



**Convention on the
Rights of the Child**

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**Written replies by the Government of El Salvador
to the list of issues (CRC/C/OPSC/SLV/Q/1) to be
taken up in connection with the consideration of
the initial report of El Salvador
(CRC/C/OPSC/SLV/1) submitted under article 12,
paragraph 1, of the Optional Protocol to the
Convention on the Rights of the Child on the sale
of children, child prostitution and child
pornography***

[Replies received on 10 December 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

1. Please provide statistical data (disaggregated by sex, age and urban or rural residence) for 2007, 2008 and 2009 on the number of:

- (a) *Reports of sales of children, child prostitution and child pornography, with additional information on the type of action taken as a result, including the prosecution and punishment of perpetrators*

1. The following information on the offences addressed in the Optional Protocol has been supplied by the Office of the Attorney General.

Table 1
Reported offences, by age and sex of victim

Age	2007			2008			2009*			Overall total
	Female	Male	Total	Female	Male	Total	Female	Male	Total	
11–17 years	11	0	11	22	1	23	13	0	13	
Total			11			23			13	47

Source: Statistics Department, based on the Electronic Case-Handling System (SICEE).

* Up to 30 September 2009.

Table 2
Reported offences, by area and by sex of the victim

Area	2007			2008			2009*			Overall total
	Female	Male	Total	Female	Male	Total	Female	Male	Total	
Urban	9	0	9	15	1	16	11	0	11	36
Rural	2	0	2	6	0	6	2	0	2	10
Not recorded	0	0	0	1	0	1	0	0	0	1
Total	11	0	11	22	1	23	13	0	13	47

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

2. The Office of the Attorney General has provided the following figures on prosecutions in 2007 and 2009, noting that it has no such figures for 2008.

Table 3
Prosecutions for offences of child prostitution, child-trafficking and child pornography, by age and sex of victim

Sex	Age	2007	2008	2009*
Female	11–17 years	3	0	1
Male	0–17 years	0	0	0
Total		3	0	1

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

Table 4
Prosecutions for offences of child prostitution, child-trafficking and child pornography, by age and sex of victim

Area	2007			2008			2009*			Overall total
	Female	Male	Total	Female	Male	Total	Female	Male	Total	
Urban	2	0	2	0	0	0	1	0	1	3
Rural	1	0	1	0	0	0	0	0	0	1
Total	3	0	3	0	0	0	1	0	1	4

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

3. The judiciary provided figures on prosecutions for 2008, though it is still busy compiling the figures for 2009.

Table 5
Prosecutions, by infringement of the Criminal Code and type of court

Grounds for prosecution	Cases involving the grounds cited			
	Magistrates' court	Court of investigation	Trial court	Sentencing court
P167 – Corruption of minors and persons without legal capacity	6	1	0	1
P168 – Aggravated corruption	3	1	0	0
P169 – Inducement to engage in, and the promotion and encouragement of, sexual or erotic acts	15	11	2	2
P170 – Incitement to prostitution	7	1	1	0
P173 – Use of minors under 18 years of age and persons without legal capacity or mentally deficient persons in pornography	3	1	0	0
P205 – Exploitation of begging	2	2	0	1
P367 – Sale of persons	1	1	0	0
Total	37	18	3	4

Table 6
Cases involving child victims, by infringement of the Criminal Code and type of court

Grounds for prosecution	Child victims											
	Magistrates' court			Court of investigation			Trial court			Sentencing court		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
P167 – Corruption of minors and persons without legal capacity	2	13	15	2	0	2	0	0	0	3	0	3

Grounds for prosecution	Child victims											
	Magistrates' court			Court of investigation			Trial court			Sentencing court		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Total
P168 – Aggravated corruption	4	1	5	2	0	2	0	0	0	0	0	0
P169 – Inducement to engage in, and the promotion and encouragement of, sexual or erotic acts	21	1	22	11	4	15	8	0	8	6	0	6
P170 – Incitement to prostitution	18	4	22	3	0	3	1	0	1	0	0	0
P173 – Use of minors under 18 years of age and persons without legal capacity or mentally deficient persons in pornography	8	0	8	1	0	1	0	0	0	0	0	0
P205 – Exploitation of begging	1	1	2	4	6	10	0	0	0	0	1	1
P367 – Sale of persons	1	0	1	1	0	1	0	0	0	0	0	0
Total	55	20	75	24	10	34	9	0	9	9	1	10

(b) *Children trafficked into and out of El Salvador and children trafficked within the country*

4. The National Institute for the Comprehensive Development of Children (ISNA), in the exercise of its legal mandate, has collected the following data.

Table 7

Children trafficked or smuggled into and out of El Salvador, by sex of the victim (2007, 2008 and January–September 2009)

Principal grounds for admission	Number of children assisted, by year and sex											
	2007			2008			January–September 2009			Total		
	Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	
Human trafficking	84	4	88	81	3	84	48	0	48	213	7	
People-smuggling	494	732	1 226	299	418	717	212	339	551	1 005	1 489	
Total	578	736	1 314	380	421	801	260	339	599	1 218	1 496	

Source: Children's Information System (SIPI), November 2009.

Grounds for admission include commercial sexual exploitation, illegal entry to El Salvador, illegal departure from El Salvador, trafficking and smuggling.

Table 8

Children trafficked or smuggled into and out of El Salvador, by age group (2007, 2008 and January–September 2009)

Age group (years)	2007			2008			January–September 2009			Total	
	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling
0–2	1	46	47	4	24	28	0	23	23	5	93
3–5	0	74	74	2	30	32	1	25	26	3	129
6–8	1	109	110	4	55	59	1	35	36	6	199
9–11	4	132	136	7	71	78	3	52	55	14	255

Age group (years)	2007			2008			January–September 2009			Total	
	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling	Total	Human trafficking	People-smuggling
12–14	36	252	288	33	166	199	15	108	123	84	526
15–17	45	590	635	33	363	396	28	304	332	106	1 257
Over 18	1	23	24	1	8	9	0	4	4	2	35
Total	88	1 226	1 314	84	717	801	48	551	599	220	2 494

Source: Children's Information System (SIPI), November 2009.

Grounds for admission include commercial sexual exploitation, illegal entry to El Salvador, illegal departure from El Salvador, trafficking and smuggling.

Table 9

Children trafficked or smuggled into and out of El Salvador, by area (urban/rural) (2007, 2008 and January–September 2009)

Principal grounds for admission	Number of children assisted, by year and area										
	2007			2008			January–September 2009			Total	
	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural
Human trafficking	56	32	88	58	26	84	30	18	48	144	76
People-smuggling	809	417	1 226	423	294	717	328	223	551	1 560	934
Total	865	449	1 314	481	320	801	358	241	599	1 704	1 010

Source: Children's Information System (SIPI), November 2009.

Grounds for admission include commercial sexual exploitation, illegal entry to El Salvador, illegal departure from El Salvador, trafficking and smuggling.

5. The Office of the Attorney General has compiled the following data.

Table 10

Child-trafficking offences, by age and sex of victim

Age (years)	2007			2008			2009*		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
0–10	0	0	0	1	0	1	1	0	1
11–17	17	1	18	29	2	31	16	1	17
Total	17	1	18	30	2	32	17	1	18

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

Table 11
Child-trafficking offences, by location and by sex of the victim

Area	2007			2008			2009*			Overall total
	Female	Male	Total	Female	Male	Total	Female	Male	Total	
Urban	13	1	14	23	2	25	10	1	11	50
Rural	3	0	3	5	0	5	7	0	7	15
Not recorded	1	0	1	2	0	2	0	0	0	3
Total	17	1	18	30	2	32	17	1	18	68

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

6. The Directorate-General for Migration and Alien Affairs points out that the number of child-trafficking victims was highest in 2007, followed by 2009. It also points out that the number of cases of child-smuggling reported was highest in 2007 and fell by 28 cases in 2008; 6 cases have been reported so far in 2009.

Table 12
Cases of human trafficking and people-smuggling, 2007–September 2009

Child victims of trafficking	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total
2007	3	0	1	0	0	0	0	0	0	0	0	0	4
2008	0	0	0	0	0	0	0	0	2	0	0	0	2
2009	0	0	0	0	0	0	0	3	0				3

Child victims of people-smuggling	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total
2007	5	4	15	0	6	0	3	0	0	3	2	0	38
2008	7	3	0	0	0	0	0	0	0	0	0	0	10
2009	0	0	0	2	2	0	0	0	2				6

7. The State party is unable to provide a single set of statistics on this point, which is why, in order to give a comprehensive reply to the Committee, it is providing data from all the authorities with responsibilities in this area. Nevertheless, the State party is willing to coordinate efforts to ensure that in future replies it can provide consolidated figures.

(c) *Child victims who have been given assistance with reintegration or been paid compensation, in accordance with article 9, paragraphs 3 and 4, of the Optional Protocol*

8. ISNA is the institution legally responsible for providing initial assistance and follow-up in cases where children are victims of the offences referred to in the Optional Protocol. When such cases are referred to it, ISNA takes immediate steps to protect the victims and restore some of their rights by providing them with, among other things, food, clothing and medical, psychological, social and legal assistance. The figures for child victims who have received assistance from ISNA are given in the table below.

Table 13
Child victims who have received assistance

2007			2008			2009*			Overall total		
Female	Male	Total	Female	Male	Total	Female	Male	Total	Female	Male	Grand total
84	4	88	81	3	84	48	0	48	213	7	220

Source: Statistics Department, based on SICEE.

* Up to 30 September 2009.

2. Please indicate whether there exists a specialized unit, within either the police or the Ministry of Internal Affairs, dealing with the offences covered by the Optional Protocol, receiving complaints and monitoring any follow-up.

9. Both the Office of the Attorney General and the National Civil Police have specialized units to investigate and prosecute the offences covered by the Optional Protocol.

10. The National Civil Police set up a unit on human trafficking which conducts criminal investigations into this offence in its various forms, including commercial sexual exploitation, organ-trafficking, forced marriage, fraudulent adoption and slavery-like practices. The unit includes a centre for children in crisis situations, which specializes in helping child victims of crime. There are currently 22 “departments of prevention”, in each main police station, dealing with reports of offences against children.

11. The Office of the Attorney General has a special office to deal with offences related to people-smuggling, which has responsibilities at both the national and international levels. This office also deals with cases of trafficking in persons, including children, and has units to deal with offences against children and women in the home: these units can be found in every prosecution office in the country, and handle straightforward local cases.

3. Please provide information on the Action Plan 2005–2010, which was to have been finalized by the Working Group on the eradication and prevention of, and protection from, the commercial exploitation of children in El Salvador.

12. The Ministry of Labour and Social Security has no record of any such action plan for 2005–2010, but there is a national plan for 2006–2009 on the eradication of the commercial sexual exploitation of children, which forms part of the national plan for 2006–2009 on the eradication of the worst forms of child labour in El Salvador.

13. The unit on the eradication of child labour oversees the working group on the commercial sexual exploitation of children, in fulfilment of the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). A number of actions have been undertaken in the context of the working group to implement the plan, as outlined below.

(a) Establishment and operationalization of the working group on the commercial sexual exploitation of children

14. The working group was set up following the signing of a memorandum of understanding by various institutions in 2004. In 2008, the memorandum was extended and its work programme adopted. The working group currently has 21 member institutions, following the addition of 5 new members, including the Office of the Mayor of San Salvador, Save the Children, the private foundation Intervida, the Ministry of Justice and Public Security, and the Secretariat for Social Inclusion.

15. Monthly inter-agency coordination meetings are held, annual operational plans are drawn up and the working group's activities are integrated into the plans and operations of each member institution.

(b) *Crime prevention and deterrence*

16. The activities conducted include:

(a) A national campaign entitled "It's a crime" (April 2007, for a period of six months);

(b) Television interviews to publicize the 911 telephone line, on which the public can report cases of commercial sexual exploitation in El Salvador;

(c) Publicity for the national campaign against commercial sexual exploitation, with 3,000 posters printed and 480 radio spots broadcast;

(d) Participation in the campaign "Stop sexual abuse of children" launched by CARE El Salvador and ISNA, as part of the "Breaking the silence" project (April 2009, for one month);

(e) Participation in the campaign "Child pornography: a crime, not a game – call 911" launched by Intervida and the working group in 2009;

(f) Some 27 awareness-raising activities, providing information on commercial sexual exploitation to 2,224 persons;

(g) Four information sessions on social tolerance and commercial sexual exploitation, attended by 268 persons, including staff of ISNA, the Directorate-General for Migration and Alien Affairs, and the Office of the Attorney General (2007);

(h) Thirty-six workshops in schools in 2007, attended by 4,757 pupils, and 329 workshops in 2008, attended by 9,627 pupils (all organized by ISNA Occidente);

(i) Participation of child development centres in six parenting sessions, training 400 parents (Huellas de Ángel, Metropolitan Area of San Salvador, 2007–2008);

(j) Steps to become involved in the campaign "Don't put up with sexual abuse: use the six senses", in which Plan El Salvador, the Ministry of Education and the Ministry of Public Health and Social Welfare, among others, are involved.

(c) *Fighting crime*

17. Technical cooperation with INTERPOL and other organizations that produce strategic police intelligence has been improved. In addition, workshops have been organized to raise awareness among judges and others working in the justice system.¹ Regulations on the commercial sexual exploitation of children have been given greater prominence in training courses for judges and other judicial officials.²

¹ In 2007, eight seminars were held for prosecutors, to improve investigations into the commercial sexual exploitation of children. The seminars covered: (a) double victimization of child victims of commercial sexual exploitation; (b) manliness and the commercial sexual exploitation of children; and (c) raising awareness of the commercial sexual exploitation of children. In addition, a seminar on criminal law and procedure was organized, and dealt with: (a) legal theory of crime; (b) sex crimes; and (c) evidence in criminal proceedings for offences relating to the commercial sexual exploitation of children.

² In 2007 the Judicial Service Training College introduced a training module on commercial sexual exploitation for judges.

(d) Victim care

18. A programme has been developed that takes a rights-based approach to the care of victims of commercial sexual exploitation.³

19. Another programme has been developed that takes an approach based on the rights of the child to the care of child victims of commercial sexual exploitation; this programme should contain a protocol on care and detection.

(e) Dealing with the problem in the future

20. Work is under way on, among other things, the drafting of a national plan for 2010–2015 and a strategy to restore the rights of survivors of human trafficking.

4. Please provide more information on the measures adopted in the face of adverse social patterns and beliefs, to raise awareness and understanding of the Optional Protocol through publicity, including information on the harmful effects of the offences referred to in the Protocol. Is the Protocol known among those responsible for the administration of justice (lawyers, prosecutors or judges)? In that connection, please indicate whether the Protocol has been directly invoked before the domestic courts and, if so, please provide examples of the cases concerned.

21. As far as raising awareness and understanding of the Optional Protocol is concerned, the following points can be made:

(a) The Office of the Attorney General has organized several training courses in its area of competence, through the Training College for Prosecutors, which have covered the topic of international treaties, including the Optional Protocol;⁴

(b) The Juvenile Justice Unit of the Supreme Court of Justice, in cooperation with the Judicial Service Training College of the National Council of the Judiciary and under the auspices of international cooperation agencies, trained a hundred staff working in the juvenile criminal justice system on courses leading to diplomas in criminology and juvenile criminal justice, where they learned about all national and international standards relating to juvenile criminal justice, including the Optional Protocol;

(c) The Judicial Service Training College points out that it has run a number of courses to publicize the Optional Protocol and raise awareness of it among judicial officials.

³ A programme for victims is run by the Directorate-General for Migration and Alien Affairs, the National Institute for the Comprehensive Development of Children, and the National Committee on Human Trafficking. The programme aims to define the areas of competence and activities of each of the institutions involved in providing care for victims who have been rescued from commercial sexual exploitation (2007).

⁴ International course on the validation of techniques used to investigate and prosecute the crime of human trafficking, attended by 20 prosecutors (15–17 April 2009); course on pornography on the Internet, for four groups of 25 students (21–24 April); course on the application of the offence of human trafficking, attended by 21 participants (September 2009); two courses on changes to the Code of Criminal Procedure aimed at protecting children, for 40 prosecutors from children's and women's units (16–17 September and 22–23 September). A second course is being offered on the application of the offence of human trafficking (6–7 and 13–14 September): it is an inter-agency course with a capacity of 10 prosecutors.

Table 14
Training initiatives for the judicial service

<i>Activity</i>	<i>Quantity</i>	<i>Target group</i>	<i>Date</i>
1. Course on the application of the offence of human trafficking	11	Magistrates, judges, prosecutors and staff from the Office of the Attorney General (370 persons trained)	2007–2009
2. Workshop: validation of the teaching module for the course on the application of the offence of human trafficking	1	40 trainers working in the area of criminal justice and juvenile criminal justice (Judicial Service Training College/National Council of the Judiciary)	February 2006
3. Fighting organized crime: drug-trafficking and human trafficking	1	35 magistrates, judges and prosecutors	February 2006
4. Workshop: validation of pilot projects on the offence of human trafficking	1	15 trainers working in the area of criminal justice and juvenile criminal justice	April 2007
5. Workshop: SWOT (strengths, weaknesses, opportunities and threats) analysis of the offence of human trafficking	1	30 judges	January 2008
Total	21	645 officials and public employees	

22. The Office of the Attorney General strives to ensure that every prosecutor investigating this kind of offence has the necessary tools and international standards in electronic or printed form. As far as implementation of the Optional Protocol is concerned, the Office of the Attorney General applies the relevant provisions of the Code of Criminal Procedure (art. 13), which set out the rights of victims. These rights are linked to the obligation of States parties, under article 8 of the Optional Protocol, to adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Optional Protocol at all stages of criminal proceedings.

5. Please provide more information on whether there exists a specific institution through which children can gain access to a procedure for lodging complaints on the offences referred to in the Optional Protocol.

23. Article 193, paragraphs 3 and 4, of the Constitution assign responsibility for investigating crime to the Office of the Attorney General, in cooperation with the National Civil Police.

24. In accordance with the Code of Criminal Procedure, warnings, reports and complaints concerning offences referred to in the Optional Protocol and defined as offences in the Salvadoran Criminal Code may be submitted at any office of the Attorney General, at any police headquarters, station or substation, or even at the various magistrates' courts.

6. Please clarify whether the offences referred to by the Optional Protocol are specifically defined and criminalized under the Criminal Code of the State party or — as appears from the report of the State party — are criminalized only in the context of trafficking.

25. The offences referred to in the Optional Protocol are defined as punishable offences in the Criminal Code. They are not criminalized only in the context of trafficking as they are offences in their own right.

Table 15
Sale of children

<i>Article</i>	<i>Offence</i>	<i>Definition and punishment</i>
367	Sale of persons	<p>Anyone who, on their own behalf or on behalf of an international organization, engages in the sale of persons for any purpose whatsoever shall be liable to imprisonment for a term of four to eight years.</p> <p>If the sale involves Salvadoran women or children, the sentence may be increased by up to one third of the maximum applicable penalty.</p>

Table 16
Child prostitution

<i>Article</i>	<i>Offence</i>	<i>Definition and punishment</i>
169	Inducement to engage in, and the promotion and encouragement of, sexual or erotic acts	<p>Anyone who promotes, facilitates, administers, finances, instigates or organizes the use in any way of a person under 18 years of age in sexual or erotic acts, in either an individual or organized fashion, in public or in private, shall be liable to imprisonment for a term of 3 to 8 years.</p> <p>The same liability shall be incurred by anyone who knowingly authorizes such use or leases a building for the practice of any of the activities described in the preceding paragraph.</p>
169-A	Payment for sexual or erotic acts	Anyone who pays or promises to pay in cash or kind a person under 18 years of age or a third party to have the minor perform sexual or erotic acts shall be liable to imprisonment for a term of three to eight years.
170	Incitement to prostitution	<p>Anyone who, by coercion or by taking advantage of a situation of need, incites a person to engage in or continue to practise prostitution shall be liable to imprisonment for a term of 6 to 10 years.</p> <p>The prison term shall be 8 to 12 years if the victim is under 18 years of age.</p> <p>Where any of these practices is carried out by exploiting a position of superiority conferred by any relationship, the penalty shall be increased by up to one third of the maximum.</p>

<i>Article</i>	<i>Offence</i>	<i>Definition and punishment</i>
170-A	Supply of, or demand for, the prostitution of others	The mere fact of supplying or offering the prostitution services of others shall be punishable by imprisonment for a term of 4 to 8 years. The mere fact of demanding or requesting prostitution services shall be punishable by the penalty set out in the preceding paragraph.

Table 17

Child pornography

<i>Article</i>	<i>Offence</i>	<i>Definition and punishment</i>
172	Pornography	Anyone who, by any direct means, including through electronic media, manufacturers, transfers, disseminates, distributes, rents, sells, offers, produces, makes, exhibits or displays films, magazines, posters or any other pornographic material among children under 18 years of age or mentally deficient persons shall be liable to imprisonment for a term of 3 to 5 years. The same penalty shall be incurred by anyone who does not attach a visible warning about the content of films, magazines, posters or any other material, including material that can be transmitted via electronic media, where such content is unsuitable for children under 18 years of age or mentally deficient persons.
173	Use of children under 18 years of age, persons without legal capacity or mentally deficient persons in pornography	Anyone who produces, reproduces, distributes, publishes, imports, exports, offers, finances, sells, trades or disseminates, in any form, images of, or uses the voice of, a child under 18 years of age, a person without legal capacity or a mentally deficient person, either directly or in computerized, audio-visual or any other form, showing such children or persons engaged in sexual or erotic activities or activities of an unequivocally sexual nature, whether explicit or not, real or simulated, shall be liable to imprisonment for a term of 6 to 12 years. The same penalty shall be applicable to anyone who organizes or participates in public or private performances in which the persons mentioned in the preceding paragraph are made to participate in pornographic or erotic acts.
173-A	Possession of pornography	Anyone in possession of pornographic material featuring images of children under 18 years of age, persons without legal capacity or mentally deficient persons engaging in pornographic or erotic acts shall be liable to imprisonment for a term of 2 to 4 years.

7. **Please state whether the Criminal Code, apart from article 173 on the possession of child pornography, includes all the other criminal activities set out in article 3, paragraph 1 (c), of the Optional Protocol, namely producing, distributing, disseminating, importing, exporting, offering or selling child pornography.**

26. As pointed out in the answer to the preceding point, the Salvadoran Criminal Code categorizes actions related to child pornography as three offences: pornography (art. 172); the use of children under 18 years of age, persons without legal capacity or mentally deficient persons in pornography (art. 173); and possession of pornography (art. 173-A).

27. To quote article 172, anyone who manufactures, transfers, disseminates, distributes, rents, sells, offers, produces, makes, exhibits or displays pornographic material among children shall be punished.

28. Under article 173, the following shall be punished: anyone who produces, reproduces, distributes, publishes, imports, exports, offers, finances, sells, trades or disseminates, in any form, images of, or uses the voice of, a child under 18 years of age, a person without legal capacity or a mentally deficient person, either directly or in computerized, audio-visual, virtual or any other form, showing such children or persons engaged in sexual or erotic activities or activities of an unequivocally sexual nature, whether explicit or not, real or simulated.

29. Under article 173-A, anyone in possession of pornographic material featuring images of children under 18 years of age, persons without legal capacity or mentally deficient persons engaging in pornographic or erotic acts shall be punished.

8. Please inform the Committee whether the State party is able to establish its jurisdiction with regard to all the offences referred to in the Optional Protocol in all the cases set out in article 4, particularly paragraph 2 of that article, either where an offence is committed abroad against a national of El Salvador or where the alleged offender is present in its territory and is not extradited.

30. The acts referred to in the Optional Protocol and classed as offences in the Criminal Code can be prosecuted under Salvadoran law even when they are committed abroad if the victim is a national of El Salvador or if they are committed by a Salvadoran national against a non-national outside Salvadoran territory.

31. The above is based on the principle of extraterritoriality of criminal law as set out in article 9 of the Criminal Code,⁵ which addresses the circumstances described in the Committee's question.

9. With regard to extradition, please inform the Committee whether all the offences referred to in the Optional Protocol are included in extradition treaties to which El Salvador is a party.

32. El Salvador considers extradition as a special procedure applicable to the prosecution of any kind of offence and, consequently, to any of the acts described in the Optional Protocol that are classed as offences. In this respect, extradition conventions or treaties generally contain a *numerus clausus* of acts giving rise to extradition, as this limits its application should any other acts be classed as offences in the future.

33. As a general rule, the international extradition treaties and conventions to which El Salvador is a party stipulate that a request for extradition shall be admissible provided that the act for which extradition is sought is an offence under the law of both the requesting

⁵ Article 9. Salvadoran criminal law shall also apply to:

- (1) Offences committed abroad by a person in the service of the State, when that person has not been tried in the place where the offence was committed on account of the privileges inherent in their position;
- (2) Offences committed by a Salvadoran abroad or in a place not subject to the jurisdiction of a particular State, when such offences infringe upon the legal rights of another Salvadoran; and
- (3) Offences committed abroad by Salvadorans when extradition is requested and denied on account of their nationality, or by foreigners when such offences infringe upon the legal rights of Salvadorans.

State and the requested State and is punishable by at least one year's imprisonment. Offences referred to in the Optional Protocol are therefore covered by some extradition treaties and conventions to which El Salvador is a party, although they must be offences punishable by at least one year's imprisonment.⁶

34. The Central American Extradition Convention has the same requirements, except that the offence must carry a prison sentence of at least two years, not one as in the above-mentioned international treaties. Accordingly, the offences covered by the Optional Protocol are also covered by this Convention, as they all carry a prison sentence of over two years in El Salvador.

35. Moreover, El Salvador is a party to extradition treaties that do not cover all the offences prohibited under the Optional Protocol but that do cover certain offences against children.⁷ The Foreign Affairs Committee of the Legislative Assembly is currently considering a draft proposal for a Central American treaty on a simplified detention and extradition order.

10. Please inform the Committee on the extent of sex tourism in the State party and the measures taken to prevent and combat it.

36. El Salvador is unable to answer the Committee's question on the extent of sex tourism in the State party. However, some steps have been taken to combat and prevent sex tourism. The Directorate-General for Migration and Alien Affairs has taken the following steps to combat human trafficking and, in particular, commercial sexual exploitation (sex tourism):

- (a) Information briefings in the offices of the Directorate-General;
- (b) Training for students in educational establishments;
- (c) Training for Catholic and Evangelical leaders;
- (d) Training for advisers in offices of the Directorate-General;
- (e) Courses on the offences of people trafficking and smuggling and related offences;
- (f) Follow-up to the inter-agency agreement between the Directorate-General and the Ministry of Labour;
- (g) Campaign to raise public awareness of the offence of human trafficking among foreigners and tourists on short visits to the country;
- (h) Advanced courses on trafficking for officials of the Directorate-General;
- (i) Courses for new staff at the Directorate-General;

⁶ For example, the extradition treaty between El Salvador and Spain, signed in Madrid on 10 March 1997; the extradition treaty between El Salvador and Mexico, signed in Mexico City on 21 May 1997; and the Convention on Extradition, signed at the Seventh International Conference of American States in Montevideo, Uruguay, on 26 December 1933.

⁷ The criminal extradition treaty with the United Kingdom covers only the theft of children and abduction of minors; the extradition treaty with Italy covers only the prostitution and corruption of minors, theft of children and infanticide; the convention on the extradition of criminals between El Salvador and Belgium covers only theft, abandonment and abduction of minors and the corruption and sexual exploitation of minors; the convention on the mutual extradition of criminals between El Salvador and Switzerland covers only the crimes of infanticide, abduction of minors and blackmail of children; and the extradition treaty with the United States of America covers the sex trade in children under the age of 12 and unlawful kidnapping of minors.

(j) Exhibitions designed to combat human trafficking.

37. The Ministry of Tourism has indicated that its activities will include:

(a) Organizing or coordinating a study or analysis of the commercial sexual exploitation of children in the tourist sector, with the support of non-governmental organizations;

(b) Organizing forums and meetings where information can be exchanged at the international level;

(c) Amending the Tourism Act to include administrative penalties for companies in the tourist trade that allow the commercial sexual exploitation of children to take place on their premises;

(d) Taking the lead in an inter-agency initiative to amend the Salvadoran Criminal Code to include penalties for anyone promoting or engaging in sex tourism, especially when this involves children and young people;

(e) Producing and waging a media campaign against sex tourism, in cooperation with non-governmental organizations;

(f) Continuing to provide courses and public briefings to raise awareness of the issue.

11. Please provide information on allegations that public officials are involved in cases of trafficking, particularly in Chalatenango department. Please provide information on the kind of action taken to follow up such allegations, including details of any investigation or trial.

38. Unfortunately, El Salvador cannot provide information on this point, as neither the Office of the Attorney General nor the National Civil Police, the judiciary or ISNA have any knowledge of the allegations referred to by the Committee. The State party could make inquiries if the Committee provided more information on the allegations.

12. Please provide information on measures taken to protect child victims and witnesses during their contacts with the criminal justice system. For example, do special measures exist to prevent children from suffering further trauma in the course of testifying at a trial?

39. ISNA is taking the following steps to protect children in judicial proceedings so that they do not become victims for a second time or suffer any further trauma:

(a) Preparation and assistance: the victim receives assistance throughout the various stages of the administrative and judicial proceedings (interviews with the police and prosecutors, forensic reports and interviews, hearings);

(b) Psychological assistance and support is provided for victims when they give their testimony at the hearing;

(c) Coordination and procedures: a subcommittee on care for victims of trafficking coordinates the work of bodies involved in the proceedings, and has streamlined procedures to reduce the risk of double victimization;

(d) Application for advance submission of evidence: the prosecutors handling each case are requested to apply to the court for advance submission of evidence to avoid the risk of double victimization and to allow victims to return to their family and society as quickly as possible – it is for the court in question to rule on such applications.

40. The Office of the Attorney General has a multidisciplinary support unit in its central office. The unit is staffed by psychologists, social workers and youth workers, who provide psychological support for victims and check the social and family circumstances in which a victim or witness might find themselves at a given time, in cases where they may be separated from their family.

41. The Office of the Attorney General has provided psychological support as follows:

Table 18

Children provided with support, by sex and age

Year	Sex	Age																#	Total	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			17
2007*	Male	4			2	1	2	1	3	3	3	5	3	3	5	1	2	3		41
	Female			5	7	9	7	15	10	7	14	17	25	32	35	29	21	6		239
2008	Male			3	9	10	5	13	6	9	3	6	8	2	1	9	4		88	
	Female				13	14	15	15	12	16	14	29	23	39	53	67	37	41	43	1
2009**	Male			1	4	8	9	3	6	3	4	3	4	4	1	5			1	56
	Female		1	3	9	12	7	7	11	14	14	23	29	34	58	23	22	16	4	287
Total		4	1	25	45	55	45	51	52	50	67	77	108	128	167	104	90	68	6	1 143

* Figures for June–December 2007.

** Figures for January–September 2009.

42. El Salvador has special legislation on victim and witness protection, including the Victim and Witness Protection Act,⁸ as well as provisions on protection in the Constitution, the Family Code and the Criminal Code.⁹

43. The Office of the Attorney General is developing a manual and protocol for the psychological and social treatment of victims of sexual exploitation and other offences related to the sexual abuse of children. The aim is to give guidelines on how such treatment is to be provided by members of the multidisciplinary teams of the Office of the Attorney General throughout the country, when children report offences related to commercial sexual exploitation and other offences related to sexual violence.

44. Once the manual is in use by users (psychologists, social workers and prosecutors), the task will be to set up effective victim support mechanisms that give children traumatized by offences related to sexual violence access to a service that prevents their double victimization and helps in the emotional recovery of the victim and the victim's family.

45. Therapeutic toys have been purchased and rooms equipped with one-way mirrors, with courses on their use, with a view to preventing the double victimization of children when they give their testimony. This means that children do not come face to face with defence lawyers, prosecutors or the judge and avoid any psychological pressure from the accused during questioning in public.

⁸ The Act contains protection measures in articles 10, 11 and 12. Victims and witnesses are relocated for their safety in shelters run by the Salvadoran Institute for the Advancement of Women (ISDEMU).

⁹ The Code of Criminal Procedure guarantees the rights of victims in article 13, and full or partial reporting restrictions may be requested under article 327, paragraph 2, when the victims are minors.

13. Please provide information on measures taken to ensure that victims of the offences referred to in the Optional Protocol (especially child prostitutes and victims of trafficking) are not criminalized. Please also provide information on measures taken to prevent their being stigmatized or socially marginalized.

46. In order to avoid stigmatization and social marginalization, ISNA takes the following measures in the case of victims who have been placed in an institution:

(a) Protection of the victim's identity: full reporting restrictions are requested, which apply to both the media and persons not involved in the cases;

(b) Coordination with the Office of the Procurator-General: in judicial proceedings, arrangements are made for the ISNA legal representative to assist children with no parents or other representative, in order to safeguard the rights of the child during the proceedings;

(c) When agencies are being sought to offer support when a child is released, the reason why the child needs care is not divulged.

47. El Salvador recognizes that, unfortunately, these steps have not been adequate in all cases, especially in those concerning children not placed in an institution.

14. Please provide information on measures — apart from the shelter for the victims of trafficking mentioned in the report — to facilitate the social reintegration and the physical and psychological recovery of victims of the offences referred to in the Optional Protocol.

48. The Salvadoran Institute for the Advancement of Women, which runs the shelter, coordinates its action with government institutions (Ministry of Health, Ministry of Education, local police, CAPS, etc.) and non-governmental organizations before the child leaves the shelter, in order to ensure continuity of care in every area (health, education, security, vocational training, etc.).

49. Preparation of the family and emotional support network: the girl's legal situation (pending legal proceedings) is explained to members of the child's emotional support network and family, who are given guidance on how to interact with the victim in the light of her dramatic experience and its effects.

50. The Directorate-General for Migration and Alien Affairs opened a Centre for Migrants to provide suitable decent treatment to migrants in an irregular situation. To do this, migrants are given shelter, food, the assistance of interpreters, and medical and psychological care. Children in the company of family members who are in an irregular situation are not separated from their family, in accordance with article 9 of the Convention on the Rights of the Child; the Centre for Migrants accommodates them in a section for family groups. Otherwise, the children are handed over to ISNA.

51. The Centre's work includes:

(a) Courses are offered on productive activities such as baking, the production of *piñatas* (boxes for candy), sewing, pottery and cosmetics, to equip migrants with income-generating skills so that they can rejoin society (depending on the age of the victim);

(b) A team of social workers carries out social studies and risk analysis of the family group in order to assess the feasibility of return; where the necessary level of security is not present within the family, alternatives are sought and, as a last resort, the family is placed in the care of ISNA for placement in an institution;

(c) Individual psychological assistance is provided in the shelter, and the person later joins a support group for victims of commercial sexual exploitation (programme for children and young people who have survived commercial sexual exploitation).

52. The victim and family group are monitored and receive follow-up support after leaving the Centre.

15. Please provide information on measures to prevent improperly induced consent to the adoption of a child, in breach of the Optional Protocol and also of the Convention on the Rights of the Child, article 21, and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

53. The preventive measures taken by the Office of the Attorney General include:

(a) Interviewing and advising the father and/or mother to ensure that their consent to the adoption is not invalid or given in exchange for some financial consideration, and that they understand the legal consequences of adoption, especially with regard to cutting all links between the adopted child and the family of origin, as well as the irrevocability of consent, although consent can be withdrawn before the adoption is decreed;

(b) Reports by specialists — social workers and psychologists — on the suitability of candidates for the adoption of children; the aim is to uncover any anomalies or irregular circumstances that might at any given time invalidate or influence consent.

54. In the administrative stage that precedes the judicial proceedings, the consent of the father and/or mother is obtained and recorded on a certificate issued by the Adoptions Office, which is in the Office of the Attorney General.

55. In addition, ISNA carries out interviews and psychological and social assessments during adoption proceedings to ensure that consent is not invalid. At the institutional level, the person giving consent is interviewed and subject to a psychological and social assessment to ensure that they have the mental capacity to understand the consequences of adoption.

56. Moreover, under the Family Court Procedure Act, consent for adoption must be granted and confirmed by a family judge, the official authorized to decree adoption.

16. Please provide more information concerning measures taken to extend international assistance on investigations, criminal proceedings or extradition requests relating to the offences referred to in the Optional Protocol.

57. The Ministry of Foreign Affairs has coordinated its work with several institutions, including the Supreme Court of Justice, the Ministry of Justice and Public Security, and the Office of the Attorney General, with a view to making criminal proceedings more efficient and more effective.

58. At the international level, contact is maintained with Salvadoran diplomatic and consular offices abroad, to whom such proceedings are referred for action, thereby ensuring that they are processed as quickly as possible.

59. Meanwhile, the Office of the Attorney General cooperates with INTERPOL, which coordinates police action in other countries where an offence referred to in the Optional Protocol has taken place. It also cooperates with Microsoft, which provides the necessary information for the identification of the persons concerned.