
EL SALVADOR

Republic of El Salvador

Population: 6.9 million (2.8 million under 18)

Government armed forces: 15,500

Compulsory recruitment age: 18

Voluntary recruitment age: 16

Voting age: 18

Optional Protocol: ratified 18 April 2002

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

Military service was compulsory for 18-year-olds. There were no under-18s in the armed forces.

Context

Harsh anti-gang laws and law enforcement measures were used against gangs (*maras*). There were an estimated 10,500 gang members in El Salvador, with connections to other Central American countries and the USA.¹ In 2004 the National Council for Public Security started implementing a Safe Country plan, the Super Heavy Hand (*Mano Súper Dura*) policy.² Members of the armed forces patrolled with the civilian police. Children were blamed for increasing criminal violence, although of the 300,000 suspects detained between 2000 and 2006, fewer than 6 per cent were under 18. Human rights organizations accused the government of the arbitrary detention of hundreds of youths under the security policy.³ Some 43 per cent of under-18s were held without proof of illegal association.⁴

The UN Committee on the Rights of the Child called on El Salvador to abrogate its second Anti-gang Law of April 2004 and to apply the Juvenile Offenders Act as the only legal instrument in the area of juvenile justice.⁵ The authorities considered lowering the age of criminal responsibility to 12, with penalties ranging from therapy to custody in a juvenile detention centre.⁶

In March 2005 the Inter-American Court of Human Rights requested El Salvador to establish a national commission to determine the whereabouts of children who had disappeared during the 1980–91 armed conflict.⁷ Children had been abducted and given to families in other countries for illegal adoptions. In September 2005 the Ministry of Foreign Affairs referred the case of the Serrano Cruz sisters, on which the Court's decision was based, for investigation.⁸

In September 2005 the governments of El Salvador and the USA signed an agreement to establish an International Law Enforcement Academy (ILEA) to train police officers,

prosecutors and judges in the region on drug-enforcement and counter-terrorism practices.⁹

Government

National recruitment legislation and practice

The constitution provided for compulsory military service for all nationals aged 18–30 (Article 215).

Individuals had to enrol on the military register within one month of turning 17, but only 18-year-olds could be called up. The Armed Forces (Military and Reserves Service) Act stated that “Salvadorans over 16 years of age may voluntarily submit to the Recruitment and Reserves Department or its subsidiary offices an application to perform military service, and the Department shall accept them according to the needs of the service”.¹⁰ El Salvador's declaration on ratification of the Optional Protocol stated that such applications required parental consent. However, there was a permanent order from the General Staff of the Armed Forces “to refrain from accepting minors among newly recruited personnel”.¹¹

The Committee on the Rights of the Child recommended that El Salvador explicitly prohibit by law the voluntary recruitment of 16- and 17-year-olds, to reflect current practice, and the recruitment of children under the age of 15, into armed forces or groups. It also recommended the prohibition of under-18s directly participating in hostilities. The government told the Committee that legal reforms were under way to raise the minimum age of voluntary recruitment from 16 to 18.¹²

Military training and military schools

Candidates for the Capitán General Gerardo Barrios Military School had to be aged 17–22 and to have completed their secondary education.¹³ In 2005 there were four 17-year-olds attending the school – three males and one female. The five-year curriculum of military and academic subjects, approved by the Ministry of Education, included study of the international law of armed conflict and human rights. Most teachers were military officers.¹⁴

Disarmament, demobilization and reintegration (DDR)

In 2006 the government reported that former members of the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional, FMLN*), who were 15 and 16 in January 1992 and who had not benefited from a land program agreed between the government and the FMLN, had received educational and technical training.¹⁵ According to official statistics, 152 children had opted to return to school, while 97 had chosen technical

training. Only nine children had successfully been incorporated into the educational system and just one had completed the course of studies. During the armed conflict an estimated 2,000 children served in the FMLN, and 80 per cent of recruits in the government armed forces were under 18.¹⁶

In 2006 the Committee on the Rights of the Child criticized the lack of information on measures and the program adopted with regard to former child soldiers and children affected by the armed conflict.¹⁷

- 1 USAID, Central America and Mexico Gang Assessment, April 2006, www.usaid.gov.
- 2 Pais Seguro: Plan de gobierno 2004–2009, www.servicios.gob.sv.
- 3 Centro por la Justicia y el Derecho Internacional (CEJIL), “Políticas de seguridad salvadoreñas violan derechos humanos de la niñez y adolescencia”, 7 March 2007, www.cejil.org.
- 4 Comunidad Segura, “Toward a national youth policy in El Salvador”, 24 October 2006, www.comunidadsegura.org.
- 5 UN Committee on the Rights of the Child, Consideration of second periodic report submitted by El Salvador, Concluding observations, UN Doc. CRC/C/15/Add.232, 30 June 2004.
- 6 Ministry of Interior, Proyecto de Reformas a la Ley Penal Juvenil, www.gobernacion.gob.sv.
- 7 Inter-American Court of Human Rights, *Case of Serrano-Cruz Sisters v. El Salvador*, Judgment of 1 March 2005, Series C, No. 120, www.corteidh.or.cr.
- 8 Written replies by the Government of El Salvador to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/SLV/Q/1/Add.1, 12 May 2006.
- 9 Gobierno de El Salvador, Noticias y Eventos, “El Salvador quinto país del mundo en contar con ILEA”, 21 September 2005, www.gobernacion.gob.sv.
- 10 Initial report of El Salvador to the Committee on the Rights of the Child on implementation of the Optional Protocol, UN Doc. CRC/C/OPAC/SLV/1, 15 August 2005.
- 11 Ibid.
- 12 Committee on the Rights of the Child, Consideration of report submitted by El Salvador on implementation of the Optional Protocol, Concluding observations, UN Doc. CRC/C/OPAC/SLV/CO/1, 2 June 2006.
- 13 Escuela Militar, “Cap. Gral. Gerardo Barrios”, www.escmilitar.edu.sv.
- 14 Initial report, above note 10.
- 15 Written replies, above note 8.
- 16 Child Soldiers Coalition, “El Salvador: Children in the Farabundo Martí National Liberation Front (FMLN) and the Armed Forces of El Salvador (FAES)”, July 2006.
- 17 Concluding observations, above note 12.