



## Visit of the Special Representative of the UN Secretary-General on Violence against Children, Ms. Marta Santos Pais

San Salvador, 14 June 2013

### 1. Purpose and context of the visit

I visited El Salvador, at the invitation of the Government, from 9 to 14 June 2013, in order to support national efforts to accelerate progress in the prevention and elimination of violence against children.

I wish to express my gratitude to the Government for its decisive support and commitment to closely cooperate with the human rights mechanisms of the United Nations System. I also want to thank the Government for its help in organizing meetings to hear the voices of a broad spectrum of Salvadorian governmental actors, including the Office of the First Lady and Secretary of Social Inclusion, the Ministers of Foreign Affairs, Health, Education and Labor; the Attorney-General and the Ombudsman for the Defense of Human Rights; representatives of the National Assembly and the judiciary, specialized agencies for the promotion of the rights of women and youth, as well as local government representatives. I also had the opportunity to engage with civil society members, the private sector, representatives of the diplomatic community and international agencies, as well as with Salvadorian children and adolescents.

### 2. Significant progresses and persisting challenges

Following my visit, and in light of the reflections shared with these various stakeholders, I would like to acknowledge significant progress, signal persistent challenges, and present a set of recommendations to prevent and respond to violence against children in the country.

It is particularly important to highlight the initiatives taken to promote gender equality<sup>1</sup> and prevent all forms of discrimination on grounds of gender or age, and

---

<sup>1</sup> Five-year Development Plan 2010 - 2014, National Plan of Equality and Equity for Salvadorian Women (2012 - 2017), the Special Comprehensive Law for a Women's Life Free of Violence (LEIV), Equality Law for the Eradication of discrimination against Women.

specially acknowledge the initiative “*Ciudad Mujer*,” which is a promising model of inter-institutional and horizontal public management for the protection of the rights of women and girls in El Salvador<sup>2</sup>.

The measures adopted to ensure the comprehensive protection of children and adolescents are particularly relevant, especially the enactment of the Law on the Protection of Children and Adolescents (LEPINA), which promotes the recognition of the rights of children in line with the Convention on the Rights of the Child and replaced a stigmatizing approach which was focusing on the protection of the most vulnerable children..

It is equally important to acknowledge the establishment of a National Council coordinating action for the protection of children’s rights, which includes different governmental departments, national institutions and civil society representatives; as well as the establishment of a growing number of protection boards. Also important to highlight is the development of a national policy for the comprehensive protection of children, which has been based on a participatory process.

Other important measures include the promotion of inclusive full-time schooling to overcome the marginalization and social exclusion of vulnerable children, as well as capacity building measures for teachers to promote sex education in schools as a prevention strategy.

In the field of health, it is important to emphasize the promotion of a public health approach to violence prevention, the introduction of a policy of decentralization of health services and an outreach approach to families and communities to detect and respond to situations of violence within the family.

Similarly, there have been significant efforts made by the National Youth Institute (INJUVE) to promote social spaces for sports and recreation, as well as its initiative for the "Social Prevention of Violence with Youth Participation – Pro Jovenes II" which includes key stakeholders, such as the municipal councils for violence prevention.

Likewise, important initiatives have been launched to strengthen the regulatory and institutional framework to combat child labour, involving various stakeholders, including the private sector.

Of particular significance are the efforts by the Attorney General of the Republic, in particular for the promotion of mediation and conciliation services to resolve conflicts within the family; and the work of the Ombudsman for the Defense of

---

<sup>2</sup> “*Ciudad Mujer*,” a State program coordinated by the Secretary of Social Inclusion, comprising 18 state institutions that provide specialized services to women, girls and adolescents in a safe, efficient, reliable and quality manner.

Human Rights with its advocacy and research on children's issues, including its recent special report on the impact of violence on children and adolescents.

Violence in the community, violence associated with criminal activities and violence that occurs in the privacy of the home are deeply interconnected and cause fear, insecurity and harm to families, communities and society in general. Children are especially vulnerable to these interconnected forms of violence, both as victims and as witnesses.

Teenage boys are at high risk of being victims of homicide because of their vulnerability to manipulation by street delinquency, association with gangs, arms possession and involvement in other violence-prone activities. A culture of impunity leads to higher levels of violence.

The lack of security threatens human development and is associated with higher levels of poverty, lower rates of enrollment and retention in school and can compromise access to health services, education and social support, increasing the vulnerability of children to the violation of their rights.

Accordingly, despite the significant progress achieved, serious challenges remain for the protection of children against violence. Some data are particularly revealing: between 2005 and 2011, about 5,000 children were assassinated<sup>3</sup>; every three hours an adolescent is sexually abused; each day on average three teenagers between 10 and 14 years give birth<sup>4</sup>, and the leading cause of maternal mortality is suicide associated with early pregnancy. Violence associated with gang activity, including extortion, physical violence, homicides and disappearances dramatically hamper childhood and adolescence. For children belonging to the poorest sectors and from regions where gang activity is prevalent, the risk of being stigmatized as a delinquent aggravates their vulnerability and in some cases results in their criminalization. In contrast with this reality, complaints about violence are rare for fear of retaliation and as a result of a perceived climate of impunity - less than 12% of crimes result in convictions<sup>5</sup>.

To change this pattern, institutions responsible for criminal investigation, including the police, prosecution and justice, need to base their policies on a child rights perspective and move away from a punitive approach. They need to prioritize alternatives to deprivation of liberty, and promote restorative justice solutions and a genuine reintegration process to provide children and adolescents involved with the juvenile justice system a real chance to build their lives and reintegrate into society.

In addition, investment in prevention must be a key priority. For countless Salvadorian children and adolescents life is defined by one word: fear. In many

---

<sup>3</sup> Attorney for the Defense of Human Rights, Special Report "Impact of Violence on Children and Adolescents in El Salvador, 2013."

<sup>4</sup> Idem.

<sup>5</sup> World Bank Institutional Public Study on Expenditure in Security and Justice, 2013.

cases, they do not benefit from a protective and supportive family environment to overcome the trauma of violence and face life with confidence. In reality, forty per cent of Salvadorian children and adolescents live with only one or without any parent, as a result of abandonment or of the high rate of migration in the country. In many cases, deprivation is the norm at home, with one in every two children living in poverty, with limited access to social services of quality to help prevent and respond to incidents of violence.

The low investment in children aggravates inequality across all stages of children's life cycle. A paradigmatic indicator in El Salvador is that it records the lowest public spending in Central America while it shows the highest spending on security in the region: in 2011, 43.8 per cent was allocated to surveillance and police patrols while three per cent was devoted to crime prevention. The budget for education is particularly low, representing about three per cent of GDP, while investment in early childhood for children up to three years is even lower.

It is important to bear in mind that a child's safe development in the early years of life is a key foundation for the prosperous and sustainable development of society. Moreover, neuroscience shows a clear correlation between investment in violence prevention since early childhood, reduction in mental health costs, decrease in crime rates, reduction of human insecurity and the consolidation of national human development.

### **3. Recommendations**

To face the crisis resulting from the magnitude and social indifference towards violence against children and adolescents in the country, it is critical to develop a holistic public policy on the rights of the child with a long-term vision much beyond a single government administration and which cannot be reduced to a set of fragmented interventions by different agencies.

It is urgent to promote and foster a broad social consensus to enable all national stakeholders – including legislative and judicial bodies, human rights institutions, government authorities, the business sector and civil society, as well as children and adolescents themselves – to ensure that the protection of children against violence is a clear priority at the center of all public policies.

It is urgent to ensure a process of cultural and social change with sustainable investment in childhood. It is imperative to break the complicity of silence surrounding violence against children and give visibility to the devastating impact of this phenomenon on child development and on human capital in society.

It is important to promote wide-ranging information and awareness campaigns on violence against children and adolescents. In this process, the media plays a crucial role in promoting a culture of zero tolerance of violence, overcoming the stigmatization of vulnerable children, and mobilizing society as a whole to eradicate

violence. I therefore encourage this sector to join the efforts of the Government in the framework of ethical principles to prevent the re-victimization of children and the manipulation of information, which could result in the criminalization of children and adolescents, as it so often happens with the negative portraying of youth in the media as responsible for an alleged association with high levels of delinquency and criminality.

It is urgent to invest in the capacity building of professionals dealing with the integral protection of children, to ensure respect for children's rights and to contribute to building a society where violence against children has no place. Among others, it will be indispensable to disseminate information about the Law on the Protection of Children and Adolescents (LEPINA), and the mechanisms of integral protection it promotes; and to offer training on children's rights to teachers, health professionals, social workers, police and security officers, judges, prosecutors and members of protection agencies at departmental and local levels.

It is essential to invest in the empowerment of children and adolescents to allow them to become responsible citizens and take action to promote and protect their own rights. Such empowerment is essential to ensure the effective participation of children in the development of a national agenda for the prevention and elimination of violence and to gain in-depth knowledge of risk factors and vulnerabilities associated with this phenomenon. Schools must play a crucial role as places free from violence where children can experience democracy and a culture of peace. It is a priority to ensure a safe and reliable learning environment for all children, supported by the commitment of schools and local authorities, as well as families and students themselves to contribute to that goal and to fight impunity.

The institutional development in El Salvador of mechanisms for interdepartmental coordination and the comprehensive protection of children, – which I welcome and encourage – should not undermine the primary mission of such mechanisms, at central and local levels, which is to safeguard the best interests of the child and to ensure access to justice and redress for violations of children's rights. The protection of children from violence cannot wait until a comprehensive protective system is fully developed and put in practice. With political will, determination and creativity tools such as inter-institutional collaboration protocols can be developed to prevent confusion of roles and duplication of efforts and to ensure that protection systems provide an immediate and effective response to child victims of violence.

Moreover, to bring about a real change in the daily lives of children, it is of utmost importance to rapidly close the gap between legislation and its implementation. It is also necessary to fill gaps in legislation and to introduce an explicit prohibition of corporal punishment in all settings. Likewise, it is important to develop a legal framework on child adoption, recognizing full respect for the best interests of the child and the right of the child to grow up in a family environment, in accordance with the standards of the Convention on the Rights of the Child and The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-

Country Adoption. Furthermore, to ensure the adequate protection of children, it is necessary to establish safe, child-friendly and accessible mechanisms for counseling, reporting and complaints on incidents of violence.

It is equally imperative to consolidate a data system and a research agenda on violence against children to guide policies and interventions, monitor progress and evaluate effectiveness and impact of measures undertaken. I therefore encourage the Government to develop an integrated information system based on definitions and indicators aligned with child rights standards, and to ensure that data is disseminated and freely available to the public at large. In this connection, it will be important to study in greater depth the exposure of girls to violence and the manifestations of violence associated with migration.

Preventing violence is a key component of the struggle against poverty and the advancement of national sustainable development. It is important to bear in mind that a reactive approach to violence is much more costly than investing in its prevention; and the question of investment in the prevention of violence from early childhood is not only a question of human rights but also a question good economics.

For this reason, I encourage the Government of El Salvador to reinforce its education budget, tripling the investment in education and giving priority to sustained investment in early childhood up to age three, supported by positive child-rearing and good parenting initiatives and the reduction of social disparities.

In this regard, the promotion of gender policies and the convergence between policies on violence against women and on violence against children is essential to ensure that the home is a safe environment for children and to promote the involvement of men and fathers as positive role models to overcome traditional patterns of masculinity that reinforce a culture of violence. Sensitization campaigns on gender and its relationship with the protection of children are strategic to generate social and cultural change.

The cost of inaction is high for the Government and for society. By contrast, the benefits of effective interventions to protect children and ensure a life free of violence are enormous. Change is possible but it requires urgent and sustained action!

When I met with children and young Salvadorians, they shared with me their frustration about violence, stressing it is generally met with social indifference and passivity. They called for the protection of all children from violence as a State priority. Their dream is that "El Salvador be the happiest country in the world!" That is the challenge for the country. That is the call that we need to reaffirm!