### 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
comprehensive migrant care centre (CAIM), and extend the protocol to migrant children non-
nationals of the State party;
(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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Country Report
CRC/C/SLV/5-6
19 March 2018
### Concluding observations on the initial report of El Salvador, adopted by the Committee at its tenth session (2–13 September 2013)

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III. Principal areas of concern and recommendation  
A. General principles and obligations (arts. 1–4)  
5. The Committee is concerned about the general reservation made by the State party upon ratifying the Convention, according to which implementation of the Convention is contingent on its compatibility with the Constitution. |
6. The Committee urges the State party to expedite the process of withdrawing its general reservation to the Convention. It also recommends that the State party should incorporate a definition of disability in accordance with the criteria and principles in articles 1 to 3 of the Convention.

7. The Committee is concerned about the absence of a national strategy, also covering rural areas, for the implementation of the rights-based disability model set out in the Convention. The Committee is also concerned that the State party’s legal framework on disability is not fully in line with the Convention and that, among other facts:

(a) The Equal Opportunities for Persons with Disabilities Act has not been aligned with the provisions of the Convention and does not provide for all the human rights elements covered in the Convention;

(b) The State party has not conducted a thorough review of its legal framework in order to identify the areas that still need to be harmonized, especially in the Civil Code, the Code of Civil Procedure, the Criminal Code, the Employment Act and the Special Act on a Violence-Free Life for Women.

8. The Committee recommends that the State party conduct a full review of its legal framework to align it with the Convention.

9. The Committee notes with concern the absence of provisions recognizing discrimination on the grounds of disability and the fact that the Equal Opportunities for Persons with Disabilities Act focuses on a social welfare approach rather than the human rights model set out in the Convention.

10. The Committee recommends that the State party recognize discrimination on the grounds of disability in its legislation and ensure that the review of the Equal Opportunities for Persons with Disabilities Act brings it into compliance with the human rights approach of the Convention.

11. The Committee is concerned that the organizations of persons with disabilities are not
consulted in the design of laws and policies and that the law includes demeaning terminology regarding persons with psychosocial, intellectual or motor impairments.

12. The Committee recommends that the State party adopt new legislation specifically defining the obligations contained in the Convention and that the process include the broad participation of organizations of persons with disabilities. The Committee recommends that the State party revise its legislation with a view to removing any discriminatory terminology against persons with disabilities.

B. Specific rights (arts. 5–30)

Children with disabilities (art. 7)

19. The Committee is concerned that the Child and Adolescent Protection Act does not include specific actions to ensure the protection of children with disabilities, aside from a few regarding health care. The Committee is concerned that children with disabilities living in poverty are more vulnerable to abandonment or placement in institutional care.

20. The Committee recommends that the State party strengthen its legislation and set up specific programmes to guarantee the rights of children with disabilities on equal terms, paying particular attention to children with disabilities living in rural areas and indigenous communities and to children with hearing, visual and intellectual impairments, ensuring their social inclusion and preventing abandonment and institutionalization, with priority for actions for underprivileged families.

Liberty and security of the person (art. 14)

31. The Committee is concerned that disability constitutes grounds for deprivation of liberty in the State party. The Committee regrets the lack of information about the situation of persons with psychosocial or intellectual impairments who are held in psychiatric centres and other institutions
and about legal remedies available to challenge involuntary institutionalization. The Committee is concerned at the lack of reasonable accommodation for persons with disabilities held in prisons and other detention centres.

32. The Committee calls on the State party to abolish the rules that allow for deprivation of liberty on grounds of disability, give persons with disabilities the ability to hurt themselves or others and mandate care or treatment. It urges the State party to define adequate health-care procedures, such as making psychological care contingent upon the free and informed consent of the concerned party. The Committee calls on the State party to establish a mechanism to monitor the situation of persons with disabilities in prisons and other detention centres and to set up a legal framework for the provision of reasonable accommodation that preserves their dignity.

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

35. The Committee is concerned at:

(a) The lack of official records of cases of exploitation, violence and abuse of persons with disabilities, especially children and women, and of preventive measures in both institutions and family settings;

(b) The lack of protocols on handling women with disabilities who are victims or witnesses in trials for exploitation, violence or abuse;

(c) The recourse to institutionalization as the main option envisaged by the State party for the restoration of rights in cases of exploitation, violence and abuse;

(d) The lack of an express ban on corporal punishment of children with disabilities;

(e) The exploitation of persons with disabilities, especially children, for the purpose of begging.
36. The Committee urges the State party:

(a) To adopt legislation to prevent, investigate and punish exploitation, violence and abuse involving persons with disabilities, with a particular focus on women and children;

(b) To set up protocols for and training in the investigation of cases of violence against persons with disabilities;

(c) To follow up on the recommendations of the Committee on the Rights of the Child (CRC/C/SLV/CO/3-4) regarding the express prohibition of all forms of corporal punishment and ensure that the prohibition includes practices in institutions for children with disabilities;

(d) To follow up on the recommendations made by the Committee on the Elimination of Discrimination against Women to El Salvador following the consideration of its report regarding the need to take a comprehensive approach to violence against women and girls (CEDAW/C/SLV/CO/7, para. 24);

(e) To adopt measures to prevent the exploitation of children with disabilities for the purpose of begging and establish programmes to promote their integration in society and their right to live in the community.

Liberty of movement and nationality (art. 18)

39. The Committee is concerned that children, adolescents and adults with disabilities living in rural areas remain unregistered and therefore do not have identity documents.

40. The Committee calls on the State party to ensure that children with disabilities are entered in the civil registry at birth.
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<th>Respect for home and the family (art. 23)</th>
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<tr>
<td>47. The Committee is concerned about the rules depriving persons with intellectual, psychosocial or hearing impairments of their legal capacity and about other barriers preventing them from entering into marriage and exercising their rights regarding family, maternity and personal relationships.</td>
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<td>48. <strong>The Committee urges the State party to put in place adequate measures to make it easier for persons with disabilities to exercise their family and maternity rights.</strong></td>
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<th>Education (art. 24)</th>
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<td>49. The Committee is concerned at the low school enrolment rates among children with disabilities and the lack of reasonable accommodation to guarantee their access to education, in both urban and rural areas, and access to adult education. The Committee is concerned about discrimination in access to school and retention in school for children with psychosocial or intellectual impairments. It is also of concern to the Committee that the State party has not laid down the principle of free education for children with disabilities.</td>
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<td>50. <strong>The Committee recommends that the State party:</strong></td>
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<td>(a) Develop an inclusive education model at all levels, in both urban and rural areas, including a gender and cultural perspective and the reasonable accommodation needed to ensure children and adolescents with disabilities can access education;</td>
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<td>(b) Adopt a plan and allocate the requisite budget for the compulsory training of teachers in inclusive education techniques in respect of persons with disabilities, thereby removing the barriers to access and retention for children with psychosocial or intellectual impairments in education;</td>
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<tr>
<td>(c) Implement initiatives and public-private partnerships to design accessible pedagogical tools</td>
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and teaching methods and provide students with disabilities with access to new technologies and the Internet.

Adequate standard of living and social protection (art. 28)

57. The Committee notes that social protection measures mainly protect persons whose disabilities result from the armed conflict, and that the State does not have strategies for fulfilling the various aspects of the right to an adequate standard of living and social protection, such as a home, clothing, food, drinking water and poverty reduction. The Committee is concerned that persons with disabilities tend to be illiterate, that those living in rural and remote areas cannot access certain basic services, such as drinking water and sanitation, and that plans to provide water do not take their needs into account.

58. The Committee recommends that the State party adopt measures to ensure that persons with disabilities, including children, have access to social protection and non-contributory pension schemes. It also recommends that the State party adopt public policies, including poverty reduction strategies, which foster the fulfilment of the right to an adequate standard of living and social protection of persons with disabilities, as well as allocate the necessary budget for their implementation. The Committee urges the State party to adopt, through consultation with organizations of persons with disabilities, measures for the elimination of barriers to the access of such persons to basic services, drinking water and sanitation in rural and remote areas, and to include the organizations in monitoring their implementation.

Participation in cultural life, recreation, leisure and sport (art. 30)

61. The Committee is concerned at the lack of measures regarding access to and participation in cultural activities, such as the theatre and museums, and at the meagre progress in private-sector promotion of participation in cultural life by persons with disabilities, including children and adolescents.
62. The Committee recommends that the State party continue to devise policies and measures to ensure participation in cultural life, recreational activities, relaxation and sports by persons with disabilities, including the conclusion of public-private agreements with civil society organizations and businesses to establish accessible recreational and cultural spaces.

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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