



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.232
30 June 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: El Salvador

1. The Committee considered the second periodic report of El Salvador (CRC/C/65/Add.25) at its 949th and 950th meetings (see CRC/C/SR.949-950), held on 18 May 2004, and adopted at its 971st meeting (see CRC/C/SR.971), held on 4 June 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which follows the guidelines for reporting, and the detailed written replies to its list of issues (CRC/C/Q/SLV/2), which allowed for a better understanding of the situation of children in El Salvador. The Committee also appreciates the frank and open dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

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

3. The Committee welcomes a number of positive developments in the reporting period, including:

(a) The entry into force, in 1994, of the Family Court Procedure Act and the Family Code, and the abrogation of the discriminatory distinction between legitimate, illegitimate, natural and incestuous children;

(b) The adoption, in 2000, of the Equality of Opportunity for Persons with Disabilities Act, which aims at eliminating all forms of discrimination against and the accessibility of basic services for persons with disabilities;

(c) The ratification of ILO Conventions Nos. 138 (Minimum Age) and 182 (Worst Forms of Child Labour), on 23 January 1996 and 12 November 2000 respectively, and the formulation of a National Plan for the Progressive Elimination of the Worst Forms of Child Labour in cooperation with ILO and ILO's Programme on the Elimination of Child Labour (IPEC);

(d) The adoption of the Juvenile Offenders Act and the Juvenile Offenders (Monitoring and Supervision of Enforcement of Judgements) Act in 1995, which, inter alia, discard the concept of children in "irregular situations", in line with the Committee's previous recommendations;

(e) The adoption of the Domestic Violence Act (1996), which establishes domestic violence, defined as "any direct or indirect act or omission that causes injury or physical, sexual or psychological suffering or the death of a family member", as a specific punishable offence, and stipulates that any person who has knowledge of acts of domestic violence may report it to the competent authorities;

(f) The ratification, in 2002, of the Optional Protocol to the Convention on children in armed conflict;

(g) The ratification, on 18 March 2004, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and of the Hague Conventions, No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption, and No. 28 on the Civil Aspects of International Child Abduction, in 1998 and 2001, respectively.

C. Factors and difficulties impeding progress in the implementation of the Convention

4. The Committee acknowledges that a series of events in the recent history of El Salvador still have an effect on the implementation of the Convention throughout the State party, in particular the two earthquakes which occurred in 2001 and caused widespread damage, leaving more than 1 million people homeless and destroying many schools. Moreover, it acknowledges that the process of national reconciliation, after 12 years of armed conflict (1980-1992), still poses difficulties.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

Committee's previous recommendations

5. The Committee regrets that some of the concerns it expressed and the recommendations it had made (CRC/C/15/Add.9) after its consideration of the State party's initial report (CRC/C/3/Add.9) have not been sufficiently addressed, inter alia, those contained in paragraphs 17 (childcare services in rural and urban areas), 18 (strategies and education programmes against discrimination) and 19 (children belonging to vulnerable groups).

6. **The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.**

Legislation and implementation

7. While appreciating the fact that the Convention is directly applicable in domestic legislation, the Committee is concerned that the process of legislative reform to guarantee the rights of the child and to bring legislation in full conformity with the Convention has not been completed yet.

8. **The Committee urges the State party to speed up the process of legislative reform to bring its legislation into conformity with the Convention. It encourages the State party to ensure that the law on children and adolescents, which has been under consideration by the Legislative Assembly since May 2002, is adopted with the full participation of civil society, in particular of children, and that it will fully harmonize national legislation with the provisions of the Convention.**

Coordination

9. The Committee notes that programmes to strengthen the protection of the rights of the child are monitored by the National Secretariat for the Family (SNF) and the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA). However, the Committee remains concerned at the lack of clear structures and mechanisms for the effective coordination of measures of implementation of the Convention.

10. **The Committee recommends that the State party further strengthen the coordination, at all levels, of the implementation of the Convention, by providing the designated coordinating body within the government structure with a clear mandate and with adequate resources for its coordinating role. The State party is encouraged to seek technical assistance from, among others, UNICEF and the Inter-American Children's Institute in this regard.**

Independent monitoring structures

11. The Committee is concerned that the principal independent national institutions which monitor the implementation of the Convention, namely the Office of the Procurator for the Protection of Human Rights (Human Rights Procurator's Office) and the Office of the Deputy Procurator for the Rights of the Child, do not receive sufficient funds to carry out their mandate.

12. **The Committee recommends that the State party ensure that the Human Rights Procurator's Office, including the Office of the Deputy Procurator for the Rights of the Child, receives sufficient funding to carry out its mandate and that it is and remains in compliance with the Paris Principles (General Assembly resolution 48/134) and**

General Comment No. 2 (2002) on the role of national human rights institutions. The Committee also recommends that the State party give adequate follow-up to the recommendations of the Human Rights Procurator's Office and strengthen the linkages between the activities and complaints procedures of this office and other governmental monitoring mechanisms so as to provide effective solutions to identified problems.

National plan of action

13. The Committee notes with interest the formulation of the national plan in support of the child 2001-2010, also called the "Decade Plan", setting out goals to be achieved by different ministries. It regrets, however, that the action plan has not been adopted yet. The Committee also notes the formulation, in 2001, of a National Policy for the Integrated Development of Children and Adolescents (PNDINA), and the setting up of a department within ISNA to promote and oversee the implementation of this National Policy. It regrets, however, the lack of information on the modalities for the integrated and coordinated implementation of the "Decade Plan" and the National Policy (PNDINA).

14. **The Committee recommends that the State party accelerate the process of adopting the national plan in support of the child 2001-2010 and to ensure that it covers all areas of the Convention and takes into account the outcome document entitled "A world fit for children" adopted by the General Assembly in its resolution S-27/2. The State party should allocate sufficient resources towards its realization and the effective functioning of the body which will be tasked with its promotion, coordination and monitoring. The Committee also recommends that the State party ensure that the implementation of the National Policy for the Integrated Development of Children and Adolescents (PNDINA) and of the "Decade Plan" 2001-2010 takes place in an integrated and coordinated manner in order to achieve the optimum results.**

Data collection

15. The Committee appreciates the statistical data provided on children by the State party and efforts undertaken to improve data collection. However, it remains concerned at the insufficient data in some areas covered by the Convention, including on children with disabilities, children who need special protection, and indigenous children.

16. **The Committee recommends that the State party continue to strengthen its efforts to develop a system for a comprehensive collection of comparative and disaggregated data on the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex and by those groups of children who are in need of special protection. The Committee recommends that the State party develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. The State party is encouraged to seek technical assistance from UNICEF and the Inter-American Children's Institute in this respect.**

Resources for children

17. The Committee is concerned that budget allocations for children, including social services and education, are insufficient to meet the needs of all children. It notes with particular concern the existence of significant regional disparities, particularly between urban and rural areas, with regard to a range of social indicators, including education, health and income.

18. **The Committee recommends that the State party strengthen its efforts to significantly increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources", including through international cooperation, giving special attention to children belonging to economically disadvantaged groups. In particular, it urges the State party to ensure that the process of decentralization and devolution of technical and administrative services effectively addresses social and economic disparities between rural and urban areas.**

Training/dissemination of the Convention

19. While taking note of the measures taken by the State party to instil awareness about the rights of the child, the Committee reiterates its concern that awareness of the Convention among professionals working with and for children, and the general public, especially children themselves, remains low.

20. **The Committee encourages the State party:**

(a) **To strengthen, expand, and continue its programme for the dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government;**

(b) **To develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children (judges, lawyers, law-enforcement officials, civil servants, local government officials, teachers, social workers, health personnel) and especially children themselves;**

(c) **To seek international assistance from UNICEF, the Inter-American Children's Institute, international NGOs and other international organizations.**

Cooperation with NGOs

21. While taking note that the national policy for the integrated development of children and adolescents envisages enhanced cooperation between government organizations and NGOs in support of children, the Committee regrets that few NGOs were consulted during the preparation of the State party's second periodic report.

22. **The Committee encourages the State party to strengthen its cooperation with NGOs and involve them and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.**

2. Definition of the child

23. The Committee expresses its concern that the Family Code allows marriage to be contracted by children as young as 14 years of age, who have reached puberty or have had a child together or if the girl is pregnant.

24. **The Committee recommends that the State party review the rules regarding the possibility of concluding a marriage below the general minimum age of 18 years, with a view to increasing the minimum age for this exception and set them at the same level for boys and girls. This should be accompanied by awareness-raising campaigns and other measures to prevent early marriages.**

3. General principles

Non-discrimination

25. The Committee is concerned at the persistent discrimination faced in the State party by indigenous children, children with disabilities and girls.

26. **In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities and girls.**

Respect for the views of the child

27. While appreciating that some measures have been taken to give children's views more weight in schools, communities, and in decision-making procedures, the Committee is concerned at the persistence of traditional and authoritarian attitudes in the State party, which, among other things, limit their right to participation and to express their views.

28. **In light of article 12 of the Convention, the Committee recommends that the State party:**

(a) **Strengthen its efforts to promote, within the family, schools and other institutions, respect for the views of children, especially girls, and facilitate their participation in all matters affecting them;**

(b) **Undertake national awareness-raising campaigns to change traditional authoritarian attitudes;**

(c) **Continue to strengthen children's participation in councils, forums, children's parliaments and the like;**

(d) **Regularly review the extent to which children's views are taken into consideration, including their impact on relevant policies and programmes.**

4. Civil rights and freedoms

Right to life

29. The Committee is deeply concerned about the disproportionately high number of children who are victims of crimes, violence and homicides in the State party.

30. **The Committee urges the State party to take effective measures to address the high level of crime, violence and homicides against children within the framework of strategies based on constitutional norms and the rights of the child enshrined in the Covenant. It also recommends that the State party adopt policies which aim at addressing the causes which give rise to the victimization of children.**

Preservation of identity

31. The Committee is concerned that the State party has not taken a more active role in efforts to investigate the disappearance of more than 700 children during the armed conflict between 1980 and 1992. It notes, in this regard, that the efforts which to date have led to the tracing of some 250 children have been undertaken mainly by the NGO *Pro-Búsqueda*.

32. **In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.**

Birth registration

33. The Committee is deeply concerned that an estimated 9.8 per cent of the population in the State party have not been registered at birth and do not have a birth certificate.

34. **The Committee recommends that the State party strengthen its efforts to ensure that children are registered at birth and facilitate the registration of children without birth certificates, including by overcoming the administrative and bureaucratic obstacles at all levels, providing such registration free of charge for all, and by conducting national campaigns. In addition, the Committee recommends that the State party provide every child with a birth certificate.**

Torture and other cruel, inhuman or degrading treatment or punishment

35. The Committee is deeply concerned about the incidence of torture and ill-treatment and the generalized disrespect for fundamental human rights in centres for juvenile offenders in the State party as documented by the Human Rights Procurator's Office, which has a constitutional mandate to monitor the situation of persons deprived of their liberty, in its special report of November 2003 on the conditions in centres of internment for juvenile offenders. The Committee notes with concern the inadequacy of the review procedure established under the

Juvenile Offenders Act and of access to the complaint mechanisms for children whose rights have been violated. It is also concerned that the State party was not able to provide information on or give an estimate of the number of registered cases of torture and ill-treatment in such internment centres.

36. The Committee urges the State party to take immediate and effective measures to bring an end to the occurrence of torture and other cruel, inhuman and degrading treatment in internment centres, in particular of juvenile offenders. The State party must ensure that:

(a) The fundamental rights and guarantees of juveniles who have committed a criminal offence set out in the Juvenile Offenders Act are respected, in particular, the prohibition, under all circumstances, of inhuman or degrading disciplinary measures, including: corporal punishment, detention in dark cells or solitary confinement, reduction of food rations, denial of contact with relatives, collective punishment and punishment more than once for the same disciplinary offence;

(b) The monitoring of the situation in detention centres is strengthened and that a system is established to register all reported cases of torture and ill-treatment;

(c) Effective mechanisms to investigate and prosecute cases of torture and ill-treatment are created;

(d) Personnel working with juvenile offenders duly comply with the law and are properly trained and informed about their role and responsibilities;

(e) Disciplinary measures and other appropriate legal action are taken against personnel who have undertaken or authorized inhuman or degrading treatment;

(f) Preventive programmes are implemented to address the problems identified in the report of the Human Rights Procurator's Office;

(g) An integrated programme to prevent and eliminate institutional violence is implemented.

5. Family environment and alternative care

37. The Committee is concerned about the high number of children who are placed in public and private institutions and care centres.

38. The Committee recommends that the State party develop a strategy to reduce the number of children living in care institutions, including through policies to strengthen and support the family, and ensure that placement of children in institutions is only used as a last resort.

Adoption

39. In light of the fact that the number of intercountry adoptions is equivalent to that of domestic adoptions, the Committee expresses its concern that adequate priority is not given to domestic adoptions.

40. **In the light of article 21, the Committee recommends that the State party take all necessary measures to promote domestic adoptions and ensure respect for the “subsidiarity principle” so that intercountry adoption will only be considered after all possibilities for domestic alternative care have been exhausted, in accordance with the Hague Convention No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption.**

Abuse and neglect, maltreatment, violence

41. The Committee is concerned that Salvadoran society is still characterized by high levels of violence, and notes with particular concern the high number of cases of sexual assault against minors.

42. **The Committee recommends that the State party strengthen policies and programmes at all levels to prevent violence against children, inter alia, through the education system and public awareness-raising campaigns.**

43. While welcoming the measures taken by the State party to combat domestic violence, the Committee remains concerned at persistent large-scale abuse and violence within the family as well as the prevalence of corporal punishment.

44. **The Committee recommends that the State party strengthen current efforts to address the problem of domestic violence and child abuse, including through:**

(a) Ensuring the effective implementation of the Domestic Violence Act, including the elimination of corporal punishment;

(b) Public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline;

(c) Ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;

(d) Providing adequate protection to child victims of abuse in their homes.

6. Basic health and welfare

Children with disabilities

45. The Committee notes with appreciation that a number of measures have been taken by the State party to improve the situation of children with disabilities, particularly the adoption of the Equality of Opportunity Act and Policy in 2000 and the establishment of the National Council on integral care of persons with disabilities. The Committee regrets, however, the lack

of official data on the number of children with disabilities in the State party and that discrimination against children with disabilities still exists. Furthermore, despite the adoption of policies for the accessibility of education to children with special educational needs, the Committee notes with concern that a high number of children with disabilities do not attend any form of school education, especially in rural areas.

46. **The Committee recommends that the State party take all necessary measures:**

(a) To address all issues of discrimination, including social discrimination and discrimination against children with disabilities in rural areas;

(b) To collect accurate statistical data on children with disabilities;

(c) To ensure and monitor implementation of the Equality of Opportunity Act and Policy and to take into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96);

(d) To provide equal educational opportunities for children with disabilities, including by providing the necessary support and ensuring that teachers are trained to educate children with disabilities within regular schools.

Highest attainable standard of health

47. The Committee expresses its concern about the potential negative impact of international trade-related intellectual property agreements on the access to affordable medicines.

48. **The Committee recommends the State party to systematically consider the best interests of the child when negotiating trade-related intellectual property rights and implementing them into national law. In particular, the State party should conduct an assessment of the impact of international intellectual property rights agreements on the accessibility of affordable generic medicines, with a view to ensuring children's enjoyment of the highest attainable standard of health.**

49. The Committee welcomes the improvement of primary health care, which has led to a decrease in infant mortality from 35 per thousand live births in 1998 to 25 in 2003. It is, however, concerned that infant mortality rates and other health indicators are significantly worse in some departments of the State party. It also notes with concern that the incidence of anaemia has increased, affecting 19.8 per cent of children below the age of 5 and about 10 per cent of mothers, in particular in rural areas. Furthermore, the Committee is concerned at the low prevalence of breastfeeding.

50. **The Committee recommends that the State party continue to strengthen its efforts in improving the health situation of children in the State party and eliminating all restrictions on the access to quality health services in all areas of the country, in particular rural areas, so as to level out health disparities. Furthermore, the State party is requested to improve the nutritional status of children and encourage exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter.**

Adolescent health

51. The Committee is concerned about the high number of teenage pregnancies and the lack of programmes on sexual and reproductive health. It also regrets the lack of available information on STIs and drug, alcohol and tobacco abuse.

52. **The Committee recommends that the State party pay close attention to adolescent health, taking into account General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child. In particular, the State party is recommended to strengthen sexual and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of STIs and teenage pregnancies, and to provide teenage pregnant girls with the necessary assistance and access to health care and education.**

HIV/AIDS

53. While appreciating efforts made by the State party to provide free access to antiretroviral drugs, the Committee expresses its concern about the increasing incidence of HIV/AIDS in the State party, and the high number of children who are infected with HIV or have become AIDS orphans.

54. **The Committee refers the State party to its General Comment No. 3 (2003) on HIV/AIDS and the rights of the child and recommends that the State party reinforce its efforts to combat HIV/AIDS, including through:**

- (a) **Preventive programmes;**
- (b) **Undertaking a comprehensive study to assess the prevalence of HIV/AIDS, including the number of children affected by HIV/AIDS;**
- (c) **Developing child-sensitive and confidential counselling, care and reintegration facilities that are accessible without parental consent when this is in the best interests of the child; and**
- (d) **Seeking technical cooperation from, among others, UNFPA, UNICEF, the Inter-American Children's Institute, WHO and UNAIDS.**

Social security and childcare services and facilities/standard of living

55. The Committee notes with concern the persistent high rate of poverty in the State party, especially in rural areas and growing disparities between rich and poor.

56. **The Committee recommends that the State party formulate a comprehensive national strategy to reduce poverty, targeting the most disadvantaged regions and groups and ensuring that the needs of all children are met, and seek international cooperation and assistance whenever it is necessary.**

7. Education, leisure and cultural activities

Education, including vocational training and guidance

57. The Committee welcomes the progressive increase in elementary education coverage in recent years and the elimination by law, in October 2003, of the so-called voluntary fees, which used to be levied in elementary education. However, it is concerned at persisting gaps in coverage and quality of education between urban and rural areas; high drop-out rates, particularly among rural children; persistent high illiteracy rates among children in rural areas, particularly among girls; and the lack of additional funds allocated for education to address the needs that were previously met by voluntary fees. The Committee is also concerned that pregnant adolescents face discrimination in access to education, that only 40 per cent of students proceed to high school after elementary education and that, despite a gradual increase over the last years, the percentage of children between 4 and 6 attending pre-school education remains low. The lack of access to educational and vocational programmes of juvenile offenders is also a cause for concern.

58. The Committee encourages the State party:

- (a) To ensure sufficient funding to ensure free primary education of good quality;
- (b) To strengthen efforts to bridge the gaps in coverage and quality of education, including vocational training, throughout the country, giving special attention to promoting education of rural girls;
- (c) To take measures to identify the causes of the high drop-out rate in primary schools, particularly in rural areas, and take steps to address the situation;
- (d) To strengthen non-formal educational and vocational programmes for children who do not attend or complete regular school education;
- (e) To ensure that pregnant adolescents are not prevented from continuing their schooling;
- (f) To ensure that juvenile offenders have access to adequate educational and vocational programmes in detention centres and that teachers who educate juvenile offenders receive adequate specialized training;
- (g) To expand pre-school services with the assistance of communities at the local levels;
- (h) To take steps to increase the quality of teaching methods and provide adequate training to teachers, including on how to handle “learning difficulties” of children;
- (i) To ratify the 1960 UNESCO Convention Against Discrimination in Education.

Aims of education

59. The Committee welcomes the preparation of the national education plan for human rights education through a national consultative process and with technical assistance from UNICEF, UNESCO and the Office of the United Nations High Commissioner for Human Rights in El Salvador. It regrets, however, that the implementation of the national plan has not yet begun as it has still not been officially adopted.

60. The Committee recommends that the State party adopt and implement the national education plan for human rights education, taking into account the Committee's General Comment No. 1 on the aims of education.

8. Special protection measures

Economic exploitation

61. While welcoming the measures taken by the State party to combat the worst forms of child labour, the Committee notes with concern that child labour continues to be widespread in El Salvador. The Committee is particularly concerned about the high number of child domestic workers, who are vulnerable to abuse and hindered in continuing their education, and about children working in sugar cane plantations and in other hazardous conditions.

62. The Committee urges the State party to continue to strengthen measures to combat child labour. It recommends, in this regard, that the State party strengthen the labour inspectorate, financially and technically, in order to ensure the effective implementation of child labour laws, including the prohibition against employing children in harmful or hazardous work. The State party is encouraged to give priority to addressing the vulnerable situation of child domestic workers and to consider including this form of child labour in the National Plan for the Progressive Elimination of the Worst Forms of Child Labour 2002-2005, and to continue to seek assistance from ILO/IPEC.

Sexual exploitation and trafficking

63. The Committee is concerned about the extent of sexual exploitation and trafficking in the State party and about the lack of effective programmes to address this problem. It also regrets the lack of information on assistance and reintegration programmes for children who have been subject to sexual exploitation and trafficking.

64. In the light of articles 34 and 35 and other related articles of the Convention, the Committee recommends that the State party:

(a) Strengthen measures and adopt multidisciplinary and multisectoral approaches to combat sexual exploitation of children and adolescents;

(b) Undertake awareness-raising campaigns, particularly for children, parents and other caregivers;

- (c) Conduct a comprehensive study to assess the causes, nature and extent of trafficking and commercial sexual exploitation of children;**
- (d) Ensure that trafficked children and children who have been subjected to sexual exploitation are always treated as victims;**
- (e) Ensure that perpetrators are prosecuted;**
- (f) Provide adequate programmes of assistance and reintegration for sexually exploited and/or trafficked children, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;**
- (g) Collaborate with non-governmental organizations working on these issues and seek technical assistance from, among others, the Inter-American Children's Institute and UNICEF.**

Administration of juvenile justice

65. The Committee welcomes the establishment of a separate system of juvenile justice under the Juvenile Offenders Act of 1994 applicable to children below the age of 18. The Committee notes that the Act stipulates that services must be provided free of charge and that the staff of juvenile courts must be specially qualified and include a psychologist, a social worker and an educator. It also notes that juvenile courts are required to review the sentences imposed on minors every three months with a view to ensuring that the circumstances in which the sentence is being served are not affecting the process of reintegration of the child into society. The Committee is, however, concerned that the law is not adequately implemented in practice.

66. In the light of articles 37 and 40 and other relevant international standards, the Committee recommends that the State party:

- (a) Implement a juvenile justice system in conformity with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Guidelines for Action on Children in the Criminal Justice System;**
- (b) Allocate adequate human and financial resources to ensure the full implementation of the Juvenile Offenders Act;**
- (c) Provide training on the Juvenile Offenders Act to those responsible for administering juvenile justice;**

(d) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time and encourage the use of alternative measures to the deprivation of liberty;

(e) Seek assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the Inter-American Children's Institute and UNICEF.

67. The Committee is deeply concerned that measures taken under the so-called "Tough Hand Plan" (*Plan Mano Dura*), adopted in July 2003, and the Anti-Gang Laws, in force since October 2003, including the second Anti-Gang Law (*Ley para el combate de las actividades delincuenciales de grupos o asociaciones ilícitas especiales*) of 1 April 2004, are in breach of the Convention. The Committee expresses concern at, inter alia, the notion of a "capable minor" (*menor habilitado*), which provides for the possibility of prosecuting a child as young as aged 12, as an adult; and the fact that the law criminalizes physical features, such as the use of signs or symbols as a means of identification and the wearing of tattoos or scars. Moreover, the Committee is concerned that the Anti-Gang Laws undermine the Juvenile Offenders Act by introducing a dual system of juvenile justice. The Committee also expresses concern at the large number of children who have been detained as a consequence of the "Tough Hand Plan" and the Anti-Gang Laws, and regrets the lack of social and educational policies to address the problems of gang involvement and violence and crime among adolescents.

68. The Committee urges the State party to immediately abrogate the second Anti-Gang Law and to apply the Juvenile Offenders Act as the only legal instrument in the area of juvenile justice. The Committee reaffirms the State party's obligation to ensure that measures taken to prevent and combat crime are fully in conformity with international human rights standards and based on the principle of the best interests of the child. It recommends that the State party adopt comprehensive strategies which are not limited to penal measures but also address the root causes of violence and crime among adolescents, in gangs and outside gangs, including policies for social inclusion of marginalized adolescents; measures to improve access to education, employment and recreational and sports facilities; and reintegration programmes for juvenile offenders.

9. Ratification of the two optional protocols

69. The Committee encourages the State party to ratify the Optional Protocol on the sale of children, child prostitution and child pornography in addition to the Optional Protocol on the involvement of children in armed conflict, ratified by the State party in May 2002.

10. Dissemination of the report

70. In the light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and the general public, including concerned non-governmental organizations.

11. Next report

71. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its next periodic report by 1 September 2007, due date of the fourth periodic report. This report, which combines the third and fourth periodic reports, should not exceed 120 pages (see CRC/C/118), and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention.
