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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

SUMMARY RECORD OF THE 950th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 18 May 2004, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of El Salvador (continued) (CRC/C/65/Add.25; CRC/C/Q/SLV/2; CRC/C/RESP/54; HRI/CORE/1/Add.34/Rev.2)

1. At the invitation of the Chairperson, Ms. Argueta de Barillas, Mr. Avelar, Mr. Betancourt, Ms. Bonilla de Avelar, Ms. de Burgos, Ms. Guerrero, Ms. de Quintana, Mr. Recinos, Ms. Rivas, Mr. Rodríguez Batres, Mr. Rodríguez Cruz and Mr. Sánchez Trejo (El Salvador) took places at the Committee table.
2. Ms. BONILLA de AVELAR (El Salvador) said that, under the Family Code, the minimum age for marriage was 18, except in cases where a girl was pregnant or had already given birth to a child and was at least 14 years old. All first-instance family courts in El Salvador were composed of one judge and a multidisciplinary staff, which assisted the judge in obtaining information regarding a child's family, education and psychological background. The mandate of family judges extended to matters of guardianship and children at risk. In such cases, family judges could institute proceedings on their own motion. Responsibility for the training and selection of judges was assigned by the Constitution to the National Judicial Service Council, which established a list of candidates for appointment by the Supreme Court.
3. Pursuant to the Constitution, ratified international treaties had the force of law in El Salvador. In the case of a conflict between the Convention on the Rights of the Child and domestic law, the Convention took precedence. The Convention was applied in sentences handed down by family judges and juvenile criminal court judges, as well as judges of the various chambers of the Supreme Court. Examples of sentences that referred to or quoted provisions of the Convention could be found on the web site of El Salvador's Supreme Court.
4. The Family Court Procedure Act required judges to consider the views of children aged 12 and older in all proceedings affecting them, and also to consider the views of children under 12, provided that they were old enough to appear in court and their involvement in court proceedings would not endanger their mental health. It was generally accepted in families and in schools that children should take part in decisions concerning them. The Government was making efforts to increase children's participation; for example, children's views had been taken into account in the drafting of the children's and young people's code, and action had also been taken at the local level to encourage young people's participation.
5. Since the Convention had entered into force in El Salvador, the concept of the child as an object of protection had been replaced by that of the child as a subject of rights. Family judges who dealt with children in conflict with the law were therefore required to apply the principle of the best interests of the child in all their rulings. Administrative bodies were also required to apply that principle. Article 1 of the Constitution provided for the protection of the right to life, as did the Family Court Procedure Act, particularly with regard to a child's right to life from the moment of conception.

6. The sentence enforcement courts had the authority to monitor and guarantee the enforcement of all judgements handed down by juvenile courts. Such courts were required to review the sentences imposed on minors, including deprivation of liberty, every three months. On the basis of a complaint, sentence enforcement judges could punish administrative bodies or their officials for failing to respect the rights of detained minors. No information was available on alleged cases of ill-treatment or torture of adolescents deprived of their liberty.
7. The CHAIRPERSON enquired whether sentence enforcement judges could reduce the sentence of a minor.
8. Mr. FILALI asked whether the sentence enforcement judge was the same judge who had sentenced the juvenile.
9. Ms. BONILLA de AVELAR (El Salvador) said that, in the juvenile criminal justice system, the judges who handed down sentences were not the same as those responsible for reviewing sentences. Sentence enforcement judges conducted reviews in order to ensure that juveniles deprived of their liberty were receiving adequate education and health services and that their rights were not being violated. Sentences could be modified only in special circumstances, such as when the juvenile's health was in danger, without prejudice to the juvenile's status as a sentenced criminal offender.
10. Ms. VUCKOVIC-SAHOVIC asked why there was such a large disparity in the figures for males and females under the heading "deprivation of liberty" contained in the table on page 27 of the State party's written replies (CRC/C/RESP/54). She wished to know what offences the juveniles had committed.
11. Ms. BONILLA de AVELAR (El Salvador) said that the figures contained in the table referred to male and female minors who were victims of deprivation of liberty, not offenders. Of all juvenile offenders who had been deprived of their liberty, 85 per cent were male and 15 per cent were female.
12. Mr. AVELAR (El Salvador) said that, with the support of the International Labour Organization (ILO) through its International Programme on the Elimination of Child Labour (IPEC), the Government had introduced a national programme for the elimination of child labour. No statistics were available for child domestic workers; however, the National Committee for the Phased Elimination of Child Labour had commissioned a study to assess the situation of such children. No children were employed in the textile industry in El Salvador.
13. Women were entitled to 11 weeks paid maternity leave and were granted one hour a day for breastfeeding during their normal working hours. The most important aspect of that reform was that it had been incorporated into the Labour Code in 1994.
14. With regard to minors who were unable to continue their formal education, he said that an institution composed of employers, workers and government representatives had been set up to provide vocational training. Moreover, specific programmes had been developed to provide on-site training and apprenticeships.

15. Mr. SÁNCHEZ TREJO (El Salvador) said that a procurator's board, composed of non-governmental organizations (NGOs), government institutions and the Office of the Procurator-General had been established in 1999 to investigate cases of children who had disappeared as a result of El Salvador's armed conflict. In 2000, the Office of the Procurator-General had signed an agreement with Asociación Pro-Búsqueda, an NGO that had demonstrated a high degree of leadership in the area, in order to pursue objectives related to disappeared children. There were no legal obstacles to enacting legislation on that sensitive subject, and a bill had been submitted to the Legislative Assembly for adoption. Although there had been fears that the enactment of legislation on disappearances would create political divisions, the general view was that such legislation would help to strengthen democratic institutions, promote social cohesion and protect the family. It had been suggested that the Procurator-General should chair a special commission to be set up under the proposed legislation. He called upon the international community to renew its involvement in dealing with the problem of El Salvador's disappeared children.

16. Mr. CITARELLA asked whether any statistics were available on the number of disappeared children.

17. Mr. SÁNCHEZ TREJO (El Salvador) said that, according to Asociación Pro-Búsqueda, there were approximately 703 disappeared children; of that number, 256 cases had been solved. What was important was that progress was being made and there was a clear will on the part of the society and the Government to deal with the problem.

18. Ms. SARDENBERG said that the issue of El Salvador's disappeared children was a very serious matter and had been part of the dialogue between the State party and the Committee for nearly 12 years. Given that a new administration would take office in the coming month, she urged the delegation to make a strong commitment to concluding the investigations into El Salvador's disappeared children as part of the country's national reconciliation process.

19. The CHAIRPERSON asked what would be the role of the special commission on disappeared children and whether its establishment required the approval of the Legislative Assembly. He wondered whether the investigation of the remaining cases of disappeared children was already under way and, if so, what need there would be for a commission.

20. Ms. ORTIZ asked why the Government had not taken into account the numerous recommendations that had been made by the Office of the Procurator for the Protection of Human Rights concerning the ill-treatment of detainees in police custody. The efforts of that body were of fundamental importance for ensuring respect for human rights in El Salvador.

21. Mr. SÁNCHEZ TREJO (El Salvador) said that the irregularities pointed out by the committee member corresponded to exceptional cases and did not reflect normal practices. On the whole, there was widespread respect for the recommendations made by the Office of the Procurator for the Protection of Human Rights.

22. Ms. ARGUETA de BARILLAS (El Salvador) said that the Ministry of Foreign Affairs had recently hired an independent expert to undertake a study on disappearances, including a comparison of legislation in Latin America on the subject. That study had been completed and

the Government was awaiting its recommendations. Steps had been taken to allow victims of disappearances, many of whom were now adults, to institute proceedings to establish their identity.

23. Mr. SÁNCHEZ TREJO (El Salvador) said that the first table that appeared under subparagraph (d) on page 18 of El Salvador's written replies should have been entitled "Requests for adoption". There had not been a significant increase in intercountry adoptions, and in 2003 there had been only 59 adoptions. The Government maintained direct relations with the central adoption authorities, which issued authorizations to adoption agencies and monitored their practices in order to ensure that adopted children enjoyed adequate levels of health, education and social integration.

24. Ms. ORTIZ said that, in countries where the principle of subsidiarity was fully respected, intercountry adoptions accounted for only 10 per cent of the total number of adoptions. In El Salvador, there was very little difference in the number of national and intercountry adoptions. She asked what body was responsible for ensuring that every effort had been made to keep children in their nuclear or extended families before they were put up for adoption.

25. Ms. ORTIZ asked why the number of children adopted by Salvadoran and foreign families were so similar. The Government should not yield to the pressure exerted by adoption agencies acting on behalf of the many foreign families that wished to adopt Salvadoran children.

26. Mr. SÁNCHEZ TREJO (El Salvador) said that the guiding principle in all adoption cases was the child's interests. Adoptions were jointly managed by the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA), the Office of the Procurator-General and a placement committee. While El Salvador was often classified as a developing country, and many of its children were from poor backgrounds, only a small number had been put up for adoption. Although the Government wished to limit cases of intercountry adoption as far as possible, there had been occasions when no family could be found to adopt a child in El Salvador. In such cases, when a foreign family proved suitable, intercountry adoption was permitted.

27. Ms. ARGUETA de BARILLAS (El Salvador) said that, while the Government had conducted campaigns to encourage parents to register their children's births, many of the rural poor had failed to do so owing to the charges imposed by the municipal governments. The central Government had worked extensively with municipal governments to encourage them to replace the charges with other measures, such as community service. Her delegation would welcome suggestions from the Committee on ways of increasing the level of registration.

28. Ms. VUCKOVIC-SAHOVIC asked for confirmation of the figure of some 600,000 unregistered people in El Salvador. If it was accurate, other data based on the number of children in El Salvador could be erroneous. The United Nations Children's Fund (UNICEF) would be able to offer assistance in setting up mobile registration offices and in finding ways of encouraging local authorities to eliminate charges for registration.

29. Ms. OUEDRAOGO expressed concern at the lack of information on indigenous children in the periodic report.

30. Ms. ARGUETA de BARILLAS (El Salvador) said that 9.8 per cent of El Salvador's population was not registered, which was of great concern to the Government. Regarding indigenous peoples, the population of El Salvador was relatively homogeneous: only 6 to 10 per cent of people were of purely indigenous origin. El Salvador promoted and preserved the cultural identity of its indigenous population.

31. Mr. CITARELLA, referring to the column entitled "Age unrecorded" in the table on juvenile offenders on page 50 of the written replies, asked whether the ages were unknown because the children's births had not been registered.

32. Ms. ARGUETA de BARILLAS (El Salvador) said that the figures under the column "Age unrecorded" concerned people who had not been carrying any identification documents when they had been detained, and who were presumed to be minors.

33. Ms. SARDENBERG said that she was concerned at the lack of statistics on indigenous people, particularly in the areas of education and health. In order to fulfil its commitments, the Government should make greater efforts to guarantee the rights of its indigenous population, both under the Convention and the Constitution. The Government should also consider cooperating with other countries that had launched programmes to promote the inclusion of indigenous communities.

34. Ms. SMITH enquired whether the Office of the Procurator for the Protection of Human Rights had sufficient support and resources to carry out its mandate as an independent institution.

35. Mr. SÁNCHEZ TREJO (El Salvador) said that, while all Salvadoran institutions suffered from a lack of resources, the Office of the Procurator for the Protection of Human Rights had received less funding than others. Requests had been made for a budget increase.

36. Ms. ORTIZ said that, while children's right to live in a supportive family environment was protected under the Constitution, several reports had indicated that 50 per cent of Salvadoran households were headed by single mothers, that many fathers did not take responsibility for their children and that one or both parents of many children had emigrated to the United States of America. It would be useful to learn what specific programmes were in place to support families and help parents to fulfil their responsibilities, and which institutions were responsible in that area. She would appreciate additional information on the measures that the State party was taking to protect children's right to be reunited with parents living abroad.

37. The State party should explain what admission criteria were used for placing a child in an institution, and who had the authority to take such decisions. It was unclear which body was responsible for ensuring that children remained in institutions only on a temporary basis, and for reuniting children with their biological families, or placing them in alternative families. Additional data on the number of government institutions for children should be provided.

38. Mr. SÁNCHEZ TREJO (El Salvador) said that much had been done to raise awareness and change attitudes concerning reunification of children with their families. In an attempt to avoid exposing even more children to the dangerous situations that many of them had encountered abroad, the central and regional governments had taken measures to prevent traffickers in persons from crossing borders. A web site had also been created to provide the authorities with information on Salvadoran children living abroad. The Government was also considering judicial measures to facilitate the legal entry of Salvadoran children into the United States of America in order to reunite them with their parents.

39. The responsibility for placing children in institutions was shared at the national level between the family courts and the Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA). In general, children were admitted to such institutions when they had been abandoned or mistreated by their parents, or when their parents were unable to care for them or were in prison. There were currently 600 children in such institutions, of which there were about 10. Another 10 or so centres, operated in association with NGOs, accommodated some 1,300 children. The care of children in prison was the responsibility of ISNA. The three centres for disabled children in El Salvador currently housed 260 children.

40. The CHAIRPERSON asked why the number of children cared for in welfare centres and homes run by ISNA and NGOs had decreased between 2000 and 2003. According to the figures contained on page 17 of the written replies, of the 8,000 children cared for in ISNA and NGO welfare centres in 2003, only 758 were in ISNA centres. The delegation should explain whether the rest of the children were in NGO homes and centres. Additional information on mechanisms for controlling the quality of care in those centres would be useful.

41. Mr. SÁNCHEZ TREJO (El Salvador) said that, in addition to the statistics from ISNA and NGO centres, the data included day care for children from dysfunctional families. El Salvador also had a child welfare programme, run by ISNA, which provided day care for about 10,000 children between the ages of 2 and 6. Some 2,200 children currently received 24-hour care from government institutions and special agencies run by civil society.

42. Ms. OUEDRAOGO asked what measures had been taken to reduce the number of children who were abandoned by their families, or who left home at an early age owing to family crises.

43. Mr. SÁNCHEZ TREJO (El Salvador) said that an average of 10 to 13 children were abandoned by their families every month. All government institutions had programmes to strengthen family values, promote respect for children and encourage families to provide for the all-round development of their children.

44. Ms. SMITH said that the number of children placed in foster homes was small compared to the number cared for in institutions.

45. Mr. SÁNCHEZ TREJO (El Salvador) said that a recent fostering programme had enabled 15 children to be placed in foster families in March 2004 alone. Families who fostered a child for a year would be able to begin the adoption process after that period.

46. Mr. KOTRANE said that the Government's policy to prevent ill-treatment of children within the family appeared to focus on removing the child from the family home. More preventive measures should be taken, and parents should be made more aware of their responsibilities. Removal from the family should be a last resort.
47. Mr. SÁNCHEZ TREJO (El Salvador) said that the Government had conducted campaigns to raise parents' awareness of their responsibilities and had kept childhood and adolescence high on the national agenda. The media had played an important role in disseminating information on the rights contained in the Convention and had drawn attention to violations of those rights. That had led to a significant reduction over the past three years in the number of children taken into care after having been ill-treated in the family environment.
48. Ms. SARDENBERG asked whether corporal punishment was explicitly prohibited within the family and what the situation was in schools and in the penal system.
49. Ms. BONILLA de AVELAR (El Salvador) said that the Family Code contained a provision recognizing the right of parents to administer moderate physical punishment to their children as a form of discipline. However, since that provision was open to misinterpretation, it had been deleted from the preliminary draft of the Children's and Young People's Code, which guaranteed the right of children not to be abused. The physical abuse of a child was a criminal offence, and anyone found guilty of such abuse was subject to prosecution. In less serious cases, the courts tended to instruct the parent involved to receive psychosocial counselling. A mechanism had been established that made it possible to report cases of child abuse in schools to the appropriate authorities and to punish the perpetrators. The Juvenile Offenders Act expressly prohibited the use of corporal punishment.
50. Ms. de QUINTANA (El Salvador) said that efforts were being made to promote the incorporation of children with special needs into mainstream education, thereby contributing to their social integration. For example, the Government had been working closely with groups of visually impaired children in order to determine how the ordinary school system could best meet their needs. Moreover, teachers received training on how to cater for children with special needs. In order to gain a better understanding of the situation of disabled children in El Salvador, the next national population census had been designed to provide information about types of disabilities and their geographical distribution. Efforts were being made to collect accurate data on children living in institutions.
51. A recent survey had indicated that the illiteracy rate among 15- to 60-year-olds had been decreasing on average by 1 per cent a year. There had been a particularly marked decline in illiteracy among 15- to 24-year-olds as a result of educational reforms. The average literacy rate among people in that age group was currently 85 per cent.
52. In recent years, national budget allocations for education had gradually increased. In 1999, the education budget had been US\$ 317 million. By 2004, that amount had risen to US\$ 423 million. Regrettably, that amount was insufficient to meet all of El Salvador's education needs. It was hoped that between 4 and 5 per cent of the country's gross domestic product would eventually be devoted to education. In 1999, 18 per cent of the education budget

had been used to finance loans and donations. In 2002, that figure had risen to 59 per cent, in response to the earthquakes of early 2001. The reduction in the education budget for 2004 reflected the fact that those loans and donations were being absorbed by the national budget.

53. Mr. KRAPPMANN said that, while he welcomed the fact that basic education was provided free of charge, he wished to know whether there was a provision in the budget to account for the fact that parents were no longer obliged to pay tuition fees or for educational materials. He wondered how schools were managing without that extra source of income. According to reports, teachers' salaries had been funded in the past by parental contributions.

54. Ms. de QUINTANA (El Salvador) explained that parental contributions had been waived in order to encourage parents to send their children to school. A new scheme had been introduced, under which the Government provided schools with a US\$ 10 voucher for every child that completed the school year. Schools were generally better off under the new system. Furthermore, since the amendment of the General Education Act, children from disadvantaged families would no longer be excluded from school if they did not have a school uniform.

55. Ms. LEE said that, although she welcomed the Government's scheme to provide subsidies directly to schools, she remained concerned that children in remote areas might either have to walk long distances to school or need money to pay for transport, which might deter their parents from sending them to school.

56. Ms. de QUINTANA (El Salvador) said that the aim of the Community Managed Schools Programme (EDUCO Programme) was to decentralize the management of public education and improve access to education by increasing community involvement in the operation of schools. Under the Programme, a number of mechanisms had been created to enable parents, pupils and teachers to participate in school decision-making processes, including those involving administration and the hiring of teachers. Those mechanisms also made it possible to adapt school curricula to the needs of the local community. There had been some decentralization in the administration of teacher training programmes. As a result of those and other initiatives, school enrolment had been increasing at a rate of 3 to 4 per cent per year. He hoped that, by providing an educational establishment in every community, all children would soon have access to basic education.

57. As El Salvador was a very small country and the distance between communities was never greater than two kilometres, it was very unlikely that a child would not attend school because the school was too far away. The EDUCO Programme had been so successful that it had been used as a model in various Latin American and African countries.

58. A number of initiatives had been taken to assist children who did not continue their education beyond the ninth grade. For example, a system of distance learning had been established and 27 educational institutions throughout the country had introduced courses to teach skills that were directly applicable in the workplace. The Salvadoran Institute for Professional Development provided vocational training for children over the age of 15. Special programmes had been introduced for children who returned to school or who had to repeat a school year. Such children received special tuition so that they could eventually join classes with children of their own age. However, the Government lacked sufficient resources, and there was a shortage of teachers to provide adequate secondary education for all children.

59. Pre-primary education was another area that required greater attention. As it reached the final stage of its 10-year education plan for 1995-2005, the Government was in a better position to assess the current situation and to ensure that the next 10-year plan addressed areas of concern.

60. Mr. KRAPPMANN asked whether there was a problem of youth unemployment in El Salvador.

61. Mr. LIWSKI wished to know what the public's reaction had been to the Government's decision to take a hard-line approach to the problem of the youth gangs known as maras, and to the introduction of the Anti-Gang Act. He asked whether El Salvador's education policy had been redefined to reflect the penal measures that had been taken and whether there was a specific budget for combating gang-related activities. If so, he would like to know what results had been achieved.

62. Ms. de QUINTANA (El Salvador) said that violence prevention was one of the objectives of the Education for Life Programme. The Ministry of Education was largely responsible for preventing violence among young people. Although it had not received a special budget for combating violence, the Ministry was working with other State institutions, NGOs and various international bodies to find ways of discouraging young people from joining gangs. As a result of that cooperation, teachers were being trained to help students affected by violence and to resolve conflicts between students. In addition, schools had introduced a number of programmes to teach children about their moral and civic responsibilities. The Government was working closely with family court judges to devise ways of ensuring that children attended school.

63. Mr. BETANCOURT (El Salvador) said that El Salvador was in a process of reconstruction following a recent war, floods, drought, two major earthquakes and a decline in coffee and oil prices. Faced with a severe lack of economic resources, the Government had been forced to set national priorities and could expect only gradual progress.

64. The Government attached great importance to cooperation with NGOs. The Ministry of Health contracted a number of NGOs to deliver health services to people living in remote and rural areas that did not benefit from the State's health infrastructure. NGOs had participated, together with representatives of trade unions, medical schools and the private sector, in the preparation of a proposed health sector reform strategy. The Government was particularly grateful to NGOs for their efforts in the campaign to combat HIV/AIDS.

65. The proposal to privatize the health sector was only one example of the propaganda being used by the Government's opposition in its electoral campaign. The Government had provided sufficient evidence that privatization was no longer a viable option. Instead, it intended to reform the health sector and to ensure the participation not only of NGOs but also of the general public in the provision of health-care services. Every health-care establishment in El Salvador had a social advisory committee that was involved in developing and implementing programmes and in designing policies, which promoted openness in the health system.

66. Local health-care units usually provided basic health services completely free of charge. If the community was required to make a contribution to health-care costs, the social advisory committee of the health establishment in question would decide how best to administer it. The Government was not responsible for administering those contributions, which did not form part of its health budget.

67. The issue of mental health was high on the Government's agenda. Twelve years of armed conflict had left a legacy of mental health problems. A national inter-institutional committee had been set up under the auspices of the National Secretariat for the Family to coordinate efforts in that area. In all mental health facilities, multidisciplinary teams provided care, such as trauma counselling, in the most urgent cases. Other patients were referred to specialists. The quality of psychosocial support provided in the aftermath of the earthquake had illustrated the effectiveness of the mental health strategy.

68. Ms. AL-THANI asked whether the mental health strategy included prevention and early detection and, if so, what services were in place in school and at the community level.

69. Mr. BETANCOURT (El Salvador) said that national conferences for children and adolescents had been held, and an elected national committee composed of children and adolescents represented minors in meetings with the Government and various government bodies. The programmes for children and adolescents included peer counselling and early-detection methods for certain mental illnesses, as well as recreational and educational activities to promote child development.

70. Topics such as sex education, reproductive health and mental health were part of the educational curricula. All programmes had been launched at the national level, but were somewhat hampered by the lack of human resources.

71. Ms. CHUTIKUL requested further information on programmes related to reproductive health for pre-adolescents and adolescents.

72. Mr. BETANCOURT (El Salvador) said that the issue of reproductive health was included in educational curricula. The national committee of children and adolescents, in cooperation with the relevant institutions and health services, had prepared the Handbook for Adolescents on Sexual and Reproductive Health, a basic reference work that included a wide variety of questions relevant to adolescents, as well as suggestions for working with adolescents.

73. Ms. CHUTIKUL asked what measures had been taken to address the problem of rising teenage pregnancy. She asked whether it was true that pregnant girls were expelled from school and, if so, she wished to know how the resulting health and education-related problems were addressed.

74. Mr. BETANCOURT (El Salvador) said that decreasing fertility rates had affected teenage pregnancies. While the share of teenage pregnancies in the overall number of pregnancies had remained unchanged, the actual numbers had decreased.

75. Mr. LIWSKI wished to know the reasons for the rural-urban disparity in chronic malnutrition in children under 5, and asked whether any measures had been taken to remedy the situation.

76. Mr. BETANCOURT (El Salvador) said that the situation of public health in rural and urban areas had changed considerably. Health-related strategies focused on rural development, and considerable progress had been made in that area. Over 1,800 rural outreach workers had been trained, and they cooperated closely with local health services. As a result, the infant mortality rate had dropped from 35 to 25 per 1,000 live births at the national level, and from 41 to 24 per 1,000 live births in rural areas. Positive results were also expected in other areas of concern, such as malnutrition.

77. At present, 103 children were being treated for HIV/AIDS. Treatment for those children, as well as for the 137 women diagnosed with HIV/AIDS during pregnancy, was free of charge. In their negotiations with pharmaceutical companies, Central American countries had obtained substantial price reductions for antiretroviral drugs. The negotiated cost of treatment was currently about US\$ 1,500 per antiretroviral treatment per year. If the cost rose, alternatives would be contemplated in order to maintain universal access to therapy.

78. Measures to address the problem of malnutrition included investment in infrastructure, supply of emergency food, development of nutrition-related education programmes, initiatives for local food production, seed distribution and technical assistance. National nutrition programmes provided iron-, vitamin A- and iodine-fortified foods. As a result, vitamin A and iodine deficiencies were no longer a public health concern.

79. Ms. AL-THANI said that the delegation should reply to the earlier questions on breastfeeding and the number of AIDS orphans.

80. Mr. BETANCOURT (El Salvador) said that, while breastfeeding was promoted in maternity wards, it was difficult to reach mothers who were not hospitalized. Although most mothers started out by breastfeeding, many stopped well before the end of the recommended six-month period. A proposal on the commercialization of breast-milk substitutes was currently before the National Assembly.

81. At present, 30 AIDS orphans were receiving treatment in State-run institutions. The remaining 75 children diagnosed with HIV/AIDS were being treated at home.

82. The CHAIRPERSON requested additional information on the situation of institutionalized children with disabilities. He also wished to know why the programme on anti-personnel mines had been discontinued.

83. Mr. RODRÍGUEZ BATRES (El Salvador) said that 260 children with disabilities were currently being cared for in two privately run homes and in one State institution.

84. Ms. ARGUETA de BARILLAS (El Salvador) said that all anti-personnel mines had been successfully removed and the demining programme had therefore been discontinued. Given its expertise in that area, El Salvador was in a position to provide technical assistance to other countries.

85. Mr. RODRÍGUEZ CRUZ (El Salvador) said that the Ministry of the Interior had proposed an amendment to the Criminal Code that would prohibit the use, stockpiling, production or transfer of anti-personnel mines and classify such acts as a criminal offence. The proposal was currently before the National Assembly.
86. Mr. BETANCOURT (El Salvador) said that congenital rubella syndrome caused the majority of disabilities affecting some 90 newborns each year. A national immunization campaign targeted 2.9 million Salvadorans aged 15 to 39. Preventing pregnant women from contracting the disease should contribute substantially to its eradication.
87. Mr. LIWSKI asked what measures other than imprisonment were used to punish juvenile offenders and what impact the application of alternative sentences had had on the number of repeat offenders. He requested information on programmes for children who had been victims of the armed conflict and on mechanisms to monitor their condition.
88. Ms. VUCKOVIC-SAHOVIC, referring to the table on page 48 of the written replies, requested a definition of an “offence against constitutional order and public peace”. She would also welcome information on the number of indigenous children in conflict with the law.
89. Mr. CITARELLA asked whether children under the age of 12 could be prosecuted for offences under the Anti-Gang Act. He requested disaggregated data on children in pre-trial detention and those placed in detention following a court ruling.
90. Ms. SARDENBERG asked for information on programmes for street children. He also wished to know the number of such children.
91. Ms. KHATTAB, referring to the table on page 48 of the written replies, asked why the figures for offences committed by children against constitutional order and public peace, against private property and against the person were particularly high, and what constituted “offences against sexual freedom”.
92. Mr. RODRÍGUEZ CRUZ (El Salvador) said that the Anti-Gang Act prohibited the prosecution of children under 12. A Supreme Court ruling had declared that prosecution of minors under the Act unconstitutional.
93. Actions classified as offences against sexual freedom included rape and all other forms of sexual abuse or harassment. If perpetrated against a person under the age of 15, rape was considered a particularly serious offence, and the maximum sentence was imposed. Any form of sexual conduct with persons under 15, even with their consent, was considered a serious offence.
94. Most offences committed by minors were against private property. However, offences committed by unlawful associations prosecuted under the Anti-Gang Act were considered offences against constitutional order and public peace.
95. Ms. de QUINTANA (El Salvador) said that the imprisonment of juveniles was an exceptional measure. In most cases, juvenile judges handed down alternative sentences. A special office within the juvenile justice system was involved in raising awareness about alternative sentences and encouraged local communities to participate in the social reintegration of juvenile offenders.

96. The Juvenile Offenders Act provided that pre-trial detention must not exceed 90 days. If the court had failed to hand down a sentence within that time, the alleged offender was released.

97. Mr. RODRÍGUEZ BATRES (El Salvador) said that, in 2002, some 190 children between the ages of 5 and 17 had reportedly been living in the street. A rehabilitation centre established in 2003 provided psychosocial support. At present, 100 children received care at the centre, 50 had been reunited with their families and 30 were looked after by outreach workers. The State had invested substantially in the centre, which had extensive recreational facilities.

98. Mr. LIWSKI thanked the delegation for its constructive dialogue. The Committee remained concerned at the limited budget for children and adolescents, and it hoped that the Government would adopt the children's and young people's code. The Committee was also concerned at the impact of the Anti-Gang Act on the provisions of the Juvenile Offenders Act. Progress in the field of juvenile justice must not be jeopardized, and the Government should respect the Anti-Gang Act's temporary nature and observe the established time frame for its application.

99. The use of correctional measures should not be used as the sole remedy for the problems of children and adolescents who remained outside of the education system and the labour market. The Committee was confident that El Salvador had the ability to develop socio-educational policies to promote the active participation of such minors in society.

100. The Committee welcomed the initiative to establish a national committee to search for disappeared children. The registration of newborns should be encouraged through practical measures, such as reducing bureaucracy and eliminating local charges for registration. The Salvadoran Government should pay greater attention to the circumstances of indigenous children and contemplate policies to meet their specific needs.

101. Ms. ARGUETA de BARILLAS (El Salvador) said that her delegation would communicate the outcome of its useful dialogue with the Committee, as well as the Committee's recommendations, to the new Government. Every effort would be made to achieve further progress in the area of children's rights. However, the legacy of the armed conflict, natural disasters and severe budgetary constraints placed a heavy burden on the country. International cooperation and assistance were crucial, and she called on the international community to maintain its support for El Salvador's development efforts.

The meeting rose at 6.05 p.m.