

# El Salvador

## National Child Protection Legislation

### National Legislation

- Age of Child – **Under 18 years of age (girl / boy under 13 years; adolescent 13-18)**  
[Law of Comprehensive Protection of Children and Adolescents](#)  
**Art. 3 – Definition of child and adolescent**  
The rights and guarantees granted in this Law will be recognized to any person from the moment of conception until eighteen years of age.  
  
For the purposes of this Law, a child is every person from the moment of the conception until twelve years are completed, and an adolescent is from the time twelve years are completed until eighteen years of age.
- Age of Consent – **18 years of age**  
[Penal Code](#)  
**Art. 167 – Corruption of minors and incapacitated person**  
Whoever promotes or facilitates the corruption of a person under eighteen years of age or mentally handicapped, through various sexual acts of carnal access, although the victim consents to participate in them, will be punished with imprisonment of six to twelve years.  
  
Any family or private person that agrees to what is described in the previous paragraph will be sanctioned with the maximum penalty increased by one third.
- Age of Marriage – **18 years of age**  
[Family Code](#)  
**Art. 14 – Absolute Impediments**  
These cannot contract marriage:
  - 1) Children under eighteen years of age;
  - 2) Those bound by marriage bond; and,
  - 3) Those who are not in full use of their reason and those who cannot express their consent unequivocally.
- Age of Criminal Responsibility – **18 years of age**  
[Juvenile Penal Code](#)  
**Art. 2**  
This Act shall apply to persons over twelve years of age and under eighteen.  
Minors whose ages are between the sixteen and eighteen years of age, who will be attributed or checked responsibility, as authors or participants in a criminal offense, you will be apply the measures established in this Law.

- **Extraterritoriality**

Penal Code

**Art. 8 – Principle of Territoriality**

The Salvadoran criminal law will be applied to punishable acts committed totally or partially in the territory of the Republic, or in the places subject to its jurisdiction.

**Art. 9 – Personal or Nationality Principle**

The Salvadoran criminal law will also be applied:

- 1) To crimes committed abroad by a person in the service of the State, when it has not been prosecuted in the place where the offense was committed, because of the privileges inherent to his/her position;
- 2) To the crimes committed by a Salvadoran abroad or in a place not subject to the particular jurisdiction of the State; and against the legal rights of another Salvadoran; and
- 3) To crimes committed abroad by Salvadorans when extradition requested by reason of their nationality is denied, or by foreigners against legal rights of Salvadorans.

**Art. 10 – Principle of Universality**

The Salvadoran criminal law will also be applied to crimes committed by any person in a place not subject to Salvadoran jurisdiction, provided that they affect internationally protected property by specific pacts or norms of international law or imply a serious affectation to universally recognized human rights.

**Art. 11 – Extraterritorial Favorability**

In the cases referred to in the two previous articles, the law in force will apply in the place of commission of the punishable act, if its provisions are more favorable to the accused than those contained in the Salvadoran criminal law; however, preference will be given to the claim of the State in whose territory the offense was committed, if it claims the judgment before the criminal action is initiated.

- **Dual Criminality**

El Salvador does require double criminality according to the OAS –  
[https://www.oas.org/juridico/mla/en/slv/en\\_slv\\_extr\\_proc\\_salv.pdf](https://www.oas.org/juridico/mla/en/slv/en_slv_extr_proc_salv.pdf)

Constitution

**Art. 28 – Extradition Procedure**

El Salvador concedes asylum to the foreigner who desires to reside in its territory, except in cases provided for by the laws and by international law. These exceptions shall not include anyone persecuted only for political reasons. Extradition shall be governed in accordance with the International Treaties and, when involving Salvadorians, shall only proceed if specifically provided for in the corresponding treaty, and if said treaty has been approved by the Legislative Branch of the respective signatory countries. In every case, its provisions shall consecrate the principle of reciprocity and shall provide Salvadorians with all the criminal and procedural guarantees established by this Constitution.

The extradition shall proceed when the crime has been perpetrated in the territorial jurisdiction of the soliciting country, except in the case of crimes of international transcendence, and shall never take place in cases involving political crimes, even if common crimes arise as a result.

- **Mandatory reporting requirements**

[Penal Code](#)

**Art. 88 – Responsibility of public and private schools**

The education authorities will communicate to the mothers, fathers, representatives or those responsible for the children or adolescents, as well as to the school administration bodies, the cases of dropouts, failure rates and repeated unjustified absences.

The education authorities will also be obliged to report any form of threat or violation to the physical, psychological and sexual integrity of the children and adolescents, that take place inside or outside the educational centers.

[Law of Comprehensive Protection of Children and Adolescents](#)

**Art. 70 – Complaint**

Any person can report to the Childhood and Adolescence Protection Boards and the Executive Body in the Labor and Social Welfare sector situations that may threaten or violate the rights of adolescent workers, as well as children who are being employed, used or exploited in the ways prohibited in this Law.

**Art. 85-A – Harassment in the School Setting**

Any form of manifestation of violence within public and private educational centers, especially school harassment is prohibited. Harassment in school is any form of physical, psychological, verbal or cybernetic abuse produced against children and adolescents in a repeated form.

Any person who had knowledge of the existence of school harassment, overcoming the internal processes, shall report it to the corresponding educational authorities, to the Boards of protection of children and adolescents, or any other authority.

It is the obligation of public and private educational centers to include within their internal regulations, in addition to actions concerning the prevention of harassment school, protective mechanisms towards its eradication, respecting in any case the personal integrity of children and adolescents.

**Art. 202 – Serious misconducts**

The following will be considered serious misconducts:

- a) To fail to report any type of activity that endangers the life, dignity or physical, mental or moral integrity of children and adolescents;

....

**Art. 206 – Notice**

Any person who has knowledge of a violation committed may give notice to the competent authority or to the National Civil Police, which will inform of its receipt within a maximum term of eight hours.

The notice may be verbal or written. If it is verbal, it shall be recorded in the minutes, which shall contain a concise statement of the facts, and must be signed by the one giving notice and the authority that receives it.

#### **Art. 207 – Complaint/Report**

The complaint must relate as much as possible:

- a) The identity of the complainant and the quality of the complaint;
- b) The Identity of the child or adolescent whose rights have been violated or are threatened;
- c) The identity of the person or persons denounced to whom the violation or threat of rights is attributed and indication of the place where they can be cited;
- d) The description of the facts that allow the violation or threat to the rights of the child or adolescent to be established;
- e) The evidence of the alleged infractions or the place where they are found; and,
- f) The designation of the place where he can be notified.

When the complaint is presented orally, the competent authority will draw up an act in which the previous information is recorded and that must be signed by the complainant.

#### ▪ **Obligations of Educational Institutions**

##### [Law of Comprehensive Protection of Children and Adolescents](#)

#### **Art. 85-A – Harassment in the School Setting**

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#### **Art. 87 – Responsibility of mothers, fathers, representatives or persons responsible for education**

It is the responsibility of the mothers, fathers, representatives, and persons responsible for children and adolescents:

...

- e) To report other acts that threaten the life and dignity of the children and adolescents; and,
- f) Make known to the children and adolescents the instances where they should go in case their life and integrity are threatened.

#### **Art. 88 – Responsibility of public and private schools**

The education authorities will communicate to the mothers, fathers, representatives or those responsible for children and adolescents, as well as to the school administration bodies, the cases of dropouts, failure rates and repeated unjustified absences.

The education authorities will also be obliged to report any form of threat or violation to the physical, psychological and sexual integrity of the children and adolescents, that take place inside or outside the educational centers.

**Art. 89 – School discipline**

Public and private schools must teach the value of discipline and respect to teachers, students and all people.

In the imposition of disciplinary measures, educational centers are obliged to respect the dignity, rights and guarantees of every child and adolescent. As a result, physical and psychological abuse and maltreatment and any form of cruel, inhuman or degrading punishment is prohibited.

The application of corporal and collective sanctions and those that are caused by the pregnancy or maternity of the student is prohibited. The imposition of all disciplinary measures must be timely and must be duly proportional to the purposes pursued and the conduct that motivated them.

Sanctions may only be imposed for behaviors previously defined in the school's regulations and that do not contravene the provisions of this Law and the rules applicable to the subject. In any procedure aimed at establishing the responsibility of the child or adolescent for an act of indiscipline in an educational center, the right to due process and defense of the student by himself or by his mother, father, representative or other responsible person will be guaranteed.

[Law of the Teaching Career](#)

**Art. 31 – Obligations of Educators**

The obligations of educators are:

...

- 5) Show consideration and respect for the physical and moral integrity of his superiors, students, or other members of the education community;
- 5-A) Report any fact of sexual violence suffered by students or other members of their educational community;

...

**Art. 32 – Prohibitions for Educators**

Educators are prohibited:

...

- 4) Committing any form of physical, psychological or sexual maltreatment against students or any other member of the educational community;

...

**Art. 56 – Very Serious Misconducts**

The following are considered very serious misconducts:

...

- 3) Committing immoral acts within educational centers or places of work or outside of these;

...

- 18) Applying to students any form of physical or mental abuse that threatens their dignity, personal integrity or the development of their personality;

- 19) Sexually harassing or committing acts against the sexual freedom against co-workers; students; parents of these, inside or outside the educational center;

...

- **Prohibition to hold certain positions**

[Penal Code](#)

**Art. 58 – Absolute disqualification**

The penalty of absolute disqualification comprises:

- 1) The loss of citizen's rights;
- 2) The loss of office, commission, contract or public employment exercised by the condemned, even if it was a popular election;
- 3) The inability to obtain all kinds of positions or public jobs;
- 4) The loss of the quality of a naturalized Salvadoran; and,
- 5) The inability to receive honorary distinctions and loss of those already received.

**Art. 59 – Special disqualification**

The penalty of special disqualification includes:

- 1) the suspension of the exercise of a profession, art, trade or activity whether or not regulated;
- 2) the definitive suspension of public charges ad honorem that the convicted person was carrying out;
- 3) the loss of parental authority or guardianship in crimes related to sexual freedom and family relations, when committed by ascendants, against descendants, or guardians against their wards; and,
- 4) the exercise of any charge, employment, public or private, profession or office, be this by economic compensation or volunteering, when it is about the offenses referred to in Title IV, Chapters I, II, and III of Book II of this Code; and who are directly or indirectly related to children, adolescents or persons with disabilities.

The special disqualifications that are imposed must be clearly specified in the sentence.

The suspension established in paragraph 1, of this provision, shall only proceed and be imposed if the crime was committed as a direct consequence of the exercise of a profession, art, office or activity, whether or not regulated and the link between these and the crime are specified in the judgment.

In crimes related to sexual freedom and family relations, once the judgment has been declared final, the sentencing judge will certify ex officio on the same day to the corresponding family court, so that the latter, with the sole view of setting the case for hearing within twenty-four hours of receipt, must issue the corresponding sentence of loss of parental authority or guardianship, when the crime is committed by ascendant against descendant, or guardians against their wards.

[Law of the Teaching Career](#)

**Art. 62 – Disqualification**

Disqualification from teaching is an accessory sanction to dismissal from the position, consisting of the prohibition imposed on the offender to teach in the service of State, municipal and private educational institutions, when considering that such an exercise can represent a serious risk for the students, co-workers, as well as when the misconducts that originated the dismissal are of such severity that they make them unworthy to teach.

**Art. 63 – Cases of Disqualification**

Disqualification from the exercise of teaching will only be imposed in the case of paragraph 1 of Article 61, only if any of both very serious offenses is one of those referred to in paragraphs 1, 3, 4, 9, 10, 11, 13, 18 and 20 of Article 56.

In the case of what is understood in paragraph 19 of Article 56, it will be enough to commit such offense for the first time.

**Art. 64 – Effects of Disqualification**

Disqualification from the exercise of teaching is permanent, but the educator may, prior to the procedures and requirements established in this same law, achieve rehabilitation, demonstrating convincingly the disappearance of the causes that motivated such disqualification.

▪ **Employment Law**

[Law of the Teaching Career](#)

**Art. 56 – Very Serious Misconduct**

The following are considered very serious misconducts:

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3) Committing immoral acts within educational centers or places of work or outside of these;

...

18) Applying to students any form of physical or mental abuse that threatens their dignity, personal integrity or the development of their personality;

19) Sexually harassing or committing acts against the sexual freedom of co-workers; students; their parents, inside or outside the educational center;

...

**Art. 57 – Classes of Sanctions**

For disciplinary offenses committed by educators, the following sanctions may be imposed:

Main sanctions:

- 1) Written warning;
- 2) Suspension without pay; and,
- 3) Dismissal.

Accessory sanction:

Disqualification from the exercise of teaching.

In addition, superiors in hierarchy may make subordinate staff take the precautions they consider appropriate to maintain discipline in the school or workplace.

**Art. 58 – Written warning**

A written reprimand must be applied in cases of less serious misconduct.

A warning will consist of the complaint against the offender for the misconduct committed, an exposition of the harmful consequences thereof to the good progress of the work and the injunction to not repeat this behavior, under penalty of being considered as more serious n case of recidivism.

**Art. 59 – Suspension of Salary**

Suspension from the performance of the position, without pay, from three to thirty days, shall be applied in cases of serious misconduct and from more than thirty to sixty days in the case of very serious misconduct.

Suspension without pay shall consist of the temporary separation of the educator from the position performed, for a period framed within the minimum and maximum limits established in the preceding paragraph, during which no salary or emolument shall be accrued.

**Art. 60 – Prior Suspension**

Suspension in the performance of the position, without pay, may also be ordered in the following cases:

- 1) When the educator is caught in flagrant serious misconduct, foreseen in paragraphs 1, 3, 4, 9, 13, 17 and 19 of Article 56;
- 2) For the penalty of arrest or provisional detention decreed by a competent authority;
- 3) For sexually harassing co-workers, students, or their parents, or committing any act against their sexual freedom; always and when there is evidence that makes it possible to reasonably gather that there is a current or imminent risk to the supposed victim;
- 4) For having pending processes in a criminal matter, relating to acts against sexual freedom against co-workers, students, or their parents.

Suspension shall be ordered by the director, the school Board of Directors, or higher in hierarchy without any proceedings, but they will be obligated to submit the corresponding denunciation before the Teacher Career Board respectively within five business days following the suspension of the educator, should express under penalty of inadmissibility, the previous suspension of the educator, having the Board resolve on the validity or invalidity of the sanction.

When the cases indicated in paragraph 3 of this Article and paragraph 19 of Article 56, in addition to the obligations contained in the previous subsection, the director, the school Board of Directors, or higher in hierarchy, shall immediately notify the Attorney General of the Republic for the relevant legal effects.

The prior suspension will last until a final judgment is pronounced, in any of the cases provided. But if the final judgment is acquittal, the educator will be paid the salary corresponding to the period of suspension and will be reinstated to the position previously performed, provided that it is submitted no later than five business days after the date on which they ceased the causes that motivated the suspension.

**Art. 61 – Dismissal**

Dismissal consists of the cancellation of the appointment and definitive separation from the position held by the offender.

The following are causes for dismissal:



- 1) Committing very serious misconduct for the second time, except for what is included in paragraph 19 of Article 56, for which it will be enough to commit such misconduct for the first time, always there is a definitive guilty sentence;
- 2) Having been convicted of committing a crime;
- 3) Absence from work, without just cause, for eight consecutive days or for ten non-consecutive working days in the same calendar month following the rules of the General Budget Provisions; and,
- 4) Legal incapacity for teaching.

The dismissal entails the loss of rights arising from the performance of the position, but not the aptitude for the exercise of teaching, except for the exceptions provided.

The dismissed educator will continue to be enrolled in the Escalafonario Registry (hierarchy registry).

- **Private Fostering**

No information found.

- **Criminal Law – Defamation**

- [Penal Code](#)

- **Art. 177 – Slander**

- Anyone who falsely attributes to a person the commission of a crime or participation in the same, will be sanctioned with imprisonment of one to three years.

- Slander made with publicity will be sanctioned with imprisonment of two to four years.

- Repeated slander against the same person will be sanctioned with imprisonment of two to four years and a fine of fifty to one hundred days.

- If the repeated slander is carried out with publicity, the penalty will be imprisonment of two to four years and a fine of one hundred to two hundred days.

- **Art. 178 – Defamation**

- Whoever attributes to a person who is not present a conduct or capable quality of damaging their dignity, undermining their reputation or attempting against their own estimation, will be sanctioned with imprisonment from six months to two years.

- Defamation made with advertising will be sanctioned with imprisonment of one to three years.

- Repeated defamation against the same person will be punished with imprisonment from one to three years and a fine of fifty to one hundred days.

- **Art. 179 – Insult**

- Whoever offends by word or action the dignity or decorum of a person present, will be punished with imprisonment from six months to two years.

The insult done with advertising will be sanctioned with one to three years imprisonment and a fine of fifty to a hundred days.

Repeated insults against the same person will be punished with imprisonment of one to three years and a fine of fifty to one hundred days.

If the repeated insults are made with publicity, the sanction will be one to three years imprisonment and a fine of one hundred to two hundred days.

## Sexual Offenses Against Children

### [Penal Code](#)

#### **Art. 159 – Rape of a minor or incapacitated person**

Whoever has vaginal or anal sex with a minor under fifteen years of age or with another person taking advantage of their mental derangement, of their state of unconsciousness or inability to resist, will be punished with imprisonment of fourteen to twenty years.

Whoever by deceit places the victim in a state of unconsciousness or incapacitated to resist, will incur the same penalty, if the conduct described in the first paragraph of this Article is performed.

#### **Art. 161 – Sexual aggression against a minor or incapacitated person**

Sexual aggression carried out with or without violence that does not consist of carnal access, of a person under fifteen years old or of another person, taking advantage of mental disability, state of unconsciousness or inability to resist, will be punished with a prison of eight to twelve years.

Whoever, by means of deception, places the victim in a state of unconsciousness or incapacitated to resist, will incur in the same penalty, if they carry out the conduct described in the first paragraph of this article.

If any of the circumstances indicated in the second paragraph of the article concur above, the sanction will be fourteen to twenty years in prison.

#### **Art. 162 – Violation and Aggravated Sexual Aggression**

The crimes referred to in the four preceding articles will be sanctioned with the corresponding maximum penalty, increased by up to one third, when they were executed:

- 1) By ancestors, descendants, siblings, adopters, adopted or when committed by the offspring of the spouse or partner;
- 2) By public authority or by any other person who has custody of the victim;
- 3) When the victim is under eighteen years of age;
- 4) By person in charge of the custody, protection or surveillance of the victim;
- 5) When executed with the assistance of two or more persons;
- 6) When use is made of particularly brutal means, modes or instruments, degrading or humiliating; and,
- 7) With abuse of domestic relations or confidence derived from work relationships.

#### **Art. 165 – Sexual harassment**

Anyone who carries out unwanted sexual behavior against the person who receives it, which implies phrases, touching, signs or other unambiguous behavior of a sexual nature or content and that does not in itself constitute a more serious crime, will be punished with imprisonment of three to five years.

Sexual harassment against a child under fifteen years of age shall be punished with a penalty of four to eight years in prison.

If sexual harassment is carried out taking advantage of the superiority caused by any relationship, in addition, a fine of one hundred to two hundred days will be imposed.

**Art. 166 - Diverse sexual act**

Whoever performs by deception, with a person over fifteen and under eighteen years of age, any sexual act different from carnal access, will be sanctioned with imprisonment of four to eight years.

The diverse sexual act performed with a person under the age of sixteen, even with consent, will be punished with imprisonment of eight to twelve years.

**Art. 167 – Corruption of minors and incapacitated person**

Whoever promotes or facilitates the corruption of a person under eighteen years of age or mentally handicapped, through various sexual acts of carnal access, although the victim consents to participate in them, will be punished with imprisonment of six to twelve years.

Any family or private person that agrees to what is described in the previous paragraph will be sanctioned with the maximum penalty increased by one third.

**Art. 168 – Aggravated corruption**

The penalty shall be from twelve to fourteen years of imprisonment, if the corruption of minors is performed:

- 1) On a victim under fifteen years of age;
- 2) By deception, violence, abuse of authority or trust, or by any other means of intimidation;
- 3) By deception, violence, abuse of authority or trust, or by any other means of intimidation; and,
- 4) By ascendant, adoptive parent, brother, in charge of education, supervision, care or custody of the victim or the spouse or offspring.

**Art. 169 – Induction, promotion and favoring of sexual or erotic acts**

Whoever promotes, facilitates, administers, finances, instigates or organizes in any way the use of persons under the age of eighteen years in sexual or erotic acts, individually or organized, publicly or privately, will be sanctioned with a penalty of three to eight years in prison.

The same penalty will be incurred by anyone who knowingly authorized the use or lease of the property to perform any of the activities described in the preceding paragraph.

**Art. 169a - Remuneration for sexual or erotic acts**

Whoever pays or promises to pay with money or other advantage of any nature to a person under the age of eighteen or a third person so that the under-age person performs sexual or erotic acts, will be punished with a penalty of three to eight years of prison.

**Art. 170 – Determination to prostitution**

The one who determines, coercively or abusing a situation of necessity, a person to exercise or remain in prostitution shall be punished with imprisonment from six to ten years.

The penalty of imprisonment shall be eight to twelve years when the victim is under eighteen years of age.

When any of these modalities was executed, prevailing on the superiority originated by any relationship, the penalty will be aggravated up to one third of the limit maximum.

**Art. 170-a – Offer and demand for prostitution of another**

The mere offer or offer of services of prostitution of others will be sanctioned with imprisonment of four to eight years.

The mere demand or request for prostitution services will be sanctioned with the same penalty as in the previous paragraph.

**Art. 171 – Obscene exhibitions**

Whoever executes or has executed other acts of lewdness or of obscene exhibition, or indecorous, in a public place or exposed to the public or before minors of eighteen years of age old or mentally handicapped, will be punished with imprisonment of two to four years.

**Art. 172 – Pornography**

Whoever, by any direct means, including through electronic means, manufactures, transfers, disseminates, distributes, rents, sells, offers, produces, executes, exhibits or displays, movies, magazines, caricatures or any other pornographic material among minors under 18 years of age or a person with an intellectual disability will be punished by imprisonment of three to five years

The same sanction will be incurred by anyone who does not provide notice in a visible way of the content of the films, magazines, caricatures or any other material, including that which can be transmitted through electronic means, when it is inappropriate for minors under the age of eighteen years or person with intellectual disability.

**Art. 173 – Utilization of Persons Under Age Eighteen and Incapacitated or Mentally Disabled in Pornography**

Whoever produces, reproduces, distributes, publishes, imports, exports, offers, finances, sells, trades or disseminates in any way, images, uses the voice of a person under eighteen years of age or incapable or mentally deficient person, whether directly, computer, audiovisual, virtual or by any other means in which they exhibit sexual, erotic or unambiguous sexual activities, whether explicit or not, real or simulated, will be punished with imprisonment of six to twelve years.

The same sanction will be imposed on whoever organizes or participates in shows, public or private, in which the persons mentioned in the previous paragraph are involved in pornographic or erotic actions.

**Art. 173-a – Possession of pornography**

Anyone who possesses pornographic material in which the image of persons under eighteen years of age, incapable or mentally deficient persons, in pornographic or erotic activities, is used shall be sanctioned with a penalty of two to four years.

**Art. 173-b**

The offenses referred to in Arts. 169 and 173 of this Code, will be sanctioned with the corresponding maximum penalty increased up to one third of the maximum established penalty and the **disqualification of the exercise of their profession** during the duration of the sentence, if any of the actions described was performed by:

- a) Ascendants, descendants, siblings, adopters, adoptees, spouses, cohabitants and relatives up to the fourth degree of consanguinity and second degree of affinity;
- b) All the persons contemplated in Art. 39 of this Code;
- c) The person in charge of the guardianship, protection or surveillance of the victim; and,
- d) Any person who takes advantage of the superiority originated by relationships of trust, domestic, educational, work or any other relationship.

#### **Art. 367-B – Trafficking of Persons**

The one who by himself or as a member of a national or international organization for the purpose of obtaining an economic benefit recruits, transports, transfers, welcomes or receives persons, inside or outside the national territory, to carry out any activity of sexual exploitation, keep them in forced labor or services, in practices similar to slavery, or for the removal of organs, fraudulent adoptions or the celebration of forced marriages, shall be sanctioned with a penalty of four to eight years in prison.

Anyone who facilitates, promotes or encourages any of the above activities will be punished with a penalty of three to six years in prison.

When the described actions are carried out in commercial premises or of any nature that requires the permission of a competent authority, the latter must revoke it by immediately closing it.

#### **Art. 367-C – Aggravating the Crime of Trafficking in Persons**

The offense referred to in Art. 367-B of this Code will be sanctioned with the corresponding maximum penalty increased up to one third of the maximum and **disqualification of the exercise of their profession** during the duration of the sentence, in the following cases:

1. If it is done by officials, public and municipal employees, public authority, agent of authority and the agents of the National Civil Police.
2. When the victim is under eighteen years of age or incapable.
3. If it is done by people, prevailing superiority originated by relationships of trust, domestic, educational, work or any other relationship.
4. If, as a consequence of the commission of the previous crime, the passive subjects suffer deprivation of liberty abroad, are victims of crimes of any order or die for reasons of a willful or culpable nature.

#### [Law of Comprehensive Protection of Children and Adolescents](#)

#### **Art. 33 – Prohibition of sale or distribution of material or substances that may cause damage to mental and physical health**

The sale or simple distribution to children and adolescents, by any means, of pornographic material, as well as narcotic and psychotropic substances, alcoholic beverages, industrial glues, tobacco and others that may cause addiction, is prohibited.

Internet access points for public service should have computer filters that prevent or avoid children and adolescents from accessing pornographic or other content that may cause damage to mental health.

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#### **Art. 41 – Protection against the trafficking of children and adolescents**

Children and adolescents have the right to be protected from trafficking in persons. Trafficking is the recruitment, transportation, transfer, welcome or reception of children or adolescents, resorting to the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a

position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a child or adolescent or of the person who has authority over them, for the purpose of exploitation.

This exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or analogous practices of slavery, servitude or the removal of organs.

In the context of the development of public policies for children and adolescents, the State must establish and develop actions and measures that allow: the care and protection of migrant children and adolescents and the development of international cooperation plans for the return of people.

**Art. 43 – Special protection against unlawful transfer and retention**

The illicit transfer and retention of children and adolescents is prohibited, even when said practice originates from the exercise of parental authority, the guardianship and personal care, the visitation regime or the authorization rules to leave the country. Consequently, the State will guarantee the eradication of this practice.

Children and adolescents who have been illegally transferred or detained are entitled to be reintegrated into their family environment and to enjoy the visits of their parents and other relatives, provided that this does not contravene the best interests of the children.

The State will take all necessary measures to achieve the family reintegration of the child or adolescent who is in the situation provided for in this article, and within the framework of the Hague Convention on the Civil Aspects of International Child Abduction.

**Art. 47 – Specific prohibitions against the use of the image and affectation of the personal privacy of children and adolescents**

The use of the image of children and adolescents is prohibited in:

- a) Programs, advertising messages and productions of pornographic content;
- b) Programs, advertising messages and productions whose contents incite violence or are inappropriate for their age;
- c) The publication or exhibition of news, reports, chronicles, life stories or any other journalistic expression with images or proper names of children or adolescents that directly or indirectly identify the victims of mistreatment or abuse;
- d) The publication or exhibition of images and recordings or written references that allow the direct or indirect identification or individualization of a child or adolescent victim of any crime; and,
- e) The publication of the name, as well as the image of the child or adolescent prosecuted or sentenced for crimes or misdemeanors.

**Art. 55 – Protection against sexual abuse and exploitation**

All children and adolescents have the right to be protected against abuse and sexual exploitation.

For purposes of this Law, it is understood:

- a) Sexual abuse is any conduct defined in the Penal Code, which violates the sexual freedom and integrity of a child or adolescent to take advantage of or benefit from any class or nature; and,
- b) Sexual exploitation is any form of sexual abuse through payment in cash or in kind, with or without intermediation, whether or not there is any form of procuring.

The use, recruitment or offer of children and adolescents for prostitution, pornographic production or performance, should be considered as cases of sexual abuse and exploitation.

The State must guarantee permanent and free programs of prevention and comprehensive attention for abused children and adolescents.

**Art. 56 – Protection against other forms of exploitation**

Children and adolescents will be protected from all forms of economic exploitation. The State will eradicate any practice that affects the dignity and personal integrity of children or adolescents.

The following are considered as forms of economic exploitation of children and adolescents:

- a) Those that, according to International Law, are considered as the worst forms of child labor;
- b) The sale and trafficking of children and adolescents;
- ...
- e) Work that by its nature or by the conditions in which it is carried out, damages the health, safety or morality of children and adolescents;
- ...

**Art. 85-A – Harassment in the School Setting**

Any form of manifestation of violence within public and private educational centers, especially school harassment is prohibited. Harassment in school is any form of physical, psychological, verbal or cybernetic abuse produced against children and adolescents in a repeated form.

Any person who had knowledge of the existence of school harassment, overcoming the internal processes, shall report it to the corresponding educational authorities, to the Boards of protection of children and adolescents, or any other authority.

It is the obligation of public and private educational centers to include within their internal regulations, in addition to actions concerning the prevention of harassment school, protective mechanisms towards its eradication, respecting in any case the personal integrity of children and adolescents.

[Special Law Against Computer and Related Crimes](#)

**Art. 27 – Harassment through Information and Communication Technologies**

Anyone who carries out sexual behavior unwanted by the recipient, including phrases, signs or other unequivocal conduct of a sexual nature or content, through the use of Information and Communication Technologies, will be punished with imprisonment of four to six years.

**Art. 28 – Pornography through the Use of Information and Communication Technologies**

Whoever, by any means that involves the use of Information and Communication Technologies manufactures, transfers, disseminates, distributes, rents, sells, offers, produces, executes, exhibits or displays pornographic, sexual material among children and adolescents or people with disabilities, will be punished with imprisonment of four to eight years.

The same sanction will be incurred by anyone who does not provide notice, in a visible way of the content of pornographic or sexual material that is transmitted through the use of Information and Communication Technologies, not suitable for children, adolescents or people with disabilities, will be punished with imprisonment of three to five years.

**Art. 29 – Use of Children, Adolescents or Persons with Disabilities in Pornography through the Use of Information and Communication Technologies**

Whoever, by any means that involves the use of Information and Communication Technologies, produces, reproduces, distributes, publishes, imports, exports, offers, finances, sells, trades or disseminates in any way, images, videos or exhibits sexual, erotic or unambiguous activities of a sexual nature, explicit or not, real or simulated, or uses the voice of children or adolescents or people with disabilities, will be punished with imprisonment of eight to twelve years.

The same sanction will be imposed on anyone who, through Information and Communication Technologies, organizes or participates in public or private shows, in which the persons indicated in the previous paragraph are involved in pornographic or erotic actions.

**Art. 30 – Acquisition or Possession of Pornographic Material of Children, Adolescents or Persons with Disabilities through the Use of Information and Communication Technologies**

Whoever acquires for himself or for a third party through any means that involves the use of Information and Communication Technologies or possesses pornographic material in which a child or adolescent or person with disabilities or their image has been used for their production, will be punished with imprisonment of two to five years.

The same sanction will be applied to the one who possesses in computer data storage devices or through any means that involves the use of Information and Communication Technologies, pornographic material in which a child, adolescent or person with a disability or their image has been used for its production.

**Art. 31 – Corruption of Girls, Boys, Adolescents or Persons with Disabilities through the Use of Information and Communication Technologies**

Whoever maintains, promotes or facilitates the corruption of a child, adolescent or person with a disability for erotic, pornographic or obscene purposes, by means of Information and Communication Technologies, although the child, adolescent or person with disabilities consents, will be punished with imprisonment of eight to twelve years.

The same sanction will be imposed on anyone who makes implicit or explicit proposals to hold sexual or erotic encounters, or for the production of pornography through the use of Information and Communication Technologies for himself, for another or for groups, with a child, adolescent or person with disability.

**Art. 32 – Harassment of Children and Adolescents or Persons with Disabilities through the Use of Information and Communication Technologies**

Whoever torments, harasses, humiliates, insults, denigrates or other behaviors that affect the normal development of the personality, threatens psychological or emotional stability, puts at risk the life or physical security of a child, adolescent or person with a disability, through the use of Information or Communication Technologies, will be punished with imprisonment of two to four years.

The penalty will be aggravated with imprisonment of four to eight years, for anyone who performs conduct that involves phrases, signs or other unambiguous action of a sexual nature or content against a child, adolescent or person with disabilities, through the use of Information and Communication Technologies.

- **Female Genital Mutilation (FGM)**

No information found.