



Convention on the Rights of the Child

Committee on the Rights of the Child

Fifty-third session

11–29 January 2010

Optional Protocol on the sale of children, child prostitution and child pornography

List of issues to be taken up in connection with the consideration of the initial report of El Salvador (CRC/C/OPSC/SLV/1)

The State party is requested to submit *in written form* additional and updated information, if possible *before 19 November 2009*

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;

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

(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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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?

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.

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.

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.

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.