

EL SALVADOR

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	10 Jul 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	13 Sep 2002	17 May 2004	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	15 Aug 2002	18 Mar 2004	
UN Optional Protocol on the Involvement of Children in Armed Conflict	18 Sep 2000	18 Apr 2002	
International Convention for the Protection of All Persons from Enforced Disappearance			
Hague Convention on International Child Abduction		5 Feb 2001	1 May 2001

El Salvador has made significant improvements to its child protection legislation as a whole. In March 2009, the country enacted a law for the comprehensive protection of childhood and adolescence (henceforth referred to as LEPINA Law, or *Ley de Protección Integral de Niños, Niñas y Adolescentes*). The legislation established a national comprehensive child protection system,¹ that is, a coordinated set of organs, entities or institutions whose policies, plans and programs are aimed at ensuring children's welfare and the rights of the child.²

However, while El Salvador has made significant efforts to improve protections for children from sexual exploitation, missing children are not afforded the same levels of protection. El Salvador does not have specific legislation regarding missing children; nevertheless, the LEPINA Law does mandate that the State seek the reunification of the families of children who go missing, for any reason.³ Exit controls are also described in Article 44 of this Law, which establishes that children are allowed to travel with their parents, but in order to travel alone or to be accompanied by only one parent, exit permission must be granted by the Attorney General's Office.

¹ The system is composed of the National Childhood and Adolescence Council (Consejo Nacional de la Niñez y de la Adolescencia), Local Childhood and Adolescence Rights' Councils (Comités Locales de Derechos de la Niñez y de la Adolescencia), Childhood and Adolescence Protection Boards (Juntas de Protección de la Niñez y de la Adolescencia), Promotion and Assistance Associations (Asociaciones de Promoción y Asistencia), the Salvadoran Institute for the Integral Development of Childhood and Adolescence (Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia, ISNA), the Judiciary (Órgano Judicial), the Attorney General's Office (Procuraduría General de la República), the Prosecutor for the Defense of the Human Rights (Procuraduría para la Defensa de los Derechos Humanos) and the members of the Shared Attention Network (Red de Atención Compartida).

² Ley de Protección Integral de la Niñez y Adolescencia del Salvador (LEPINA), Decreto 839, Art. 103 (2009). [Law on the Protection of Childhood and Adolescence of El Salvador.] (on file with the International Centre for Missing & Exploited Children).

³ El Salvador's LEPINA Law, *supra* note 72, Art. 79.

The issue of missing children is not new to El Salvador. In fact, during their civil war, which took place from 1981 to 1992, over 75,000 people were killed and thousands went missing, including many children.⁴ The Truth Commission, an inter-institutional commission mandated by the January 16, 1992 U.N.-brokered peace agreements that ended the war and created to elucidate the human rights violations committed during the civil war, saw the testimonials of several mothers who accused the Army of abducting their children during the conflict. While such child abductions took place all across the country, the majority of the cases were in the Chalatenango area. Some of the children – more than 20 of the 500 separated from their families during the conflict – are believed to have been adopted by the military. Others were victimized further as the military officers commercialized and sold the children internationally for adoption.⁵

In January 2010, President Mauricio Funes created the National Commission for the Search for Disappeared Children (*Comisión Nacional de Búsqueda de Niños Desaparecidos en el Marco del Conflicto*) and designated March 29 as the "Day dedicated to the children who disappeared during the internal conflict" in El Salvador. The commission's goal is to bring forward and investigate the cases registered by the NGO Association for the Search for Missing Children (Pro-Búsqueda). Pro-Búsqueda has located 363 children separated from their families and is currently working with the National Commission on locating the other 508 separated children.⁶ To support this initiative, the National Civil Police (PNC) is currently creating a Missing Persons Unit under the Investigation Unit of Special Crimes of the Central Investigations Division. The government has signaled a strong interest in locating missing children separated from their families by the conflict, but attention to children who go missing or are abducted in the current context must also be accounted for in both legislation and law enforcement policy.

Despite the impending creation of a missing persons unit, El Salvador lacks a mechanism to gather information on missing persons, which makes coordination significantly more difficult. A centralized, standardized information system that allows for the compilation of statistical information would provide needed data for improved policies as well.

Missing children reports from various agencies are not currently consolidated, but the National Civil Police are developing an internal policy to guide investigative efforts, which includes the responsibility of several actors and the necessary steps for inter-institutional coordination to locate missing children. These actions along with El Salvador's participation in the Missing Latin Americans initiative represent crucial steps to protect children from abduction, particularly given the vulnerability of children in the region to being trafficked.

⁴ Save the Children: Diagnóstico 2003, *supra* note 24, page 88.

⁵ *Id.*

⁶ Todanoticia.com, *Funes rinde homenaje a los niños salvadoreños desaparecidos en la guerra civil*. [Funes pays tribute to children missing in the Salvadoran civil war.] Available at: <http://www.todanoticia.com/24996/funes-rinde-homenaje-ninos-salvadorenos/>. (last visited January 24, 2012; on file with the International Centre for Missing & Exploited Children).