parents or students represented. Youths at schools requested a forum through which they could participate and be heard. As a result, the Ministry is expected to review its policy regarding school councils to provide for child participation.

106. The Special Rapporteur welcomes the process of consultation with children and youth in the elaboration of policies, particularly the national policy on youth. She was impressed by the participation of children in the audit and strategic planning undertaken in 2009 regarding the work and functioning of the National Institute for the Comprehensive Development of Children. Children are involved in peer-to-peer education and awareness-raising initiatives, as well as training on trafficking and commercial sexual exploitation.

**6. Complaints mechanisms / monitoring**

107. Students are encouraged to use complaints boxes provided in all public schools in the event that their rights have been violated, including to report cases of sexual assault. The “step by step” campaign raises awareness about the need to denounce cases of violence within schools. The 911 hotline allows citizens to call in and report emergencies.

108. The National Civil Police also reported on a bureau at their offices that receives and follows up on complaints of violence within the family or of sexual violence.

109. Nevertheless, the Special Rapporteur observes the absence of child-friendly complaint and reporting mechanisms at the local/municipal level that could allow children to report violations while guaranteeing their privacy and confidentiality.

110. As mentioned above, the Office of the Procurator for the Protection of Human Rights receives and may submit complaints, inspects institutions, promotes the rights of the child and cooperates with key Government institutions and other national human rights

institutions in the region. Nevertheless, children are not represented, and accessibility by children to the institution is limited, and could benefit from increased information-sharing and local presences as well as increased human and financial resources.

## **7. Involvement of the private sector**

111. The Ministry of Tourism reported on a programme to improve the quality of services provided in the tourism sector, in cooperation with regional and international partners. More specifically, the programme aims to raise awareness of personnel in small- and medium-sized enterprises, such as tourism agencies, small hotels and tour operators, about the commercial sexual exploitation of children and trafficking of children. The objective is to encourage small- and medium-sized enterprises to sign on to a code of conduct to combat and prevent child sex tourism.

112. The Ministry of Governance informed the Special Rapporteur about an ethics committee within the National Advertising Council, composed of members of the media and of private enterprises, which decides which materials may be published and produced, and are thus tasked with self-regulating the industry. Furthermore, a media observatory is currently being established by the Ministry of Governance and the National Institute for the Advancement of Women. Among other things, the Observatory will be responsible for gathering and analysing statistics on the form and nature of programming and reporting.

113. The Internet is not currently regulated in El Salvador. While SIGET has the jurisdiction to regulate programmes on cable television, it does not have the legal jurisdiction to monitor and/or regulate Internet usage. Furthermore, the Special Rapporteur is concerned that Internet service providers, mobile phone operators, search engines and other relevant private sector actors have not adopted a code of conduct and do not have the legal obligation to report violations, block access to sites, or retain material for a specific period of time for the purposes of investigation and legal proceedings.

## **8. International and regional cooperation**

114. The Police reported that collaboration with the International Criminal Police Organization (INTERPOL) is strong, and that collaboration with their police counterparts in the region is also quite strong, including regarding the sharing of information. The INTERPOL liaison officer of the National Civil Police reported that, in 2004, a working group to combat sexual abuse on the Internet in Latin America was created at the regional bureau of INTERPOL in San Salvador, and that the police officers all received training.

115. El Salvador has signed two bilateral memorandums of understanding on trafficking in persons, with:

(a) Mexico, on the protection of persons, especially women and children, who are victims of trafficking or smuggling (17 May 2005);

(b) Guatemala, on the protection of victims of trafficking in persons and migrant-smuggling (18 August 2005).

116. A plan of action was elaborated under each memorandum envisaging joint measures for preventing and combating trafficking in persons and caring for victims, the three areas in which the phenomenon of trafficking must be addressed.

117. A regional conference was held in 2008 regarding legal gaps in repatriation, and highlighted the need for guiding principles.

118. The Special Rapporteur also met with key international technical partners in El Salvador. International partners have supported a regional project since 2003 on the prevention of commercial sexual exploitation, for El Salvador, Guatemala, Honduras and

Panama. Partners informed the Special Rapporteur that divergent national laws have posed challenges to an effective regional approach to tackling the phenomena. As a result, the Member States of the Sistema de la Integración Centramérica, the institutional framework of regional integration in Central America, which includes El Salvador, have encouraged harmonization of legislation related to commercial sexual exploitation of children and to share good practices.

119. The Special Rapporteur notes some challenges encountered by international technical partners in El Salvador with regard to coordination and sharing of information, and on how to cooperate with and integrate civil society in relevant initiatives.

## **IV. Conclusions and recommendations**

### **A. Conclusions**

120. **The Special Rapporteur welcomes the significant domestic momentum inside El Salvador to promote human rights, and particularly the rights of the child, including the mobilization and involvement of all relevant actors, reflecting a strong political will to improve the situation of children in the country. While the true extent of the sale of children, child prostitution and child pornography remains unknown, the Special Rapporteur is encouraged by the consultative and integrated process involved in the adoption of the law on the comprehensive protection of childhood and adolescence and in the elaboration of the strategy, which aims to guarantee the rights of children at the national and local levels. The Special Rapporteur encourages the Government to pursue its efforts with a view to ensuring the full implementation of the law and the strategy in 2011. She is assured that every effort will be made in this regard.**

### **B. Recommendations**

121. **In the spirit of cooperation and partnership, the Special Rapporteur addresses the specific recommendations below to the Government to build on efforts to ensure the protection of every child in El Salvador. The Special Rapporteur would appreciate being kept informed regularly on the implementation of the policy and stands ready to offer her full cooperation and assistance.**

122. **With regard to legislation, the Special Rapporteur recommends that the Government:**

(a) **Bring into force part II of the law on the comprehensive protection of childhood and adolescence and implement the whole law, including the complete establishment of the institutional mechanisms provided therein;**

(b) **Increase awareness-raising about and training on the above-mentioned law for all relevant actors, including Government officials, civil society organizations, families, communities and children themselves;**

(c) **Establish the legal jurisdiction of the National Civil Police to monitor cybercafés;**

(d) **Establish the legal obligation of the private sector (telecom companies, Internet service providers, search engines) to report violations on their networks, block access to offending sites and retain material for the purposes of investigation and legal proceedings;**

(e) Reduce procedural delays in court cases of alleged commercial sexual exploitation of children.

123. With regard to the national policy for the comprehensive protection of children, with a view to ensuring its adoption and effective implementation in 2011, the Special Rapporteur recommends that the Government:

(a) Establish a standardized and centralized information-gathering system capable of disaggregating data by sex, age, type of violation and measures taken, as well as harmonized methods of gathering and processing data;

(b) Establish child protection indicators in view to follow-up policies and measure their impact on the situation of child rights;

(c) Strengthen and create additional integrated assistance, support and follow-up programmes across the country, which provide adequate medical, psychological, legal and social assistance;

(d) Increase training on the phenomena, its root causes and on a child rights approach to professionals working with children, including attorneys of the Office of the Attorney-General, the Office of the Procurator-General and the judiciary, as well as police officers and those working at the community level;

(e) Increase training and strengthen logistical support of police, customs and border guards on combating cybercrime;

(f) Increase accessibility to social and economic services to vulnerable children, families and communities;

(g) Increase awareness-raising regarding a culture of promoting and protecting the rights of child, with a view to tackling social tolerance regarding commercial sexual exploitation of children and gender discrimination;

(h) With a view to tackling demand, increase research on the phenomena and on the profile of buyers and clients of child prostitution and child pornography;

(i) Increase information, consultation and participation of children in all matters affecting them.

124. Regarding the independent monitoring of the situation of children's rights, the Special Rapporteur recommends that the Government:

(a) Establish a child-friendly complaint mechanism guaranteeing safety and confidentiality, accessible at the local level, either within the Office of the Procurator for the Protection of Human Rights or as a separate mechanism;

(b) Ensure the representation and accessibility of children to the Office of the Procurator for the Protection of Human Rights, in accordance with general comment No. 2 of the Committee on the Rights of the Child.

125. The Government should also continue efforts to strengthen the participation of children by expanding child-friendly spaces for the exchange of information and consultation, and systematically incorporate child participation in processes of designing and following up on activities, programmes and strategies relating to the rights of the child.

126. Regarding allocation of resources, the Special Rapporteur recommends that the Government:

(a) Ensure the allocation of sufficient human and material resources at the central and local levels;

(b) Continue pursuing partnerships with the private sector, the United Nations and international donors, non-governmental and international organizations, in particular by building a concerted and coordinated partnership framework.

127. Regarding corporate responsibility, the Government should continue to pursue partnerships with the private sector, particularly tourism and travel agencies, Internet service providers, telecommunication companies and banks, in all efforts to combat the sexual exploitation of children, including child sex tourism and the exploitation of children online by adopting a code of conduct.

128. With regard to international and regional cooperation, the Government should also continue to pursue cooperation through technical and logistical assistance on themes such as combating cybercrime, trafficking and transnational organized crime by sharing information relating to the detection of crimes, the identification of child victims and the prosecution of offenders.

---