



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-third session

11-29 January 2010

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: El Salvador

1. The Committee considered the combined third and fourth periodic report of El Salvador (CRC/C/SLV/3-4) at its 1479th and 1481st meetings (CRC/C/SR.1479 and 1481), held on 21 January 2010, and adopted, at the 1501st meeting, held on 29 January 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the State party's combined third and fourth periodic report as well as the replies to the Committee's list of issues. The Committee further welcomes the frank and constructive dialogue held with a multi-sectoral delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations on the second periodic report of El Salvador (CRC/C/15/Add.232) as well as with those adopted following the review of the State party's initial report under both the Optional Protocols to the Convention (CRC/C/OPAC/SLV/CO/1) and (CRC/C/OPSC/SLV/CO/1).

#### B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes a number of positive developments in the reporting period, including the adoption of legislative and other measures taken with a view to implementing the Convention, such as:

(a) The enactment of the Presidential Decree, on 16 January 2010, creating a new Commission of Investigation to continue the search for children who disappeared during the internal armed conflict, following the Head of State's formal apology to the victims, including children, recognizing the responsibility of the State for the grave human rights violations which occurred during the internal armed conflict;

(b) The Bill proposing the creation of a mechanism to follow up on the implementation of the recommendations of international human rights monitoring bodies;

(c) The enactment, on 27 March 2009, of the Law for the Integral Protection of Children (LEPINA);

(d) The establishment, in 2005, of the National Committee against Trafficking in Persons.

5. The Committee also welcomes the ratification of the following international treaties:

(a) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography on 17 May 2004;

(b) The Convention against Transnational Organized Crime and its Protocol to prevent, repress and punish trafficking in persons especially women and children (Palermo Protocol) on 18 March 2004;

(c) The Convention on the Rights of Persons with Disabilities and its Optional Protocol on 14 December 2007.

## **C. Factors and difficulties affecting the implementation of the Convention**

6. The Committee notes the extremely high level of criminality, violence and insecurity in the State party, whereby one person below 18 is killed each day. In particular, the Committee recognizes the increasing challenge posed by youth gangs “maras”, which is the expression of a problem of structural violence and the result of many years of repressive policies. The Committee also notes that the State party’s territory is prone to natural disasters, such as the recent hurricane Ida, and is aware of the impact that the recent international economic crisis is having on the lives of Salvadoran children.

## **D. Main areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)**

#### **The Committee’s previous recommendations**

7. The Committee notes that several concerns and recommendations made in 2004 and 2006 upon the consideration of, respectively, the State party’s second periodic report under the Convention (CRC/C/15/Add.232) and the initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SLV/CO/1) have been addressed, but regrets that many others have been insufficiently or only partly considered.

8. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the second periodic report under the Convention as well as on the initial report under the Optional Protocol on the involvement of children in armed conflict that have not yet been implemented or sufficiently implemented, including with regard to: (a) the high level of crime and violence, including killing of children (CRC/C/15/Add.232, paras. 29-30); (b) sexual exploitation and trafficking (paras. 63-64); (c) the administration of juvenile justice, including the prevention, rehabilitation and reintegration of youth gang members (paras. 65-68); (d) the abolition by law of the voluntary recruitment of 16-17-year-olds (CRC/C/OPAC/SLV/CO/1, para. 17). The State party should also**

**adequately implement and provide follow-up to the recommendations contained in the present concluding observations on the combined third and fourth periodic report.**

#### **Legislation**

9. The Committee notes with appreciation that the Convention has been invoked in national courts on many occasions and has been used by judges in the judicial reasoning, particularly by the Constitutional Chamber of the Supreme Court. The Committee also notes the State party's numerous efforts to bring its legislation in line with the Convention, including the recent adoption of the Law for the Integral Protection of Children (LEPINA). However, the Committee regrets that national legislation is not yet in conformity with the Convention in some areas, for instance, with respect to corporal punishment, the minimum age for marriage, the adoption regime and the administration of juvenile justice.

**10. The Committee recommends that the State party continue to harmonize its legislation in order to bring it in full compliance with the principles and provisions of the Convention. The Committee further recommends that the State party take the necessary steps, including structural, financial and institutional changes to effectively implement the LEPINA in accordance with the newly established system for national and local (departmental and municipal) integral protection of children.**

#### **Coordination**

11. The Committee notes with appreciation that several governmental institutions work towards the improvement and the realization of the rights of the child, including the newly established Secretariat of Social Inclusion within the Office of the Presidency of the Republic, and the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA). However, the Committee notes a lack of clarity and considerable overlap in the mandate of these institutions and regrets the lack of clear mechanisms to ensure effective coordination among all the bodies and agencies involved in the implementation of child rights. In this respect, the Committee notes that the LEPINA assigns to the National Council for Children and Adolescents (CONNA) the coordinating functions of the new National Policy for the Integral Protection of Children and Adolescents (PNPNA). The Committee is concerned, however, that this body is not yet in place.

**12. The Committee recommends that the State party promptly establish the National Council for Children and Adolescents (CONNA) as foreseen in the LEPINA and ensure its effective functioning through the creation of a high level executive body with clear coordinating functions. The CONNA needs to be provided with adequate human and financial resources in order to be able to carry out its functions of coordination across sectors. In this regard, the Committee draws attention to its general comment No. 5 (2003) on general measures of implementation for the Convention on the Rights of the Child. The Committee also recommends strengthening the national system of integral protection, including the departmental and municipal committees (juntas), with the purpose of collaborating in the elaboration of culturally sensitive policies, monitoring their application, and ensuring participation by all concerned, including children.**

#### **National Plan of Action**

13. The Committee notes the existence of a main National Plan of Action for Children developed by ISNA for the years 2001-2010, and several other plans of action developed in the area of child rights and child protection, concerning, inter alia, education, trafficking and child labour. The Committee is however concerned that the National Plan has not been evaluated and that a new one has not been designed yet.

14. **The Committee recommends that the State party evaluate the current National Plan of Action for Children and develop a new plan covering all aspects of the Convention and its Protocols and taking into account the new framework for the integral protection of children and adolescents established in the LEPINA. The Committee strongly recommends that this National Plan of Action for Children be time-bound and that it be linked with the other thematic National Plans of Action in order to have a holistic approach towards the rights of the child. It further recommends that the State party provide the necessary human and financial resources for the implementation of this Plan, and carry out the necessary monitoring and evaluation efforts to regularly assess progress across sectors and identify gaps and remedial actions.**

#### **Independent monitoring**

15. The Committee welcomes the compliance of the Human Rights Procurator's Office with the Paris Principles. It also welcomes that the Deputy Procurator for the protection of Children and Youth, created within the Office of the Human Rights Procurator, has developed a working method with children in "Youth Units for the Human Rights Dissemination" (*Unidades Juveniles de Difusión de Derechos Humanos*), which involves the participation of children and has an impact into the communities, schools and universities. However, the Committee shares the concerns expressed in November 2009 by the Committee against Torture about allegations that the Procurator's Office had suffered threats aimed at interfering in its work and undermining its independence. The Committee is also concerned at the limited access that children have to the Procurator's Office complaint procedure.

16. **The Committee reiterates and reinforces its recommendation expressed in its previous concluding observations about the need to ensure that the Human Rights Procurator's Office, and through it the Deputy Procurator for the protection of Children and Youth, receive sufficient resources, human, technical and financial, to carry out their mandate, including making more accessible and culturally sensitive the complaint procedure for all children. The Committee also recommends that the State party protect the activities of the Human Rights Procurator's Office from any undue interference or external pressure so as to ensure its proper functioning and independence. The State party is also encouraged to give adequate follow-up to the recommendations of the Procurator's Office.**

#### **Allocation of resources**

17. The Committee, while welcoming the State party's approach to allocation of resources based on an approach of equity and social inclusion is concerned about the low allocation of resources to education (2,9 per cent of the GDP) and to health (1.7 per cent of the GDP). The Committee also regrets that existing programmes and actions focus almost exclusively on the area of child protection and poverty alleviation without facing structural disparities and the necessary holistic child rights approach.

18. **The Committee recommends that the State party:**

(a) **Address the issue of budget allocations for children not simply as a matter of expenditures in the areas of child protection, but in a more holistic approach which covers health, education, food and food security, water, basic sanitation, recreation, prevention of violence, etc.;**

(b) **Increase substantially the allocation of resources to health and education;**

(c) **Protect children’s budget and social budget from any external or internal shock, such as situations of economic crisis, natural disasters or other emergencies, in order to maintain sustainable investments;**

(d) **Use a child right’s approach in the elaboration of the State budget by implementing a tracking system for the allocation, providing visibility to the investments on children, and evaluate its impact;**

(e) **Define strategic budgetary lines for those situations that may require affirmative social measures (such as birth registration, chronic malnutrition, violence against children); and address the existing disparities (ethnic, geographic and gender);**

(f) **Ensure proper accountability by local authorities in an open and transparent way; strengthen the mechanisms for the prevention of corruption; and create a specific mechanisms for the participation of people on the surveillance of social expenditure for children, such as participative budget, in order to ensure greater transparency, accountability and concerted allocation of resources;**

(g) **Disseminate information and statistical data on social expenditure to the public in general and for institutions carrying out analysis and investigations on children;**

(h) **Take into account the Committee’s recommendations resulting from its 2007 Day of General Discussion on “resources for the rights of the child – responsibility of States”.**

#### **Cooperation with civil society**

19. The Committee notes with appreciation that the State party’s delegation has stressed during the dialogue the importance of the work of civil society stakeholders and the need to consult them systematically in developing programmes and policies for the rights of the child. In this respect, the Committee notes that some concerns expressed by civil society organizations with respect to the LEPINA will be discussed and taken into account in the near future for possible amendments to the law.

20. **The Committee recommends that the State party strengthen its efforts to develop a more effective, inclusive and systematic cooperation and coordination with civil society, particularly with children’s organizations, which is essential for the effective implementation of the Convention.**

#### **Data collection**

21. The Committee notes that the newly established Secretariat of Social Inclusion within the Office of the Presidency of the Republic has started a consultative process to collect information and statistics in areas where this is virtually absent, such as on indigenous children and children with disabilities. The Committee also notes that ISNA will now also have investigation and research capacity as well as the role of collecting data in areas relevant for the Convention. However, the Committee remains concerned at the current lack of a comprehensive nationwide system of data collection covering all areas of the Convention and its two Optional Protocols throughout the country.

22. **The Committee reiterates its previous recommendation that the State party strengthen its efforts to develop a comprehensive system of collection of data on the implementation of the Convention. The data should cover all children below the age of 18 years, disaggregated by sex, age, rural and urban areas, ethnicity, disabilities, victims of violence, cycle of life (particularly early childhood and adolescents) and other relevant indicators, and be easily accessible and available to the general public.**

**To this end, the State party should consider strengthening the General Statistics and Census Department of the Ministry of Economy (DIGESTYC) as well as providing the necessary human, technical and financial resources to the data collection and research activities carried out by the ISNA and the Secretariat of Social Inclusion,**

#### **Dissemination, training and awareness-raising**

23. The Committee notes the efforts made to further disseminate the Convention among professionals working with and for children as well as among the general public, especially children themselves. However, the Committee regrets that the previous concluding observations of the Committee were not sufficiently disseminated and that, despite the efforts in this respect, the level of awareness in the general population about the Convention is still low, and has not improved since the consideration of the last periodic report.

24. **The Committee recommends that the State party:**

(a) **Continue to strengthen its awareness-raising campaigns and ensure that such campaigns reach the rural and remote areas, including indigenous children;**

(b) **Ensure that the Convention is included in school curricula throughout the whole education cycle;**

(c) **Work closely with the media in respect of such dissemination and awareness-raising and encourage the media to develop child-oriented products to provide better coverage while respecting the rights of the child, and to promote children's own participation in the media;**

(d) **Continue to develop and strengthen ongoing training programmes on human rights, including children's rights for all persons working with or for children, such as the UNICEF led "Training in Human Rights of Children and Adolescents" in the context of the Government Programme "Solidarity Network".**

## **2. Definition of the child (art. 1 of the Convention)**

25. The Committee notes the formal distinction made in the State party between a child (under 12 years) and adolescent (between the ages of 12 and 18 years). The Committee reiterates its previous concern about the provisions in the Family Code still allowing marriage to be contracted by children as young as 14 years under certain conditions, i.e. when they have reached puberty, already have a child or if the girl is pregnant.

26. **The Committee reiterates its recommendation that the State party set the minimum age for marriage for both girls and boys at 18 years.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

27. The Committee regrets that, despite the State party's efforts to combat racism and discrimination, discriminatory attitudes and social exclusion still affect some sections of the child population, and in particular adolescents, children with disabilities, girls, children living in rural and remote areas, indigenous children and children from economically excluded families. The Committee also notes the persistence of a traditional patriarchal conception of the family, which often results in girls being given subordinate and dangerous tasks, such as domestic service, which place them in a vulnerable situation and at risk of abuses. Furthermore, the Committee is also concerned that adolescents are often

mistakenly depicted in the media and in the society as the main cause of the spread of violence affecting the country

**28. In light of article 2 of the Convention, the Committee reiterates its recommendation that the State party:**

**(a) Ensure full implementation in practice of all legal provisions prohibiting discrimination;**

**(b) Combat discrimination by, inter alia, ensuring equal access to education, health-care facilities and poverty reduction programmes and pay special attention to the situation of girls;**

**(c) Take measures to address the inappropriate characterization and stigmatization of children, especially adolescents, within the society, including in the media;**

**(d) Carry out comprehensive public education campaigns to prevent and combat all forms of discrimination;**

**(e) Intensify its efforts to prevent and eliminate all forms of de facto discrimination against adolescents, children with disabilities, girls, children living in rural and remote areas, children in street situations, indigenous children and children from economically excluded families;**

**(f) Take into account in these efforts the recommendations adopted by the Committee in its general comment No. 11 (2009) on indigenous children and their rights under the Convention, as well as the outcome document adopted at the 2009 Durban Review Conference.**

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

29. The Committee notes with appreciation that the principle of the best interests of the child is already included in the Family Code (art. 305) and is also enshrined in the LEPINA, notably in its article 12. However, the Committee is concerned that the principle is not sufficiently implemented in practice, especially in the areas of prevention, corporal punishment, child protection and juvenile justice.

**30. The Committee recommends that the State party:**

**(a) Ensure that the principle of best interests of the child does not remain on paper but is taken into account in practice in children's policies and programmes;**

**(b) Continue and strengthen its efforts to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes, and services that have an impact on children;**

**(c) Carry out a study to assess how the principle of the best interests of the child is implemented in practice in individual cases at judicial and administrative levels;**

**(d) Take into account the recommendations adopted in general comment No. 5 (2003).**

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

31. The Committee is extremely concerned at the very high number of killings of children, many of whom are members of "maras", at a rate of one child killed every day. The Committee is concerned at the fact that these crimes are not responded to with effective

action, both preventive and protective, by the authorities. The Committee is also concerned that these crimes remain often not investigated or prosecuted and regrets the paucity of information provided by the State party on this very serious situation of children in El Salvador.

**32. In light of article 6 of the Convention, the Committee recommends that the State party:**

**(a) Carry out a thorough investigation of all cases of killings of children, and prosecute and adequately punish the perpetrators of these heinous acts; and make available to the family of the victims adequate procedures and mechanisms to obtain redress and compensation as well as adequate support;**

**(b) Develop and implement a comprehensive policy to prevent violence against children, notably killings, and intensify its efforts to guarantee children the right to life throughout the country;**

**(c) Systematically collect data and information on all forms of violence and abuse against children and notably killings;**

**(d) Urgently set up a policy to eradicate and control the informal availability of arms, including small arms, and ensure that their sale occurs only under strict governmental control;**

**(e) Address the root causes of these violent acts, including impunity, poverty and exclusion;**

**(f) Take measures, in cooperation with the media, to sensitize the public against the use of violent and other illegal measures in the strategy to address the problem of “maras”, while favoring a preventive approach;**

**(g) Cooperate to protect children against the risks they face within the community.**

**Respect for the views of the child**

33. The Committee appreciates the efforts made by the State party to promote, facilitate and implement in practice the principle of respect for the views of children and their participation in all matters affecting them. The Committee notes with appreciation that more than 600 children and adolescents from 6 to 18 years participated in the process of formulating LEPINA, providing valuable contributions, especially on the topics of violence against children, the right to identity and to a name and the right to be heard. However, the Committee regrets that while the principle of respect for the views of children has been formally achieved, it continues to be an element that is too often missing from the formulation, implementation and evaluation of public policies as well as in judicial and administrative procedures.

**34. The Committee recommends that the State party continue to promote, facilitate and implement in practice, within the family, schools, the community level, in residential care as well as in judicial and administrative procedures that concern children, the principle of respect for the views of children in all matters affecting them. The Committee further recommends that the State party institutionalize the participation of children in schools, public events and other relevant fora and activities. The State party should also take in account in this respect the recommendations recently adopted by the Committee in its general comment No. 12 (2009) on the right of the child to be heard.**



#### 4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)

##### **Birth registration, name and nationality**

35. The Committee, while welcoming the operative plan 2010 for the elimination of fines for the late registration of children, is concerned at the information that the lack of birth registration continues to be a problem, especially in rural and remote areas and regrets the lack of data on this issue. The Committee is also concerned that, there are still fees to pay to register a child, fines applicable for non-registration, as well as administrative obstacles which de facto obstruct registration.

36. **The Committee reiterates its previous recommendation that the State party pursue and strengthen its efforts to develop an efficient and free birth registration system for all children. The Committee urges the State party to make the civil registration system more accessible at the grassroots level, to ensure allocation of adequate human, technical and financial resources to registration centres and to take further measures, including mobile services, to ensure easy access to registration by the population, including in less accessible areas of the country. The State party should also provide the Committee with relevant data on this issue in its next report.**

##### **Preservation of identity**

37. The Committee notes that the Inter-Institutional Commission for the Search of Children in El Salvador mandated to search and find children who disappeared during the internal armed conflict concluded its activities on 31 May 2009, with little progress in the investigations of disappeared children. The Committee is concerned that this Commission did not meet the standards required by the Inter American Court on Human Rights in its 2005 judgment “*Hermanas Serrano Cruz c. El Salvador*”, namely increased investigative capacity, independence of its members and victims’ representation in the activities of the Commission. As noted above (para. 4(a)), the Committee welcomes the fact that the new Government has taken the commitment to create a new Commission of Investigation according to the standards set out in the Serrano Cruz case.

38. **The Committee recommends that the State party provide the new Commission with the necessary human and financial resources, according to the standards set out by the Inter American Court of Human Rights. The State party should also allocate the necessary resources to comply with the decision in the case of the Serrano Cruz sisters, including by granting the reparatory measures envisaged by the Court and thoroughly investigating their disappearance as well as the disappearance of other children during the conflict. The State party should also consider promptly ratifying the United Nations International Convention for the Protection of All Persons from Enforced Disappearance as well as the Inter-American Convention on the Forced Disappearances of Persons.**

##### **Protection of privacy**

39. The Committee notes the various initiatives taken by the State party to ensure that the media promote and respect the rights of the child. Nevertheless, the Committee is concerned at the fact that in various instances, the media continue attacking the honor and reputation of children, especially adolescents.

40. **The Committee recommends that the State party protect children from unlawful attacks on their honour and reputation, especially in the media, including by encouraging and promoting the adoption of an ethics code by the media for self-regulation aimed at respecting the rights of the child.**

**Access to appropriate information**

41. The Committee is concerned at the limited availability of information and material based on a diversity of national and international sources, which would facilitate a better understanding of the situation of children. The Committee is also concerned at the insufficient dissemination of appropriate information and material of social and cultural benefit to children.

42. **The Committee recommends that the State party continue its efforts to make sure that the media know and respect the rights of the child. To this aim, the Committee recommends that the State party develop, in consultation with the media, appropriate guidelines for the protection of children from information and material injurious to their well-being. The Committee further recommends that the State party:**

(a) **Encourage the mass media to disseminate appropriate information and material of social and cultural benefit to children;**

(b) **Ensure that children have access to information and material from a diversity of national and international sources, especially those aimed at the promotion of their social, spiritual and moral well-being and physical and mental health.**

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

43. The Committee shares the concerns expressed by the Committee against Torture in 2009 about allegations of torture and ill-treatment of children, including at the hands of law enforcement officials, especially in the context of the fight against “maras”. The Committee is also concerned at the allegations of ill-treatment against children in street situations as well as in centres of deprivation of liberty.

44. **The Committee recommends that the State party take all necessary measures to prevent children from being subjected to torture or any other cruel, inhuman or degrading treatment or punishment in all circumstances, and in particular during or after their apprehension by law-enforcement officials. The Committee further recommends that all allegations of ill-treatment and abuse, be investigated and those responsible prosecuted and punished. The Committee also reiterates the recommendation put forward by the Committee against Torture that the State party speed up the legislative reform to create an independent mechanism to monitor the conduct of police forces. The State party should also bring its legislation, regulations and practices in line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Follow-up to the United Nations Study on Violence against Children**

45. **With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures for the implementation of the recommendations contained in the report of the Independent Expert for the United Nations Study on Violence against Children while taking into account the outcome and recommendations of the regional consultation for Latin America held in Argentina (30 May and 1 June 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- Prohibit all violence against children, including corporal punishment in all places;
- Prioritize prevention, including inter-family violence;

- Ensure accountability and end impunity;
- Address the gender dimension of violence against children; and
- Develop and implement systematic national data collection and research.

**(b) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

**(c) Seek technical cooperation in this respect from, inter alia, the Special Representative of the Secretary-General on Violence against Children, OHCHR, UNICEF and WHO and other relevant agencies, as well as NGO partners.**

## **5. Family environment and alternative care (arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

### **Family environment**

46. The Committee welcomes the approach contained in the LEPINA which recognises and strengthens the fundamental right of the child and adolescent to live, be brought up and develop in the nuclear or extended family of origin. According to the new Law, family separation may only take place in exceptional cases; it also clearly establishes the shared responsibility of the family, the State and society in complying with these rights. The Committee, however, is concerned that for different reasons, including the weakening of the social fabric at community level, the absence at local level of policies to strengthen families, parental irresponsibility and migration abroad, many children live without one or both parents and are left without the necessary support and care.

47. **The Committee encourages the State party to:**

**(a) Continue promoting responsible motherhood and fatherhood, including by strengthening the mechanisms to verify the provision of maintenance allowances, as well as by effectively implementing the existing legislation, which should be strengthened with the entry into force of LEPINA;**

**(b) Consider becoming a party to the 1973 Hague Convention No.23 on the Recognition and Enforcement of Decisions relating to Maintenance Obligations;**

**(c) Develop comprehensive family services and support programmes such as family counselling, parental training, home visit and family recreation programmes in every community;**

**(d) Strengthen social protection networks at local level;**

**(e) Establish orientation and support programmes at local level for families affected by migration;**

**(f) Implement the recommendation made recently by the Committee on Migrant Workers (CMW/C/SLV/CO/1) to finalize the study on the impact of migration on children. The findings of the study should be widely disseminated with a view to developing adequate strategies to ensure the protection and the full enjoyment of rights by children affected by migration;**

**(g) Seek assistance from, inter alia, UNICEF in this respect.**

**Children deprived of a family environment**

48. The Committee notes that, according to the State party's legislation, in cases of family separation, the child will be temporarily entrusted to a foster family, the latter being part of his extended family or an external family. Only in exceptional cases, the law provides for possibility of resorting to institutional care, for the shortest possible duration, which must be reviewed periodically: every six months in cases of foster care, and every three months in cases of institutional placement. However, the Committee regrets that, despite the efforts aimed at reducing the number of children separated from their parents who are placed in public and private institutions and care centres, their number is still quite high, mainly due to a practice of institutionalization still widely prevalent in the country. The Committee is also concerned that there are allegations of ill-treatment in some of these centres and that others are reported to function without the necessary legal authorization.

49. **The Committee recommends that the State party:**

(a) **Revise its legislation and programmes on alternative care, taking into account the Guidelines for the Alternative Care of Children (General Assembly resolution A/RES/64/142);**

(b) **Strengthen its efforts to reduce the number of children placed in institutions and undertake a study to assess their situation, including their living conditions, the services provided, the training of professionals therein, and the compliance with legal and other procedures for the their functioning;**

(c) **Investigate all allegations of ill-treatment committed in these centres and provide children with an effective complaint mechanism;**

(d) **Continue to ensure the periodic review of all the circumstances relevant to the placement of children both in foster and in institutional care;**

(e) **Ensure that children are not separated from their families only due to poverty.**

**Adoption**

50. The Committee notes that the State party's legislation specifies that adoptions must be carried out within the framework provided by applicable international standards (Convention on the Rights of the Child and The Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption) but regrets that national laws (Family Code and Law on Family Procedure) are not in full conformity with these Conventions. While the Committee welcomes the promotion of national adoptions, it is concerned that there is a lack of coordination among the different institutions dealing with national and intercountry adoptions and that there are not yet formally established administrative procedures for adoption. The Committee is also concerned that the law, when deciding on prospective adoptive parents, gives priority to foster families (substitute homes), which in 90 per cent of the cases lead to adoption. It is concerned that sometimes foster parents are selected as adoptive parents without necessarily going through the whole regular selection and eligibility process, potentially affecting the best interests of the child.

51. **The Committee recommends that the State party:**

(a) **Adjust administrative and judicial procedures in line with the Convention on the Rights of the Child, its Optional Protocol on the sale of children, child prostitution and child pornography and The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption in order to guarantee the rights of the child during the adoption process;**

(b) **Take all necessary measures to ensure the respect of the best interests of the child and continue its efforts to guarantee specialization and supervision of institutions in charge of adoptions;**

(c) **Ensure that foster parents do not become adoptive parents automatically without going through the regular legal and administrative procedures applicable in case of adoption;**

#### **Abuse and neglect**

52. The Committee, while appreciating the Bill on the Protection of Victims and Witnesses of Domestic Violence, continues to be concerned that there is a very high level of violence present in the Salvadoran society, with acts of violence and abuse characterizing the daily life of many children in the country. The Committee is concerned, in particular, at the level of violence present in the home, which remains very high and is on the rise, in spite of numerous initiatives taken by the State party to prevent domestic violence. The Committee is also concerned that these acts of violence are often neither investigated nor prosecuted.

53. **The Committee recommends that the State party strengthen current efforts to address the high level of violence present in the society, which affects the daily life of children. Particular attention should be also paid to tackle the problems of domestic violence and child abuse and neglect, notably against girls. In particular, the State party should:**

(a) **Intensify public education and awareness campaigns about the negative consequences of violence, abuse and neglect and develop preventive programmes, including family development programmes;**

(b) **Investigate all acts of violence, ill-treatment and abuse committed against children, including in the home, and prosecute those responsible;**

(c) **Ensure that all victims of violence have access to counselling and assistance through the necessary recovery and reintegration services, including those designed to avoid re-victimization;**

(d) **Ensure the effective implementation of relevant provisions of LEPINA in this respect and speed-up the process of adoption of the Bill on the Protection of Victims and Witnesses of Domestic Violence;**

(e) **Provide adequate protection to child victims of abuse in their homes;**

(f) **Establish the Municipal Councils for the Prevention of violence;**

(g) **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

#### **Corporal punishment**

54. The Committee is concerned that corporal punishment is still lawful in the home, according to article 215 of the Family Code. The Committee regrets in particular that the newly adopted LEPINA has not expressly prohibited corporal punishment within the home, as in its article 38 it provides that parents can “adequately and moderately correct” their children. The Committee notes the delegation’s remark that the State party is aware that the LEPINA is not in conformity with the Convention on this particular aspect, and that this is one of the issues that will be discussed in the context of possible future adjustments to the LEPINA.

55. The Committee recommends that the State party expressly prohibit corporal punishment by law in all settings, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. The Committee further recommends that the State party carry out public education campaigns about the negative consequences of corporal punishment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment.

**6. Basic health and welfare (arts. 6; 18, para. 3; 23; 24; 26, and 27, paras. 1-3 of the Convention)**

**Children with disabilities**

56. The Committee notes with appreciation the various initiatives taken by the National Council for Comprehensive Attention to Persons with Disabilities (Consejo Nacional de Atención Integral a las Personas con Discapacidad, CONAIPD) aimed at promoting and ensuring equal rights of children with disabilities, including the efforts to integrate children with disabilities into the regular education system. Nevertheless, the Committee regrets that the State party did not succeed in conducting a census to reflect the exact number of children with disabilities, which results in the invisibility of the children and the limited scope of the relevant strategies. The Committee is also concerned that children with disabilities still experience various forms of discrimination.

57. The Committee recommends that the State party continue the measures to protect and promote the rights of children with disabilities, by taking into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities, article 23 of the Convention, the Convention on the Rights of Persons with Disabilities as well as the Inter-American Convention on the Elimination of All Forms of Discrimination against persons with disabilities; and:

(a) Continue taking measures to protect and promote the rights of children with disabilities;

(b) Make additional efforts in order to collect data and maintain updated and disaggregated information and statistical data about children with disabilities;

(c) Establish concrete mechanisms to improve equal access of children with disabilities to education and health services; in this respect, inclusive education should be encouraged as much as possible, and the offer of education for children with disabilities should have as priority concern the special needs of each child;

(d) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level and to promote and expand community-based rehabilitation programmes, including parent support groups to ensure that all children with special needs are being taken care of, while working hand in hand with the private sector;

(e) Establish systems of early identification and early intervention as part of their health services;

(f) Implement the provisions contained in the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

**Health and health services**

58. The Committee welcomes the enactment in 2005 of the Basic System Health Integral Law (Ley del Sistema Básico de Salud Integral) which organizes and coordinates

the network of facilities dedicated to the provision and coverage of health services at the national level. However, the Committee is concerned that:

- (a) Allocation of resources to child health issues is insufficient;
- (b) Access to health is still a serious issue in the country, especially in rural areas, including due to the very high costs of basic medicines despite the initiatives undertaken by the State party to regulate the prices of medicines;
- (c) Although there was a slight decrease in child mortality rates, malnutrition is still a major cause of children's death;
- (d) Anaemia currently affects almost one fourth of the children under the age of five.

59. **The Committee recommends that the State party:**

- (a) Take all the necessary measures to considerably increase allocation of resources to child health issues;**
- (b) Continue its efforts to provide equal access to health and health services for all children throughout the State party, without discrimination of any kind;**
- (c) Urgently solve the issue of the excessive costs of medicines, notably for poor families;**
- (d) Implement the Integral Health Basic System Law;**
- (e) Take urgent measures to eradicate child malnutrition and anaemia, in both urban and rural areas;**
- (f) Take its human rights obligations into account when negotiating Trade Agreements, in particular as to the possible impact of commercial agreements on the full enjoyment of the child right to health;**
- (g) Seek, in this respect, technical cooperation from, inter alia, WHO and UNICEF.**

#### **Adolescent health**

60. The Committee reiterates its previous concern expressed upon consideration of the State party's second periodic report at the high number of teenage pregnancies and the lack of results of the preventive measures adopted by the State party in this regard. The Committee is also concerned at the fact that the current penal legislation criminalizes abortion in all circumstances and that this absolute prohibition may lead girls to resort to unsafe and clandestine abortion practices, sometimes with fatal consequences. Furthermore, the Committee, while welcoming the National Plan of Action to Prevent Tobacco Addiction 2002-2008, as well as other programmes to tackle alcohol and drug addictions, is concerned at the high percentage of children consuming alcohol and tobacco and using drugs in the country.

61. **The Committee recommends that the State party:**

- (a) Undertake a comprehensive study in order to understand the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis for the formulation of adolescent health policies and programmes, with particular attention to female adolescents;**
- (b) Further promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health-care services, taking into due**

account the Committee's general comment No 4. (2003) on adolescent health and development in the context of the Convention on the Rights of the Child;

(c) Raise further awareness among adolescents of the importance of preventing early pregnancies;

(d) Consider revising the provisions in the penal code criminalizing termination of pregnancy in all circumstances;

(e) Allocate additional resources for preventive and rehabilitation measures in order to combat substance abuse among adolescents;

(f) Seek, in this respect, technical cooperation from, inter alia, WHO and UNICEF.

### **Breastfeeding**

62. While noting the efforts made by the State party to encourage breastfeeding, including the elaboration of a draft law on the promotion, protection and support for breastfeeding, the Committee reiterates its concern about the low practice of exclusive breastfeeding of children under six months of age.

63. **The Committee recommends that the State party approve and implement as soon as possible the draft law on the promotion, protection and support for breastfeeding which is currently under review and provide support to mothers in this respect.**

### **HIV/AIDS**

64. Noting the efforts made by the State party to develop prevention campaigns to tackle the spread of the AIDS, the Committee is concerned that adequate knowledge and education about HIV/AIDS and preventive measures are still at a low level. The Committee is also concerned at the increasingly young age of the children with HIV/AIDS.

65. **The Committee recommends that the State party continue to enhance quality education related to sexual and reproductive health as a fundamental tool to prevent HIV/AIDS, including to indigenous adolescents in a culturally sensitive way. The State party should also intensify its efforts to prevent mother-to-child transmission.**

### **Standard of living**

66. The Committee notes the efforts undertaken by the State party to reduce poverty and socio-economic disparities, such as the programme "Urban and Rural Communities in Solidarity". However, the Committee is concerned that, although poverty has been decreasing since 1991, six out of ten children still live in poverty with devastating effects on their standard of living and the enjoyment of their rights. The Committee is also concerned that disparities between urban and rural areas remain substantial.

67. **The Committee recommends that the State party:**

(a) **Take additional measures to guarantee to all children in the State party an adequate standard of living, including by providing additional and better managed resources;**

(b) **Expand the capacity of local services to improve access to basic goods, education, health and other services, especially in the rural areas;**

(c) **Pay special attention to children's rights in the development and implementation of poverty reduction strategies;**



(d) **Intensify its efforts to provide a safer, more secure and non-violent environment, which is the basis of an adequate standard of living for children.**

## **7. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

68. The Committee welcomes the reform of the General Law on Education (2004) as well as the Opportunities Programme and the National Plan of Education 2021. It also notes the forthcoming launch of an early childhood policy. However, the Committee is concerned at:

- (a) The decrease in the budget allocated to education since 2002;
- (b) The current lack of a comprehensive early childhood care and education policy and programme, and the limited coverage of preschools;
- (c) The low level of attendance of adolescents in secondary education which cover only 50 per cent of adolescents, and increases the risk, inter alia, of them being recruited by youth gangs “maras”;
- (d) The substantial discrepancy in the access to education between urban and rural areas as well as between girls and boys;
- (e) The persistence of illiteracy;
- (f) The high number of young girls and boys who drop out of school due to teenage pregnancy, child labour or reasons related to economic migration.

69. **The Committee recommends that the State party:**

- (a) **Increase budgets allocated to education, including for the achievement of higher levels of coverage in preschool;**
- (b) **Develop and implement a comprehensive national early childhood care and education policy, including at the community level, as a holistic approach to early childhood development is a fundamental step of the whole education cycle;**
- (c) **Make greater efforts in providing families with better availability of free care centres to look after their children;**
- (d) **Increase access and quality of secondary education as a fundamental safeguard to guarantee equal opportunities and prevent recruitment in youth gangs;**
- (e) **Provide more accurate data on access to education, especially with gender, age and geographic indicators;**
- (f) **Ratify the UNESCO Convention against Discrimination in Education of 1960.**

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

70. The Committee regrets that the cultural and recreational activities for children and adolescents are limited in El Salvador. The Committee is concerned in particular at the lack of safe public spaces at community level for cultural, leisure and recreational activities for children and adolescents, in particular in the city of San Salvador, as this is one of the most important preventive measures to avoid the recruitment of children and adolescents by the “maras” and criminal organizations.

71. **The Committee recommends that the State party create more public and safe places at the community level for sports, cultural, leisure and recreational activities. To this end, the Committee encourages the State party to strengthen the institutional capacity in the area of development of recreation and leisure programmes and activities for children.**

## **8. Special protection measures (arts. 22; 30; 38; 39; 40; 37 (b)-(d), and 32-36 of the Convention)**

### **Children affected by migration**

72. The Committee is concerned about the impact of migration on the enjoyment by children of their rights (about three million Salvadorans are believed to live outside the country because of economic migration) and is concerned in particular at the situation of migrant children - especially those unaccompanied and in an irregular or undocumented situation – who are particularly vulnerable to becoming victims of exploitation and abuse, notably sexual and economic exploitation, and have difficulties of reintegration when forcibly returned home from the country of destination.

73. **The Committee recommends that the State party, taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin:**

(a) **Pay special attention to the situation of migrant children, particularly those unaccompanied and in irregular and/or undocumented situations;**

(b) **Intensify its efforts to prevent irregular migration, including by raising awareness about the risks involved, and promoting adequate conditions for the resettlement and reintegration of these children and their families upon their return;**

(c) **Strengthen bilateral, regional and international cooperation in this respect.**

### **Children in armed conflict**

74. The Committee is concerned at the lack of information concerning the follow-up given to the recommendations contained in the concluding observations on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/SLV/CO/1).

75. **The Committee refers for this section to its concluding observations on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict. In particular, the Committee reiterates some of those recommendations, on which it would appreciate information on the follow-up given by the State party, including on:**

(a) **The explicit prohibition by law of the recruitment of children under 15 years into armed forces/groups and their direct participation in hostilities (para. 5(a));**

(b) **The explicit prohibition by law of the violation of the provisions of the Optional Protocol regarding the recruitment and involving of children in hostilities (para. 5(b));**

(c) **The ratification of the Rome Statute of the International Criminal Court (para. 5(e));**

(d) **The abolition by law of the voluntary recruitment of 16 and 17- year-olds, so as to reflect the situation in practice (para. 17(b)).**

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

76. The Committee notes the adoption of the the National Plan for the Eradication of the Worst Forms of Child Labour (2006-2009) and welcomes the State party's goals aimed at eradicating the worst forms of child labour in El Salvador by 2015 and all forms of child labour by 2020. It also notes the various measures (national plans, cooperative actions with IPEC-ILO and UNICEF) undertaken by the State party to eradicate the worst forms of child labour, including the establishment of the National Commission for the Eradication of the Worst Forms of Child Labour. However, the Committee is concerned that many children are still forced to work in hazardous conditions and drop out of school for that reason, and that especially girls are often employed informally in domestic work under very difficult and degrading conditions.

77. **The Committee recommends that the State party:**

(a) **Define and determine hazardous work in national legislation, and in accordance with international standards; and ensure that children are never exposed to such work or to any of the worst forms of child labour;**

(b) **Continue strengthening measures to combat economic exploitation of children, including as domestic workers. To this end, the State party should increase the frequency of inspections to detect the exposure of children to the so-called 3D jobs, namely dangerous, degrading or dirty jobs;**

(c) **Ensure that national legislation on minimum age for admission to employment conform to applicable international standards;**

(d) **Work towards its goals to eradicate the worst forms of child labour in El Salvador by 2015 and all forms of child labour by 2020. In this respect, it encourages the State party to continue seeking technical assistance from ILO-IPEC, UNICEF as well as relevant NGOs partners.**

### **Children in street situations**

78. The Committee notes the information from the State party's delegation that there is currently a restructuring, including in terms of human and financial resources, of the Centre of Social Integration for Children and Adolescents (Centro Infantil de Integración Social para la Niñez y la Adolescencia), which deals with children in street situations. The Committee is concerned at:

(a) The paucity of human resources available to the Centre so far, also in consideration of the increase in the number of children working or living in the street;

(b) The increased vulnerability of street children to recruitment by youth gangs ("maras");

(c) The lack of information and research on the scope, nature and causes of this phenomenon, which makes difficult the adoption of effective preventive and protective policies.

79. **The Committee recommends that the State party:**

(a) **Collect data on the number of children in street situations throughout the country; and study the root causes of this serious situation, including with respect to the living conditions of children in street situations;**

(b) **Set up a national and comprehensive policy to prevent children from living and working in the street, with strong emphasis on education, and on preventive strategies at local and community level;**

(c) **Extend the assistance measures to support street children in order to facilitate their full reinsertion into school;**

(d) **Facilitate strengthening of family ties of children in street situations; and their reunification with their families, when appropriate and in the best interests of the child;**

(e) **Seek assistance from, inter alia, UNICEF.**

#### **Youth gangs (“maras”)**

80. The Committee is deeply concerned at the extent of the problem of youth gangs (“maras”) in the State party. These gangs, mostly composed of children between 16 and 18 years, reportedly count on more than ten thousand members in El Salvador. The Committee is concerned that the climate of fear, insecurity and violence due to these gangs prevents children from living fully their childhood and adolescence and deeply affects the enjoyment of their rights. The Committee is also concerned that insufficient attention is paid to the root causes of this phenomenon, which has so far been tackled exclusively as a criminal justice problem through repressive policies and measures.

**81. The Committee recommends that the State party:**

(a) **Undertake a study to develop a holistic and comprehensive public policy to deal with juvenile violence and delinquency, addressing the social factors and causes at the roots of the problem of “maras”, such as, inter alia, political and social exclusion, lack of prevention policies and social services, culture of violence, migration flows, lack of opportunities and dysfunctional families;**

(b) **Seek to focus, as much as feasible, on preventive and protective measures, starting from the local level, while refraining from treating this issue exclusively in a punitive and repressive way;**

(c) **Put more emphasis on the school, the family and on social cohesion measures and mechanisms, such as sport and cultural associations, as preventive tools;**

(d) **Invest in financial and human resources for activities of prevention, protection, rehabilitation and reintegration for members of “maras”;**

(e) **Take all possible measures to prevent and address forced recruitment of children by the “maras”, including measures aimed at protecting those children who are most at risk of getting involved with the gangs, including children in street situations, children of migrating parents and children belonging to low income families.**

#### **Sale, trafficking and sexual exploitation**

82. The Committee notes the 2004 reform of the Penal and Penal Procedure Codes which punish offenses related to the commercial sexual exploitation of children, including trafficking in persons (art. 367-B) as well as the National Policy against the Trafficking in Persons (2008-2017) and its Action Plan (2008-2012). However, the Committee regrets that trafficking for the purposes of commercial sexual exploitation and forced labor remains a substantial problem in the country and that there are no measures aimed at reducing demand for commercial sex or forced labour. The Committee is also concerned at the low level of prosecutions and convictions for trafficking-related crimes vis-à-vis the reported cases.

**83. The Committee recommends that the State party:**

(a) **Take appropriate measures to ensure the prompt investigations of sale, trafficking and sexual exploitation offences against children, and the prosecution of perpetrators, when appropriate;**

(b) **Intensify its efforts of public awareness and campaigns of prevention in order to tackle any societal attitude of tolerance towards such practice;**

(c) **Further disseminate and implement the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography as well as the Palermo Protocol to Prevent, Suppress and Punish trafficking in persons, especially women and children.**

84. **The Committee further refers to its concluding observations on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SLV/CO/1), adopted on the same date.**

#### **Helpline**

85. The Committee is concerned that the State party has not yet established a toll-free 24-hour national helpline for children.

86. **The Committee recommends that the State party:**

(a) **Establish a 3 digit 24-hour national helpline for children that can be reached free of cost from landlines as well as mobile phones, throughout the country;**

(b) **Ensure that the child helpline has an outreach component for the most marginalized children and allocate funds to provide services in remote areas;**

(c) **Facilitate the collaboration of the helpline with child-focused NGOs as well as State authorities, such as the police and health and social welfare institutions in order to enhance its intervention and follow-up model.**

#### **Administration of juvenile justice**

87. The Committee notes the 2004 reform on juvenile justice, which protects, inter alia, the right to identity and privacy of children in conflict with the law. However, the Committee is concerned at:

(a) The lack of a juvenile justice system in accordance with the Convention;

(b) The so far repressive approach applied by the State party towards juvenile delinquency, notably against "maras", and at the resulting increase in the use of deprivation of liberty for children;

(c) The serious lack of availability of measures alternative to deprivation of liberty;

(d) The lack of systematic training designed for law enforcement officials, judges and prosecutors on the Convention, and on juvenile justice standards in particular;

(e) The limited access to education of children deprived of their liberty;

(f) The information reporting that at least five adolescents died in 2009 in rehabilitation centres where children are deprived of liberty.

88. **The State party should ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and the United Nations Guidelines for the Prevention of Juvenile**

**Delinquency (the Riyadh Guidelines), in light of general comment No. 10 (2007) on children's rights in juvenile justice. Furthermore, the Committee recommends that the State party:**

- (a) Develop a juvenile justice system in accordance with the Convention;**
- (b) Ensure that, both in law and in practice, deprivation of liberty is used only as measure of last resort and for the shortest period of time;**
- (c) Seek, as much as possible, to promote the establishment of measures alternative to detention, such as counselling, probation or supervision orders;**
- (d) Improve access to education of children deprived of liberty, including those in pretrial detention; and fully implement the recommendations of the Human Right's Procurator Office in this respect;**
- (e) Provide systematic training on the Convention and on juvenile justice standards to law enforcement officials, judges and prosecutors;**
- (f) Promptly and thoroughly investigate all cases of deaths, as well as all allegations of ill-treatment or abuse, in centres for deprivation of liberty of children.**

#### **Protection of child victims and witnesses of crime**

89. The Committee regrets the lack of information in the State party's report on specific provisions in the criminal law and procedure for the hearing of child victims and witnesses of crime. However, it notes the information that special rooms (such as Gessel domes) are used for the hearing of child victims in some instances, including in cases of sexual exploitation and sexual abuse.

90. **The Committee recommends that the State party ensure, both in legislation and in practice, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, armed conflict, sexual and economic exploitation, abduction, and trafficking as well as witnesses of such crimes, are provided with the protection required by the Convention and its Optional Protocols and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20).**

#### **Indigenous children**

91. The Committee remains concerned at the limited enjoyment of rights, including protection and prevention against discrimination, by indigenous children and at the incomplete information provided by the State party on this issue. The Committee is also concerned at the cultural invisibility of the indigenous population in the State party, which result in the lack of specific public policies to promote the development and wellbeing of indigenous children, the discrepancies in the standard of living of indigenous people (more than 38 per cent reportedly live in extreme poverty) and the steep rise of emigration of indigenous adolescents. The Committee is also concerned at the lack of sufficient opportunities for the expression of indigenous culture and practices, including intercultural and bilingual education, as well as at the daily life discrimination to which indigenous people and their children are subjected.

92. **The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention, including the right to intercultural and bilingual education, in accordance with article 30 of the Convention. To this end, the State party should take into account, inter alia, general**

comment No. 11 (2009), as well as the recommendations contained in the outcome document of the 2009 Durban Review Conference).

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

93. The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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

### **Follow-up**

94. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Legislative Assembly, relevant ministries, the judiciary and local authorities for appropriate consideration and further action. The Committee also recommends the prompt approval of the Bill proposing the creation of a mechanism to follow-up on the implementation of the recommendations of international human rights monitoring bodies.

### **Dissemination**

95. The Committee recommends that the third and fourth combined periodic report and written replies and related recommendations (concluding observations) it adopted be made widely available to the public at large, including notably children, youth groups and civil society organizations and the media, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

96. In light of the recommendation on reporting periodicity adopted by the Committee and described in its reports CRC/C/114 and CRC/C/124, and noting that the State party's fifth periodic report is due within two years after the consideration of its combined third and fourth report, the Committee invites the State party to submit a consolidated fifth and sixth periodic report on 1 March 2016 (i.e. 18 months before the date established in the Convention for the submission of the sixth periodic report). This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee

97. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents", approved at the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3)