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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 86th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 September 1993, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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GE.93-18619 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Report of El Salvador (CRC/C/3/Add.9) (continued)

1. The CHAIRPERSON invited the delegation of El Salvador to reply to the questions raised at the previous meeting by the members of the Committee.
2. Mr. MENDOZA (El Salvador), replying to comments by Mr. Hammarberg, said that El Salvador had always attached great importance to the principles contained in the Convention on the Rights of the Child, and had actively worked to publicize the Convention and to implement the rights contained therein. Efforts were being made to bring legal instruments into line with the Convention and to heighten awareness among the population of the principles contained in that document so as to involve it in the process of change.
3. With regard to the questions asked by Mr. Mombeshora, his Government was seeking to have children play a greater role in disseminating the Convention, given that one of the most important aspects of that instrument was to promote freedom of expression and opinion among children.
4. On a query by Mrs. Santos Pais, he said that his delegation would pass on to the Procurator-General's Office her request for reports, statistics and any other material of interest to the Committee.
5. Concerning a question asked by Mrs. Eufemio on adult training programmes, he said that that was a central focus of his Government's efforts and part of its goal of involving the community in formulating new policies and, in so doing, ensuring a wide dissemination of all the rights set forth in the Convention.
6. Turning to the question asked by Mr. Gomes da Costa, he agreed that poverty, and especially extreme poverty, constituted an obstacle to implementing the rights of children. In that context, it was essential to give priority to economic, social and cultural rights and to draw upon the private sector. El Salvador also sought to turn to account the important work of non-governmental organizations in promoting the rights of the child.
7. With regard to the question on former combat zones, efforts were being made to rebuild those areas. In one case, the population was being repatriated and the area developed, with attention focusing on the rights of the child.
8. Mr. MOMBESHORA asked whether spending under the Social Development Plan was actually reaching vulnerable target groups.
9. Mr. MENDOZA (El Salvador) said that the Social Development Plan had been producing positive results in all sectors of the community; vulnerable population groups, and in particular internally displaced persons, were receiving assistance under the Plan.

10. The CHAIRPERSON invited the delegation of El Salvador to reply to the questions in the sections entitled "Definition of the Child" and "General Principles", which read:

Definition of the child
(Art. 1 of the Convention)

1. What is meant by "child", in the meaning of article 1 of the Convention, under national legislation?

General principles

Non-discrimination (art. 2)

1. Please indicate to what extent the provisions of article 2 are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article.

2. Please indicate specific and concrete measures taken to combat discrimination against girls/rural children/children belonging to minorities or indigenous communities/refugee children/disabled children, including measures to eliminate and prevent discriminatory attitudes and prejudices.

Best interests of the child (art. 3)

3. Please indicate in what way the "best interests of the child" are taken into consideration in the legislation as well as in judicial, administrative or other proceedings.

The right to life, survival and development (art. 6)

4. Please indicate steps taken to create an environment conducive to ensuring "to the maximum extent possible" the survival and development of the child.

Respect for the view of the child (art. 12)

5. What concrete measures have been taken to sensitize public opinion and educate personnel working with children to the need to encourage children's participatory rights?

6. Please provide further information on the way in which the principle of respect for the views of the child is reflected in matters affecting the child, in particular in judicial and administrative proceedings (para. 82 of the report).

11. Mr. MENDOZA (El Salvador), replying first to the question in the section on the "Definition of the child", said that the Convention had had a positive impact on the way in which the concept of the child was interpreted in El Salvador. Legislation in his country defined minors as persons under the

age of 18, in conformity with article 1 of the Convention. The term "minor" was used instead of "child", because it was regarded as more appropriate and because it included the concept of the child.

12. Turning to question 1 in the section on "General principles", he said that new legislation was being adopted that would stress the importance of non-discrimination, equal treatment and recognition of differences. His Government gave priority to ensuring non-discrimination in accordance with the Convention. Given El Salvador's history, the importance of human rights and reconciliation was acknowledged.

13. With regard to question 2, he said that effective measures had been taken to combat discrimination against rural children, children belonging to minorities or indigenous communities and refugee children, the community at large having recognized the importance of the rural population for El Salvador as a whole. The National Secretariat for the Family was promoting a campaign that focused on equal treatment for girls. Priority was given to ensuring that pregnant girls were not victims of discrimination. The media and the schools played an essential role in promoting equal treatment and rejecting discrimination.

14. Concerning discrimination against disabled children, he objected to the use in Spanish of the term "impedidos", which was in itself highly discriminatory, the word "discapacitados" being more appropriate. El Salvador attached great importance to promoting the rights and dignity of disabled persons. During the preparatory meeting for the World Conference on Human Rights held in San José, his Government had proposed a paragraph on persons with disabilities, a subject that was eventually reflected in the Vienna Declaration and Programme of Action (A/CONF.157/23). El Salvador had a national policy in favour of the disabled. Specific programmes provided vocational and technical training to disabled persons and measures to help them live in dignity. The Family Code contained provisions promoting non-discrimination against disabled children and ensuring that they received equal treatment. The aim of El Salvador's policy was to prevent the rejection or exclusion of disabled persons.

15. Moving on to question 3, he said that the best interests of the child constituted a fundamental principle of the Convention. Article 375 of El Salvador's Family Code specifically provided that the best interests of the child must take precedence in order to achieve a harmonious development of its personality from the physical, psychological, moral and social points of view. The same provision also stipulated that protecting and assisting minors in all circumstances was a matter of priority.

16. With regard to question 4, he said that the ongoing peace process in El Salvador had been conducive to an environment propitious to the right to life, survival and development of the child. During the war, many children had died, not only during the armed conflict itself, but also as a result of the destruction of hospitals and the collapse of health care services. Children had thus benefited enormously from the restoration of peace. With the end of the armed conflict, the right to life and survival of children was assured, and his Government could take steps to promote their right to development.

17. Concerning question 5, El Salvador considered respect for the views of the child to be a major innovation of the Convention, and it was implementing that right in government institutions and promoting the acceptance of that idea in the family. For example, in schools children had a much greater latitude to express their views than in the past.

18. The CHAIRPERSON said that it would have been interesting to hear what modalities there were for implementing the measures to which reference had been made, the difficulties encountered in implementing legislation, whether all children really benefited from those rights and what obstacles still remained.

19. Mr. KOLOSOV said that the initial report of El Salvador (CRC/C/3/Add.9) raised serious concerns. It contained many contradictions in respect of the definition of the right of the child. For example, according to paragraph 31, article 102 of the Civil Code provided that "A woman who has reached the age of 14 and a man who has reached the age of 16 may enter into matrimony" and that, according to paragraph 32, if the spouses were aged under 21, they must obtain the consent of their parents, whereas according to article 33, article 197 of the Penal Code stated that "Whosoever has carnal knowledge of a woman aged over 12 and under 15, even with her consent, shall be punished by one to three years' imprisonment". That suggested that if a boy and a girl, each aged 14 and a half, had carnal knowledge, the girl must obtain permission from her parents for matrimony, whereas the boy would be punished by at least one year's imprisonment. Thus, there appeared to be a contradiction between the Civil Code and the Penal Code.

20. In paragraph 30 (a), it was stated that in accordance with El Salvador's Labour Code, minors aged under 18 were prohibited from performing dangerous tasks or night work, whereas paragraph 34 said that in accordance with the Constitution, children between the ages of 16 and 18 could volunteer for military service. Surely military service could be regarded as dangerous, and it was equally clear that soldiers often had to perform night work. Thus, there was also a contradiction between El Salvador's Labour Code and its Constitution.

21. In general, the gap between the age of maturity, which was 21, and other rights concerning the ages 14 to 21 seemed to be too wide.

22. He wondered whether children between the ages of 16 and 18 were allowed to volunteer for military service because it reflected the realities of life in El Salvador, i.e. boys who were hungry, poor and unemployed might prefer to join the military, or whether there was any other reason for allowing boys in that age group to volunteer. He questioned whether it was in the best interests of the child and inquired whether there were any plans to change that rule, given the suffering that children had already endured as a result of military operations. Surely persons under the age of 18 should be specially protected from involvement in military conflicts. He also asked whether girls could volunteer for military service, how many children under the age of 18 had in fact volunteered, whether there was any data on who under the age of 18 had joined and what percentage of those volunteers came from urban and what percentage from rural areas.

23. Mr. HAMMARBERG drew attention to the fact that all four articles grouped under the heading "General principles" were of key importance in forging attitudes to the rights of the child.

24. He strongly agreed with the Chairperson on the need to back up information regarding legal instruments with reports on affirmative action being taken to ensure their implementation.

25. In particular, he asked the delegation to provide concrete examples of the type of action being taken to combat discrimination against the "incapacitated", a term that he commended since it displayed sensitivity to the need for prejudice-free terminology. It was important for the authorities to take the lead in opposing discrimination against a group that could be as large as 10 per cent in countries where poverty and violence had taken their toll.

26. Noting that the average time spent in school by girls was only 2.8 years, he warned that such discrimination had grave implications for the future and called for resolute affirmative action to bridge the gender gap in that area.

27. He was not convinced that El Salvador's approach to the task of ensuring that the best interests of the child were taken into account was fully in accord with what the drafters of the Convention had had in mind. In particular, it was important to ensure that due weight was given to the child's interests where they tended to clash with economic and security interests.

28. Mrs. SANTOS PAIS was concerned to note that while children under the age of 14 were not allowed to testify in civil cases, their testimony might be admitted in criminal cases if the judge saw fit. To what extent were the best interests of the child being taken into consideration in deciding whether the child's views should be listened to or not?

29. She welcomed the setting up of a Legal Advisory Service for minors but regretted that only parents, legal representatives and guardians were mentioned in the legislation concerning that service. She was concerned to note that an age-limit of 21 had been mentioned for access to medical advice, especially in view of the high percentage of pregnant teenagers in El Salvador, which pointed to the need for serious preventive medical action.

30. She asked how the different marriage age for boys and girls could be reconciled with the provisions of both the Convention and El Salvador's Family Code regarding equality of the sexes.

31. Mgr. BAMBAREN GASTELUMENDI noted that poverty and the impact of years of violent conflict were the two major obstacles impeding implementation of the legislation on behalf of children in El Salvador. A frequent visitor to that country, he had been struck by the extent to which people had come to accept death as something that was commonplace. He had seen men and women identify the corpses of their relatives with seeming indifference. Education for peace therefore needed to be supplemented by education for life.

32. Given the challenge of poverty, which meant that top priority had to be given in many cases to survival, he asked to what extent it was possible to ensure compliance with the Labour Code provisions relating to child labour.

33. Commenting on the term "street children", which he found demeaning, he said that it was important to look for alternative terminology that was less conducive to discrimination.

34. He wished to know whether there was any provision for compensation of those children who had been the victims of such violations of human rights as the extrajudicial execution or disappearance of their parents or guardians. Were they offered study grants, for example?

35. What type of health services were provided for incapacitated children? Did they have access, for example, to paediatric, orthopaedic and above all psychological care?

36. Miss MASON asked whether the reform of various legal instruments would bring the definition of the child into line with article 1 of the Convention.

37. Article 197 of the Penal Code legislated for the case of carnal knowledge of a woman aged over 12 and under 15. Was the case of girls under 12 dealt with elsewhere in the legislation?

38. The tone of articles 98 and 99 of the Minors' Code, which referred to "minors considered to be in a state of moral or physical neglect" and "minors presumed to be at risk" conveyed the impression that punitive action might be taken against them. What were the actual consequences for those children?

39. The legislation concerning the child and the family referred to under the heading "Plans for legislative action" in the report seemed to interact and overlap. Could a single comprehensive document be produced that would incorporate all those aspects?

40. The report mentioned that children's views were taken into account in regard to custody in divorce proceedings. Was the same right guaranteed in cases of adoption?

41. Mrs. EUFEMIO referred to article 38 (1) (10) of the Constitution that allowed minors to work if it were considered "essential for their own subsistence or that of their family". Given the principle of taking the best interests of the child into consideration, she asked whether there might not be other ways of providing families with the essentials for their subsistence, for example through a sound social security system.

42. With regard to the provision that required employers to organize minors' working hours so as to allow them to attend school, she asked how compliance with that provision was supervised and what penalties were imposed for infringement.

43. Mr. MOMBESHORA noted that abortion was prohibited under Salvadorian law. As illegal abortion tended to be most prevalent among unmarried adolescents, it seemed that the lives of both the foetus and the girl-mother were being

placed at risk by legislation that purported to offer protection from the moment of conception. Was there a problem of illegal abortion in the under-18 age group? Noting that no mention had been made of family planning in the report, he asked whether the Government had a policy in that area and if so what percentage of fertile women practised family planning or contraception? Was there provision for sex education at school?

44. Mr. MENDOZA (El Salvador), responding to inquiries about the practical action to enforce the country's legislation, said that the purpose of the instruments adopted was to guide government policy and the running of society. In that context, the National Policy for Minors was of crucial importance, since it laid the basis for practical action involving the family, the community, non-governmental organizations and private companies.

45. The existence of contradictions between different pieces of legislation had been recognized in the report of El Salvador. They could be attributed in some cases to the specific sociocultural context to which certain instruments related. Steps were being taken to bring the definition of the child into line with article 1 of the Convention. Indeed, that was the definition in force in the country since the Convention had been adopted by the Legislative Assembly in 1990.

46. In reply to Mr. Kolosov's question regarding voluntary military service from the age of 16, he said that the Military Act containing that provision had been repealed. Article 215 of the Constitution provided for compulsory military service for everybody, both male and female, between the ages of 18 and 30. Young people had enlisted voluntarily in the past because literacy education, training and health services had been available in the armed forces. The situation had changed, of course, during the conflict and UNICEF's envoy Roger Moore had campaigned against the recruitment of young people. In response, recruitment had been suspended for two years to afford time for an overall review and the drafting of new legislation and regulations in line with the Constitution.

47. In reply to Mr. Hammarberg, he said that El Salvador had dealt with all four articles mentioned under "General principles" in its report. He agreed that much remained to be done in the area of discrimination between the sexes. The phenomenon of machismo, patterns of behaviour based on male dominance, was widespread in Latin America. The Salvadorian authorities were aware of the importance of combating such attitudes and the problem was being addressed in educational and consciousness-raising programmes. In the past women's education had tended to focus on tasks requiring little brainpower but there were currently more men than women attending Salvadorian universities and women were well represented in Government circles. Admittedly the broad masses of girls and women still lagged far behind in educational terms but effective strategies were being devised to increase the number of years they spent at school.

48. With regard to discrimination against the incapacitated, he said that there was a trend towards the reintegration of these persons into society in the new atmosphere of awareness of the dignity of the individual. Reintegration and rehabilitation plans existed but he agreed that a great deal more could be done on behalf of the children concerned.

49. With regard to the best interests of the child in conflicts he said that El Salvador had no specific domestic legislation regulating internal conflicts, but that priority was given to ensuring the best interests of women and children.

50. In reply to the question on the Legal Advisory Service for minors, he explained that whereas the practice had been to give guidance to parents, in accordance with the Convention, guidance was now being given to children as well.

51. On the question about the difference in the marriageable ages for boys and girls, he replied that outmoded views were gradually being discarded and boys and girls were being given equal consideration in line with the Convention and the Family Code.

52. In reply to the observation by Mgr. Bambaren Gastelumendi that El Salvadorians seemed to have become inured to death, he said that efforts were being made to re-establish the fundamental principle of the right to life. In that connection, following the success of a national seminar held the previous year, an international seminar was being organized in cooperation with UNESCO on education for peace, which implied education for life. Many other initiatives were also being taken in the educational field, and there were plans to introduce changes in school curricula and teachers' guidelines.

53. As far as the problem of "street children" was concerned, priority programmes were in operation in El Salvador. A recent magazine article described a project which had been launched with the Italian Government, as well as other government programmes and projects, and could be made available if the Committee so wished. The Government was aware that it faced a serious problem: many of the children who had taken to the streets had been abandoned and were living in extreme poverty on the fringe of society. In some cases parents had disappeared, possibly during the violence, and in other cases children had left home of their own volition because of family difficulties. The problem was exacerbated by the large numbers of children involved, many below school age. The National Secretariat for the Family and other agencies also ran programmes for street children, and the authorities were confident that progress could be made in that area with international help and cooperation.

54. There were also plans and programmes to provide support and compensation for families and children who had suffered or lost relatives as a result of violence or summary and arbitrary executions. In spite of the efforts made, it was proving difficult to track down those who had been responsible for such executions, mainly because there had been such widespread violence.

55. In response to the question regarding carnal knowledge of young girls under 12 years of age, he said that the authorities had been making strenuous efforts to put an end to child abuse generally, through campaigns, posters warning against sexual relations with children and efforts to guarantee that the right of children not to be abused was respected. El Salvador had had a history of violence and had to try and deal with its effects. There was now a

need to determine what sanctions would be appropriate for that type of violation and a number of decisions and exemplary punishments were already being applied.

56. Turning to the question on family support and social security, he replied that Salvadorian policy focused on the family and that efforts were being made to provide families with appropriate support through family welfare groups. Social security did exist, but was not widely available, and efforts were under way to extend those benefits to the entire population in the near future.

57. On the question of child labour, he said that efforts were being made through taxation, the Ministry of Labour and the Attorney-General's Office to prevent the employment of under-age children. The Constitution already reflected the relevant ILO Conventions, and an educational strategy was being promoted to ensure that children remained in school as long as possible and were not denied the right to education. El Salvador was now attempting to restore its educational system nationwide, and current educational projects amounted to some 141 million colones. The interrelated problems of child labour and education in El Salvador were common to all developing countries and should be resolved as the economy developed.

58. As far as abortion was concerned, El Salvador's policy was that of respect for life from the time of conception. Abortions were carried out but were not legal, and the authorities endeavoured to prevent them by educational campaigns. Some sex education programmes had been launched by the Ministry of Health and the Ministry of Education, and a private group was developing sex education courses throughout the country.

59. Mr. HAMMARBERG said that his question on the best interests of the child appeared to have been misunderstood. He had referred to that principle not in connection with armed conflicts but with situations where the interests of the child were in conflict with other interests, such as occurred in divorce and custody cases. Where such clashes occurred, the best interests of the child should be the primary consideration and they did not necessarily coincide with the strongest case for custody. His question therefore was to what extent the best interests of the child had been discussed in El Salvador at the political, administrative and judicial levels to ensure that that principle was incorporated in all decision-making processes.

60. Mrs. SANTOS PAIS emphasized that the Committee's intention in its questions was to be as precise as time allowed. Some of the information provided had been very valuable, but in many cases it did not go far enough. The Committee wished to know, for example, what measures had been taken to change El Salvador's male-dominated society. The Committee's views, endorsed by the World Conference on Human Rights were that society would change its attitude to women and girls more quickly if efforts were made to ensure a partnership and a sharing of responsibilities early in life and at all levels. Traditional attitudes would not change by themselves. The recently-published report of the independent expert on El Salvador (E/CN.4/1993/11) indicated, in paragraph 109, that in rural areas only 34 per cent of women received medical attention during childbirth, that 84 per cent living in rural areas were illiterate, and that the national illiteracy rate for women was 59 per cent.

In the professional sphere, only 2 per cent of engineers, 4 per cent of lawyers and 40 per cent of doctors were women. Furthermore, while 60 per cent of the households were headed by women, 61 per cent of economically active women were currently unemployed. In the political parties and trades unions women were only given secretarial jobs, and women constantly faced domestic violence, street violence and sexual harassment. The Committee was greatly concerned about that situation in El Salvador and wished to know what legal, administrative or other measures were being taken or foreseen to change the trends in Salvadorian society.

61. As far as sex education was concerned, while welcoming the fact that some sex education was provided, the Committee found it regrettable that girls could not take the initiative and request the necessary information. El Salvador had a high proportion of young mothers, and it was essential that they had access to information, first because it was a fundamental human right and second because possession of the necessary information could help prevent unwanted pregnancies.

62. As far as the employment of children was concerned, while legislation appeared to draw a balance between work and school, access to education did not only mean school attendance. It also meant ensuring that a child had the time to think about what he was learning, to do homework, and also to have the time to play and to be a child. While, therefore, it was encouraging to hear that some legislation had been enacted, the Committee felt that legislation and implementation should go further and in that connection she expressed the hope that the dialogue would encourage new ideas which would contribute to a new trend in El Salvador.

63. Mgr. BAMBAREN GASTELUMENDI said that he had not been referring in his previous question to the perpetrator of human rights abuses but rather to child victims of abuses and their needs in terms of orthopaedic and hospital care, and he also wished to know whether such treatment was free of charge. He had also asked whether education was free of charge and whether children who were orphans or victims of violence were able to get scholarships to enable them to study.

64. Lastly, he asked for information on the "samuelitos" whom he understood to be children involved in the guerrilla groups.

65. Mr. MENDOZA (El Salvador), referring to the question raised by Mr. Hammarberg on the principle of the best interests of the child, said that there had been some debate in El Salvador by groups which had worked on the formulation of national child welfare policies or on the Family Code, as a result of which the importance of the principle had started to be understood. Although it had not been possible to have a systematic campaign to explain either its meaning or implications, it was enshrined in the legislation governing separation and adoption which would soon be promulgated.

66. While much remained to be done to change the attitudes which produced male dominated society, changes were taking place, particularly in the urban areas. Whereas in the past girls had been actively discouraged from attending school and had been consigned to domestic employment, women were now achieving considerable professional success. The Minister of Education was a woman and

was actively promoting the education of girls and young women. The World Parliamentary Union had reported on the number of women in Parliament, and women were working in a number of ministries as well as in the Government. A number of non-governmental organizations (NGOs) also actively promoted women's rights.

67. On the question of sex education, the need for proper family discussion of sexual matters had been recognized and a campaign had been launched to encourage parents to introduce the subject to their children.

68. He endorsed the views of Mrs. Santos Pais regarding children's educational needs. Although the Government had been unable to provide nationwide educational coverage in recent years, children had continued to learn through informal structures, and there had been wide-ranging literacy campaigns and other training despite the armed conflict. The importance of play in early life was reflected in provisions for recreation and leisure within the educational system which also ensured adequate time for homework. Teachers themselves were very active and played an active part in plans for training and education. Figures regarding education should be available at the Committee's next meeting.

69. As far as the rehabilitation of disabled people was concerned, he said that the National Assembly had adopted a declaration on the disabled giving them the right to whatever orthopaedic or other means were necessary for their rehabilitation, but the cost of such items as prostheses and artificial limbs and the fact that they were difficult to obtain had caused serious problems. Effective local materials were now being sought which would make such items more durable. A telethon had recently been held to raise money for children's rehabilitation, and the Funter Foundation had established four assistance centres for people with various forms of disability. International help would nevertheless be needed to give full access to rehabilitation or re-education.

70. Both rehabilitation and education were free of charge for children under the Constitution. The "samuelitos" were children who had participated in armed groups as child soldiers; they were also covered by the social reintegration plans.

71. The CHAIRMAN invited the delegation of El Salvador to deal with the section entitled "Civil rights and freedoms" which read:

"Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

1. Please indicate measures taken or envisaged to ensure that all children are registered after birth, including sanctions in case of non-registration or late registration. How is registration ensured particularly in rural areas?
2. What steps are being taken to encourage the publication, dissemination and availability to all children of children's literature?
3. What concrete steps have been taken to investigate cases of ill-treatment of children and prevent its occurrence?

4. Is corporal punishment allowed in schools or other institutions for children? What specific legal provisions exist to protect children from being ill-treated? Are there complaint procedures which can be used by children themselves against such abuses?"

72. Mr. MENDOZA (El Salvador) said that the Constitution guaranteed basic civil rights and freedoms for adults and children alike. The question of the physical punishment and ill-treatment of children was currently under discussion and an information campaign was under way, particularly in respect of the ill-treatment of children.

73. Turning to question 1, he said that a procedure existed for registration of births; the maximum period for registration being one month for children born in the country and six months for those born outside. A campaign was under way to impress upon the population the importance of registration and the need to be in possession of proper documentation.

74. With regard to question 2, he said that Concultura (the national council for culture) was responsible for the dissemination of books, including children's literature. Books for children were published in El Salvador and imported books for children were exempt from tax in an effort to keep their sales costs down. The dissemination of literature was encouraged by the Ministry of Education in both the formal and informal sectors. Although the illiteracy rate remained high, it should be borne in mind that a strong oral tradition still prevailed in the country.

75. Concerning question 3, a study of ill-treatment of children was being undertaken by the Procurator General's office, which also investigated individual cases. At the same time, an information campaign had been launched for prevention purposes. The ill-treatment of a child was considered to be a serious crime. CEPRENIN, the Centre for the Prevention and Care of Maltreated Children, coordinated activities in that area, in conjunction with the San Salvador Children's Hospital. The Directorate-General for the Protection of Minors had the machinery needed to investigate cases of ill-treatment.

76. Concerning question 5, a campaign had been introduced to arrive at an educational system based on dialogue and communication. Seen from that perspective, therefore, corporal punishment could have no place in such a system. Machinery was in existence which made it possible for parents to submit complaints to the school administration.

77. The CHAIRMAN invited the Salvadorian delegation to focus on questions 4 to 7 in the list of questions in the section on "Family environment and alternative care" which read:

"Family environment and alternative care
(Arts. 5, 18 paras. 1 and 2, 9, 10, 27 para. 4,
20, 21, 11, 19, 39 and 25 of the Convention)

4. What legislative measures have been adopted to protect the child against abuse and maltreatment within the family, as laid down in article 19 of the Convention? Is research undertaken into the problem of

ill-treatment and sexual abuse of children, including into social factors which influence such violations? Can children lodge complaints concerning abuse or neglect?

5. What systems and procedures exist for the monitoring of institutions for alternative care?

6. Have programmes been adopted to prevent and reduce the abandonment of children and, if so, are such programmes adequate?

7. Please describe the procedures for national and intercountry adoption including monitoring and supervision. What measures are taken to ensure that parents giving up their children for adoption are allowed sufficient opportunity to weigh the consequences and alternatives? At what age can a child him/herself influence a decision on adoption?"

78. Mr. MENDOZA (El Salvador), referring to question 4, said that one of the objectives of the Family Code was to promote an integrated family and to discourage cases of corporal punishment and maltreatment within the family. Measures could be taken in cases of maltreatment and efforts were being made to establish a support system to enable children to bring incidents to the notice of authorities. Research was also being undertaken in regard to ill-treatment and sexual abuse, taking into account in particular the contribution of the phenomenon of machismo into such violations of children's rights. Children could bring complaints through both or either of their parents or directly. The current post-conflict situation in the country inevitably had repercussions on the incidence of such cases, sexual violence being part of the spiral of violence which had been created. Particular tragic situations involving the abuse of young girls had become known and determined efforts were being made to investigate them and to encourage the victims to speak out about their experiences.

79. Concerning question 5, he said that all institutions for alternative care were subject to supervision, with centres under the auspices of the Office of the Procurator General being under direct and permanent supervision.

80. Concerning question 6, he noted that programmes were under way to reduce the number of cases of abandonment of children. The Ministry of Education and, in particular, the Ministry of Health, which had well-established contacts with the rural population, were taking an active part in that area. While the programmes in themselves were effective, the problem had to be placed in its wider context and, to that end, efforts were being made to disseminate information and increase awareness among the population. The Church was also active in that area and was playing a significant role in alerting the population to the problem.

81. Turning to question 7, he said that the 1955 Adoption Act, which was still in force, had been introduced prior to the emergence of the situation of conflict in the country and had not been specifically designed for the type of adoption needs which had arisen from that situation. Adoption legislation was

currently under review and could be expected to be amended in the light of the approach taken in the recent Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, to the drafting of which El Salvador had been an observer.

82. Mr. HAMMARBERG, referring to question 4 and to article 19 of the Convention, and noting that the abuse and maltreatment of children were prohibited by national law, said that it was difficult to assess the degree of vigilance adopted in the country in that respect. In many cases a child would be reluctant to make a complaint against a parent and therefore a legal procedure, albeit necessary, was probably not very effective. Further information would be welcome on the role of persons such as social workers in that field, the system for monitoring child abuse at local level, and training provided to social workers and teachers to deal with such problems with a view to ensuring that action was taken at an early stage. Concerning sexual abuse, he noted that a campaign had been launched against incest and rape and that the First Lady of El Salvador was playing a leading role in the campaign. Such an approach was commendable, although a more prominent male involvement in the campaign might also be hoped for. He would be interested to know whether it was intended to develop the campaign further and, if so, how.

83. Mrs. SANTOS PAIS, referring to paragraph 98 of the country report and to article 25 of the Convention, asked whether there was any system of periodic review of the situation giving rise to an administrative order placing a child in the personal care of a parent or relative. What was the procedure for judicial review of such orders? Referring to paragraph 104 of the country report, she requested clarification of the phrase "minors in an irregular situation"; what were the criteria for thus categorizing a child, to what degree did it stigmatize a child, and what effect did it have on a child's situation?

84. Mgr. BAMBAREN GASTELUMENDI, referring to civil rights and specifically to the right to a nationality and to be registered, asked whether in view of the special situation in which El Salvador found itself, there was a government programme to ensure that children, particularly those born in refugee camps outside El Salvador, were registered. Referring to the statistical information given in paragraph 105 of the country report, he pointed to the alarming percentage of five- to nine-year-old children subjected to sexual abuse and the fact that 24 per cent of persons responsible for abuse were mothers.

85. Mr. KOLOSOV asked the delegation to provide an approximate estimate of the proportion of the population which could afford to buy children's books, how many families could afford a television set, and, in relation to question 7 of the list of questions on family environment and alternative care, at what age a child's views might be taken into account in cases of adoption?

86. Mrs. SARDENBERG, referring to question 4 in the same section, asked whether the Government was working together with non-governmental organizations in relation to prevention of maltreatment and sexual abuse and

whether it envisaged developing international cooperation in that field. Were there rehabilitation programmes for girls who had been sexually abused within or outside the family?

87. The CHAIRMAN invited the delegation of El Salvador to consider the comments and questions raised by members of the Committee and to respond to them at the next meeting.

The meeting rose at 6 p.m.