**Introduction**

Since December 2019, when the world learned about the first case of coronavirus, also known as SARS Covid-19, population and governments were warned about the measures that should be taken in case the virus spread or had effects on the territories of each region or country. In this context, El Salvador has not been exempt from the pandemic effects, as well as the measures that should be taken to contain possible infections in the territory.

Therefore, within the framework of the mandate conferred to the NHRI (PDDH in Spanish) in Article 194 Roman I of the Constitution of the Republic of El Salvador, the Ombudsman for the Defense of Human Rights has developed actions to ensure the respect for the fundamental rights to the Salvadoran population and especially to groups in vulnerable conditions.

The work of the PDDH had special emphasis on the actions of state institutions; with regard to childhood and adolescence, in the care and plans that have been given to attend the educational processes, medical care, care in Containment Centers, Care Centers and Centers for Social Inclusion.

We cannot deny that girls, boys and adolescents have been one of the most affected groups during this pandemic, which is why the PDDH has given follow-up and attention to those cases reported or known, with the technical support of Deputy Procurator for the protection of Children and Youth (Procuraduría Adjunta para la Defensa de los Derechos de la Niñez y Juventud).

**Work developed by the Deputy Procurator for the protection of Children and Youth**

The PDDH heard about 38 cases related to children's rights, 19 allied to girls, 5 to boys and 14 collective cases. The cases associated with violations of health rights (9); feeding (7); specific rights of girls, boys and adolescents (7); freedom of expression of the press and of access to information (4); work and livelihoods (3); and, housing (2), among others[[1]](#footnote-1). The events generating these human rights violations against children and adolescents are of a different nature, but the main ones mentioned have been: the failure of the State to progressively generate conditions that allow access to food in quantity and quality necessary for development; lack of adequate information regarding the time they must remain in containment centers for quarantine; lack of access to income and means of subsistence that prevent them from complying with containment and protection measures during the pandemic; lack of protection to prevent the spread of Covid-19 for children and adolescents who do not have family care and are in care centers; omission of the State in the provision of food to people restricted in their freedom of movement due to being in quarantine, to name a few.

Of these 38 cases, 18 were registered in the department of San Salvador, 7 in the department of La Libertad, 4 in the department of La Paz, 3 in the department of Chalatenango, 2 in the department of Cuscatlán, 2 in the department of San Miguel, 1 in the department of Morazán, and 1 in the department of Usulutan. The authorities that were identified as responsible for the violations of their rights were mainly the Ministerio de Salud (MINSAL in Spanish), the Policía Nacional Civil (PNC in Spanish), specific authorities in charge of the containment centers, Procuraduría General de la República (PGR in Spanish) and Fiscalía General de la República (FGR in Spanish). Additionally, there was knowledge of a case in a Care Center, in which, a possible violation of the right to life of a girl was declared for having been transferred to a place where she could get infected with COVID-19.

**Information required on childhood and adolescence under the responsibility of the State**

In order to know the plans or measures the institutions would adopt to face the pandemic and to protect children and adolescents, especially those under the care or protection of the State, reports were requested through official letters **DIE-07-2020**, addressed to the Consejo Nacional de la Niñez y Adolescencia (CONNA in Spanish) and **DIE-08-2020** directed to the Instituto Salvadoreño para el Desarrollo Integral de la Niñez y Adolescencia (ISNA in Spanish); nevertheless, no response was obtained from the authorities.

However, before the declaration of emergency, with borders, ports, airports already closed and with the first Contingency Centers open, anticipating the possible implications that it could have on the population of children and adolescents sheltered, official letter **No. PADNJ** **013/2020** was sent to CONNA, reiterating the request for a report detailing the measures that they would adopt for the protection of children and adolescents in the Containment Centers; and measures to guarantee the general protection of children and adolescents in the country; as well as any other important information.

On June 15th, 2020, through official communication[[2]](#footnote-2), from the Procuraduría Adjunta para la Defensa de los Derechos de la Niñez y Juventud, addressed to the Executive Director of ISNA, Msc. Manuel Antonio Sánchez Estrada, and to the director of the Complejo de Integración Social de la Niñez y Adolescencia (CISNA in Spanish), Mr. Fernando Méndez, a report on the statistics, names and data of the girls and boys who have tested positive for Covid-19 in the CISNA was requested. The communication also served to reiterate the request for protection protocols for the entire population they work with and its personnel. However, again, there was no response from the cited authority.

In addition, on June 23rd, 2020, the directors of the Centro para la Inserción Social Femenino of Ilopango, Mrs. María Ignacia Martínez de Romero, and of the Centro para la Inserción Social of Tonacatepeque, Mr. José Hugo Castillo Valladares, were requested[[3]](#footnote-3) to report on how many adolescents interned in the Centers for Social Reintegration, have been diagnosed and suspected of Covid-19. Likewise, the action plans or protocols for the recovery of adolescents with Covid-19, as well as prevention measures; including the personnel working in said institutions.

As a result of the last requirement, through official letter SPIS/DCPIS/CPIST/0285/2020, on June 24th of this year, the director of the Centro para la Inserción Social in the municipality of Tonacatepeque, Mr. José Hugo Castillo Valladares, reported that in that place they had no positive or suspicious Covid-19 cases. In addition, he reported that they were developing preventive measures with the staff of the Directorate of Detention Centers and ISNA, such as: 1) 21-days of quarantine; 2) Taking a Covid-19 test to incoming personnel; 3) Use of a mask by staff and inmates; 4) Use of gloves, masks and hair nets for kitchen staff; 5) Cleaning of incoming vehicles and key areas of the center; and, 6) Informative talks for staff and internal adolescents.

Thereafter, as part of the social insertion system, the First Judge for the Execution of Measures for Minors, Mr. Ricardo Canales Herrera, and the Second Judge for the Execution of Measures for Minors, Mr. José Antonio Aquino González, were also requested through Official letters N° PADNJ/020/2020 and PADNJ/021/2020, respectively; to collaborate and share with this Office, if they had known, from their attributions, cases of positive adolescents of Covid-19 in the Centers for Social Insertion.

As a result, the judicial authorities reported that in the Centro para la Inserción Social Femenino there were at least six infections by Covid-19, in internal adolescents and possibly in personnel of the ISNA or Directorate of Detention Centers. In addition, that biosecurity protocols were being applied in all the Centers, visits by family members or staff from other institutions were not allowed in order to avoid contagion.

Due to the fact that the other authorities mentioned failed to render the required report, the Ombudsman for the Defense of Human Rights issued a condemnatory resolution with reference SS-0171-2020 (22 adolescents infected in ISNA by Covid-19), considering *unfulfilled* the Law of the National Human Rights Institution, due to lack of response and non-compliance with the requests for reports and recommendations issued by this Institution; likewise, for failing to provide information on the protocols, plans and information on girls, boys and/or adolescents under their responsibility; also, for not providing information on cases that had tested positive for the indicated population, in the framework of the Covid-19 emergency by the Executive Director of the del Instituto Salvadoreño para el Desarrollo Integral de la Niñez y Adolescencia, Msc. Manuel Antonio Sánchez Estrada; the director of the Complejo de Integración Social de la Niñez y Adolescencia, Mr. Fernando Méndez; and, the director of the Centro para la Inserción Social Femenino of Ilopango, Mrs. María Ignacia Martínez de Romero.

**Requested information to other authorities**

In coordination with the Deputy Procurator for the protection of Economic, Social and Cultural Rights (Procuraduría Adjunta para la Defensa de los Derechos Económicos, Sociales y Culturales), official letters DIE-033-2020 were sent to the Procuraduría General de la República and DIE-027-2020 to the Ministry of Education, Science and Technology, in order to request a report on their plans or strategies aimed at containing the effects of the pandemic, from their different functions, who also informed the PDDH about the actions they were running.

**State measures**

As we have pointed out, confinement has been the measure par excellence to stop the spread of the virus, worldwide. Following this logic, the Government of El Salvador decreed a strict home quarantine on March 21st, which expired on June 13th of this year, lasting a total of 85 days. Subsequently, it has been transferred to a voluntary quarantine, where the economic reactivation began gradually on June 16th, with phase one of the economic reopening plan.

However, in the absence of an agreement between the Executive and Legislative Bodies, on August 24th the reactivation of the different economic activities began simultaneously without a regulating law, leaving the limitation of mobility in citizens responsibility.

**Current statistics**

Until November 17th, 2020, from the official website of the Government of El Salvador, there were 33,064 confirmed cases of Covid-19, 2,553 active cases and 1,052 deaths[[4]](#footnote-4).

Regarding the number of girls, boys or adolescents infected, recovered or deceased by Covid-19, there is no official data in short-term reports from the Ministry of Health or the Presidency of the Republic, nor on the official website statistics.

**Urgent challenges**

* Have a public protocol for the care of children and adolescents, in the face of disasters or pandemics, in the institutions responsible for guaranteeing the protection of this population; with specific actions for children and adolescents that are under the responsibility of the State.
* Make transparent and publish the real figures on Covid-19 cases, especially those referring to children, adolescents and youth and allow public access to them.
* Access to technology for all students in El Salvador, with special emphasis on rural areas, which allows them to remain within the educational system. In addition, having a methodology that adapts to the socioeconomic realities of childhood and adolescence and that favors their development, implementing strategies that create conditions to meet the objectives of education.
* The return of students to their face-to-face classes, with comprehensive prevention measures and immediate attention, so as not to generate a rebound in positive cases of Covid-19.
* Priority medical care for children and adolescents, especially when it comes to Covid-19 or chronic diseases.

**Recommendations**

* To the Ministry of Education, Science and Technology, to ensure the continuity of educational processes in those children and adolescents who do not have electricity, internet service or do not have computer equipment; for which, it must work together with the Municipalities in order to coordinate actions to identify the socioeconomic conditions of children and adolescents, in order to implement strategies in accordance with those realities.
* To the Executive Director of the Instituto Salvadoreño para el Desarrollo Integral de la Niñez y Adolescencia, to respond to the calls and requests made by the PDDH as part of the powers enshrined in Article 194 Roman I of the Constitution of the Republic of El Salvador. In that sense, you are urged to render the respective reports on the known positive cases of Covid-19 adolescents with foster care in the protection centers under your responsibility.
* To the direction of the Salvadoran Institute of Social Security (ISSS in Spanish) and the Ministry of Health, give priority to the protection and prevention of Covid-19, in the Hospitals where girls, boys and adolescents are found; such as: Hospital Materno Infantil 1 de mayo, Hospital Policlínico Roma of the ISSS, Hospital Nacional de Niños Benjamín Bloom and Hospital Nacional Rosales.
* That the Government of El Salvador takes up the recommendations made by the Committee on the Rights of the Child, in the context of the global emergency, in the month of April 2020[[5]](#footnote-5).
* That the Consejo Nacional de la Niñez y Adolescencia assume its responsibility as coordinator of the Sistema de Protección Integral for the effective fulfillment of its purposes, taking care of the particular conditions that children and adolescents may go through in pandemic contexts.

1. Procuraduría para la Defensa de los Derechos Humanos. Preliminary report on COVID-19 and Human Rights in El Salvador. June 2020. Page 49. [↑](#footnote-ref-1)
2. Procuraduría para la Defensa de los Derechos Humanos. Official Letter PADNJ / 015/2020, June 15, 2020. [↑](#footnote-ref-2)
3. Procuraduría para la Defensa de los Derechos Humanos. Official Letter PADNJ / 017/2020, June 23, 2020. [↑](#footnote-ref-3)
4. Official website of the Government of El Salvador, to reflect figures https://covid19.gob.sv/. Revised 03 November 2020. [↑](#footnote-ref-4)
5. The Committee on the Rights of the Child warns of the serious physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children. Original statement: <https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/1_Global/INT_CRC_STA_9095_S.pdf> [↑](#footnote-ref-5)