III. Main areas of concern and recommendations

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

Corporal punishment

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

(a) Promptly adopt a law prohibiting corporal punishment in all settings;
(b) Review article 215 of the Family Code, article 204 of the Criminal Code, and article 38 of the Law for the Integral Protection of Children and Adolescents to criminalize corporal punishment without exceptions;
(c) Take measures to promote positive, non-violent and participatory forms of child-rearing and discipline.

Abuse and neglect
26. Noting with concern the 45,925 cases of abuse and neglect affecting 52,065 children reported to the protection boards between 2012 and 2015, the 13,011 cases, involving 15,389 children reported to the National Council for Children and Adolescents in 2016; and the lack of information on the follow-up to these cases, the Committee recommends that the State party:
   (a) Establish a national database on all cases of abuse and neglect against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence; and
   (b) Promptly investigate cases of child abuse and neglect and sanction perpetrators; and
   (c) Strengthen awareness-raising and education programmes, with the involvement of children, to formulate a comprehensive strategy for preventing and combating child abuse at the family and community level.

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

Family environment

30. The Committee recommends that the State party:
   (a) Strengthen its efforts to develop and implement comprehensive family services and support programmes such as parental training, family counselling, home visits and family recreation programmes in every community; and promote the equal sharing of responsibility for their children by mothers and fathers;
   (b) Strengthen the network for child care, protection boards and local committees for the rights of children and adolescents with a view to identifying early signs of abuse and take corrective measures promptly; and
   (c) Provide social, psychological and/or financial support to families affected by migration to provide adequate assistance to children of migrant parents.

Children deprived of a family environment

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

Adoption

32. The Committee welcomes the new Adoption Law of 10 October 2017 and encourages the State party to ensure that the newly created central adoption authority has the resources necessary to operate and guarantee the effective coordination among entities involved in adoption processes; to improve the collection of disaggregated data; and to clarify the conditions of adoption by foster parents.

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Children in situations of migration

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

(a) Strengthen the identification system for children in the pre-deportation stage by Salvadoran consulates in transit or destination countries, and after deportation in the assistance centres in the State party;
(b) Improve access to assistance centres and shelters and step up measures to expand family-based alternative care to returned and deported non-accompanied children;
(c) Strengthen the application of the protocol for the care of nonaccompanied children through better inter-institutional coordination at the municipal level, in particular when children leave the
(d) Strengthen the technical capacity of the protection boards of the National Council for Childhood and Adolescence (CONNA) to process and follow-up cases of children in need of protection, including through better coordination with other services;
(e) Develop a referral protocol to identify and assist returned or deported children who are survivors of sexual and gender-based violence; (f) Continue seeking technical assistance from the United Nations Office of the High Commissioner for Refugees (UNHCR) in this regard.

Children in street situations

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

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III. Principal areas of concern and recommendations

B. Specific rights (arts. 5–30)

Children with disabilities (art. 7)

14. The Committee is concerned that children with disabilities are institutionalized on the basis of impairment, and that the State party continues to invest in residential institutions, without taking measures
to ensure deinstitutionalization or investing in programmes for independent living in the community. It is also concerned:

(a) At the lack of information and disaggregated data on the number of children with disabilities living in rural and indigenous communities and on measures taken to combat poverty in rural and urban areas;

(b) At the lack of measures taken by the State party to ensure that children with disabilities can express their views freely on all matters affecting them, and concerned that their views are given due weight in accordance with their evolving capacities, on an equal basis with other children, and also concerned at the lack of measures to closely consult with and actively involve organizations of persons with disabilities, including of children with disabilities;

(c) At the lack of transparency in legal proceedings concerning children with disabilities.

15. The Committee recommends that, in close consultation with organizations of persons with disabilities, including organizations of children with disabilities, the State party take immediate measures to deinstitutionalize children with disabilities living in residential centres, by developing and implementing comprehensive plans, with an adequate budget, for support services in the community, as well as social inclusion programmes. It also recommends that the State party:

(a) Strengthen the collection of disaggregated data on the number of children with disabilities living in rural and indigenous communities, with a view to designing adequate public policies to combat marginalization and poverty among children with disabilities and their families;

(b) Ensure that all children with disabilities can express their views freely in all matters affecting them, and that their views are given due weight in accordance with their evolving capacities, on an equal basis with other children, and that it consult and actively involve organizations of children with disabilities;

(c) Take all measures necessary in order to ensure that legal proceedings are transparent and give effect to the principle of the best interests of the child in decisions concerning children with disabilities.

Liberty and security of the person (art. 14)

28. The Committee is concerned at:
(a) Legislation such as the Mental Health Act, 2017, and articles 436 and 437 of the Criminal Procedure Code, which allow for the forced medication of, use of physical restraints on and involuntary institutionalization of persons with psychosocial or intellectual disabilities;
(b) The Family Code, which allows relatives or guardians of persons with psychosocial or intellectual disabilities to hospitalize them, without the consent of the person concerned, under the presumption of being “mentally ill”;
(c) Lack of sufficient accessibility and individualized accommodations for persons with disabilities in detention centres and police stations.

29. The Committee recommends that the State party:
   (a) Immediately adopt measures to repeal or revise all legal provisions in order to prohibit medical treatment and forced institutionalization based on “unfitness to stand trial”;
   (b) Ensure the dignity, autonomy and independence of persons with disabilities on matters affecting them and establish a mechanism for monitoring detention centres and for the lodging of complaints;
   (c) Remove barriers preventing physical accessibility and communication accessibility in police stations and detention centres.

Freedom from exploitation, violence and abuse (art. 16)

32. The Committee is concerned about:
   (a) The persistence of violence against persons with disabilities, especially sexual and gender-based violence against women and girls with psychosocial or intellectual disabilities, at home and in institutions, violence against older persons with disabilities, persons of African descent with disabilities, and persons with disabilities living in conditions of hardship in rural or remote areas;...
   (d) A lack of data on cases of sexual and gender-based violence against persons with disabilities in psychiatric hospitals, detention facilities and in the home, and on complaints reported and cases decided on trafficking in persons with disabilities and in organs.
33. The Committee recommends that the State party, in accordance with the Committee’s general comment No. 3 (2016) on women and girls with disabilities, and taking into account target 16.2 of the Sustainable Development Goals, take measures to:
   (a) Protect persons with disabilities, particularly women and girls with disabilities, in the home and in institutions, older persons with disabilities, persons of African descent with disabilities, persons with psychosocial or intellectual disabilities, and persons with disabilities living in conditions of hardship in rural or remote areas, from all forms of violence, including sexual and gender-based violence;
   (d) Collect data, disaggregated by age, sex, form of violence and disability, on victims of violence against persons with disabilities in psychiatric hospitals, detention facilities and in the home, and on the number of complaints reported and cases decided on trafficking in persons with disabilities and in organs.

Living independently and being included in the community (art. 19)

38. The Committee is concerned about:
   (a) The lack of a strategy for the deinstitutionalization of persons with disabilities currently in reception centres or psychiatric hospitals, principally, and the lack of involvement of organizations of persons with disabilities in that regard;
   (b) Insufficient foster care programmes to ensure the right to family life of children with disabilities;
   (c) Insufficient housing loans granted to persons with disabilities, and the lack of accessibility in individual homes that are part of social housing programmes.

39. In accordance with its general comment No. 5 (2017) on living independently and being included in the community, the Committee recommends that the State party adopt and implement, in close consultation with and with the active involvement of organizations of persons with disabilities, a comprehensive national strategy with clear time-bound measures, benchmarks and the allocation of sufficient funds for effective deinstitutionalization at all levels, which should include community programmes, family and social support networks in the community and personal and domiciliary assistance.

Respect for home and the family (art. 23)
44. The Committee is concerned:
   (a) That laws, particularly articles 171, 292 and 301 of the Family Code and articles 1317 and 1318 of the Civil Code, continue to restrict rights and declare persons with disabilities incapable of marrying, forming a family and being parents on an equal basis with others;
   (b) About the lack of information on the rights of persons with disabilities to retain parental responsibility, as well as on rights to adoption on an equal basis with others.

45. The Committee recommends that the State party review and repeal any legislation or policy, particularly the Family Code and the Civil Code, that restricts the rights of persons with disabilities to marriage, to form a family and to be a parent, including adoption on an equal basis with others.

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**Acronyms and Abbreviations:**

- **CEDAW**  
  Convention on the Elimination of All Forms of Discrimination against Women
- **CRC**  
  Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD**  
  Convention on the Rights of Persons with Disabilities
ICCRP  International Covenant on Civil and Political Rights
ICESCR  International Covenant on Economic, Social and Cultural Rights
OPAC to CRC  Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
UN  United Nations
UPR  Universal Periodic Review