

**UNIVERSAL PERIODIC REVIEW- HUMAN RIGHTS COUNCIL
UNICEF INPUTS – EL SALVADOR**

Contextual Framework

El Salvador has a surface area of about 21,000 km² and a population of 6.1 million inhabitants; it is therefore, the smallest country and has the highest demographic density in mainland Western Hemisphere (291 inhabitants per square kilometer). Its population is mostly young (40.4% are under 18 years of age), and 35.2% of all households are headed by women¹. Around 2 million Salvadorans, accounting for close to 30% of the population currently residing in the country, mainly young males, have emigrated².

El Salvador is considered to be a middle-income country, with a per capita Gross Domestic Product (GDP) of US\$3,610.7 and has shown potential to reach most of the MDG development goals. Twenty five percent of target indicators (8 out of 31) have already been achieved and 41% are achievable³. However, exclusion, inequality and violence remain as main structural challenges for El Salvador, and these have been accentuated by oil and food price increases and the global economic crisis, with their particular impact on children and the most vulnerable population.

Although poverty incidence has been decreasing since 1991, this tendency is reversing since 2007, as early signs of the impacts of the crisis. Six out of 10 children live in poverty. The inequality gap has remained at 0.52 Gini (2006), one of the highest in the region. Homicide rates have decreased from 2007 to 2008, (61 to 49.6 per 100,000 inhabitants)⁴, still remaining as one of the highest in the region. Around 241 children under 18 years of age were killed during the first semester of this year⁵, and disaggregated data shows homicides occur mostly in children from 13 to 17 years of age. Although other forms of violence against children are not easily visible in the national statistics, in a survey carried out by UNICEF in 2005, 2007 and 2008 7 out of 10 children reported having been abused in their homes.

President Mauricio Funes, commenced his mandate in June 2009. With his election, El Salvador experienced political alternancy for the first time in 20 years, bringing a significant shift of vision and strategies in the public platform. The government is still in the process of designing its five-year plan, a process in which international cooperation partners, including UNICEF, have been participating actively. Within this framework, the new government launched the Anti-crisis Plan which encompasses: macroeconomic instability, respect to human rights, responsible and transparent management of public finances, development of infrastructure and other sectoral policies focused on economic and social development.

El Salvador has ratified most international human rights instruments. This year, the Legislative Assembly unanimously approved the specialized law for the protection of child rights (Law for Integral Protection of Children and Adolescents), completing a process that the country has initiated with the support of UNICEF since 2005. Thus, El Salvador complied with the recommendations of the CRC Committee that emphasized the need for adopting the legal and institutional frameworks according to the principles of the CRC⁶. This law establishes a set of institutions that coordinate to ensure the protection of child rights, denominated the Integral Protection System for Children and Adolescents. They are: the National Council for Children and Adolescents (the national ruling and coordinating body), local Committees for Children and Adolescents adhered to the municipality and Protection Offices in each territorial departments. In addition, already existing institutions such as the Office of Ombudsman for Human Rights, the Office for Public and Legal Defense, the General Attorney's Office and the Judiciary System are part of this Integral Protection System.

¹ DIGESTYC , Household and Multipurpose Survey (Encuesta de Hogares de Propósitos Múltiples—EHPM), 2007.

² Ministry of Foreign Affairs, December 2007.

³ Second MDG report elaborated by the UN System in coordination with the Government, May 2009.

⁴ Tripartite Report – PNC, ML and FGR. - 2008

⁵ Institute of Legal Medicine, data gathered until July 15, 2009

⁶ CRC/C 15/Add.232. 30 June 2004

Trends

Remittances continue to buttress the economy and account for 17.0% of GDP, which is far higher than the tax burden (13.4%). Despite a slowdown in terms of growth, remittances contributed to boosting private consumption and mitigating the adverse impacts of international oil price rises. The macroeconomic and social impacts of remittances continue to be substantial as they constitute the main source for funding the trade deficit and contribute considerably to reducing pressure on the job market, the provision of basic social services, social welfare and security, and household poverty.

For children and adolescents, one inevitable adverse consequence of migration is the breakup of the family. Seven out of every ten adolescents interviewed for a survey conducted by UNICEF stated that at least one member of their household had emigrated, and this has led to various situations of vulnerability for them. Indeed, the emigration of men forces women to take up responsibilities as heads of household; at present 48% of households that receive remittances are headed by women, which means an increase in the burden of responsibilities, and this is oftentimes closely related to higher stress in the household, mistreatment, and violence aimed at children by their mothers.⁷

Emigration also exerts a major impact on the school drop-out rate, especially for adolescents, and the resulting higher risk of being recruited by gangs and juvenile delinquent groups and being exposed to exploitation.⁸ Furthermore, many children and adolescents who have stayed behind in the country look for ways to be reunited with their families, oftentimes traveling alone and exposing themselves to risks that jeopardize their lives, and to exploitation.⁹

A review of the situation of children and adolescents, in terms of the MDGs, stresses the following:

Eradicate extreme poverty and hunger: At present, 5 out of every 10 persons in the country live in poverty. Rural poverty, in terms of the population for 2008, is 13.3% points higher than urban poverty, and the average wage in the rural sector amounts to only 52% of that in the urban sector.¹⁰ Extreme poverty is affecting 10.0% of households in the urban sector and 17.5% in the rural sector.

The pre-crisis data point out that, despite the downward trend, there continue to be major challenges with respect to malnutrition, because the speed required to reach the Millennium Development Goals in this field should be three times higher than the current pace (ECLAC, 2005). According to the Third Census on Stature of Schoolchildren in First Grade conducted in 2007, stunting among schoolchildren is 15.5%, which is a 4-point improvement over the stunting data recorded seven years earlier. The prevalence of anaemia has risen 3 points more than the 2003 figure. This means that at least 1 out of every 5 children under five years of age from the urban areas, (1 out of 4 in rural areas) record some degree of anaemia.

Achieve universal basic education: According to current trends, the country shall achieve its national goal. The coverage of basic education is almost universal (net enrollment rate of 96% and gross enrollment rate of 107% for children between 7 and 14 years of age). The challenges that persist are related to grade repetition (4.6%), dropping out (6.3%) and survival rate (72%) in fifth grade. The above is closely related to child labor, as it is estimated that 9.8% of the population between 5 to 17 years of age is involved in child labor.¹¹

⁷ According to FESAL 2003, six out of every ten women from 15 to 49 years of age reported that the person who mostly punished them before they reached the age of 18 was their mother. For only four out of every ten men between 15 and 69 years of age, however, was there this type of relationship.

⁸ According to the Ministry of Education (Ministerio de Educación—MINED), the net enrollment rate for secondary education was 36% whereas the gross enrollment rate was 53%. Furthermore, the average schooling of the population from 15 to 24 years of age amounts to completion of 7.9 grades.

⁹ In its data for 2006, the Salvadoran Institute for the Integral Protection of Children and Adolescents (Instituto Salvadoreño de Protección Integral a la Niñez y Adolescencia—ISNA) reports that the main reason for attention provided in 2005 and 2006 was the “illegal exit from or entry into the country,” accounting for 5.9% of cases in 2004, 21.7% in 2005, and 25% in 2006.

¹⁰ Idem.

¹¹ MINED, School Census, 2007.

Insufficient preschool coverage also has repercussions, leading to high drop-out and repetition rates among first-grade children (about 50%).¹²

As for secondary education, Ministry of Education (MINED) has promoted its provision free of charge in order to increase the coverage of secondary education. In 2007, the net enrollment rate for this level of schooling amounted to 36%, whereas the gross enrollment rate amounted to 53%, highlighting high drop-out rates and over-age students, 11.4%, respectively.¹³

Promote gender equality and empower women: Data on gender equality associated with access to primary education, secondary education and literacy teaching indicate that there are no gender inequalities, and therefore the target, in terms of education, has been reached. Nevertheless, the basic problem of gender equity occurs on the job market in terms of workplace insertion and wages received (women's wages are equivalent to 86% of men's wages), but it is deemed very unlikely that this situation will be resolved as no concrete actions have been taken to tackle this shortfall.

Reduce infant and under-five mortality: Infant mortality declined by 10 points between 1998 and 2003, despite two earthquakes and a cycle of epidemics involving pneumonia, dengue fever, and diarrhea. The decline in the rural area is steeper than the decline in the urban area. According to National Family Health Survey (FESAL), infant mortality in the rural sector fell from 41 deaths per thousand live births in 1998 to 16 per thousand live births in 2008.

Improve maternal health: Between 2005 and 2006, 26.8% of total deaths of mothers pertained to women between 15 and 19 years of age,¹⁴ which stresses a severe problem that has to be addressed, especially among adolescents and young people, by promoting education in sexual and reproductive health and life skills. In this regard, this year, the government, through the Ministry of Education has managed to incorporate education in sexual and reproductive health into the school curriculum.

Combat HIV/AIDS: At present, as a result of sustained policies and programmes and the benefits generated by the Global Fund, it has been possible to slow down growth in the number of detected cases, especially in terms of the vertical transmission from mother to child. The accessibility of the HIV test, as it is free of charge, has risen by 43%, and this has made it possible to increase detection among pregnant women by 47% and to offer treatment. All of the above is coupled with a dynamic and sustained campaign promoting HIV testing. The number of children born with HIV has declined from 142 in 2000 to 15 in 2007, an 89% reduction of vertical transmission cases.

At present, it has been possible to lower the growth in the number of detected cases, keeping the annual incidence rate at 2.5 per 100,000 inhabitants. It is estimated that, if this trend continues and in the same way the efforts of the State, it shall be possible to achieve the goal that was set.

Young people between 15 and 24 years of age merit special attention. A challenge that is pending is to reach this population group by providing them with effective information. For example, 22% of cases of pregnant women with HIV correspond to girls between 10 and 19 years of age and more than half of all positive cases are under 24 years of age.

Environmental sustainability: Over the past decade, access of Salvadorans to sanitation and piped water services has improved (according to the Household and Multipurpose Survey (EHPM), the percentage of households with access to piped water rose from 66.3% in 1998 to 78.8% in 2008, whereas for the same period, households without any access to sanitary services declined from 11.1% to 8.1%). Official figures, however, do not include an indicator on "improved water source" and "adequate sanitation," which makes it difficult to determine whether the goal reflected in these indicators is being achieved or not.

¹² Report on Progress and Future Challenges, 2005, MINED.

¹³ MINED, School Census, 2007.

¹⁴ Baseline for Maternal Mortality in El Salvador, June 2005-May 2006, Ministry of Public Health and Social Welfare.

In terms of protecting children against violence, abuse and exploitation, the country has significant challenges. Parental irresponsibility continues to be very high in El Salvador. Forty three percent of the children of El Salvador (1.1 million) live without one or both parents. Of these children, 66.3% live with one or neither parents due to parental abandonment, 23.5% because of migration abroad and 10.2% because of the death of one or both parents".

The culture of institutional confinement is still widely prevalent in El Salvador. In a study conducted by UNICEF at the end of 2008, ISNA (Salvadorian Institute for Children and Adolescents) reported 997 children sheltered in its own centers and 2,021 sheltered in 27 nongovernmental organizations supervised by ISNA, which amounts to a total of 3,018 children sheltered under a "protection" measure as a result of a ruling by a Family Judge or the ISNA itself. There is no information about the number of children sheltered in other places over which the ISNA has no control. Most of these children have a relative as a family reference but are living in a structure that does not permit much integration with their families.

There are no formally established administrative procedures for adoption and therefore arbitrary and personal criteria are applied by some of the staff. It is necessary to revise and adjust administrative and judiciary procedures in line with the Convention on the Rights of the Child and The Hague Convention on International Adoption.

Although there are some irregularities in adoptions, the fundamental rights of children subject to adoption could be guaranteed with stronger political will. One challenge that is also pending is to ensure that institutions specializing in adoptions must have properly trained staff specializing on the topic of trafficking in persons to be able to detect any irregular adoption.

According to data available, in ISNA, between January and September 2008, there were 3,506 cases that were handled, requiring some type of measure of protection. Of this total, the cases directly related to poor child-raising practices, mistreatment or harassment of children and adolescents amounted to 2,714, where it is noted that girls and female adolescents were the ones who recorded slightly higher numbers, although when dealing with sexual abuse the number of actions perpetrated against them is much higher.

As part of the social and criminal violence, children are not only affected by murder and disappearance; there are also equally severe phenomena such as rape. During the same period, between January and July 2009, there were 448 cases of rape perpetrated against minors recorded. Likewise, injuries against minors are also a matter of concern. During the period mentioned above, the PNC recorded a total of 273 injuries.

Capacity Building and Efforts

Two main universities in El Salvador along with UNICEF developed a Certificate Course on child rights for 120 persons working in the justice sector. At the community level, a model aimed at taking care of victims of sexual exploitation and trafficking is starting to be built in one of the highest-risk districts in the city of San Salvador. For this purpose, a Human Rights Ombudsman's Office has been established in this district with the participation of 12 trained young people. The prevention of child pornography and sexual exploitation is being addressed with the Ministry of Education by a campaign conducted with and for young people, designed for adolescents and informative materials for teachers and parents.

UNICEF is advocating and providing technical inputs to tackle the issue of investment in children from a much more integral perspective, which is, viewing investment in children not merely as expenditures, but also as a strategy that brings greater inclusion and equity, if managed with such focus. For this, UNICEF is emphasizing an articulated vision of the economic policies and social policies, a greater and more effective investment, including monitoring from the civil society for increasing accountability. This year, UNICEF, in a partnership with FLACSO-El Salvador, conducted research entitled "Assessment of social spending aimed at the children and adolescents of El Salvador" (Evaluación del Gasto Social Orientado a la Niñez y la Adolescencia en El Salvador).

In terms of health services, the government, with the help of UNICEF has improved information systems to monitor better family health and provided micronutrients. To tackle malnutrition, UNICEF continues its support for “Child and Mother Friendly Health Establishments”. During the current period, 43 health establishments were evaluated and 20 were certified as “child and mother friendly”.

The situation of children infected, affected and orphaned by HIV/AIDS is known and is a tool for policy and focused programme interventions: UNICEF supported the National Programme Combating STD, HIV and AIDS in the treatment of “all” children living with HIV and AIDS (about 360). It also supported the study on the Situation of Children and Adolescents Infected, Affected and Orphaned by HIV/AIDS, which shall now be disseminated so that concrete actions can be taken by the State of El Salvador to protect the rights of these children and adolescents. The challenge is to reduce discrimination and create adequate social protection and special protection mechanisms for these children.

In collaboration with UNICEF, the child care network of the institutions (ISNA, MINED, MSPAS, Food and Agricultural Organization (FAO) and the Municipality of San Marcos), improved capacity of families on suitable child-raising practices and the prevention of violence. In addition, UNICEF strengthened institutional capacity and network for early childhood care. In the framework of the Ibero-American Summit of Presidents carried out in October 2008, UNICEF provided support to MINED for drafting a national programme of Integral Early Childhood Development (“Del Vientre a la Escuela” / “From the Womb to the School”); which establishes a standardized policymaking framework, as well as coordination mechanisms of relevant institutions for carrying out a national IECD programme.

As part of social inclusion strategies, MINED promoted initiatives for traditionally marginalized populations such as the indigenous and disabled population. Along this line, UNICEF cooperated with the Indigenous Affairs Commission of the MINED to conduct a study that would make it possible to propose guidelines for intercultural education in the country (restoration of identity, values, traditions and customs, etc.). This has been developed on the basis of consultative processes with 700 teachers from the entire country.

UNICEF fostered partnerships with key human rights organizations and with new authorities, to enhance their capacity and roles in the protection of child rights. These institutions are: Human Rights Defense Attorney’s Office (Procuraduría para la Defensa de los Derechos Humanos—PDDH) and with the Attorney General’s Office (Procuraduría General de la República—PGR).

PDDH has improved its capacity to monitor the fulfillment of child rights, with the support of UNICEF. PDDH carried out studies on three critical aspects affecting children: one on the right to education and adolescent pregnancy; another on the situation of women confined in penitentiaries and their children; and the third, on sexual violence against girls. At the same time, the Program for Community Legal Education on the Human Rights of Children and Adolescents has been established in the Human Rights School of PDDH.

Over the past two years, UNICEF has supported the dissemination of the Convention on the Rights of the Child, using as a platform the Solidarity Network from the previous government, which covers 100 municipalities classified as living in extreme poverty.

The participation of children and adolescents, as well as their expression, has been formally achieved but it continues to be an element that is missing from the formulation, implementation and evaluation of public policies. There are few spaces and opportunities for artistic and cultural expression and sports among children and adolescents. In the country, access to safe spaces for recreation and leisure for children and their families continues to be a challenge, although national authorities, municipalities and the population in general are increasingly aware of this concern. UNICEF promoted participation of children and adolescents in the process of formulating LEPINA, where more than 600 children and adolescents from 6 to 18 years of age provided valuable contributions.