



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**Consideration of reports submitted by States
parties under article 73 of the Convention**

Second periodic reports of States parties due in 2010

El Salvador*

[Date received: 19 February 2014]

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Contents

	<i>Paragraph</i>	<i>Page</i>
Abbreviations and acronyms		3
I. Introduction	1–5	4
II. Replies to the list of issues	6–143	4
III. Additional information	144–168	37

Annexe**

Training offered by the Office of the Attorney-General of the Republic

Question 15: Health care

Labour inspections of the Ministry of Labour and Social Security

Labour Code

Criminal Code

National Council against Human Trafficking: Decree

Constitution of the Republic of El Salvador

Child and Adolescent Protection Act

Special Act on the Protection and Development of Salvadoran Migrants and Their Families

National policy against human trafficking

** The annexes may be consulted in the files of the secretariat.

Abbreviations and acronyms

CNTP	National Council against Human Trafficking
CONAMYPE	National Commission on Micro-Enterprises and Small Businesses of the Ministry of Economic Affairs
CONMIGRANTES	National Council for the Protection and Development of Salvadoran Migrants and Their Families
CONNA	National Council for Children and Adolescents
DGME	Directorate-General for Migration and Aliens
GMIES	Independent Monitoring Group of El Salvador
IDHUCA	Human Rights Institute of the José Simeón Cañas University of Central America
IOM	International Organization for Migration
ISNA	Salvadoran Institute for Child and Adolescent Development
LEPINA	Child and Adolescent Protection Act
PDDH	National Human Rights Institution
PNC	National Civil Police
RNPN	National Registry of Natural Persons
SICA	Central American Integration System
UCA	José Simeón Cañas University of Central America
USCRI	United States Committee for Refugees and Immigrants

I. Introduction

1. The Government of El Salvador, in accordance with article 73, paragraph 1 (b), of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, hereby submits its second periodic report for consideration by the Committee on the Rights of All Migrant Workers and Their Families. The report provides updated information on the measures taken between 2009 and 2011 to give effect to the provisions of the Convention.
2. The report was prepared based on the Committee's concluding observations on the initial report (CMW/C/SLV/CO/1) and on the list of issues prior to submission of the second periodic report of El Salvador (CMW/C/SLV/Q/2).
3. El Salvador submitted its initial report on compliance with the Convention (CMW/C/SLV/1) in February 2008, and its presentation to the Committee took place on 24-25 November 2008, in Geneva.
4. During the period under consideration in the present report, El Salvador has maintained that international migration, and that of migrant workers in particular, must be addressed comprehensively and in accordance with the principle of consistency, which means "doing as you would be done by". In this respect, it recognizes the challenge of acting consistently with regard to the international dynamics of migration, so that the migrant population in El Salvador is treated the same as Salvadorans abroad.
5. Following is a presentation of the progress made by El Salvador within the framework of the Convention.

II. Replies to the list of issues

1. **Measures taken by the State party for the prompt harmonization of its legislation, in particular the preliminary bill amending the Migration and Aliens Act of 1958, with a view to bringing it into conformity with the Convention, as recommended in paragraph 12 of the Committee's previous concluding observations**
 6. In 2011 El Salvador resumed its work on the preliminary migration bill – which is intended to replace the Migration and Aliens Act that has been in force since 1958. This work is being undertaken by the Office of the Deputy Foreign Minister for Salvadorans Abroad through a process coordinated with the Directorate-General for Migration and Aliens Affairs (DGME), in which civil society and other governmental organizations concerned with migration participated, as it was deemed important to incorporate new guidelines and to consider any comments and suggestions that might be made with respect to the preliminary bill.
 7. The bill was submitted to the following institutions and organizations: the Civil Aviation Authority, the Secretariat for Social Inclusion, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Security, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Office of the Human Rights Advocate (PDDH), Save the Children and the Human Rights Institute of the José Simeón Cañas University of Central America (IDHUCA), among others, which provided observations and comments that were considered in redrafting the structure and language of the provisions.
 8. In 2012, the Ministry of Justice and Public Security took up the bill and introduced some changes to it, based on its opinions, before submitting it on 3 March 2013 to the Secretariat for Legal and Legislative Affairs of the Office of the President. The bill is now

being reviewed and analysed by that Secretariat prior to its submission as a draft bill to the Legislative Assembly, where it will be debated for adoption.

2. Disaggregated statistical data and information on migratory flows and other migration-related issues/data based on studies or estimates with regard to migrant workers in an irregular situation (CMW/C/SLV/CO/1, para. 20)

9. El Salvador conducted its most recent population census in 2007, from which data were obtained on migrants residing in the country, most of them in an irregular situation. The census showed that the largest proportion of migrants come from Central America.

Table 1
Migration to El Salvador, disaggregated by nationality and length of residence

<i>Country of birth</i>	<i>Total</i>	<i>Length of residence in El Salvador</i>					
		<i>Under-5</i>	<i>5 to 9 years</i>	<i>10 to 14 years</i>	<i>15 to 19 years</i>	<i>20 to 24 years</i>	<i>25 and older</i>
Guatemala	7 904	1 437	972	670	411	273	717
Honduras	10 387	1 343	1 005	1 250	635	292	1 658
Nicaragua	6 958	1 707	1 047	826	266	138	212
Costa Rica	779	146	80	110	47	28	58
Total	26 028	4 633	3 104	2 856	1 359	731	2 645

10. The Migrant Workers Section of the Ministry of Labour, which legalizes contracts and grants work permits to foreigners residing or about to reside in the country, has a digital database on workers (men and women) who are employed under an individual labour contract with firms operating in El Salvador. This provides it with information on the date of entry into the country, name, sex, nationality and employer, among other data.

11. The organization of the Labour Market Observatory and Migration Information System is also well under way, and there is now a database that was set up in January 2014. It includes data from 2012 on the number of migrant workers residing in the country by region of origin and by the economic sector in which they work.

Table 2
Migrants by continent of origin

<i>Region of origin</i>	<i>Total</i>
Latin America	377
Europe	105
Asia	91
North America	109
Central America	3
Africa	3
Grand total	688

Table 3
Migrants by economic sector

<i>Economic sector</i>	<i>Total</i>
Trade and services	410
Industry	100
Textiles	74
Education	48
NGO	24
Sports	15
Communications	8
Construction	8
Entertainment	1
Grand total	688

12. In 2011, El Salvador also conducted a survey of Nicaraguan migrants based in eastern El Salvador. Some of its findings are as follows:

- The migratory status of this population is for the most part irregular, and its income is below the current minimum wage;
- In looking at the migratory status of Nicaraguan migrants, it was found that the majority (62.3%) of those surveyed do not fall into any of the categories for resident migrants, and might thus be protected by the CA-4¹ and might be in an irregular situation or in the process of being regularized; 53.3% of them are men and 46.7%, women;
- The remaining 38.5% are divided among temporary residents (19.3%), permanent residents (4.1%), naturalized persons (2.6%), refugees (4.3%) and those with temporary work permits (7.0%) (see table 4).

¹ The CA-4 allows individuals to remain for three months without interruption and to maintain their tourist status; however, it does not constitute a work permit, meaning that engaging in work constitutes grounds for the imposition of a fine.

Table 4
Percentage of Nicaraguan migrants based in eastern El Salvador, by sex and migratory status

<i>Migratory status</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Temporary residents	10.9	8.4	19.3
Permanent residents	2	2.2	4.1
Naturalized	0.3	0	0.3
Nationalized	1.7	1	2.6
Refugees	2	2.3	4.3
Temporary work permit	4.7	2.3	7
None of the above	33.3	29.1	62.3
Total	54.7	45.3	100

Source: “Encuesta de caracterización de migrantes nicaragüenses con arraigo en el Oriente de El Salvador”.²

13. El Salvador has also identified flows of migrants from other regions who enter Central America, Panama and Mexico both legally and illegally, en route to the United States and Canada. Such flows have increased considerably in recent years. In the case of El Salvador, flows of migrants who enter illegally in transit have been identified in recent years.

14. In 2011, El Salvador reported inflows of 10,876 African and Asian nationals, and in 2012, 6,585. The number of Indian nationals entering El Salvador has also risen.

15. These migratory flows are composed of economic migrants, refugees and other categories of persons (such as victims of human trafficking and smuggling of migrants). Their countries of origin include Eritrea, Nepal, Bangladesh, Somalia, Nigeria, Algeria, China, Ghana and Sri Lanka (*Source:* DGME).

16. This situation is being analysed and handled on a regional level. To that end, within the framework of the Regional Conference on Migration, various meetings have been held and follow-up is under way. A dialogue took place between the member countries of the Conference and countries from outside the region on 20-21 September 2012, at which regional challenges were identified.

3. Information on training programmes organized by the State party since 2009 for public officials at national and local levels working in the area of migration, including border police officers, social workers, judges and prosecutors. Indicate any measures taken to disseminate the Convention and the Committee’s concluding observations throughout the State party

17. Human rights training and capacity-building of judicial and public officials and of employees in general are a priority for the Government of El Salvador, based on a new approach by the State to its human rights obligations, which includes recognition of its duty to respect and safeguard the human rights of all persons, without any distinction.

² Government of El Salvador (Ministries of Foreign Affairs, Health, Economic Affairs, and Labour and Social Security). Resultados de la Encuesta de caracterización de migrantes nicaragüenses con arraigo en el Oriente de El Salvador. United Nations Population Fund of El Salvador, published in December 2012, 500 copies.

18. The State can thus report on the training activities which, based on this new approach, have been carried out by institutions concerned with the movement of migrant workers and which seek not only to promote and disseminate international human rights law, but also to ensure its respect and realization by means of its effective implementation.

Table 5
Training activities in the field of migration

<i>Institution</i>	<i>Date</i>	<i>Target population</i>	<i>Subject</i>
DGME		Migration officials (4) Officials from the Embassy of Nicaragua (4)	<ul style="list-style-type: none"> • Constitutional mandates • International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations) • General aspects of the Migration Act • Objectives, procedures and results of the regularization project
Ministry of Labour and Social Security and DGME	29/02/2012 01/03/2012	More than 30 male and female Ministry and DGME officials	<ul style="list-style-type: none"> • Technical training on labour inspections and migrant workers: specific characteristics, protection needs and tools for action
Project on improving the administration of labour migration in Central America and the Dominican Republic	8-9/03/2012 28-29/03/2012	Members of civil society organizations (Caritas, Grupo de Monitoreo Independiente de El Salvador – GMIES) working in the municipalities of Santa Ana, San Miguel and San Salvador	<ul style="list-style-type: none"> • Sensitization on specific vulnerabilities, discrimination against male and female migrant workers, supervision and effective compliance with labour laws • Basic concepts, overview of labour migration in El Salvador, international law, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, regional and national protection of human rights and labour rights, protection needs and challenges for the administration of labour migration, human trafficking for the purpose of labour exploitation, undeclared work, migration and regularization procedures, tools for action and the role of the labour inspector • Human trafficking for the purpose of labour exploitation (taught by the National Civil Police)

<i>Institution</i>	<i>Date</i>	<i>Target population</i>	<i>Subject</i>
Ministry of Labour and Social Security and DGME, in coordination with IOM Project on strengthening the capacities of Government and of civil society organizations in the prevention, protection and realization of the rights of male and female migrant workers in El Salvador	15-16/06/2012	49 male and female officials from both institutions in the eastern part of the country and San Salvador	<ul style="list-style-type: none"> • Sensitization on the vulnerabilities faced by migrant workers, prevention and detection of violations of their human rights and labour rights • Increasing participants' knowledge of the principles of migrants' human rights and labour rights by reference at the international level to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and at the regional and national level • Performance of duties with a focus on human rights and the principle of non-discrimination • Models for the administration of labour migration in Latin America with a view to introducing new and best professional practices at the institutional level
	21-22/06/2012	Labour inspectors	
DGME and Ministry of Labour and Social Security and Central American Parliament (PARLACEN) within the framework of the project on improving the administration of labour migration in Central America and the Dominican Republic (MAML-CA-RD)	24/08/2012	Officials and employees	<ul style="list-style-type: none"> • Specialized course on male and female migrant workers as subjects of labour rights
		Civil society organizations	
DGME and Ministry of Labour and Social Security and Central American Parliament (PARLACEN) within the framework of the project on improving the administration of labour migration in Central America and the Dominican Republic (MAML-CA-RD)	24/08/2012	Managers and technical analysts from PARLACEN (28 persons)	<ul style="list-style-type: none"> • Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in the Salvadoran legal system <p>Objectives: to enhance participants' knowledge of the Convention; to enable them to identify domestic and comparative law on the implementation of the Convention; to familiarize them with the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families with respect to the initial report of El Salvador (2008) and the current situation</p>

4. Measures taken to provide sufficient financial and human resources to the National Human Rights Institution (PDDH) so that it can effectively protect and promote human rights, including the rights of all migrant workers and members of their families

19. The PDDH, as a State institution, conducts a budget preparation exercise in which it takes institutional policy, priorities and objectives into account, based on a "budget ceiling"

that has been fixed in advance by the Ministry of Finance, taking into consideration austerity criteria and projections on tax collection for the respective fiscal year, so that the draft general national budget submitted by the executive branch to the Legislative Assembly for debate and adoption can be fully financed.

20. However, with regard to the austerity that should guide the budget preparation, during the period 2008–2009 the PDDH budget increased 19.47% over 2007–2008 and remained unchanged in 2009–2010, with a budgetary allocation of US\$ 6,492,221.30, which permitted it to discharge its basic functions.

21. The budget preparation and allocation for the period from June 2010 to May 2011 also reflected an increase, to US\$ 6,881,978.05.

22. For fiscal year 2011, US\$ 7,799,695 was allocated to the PDDH; and for 2012, US\$ 8,572,345, or a 9.9% increase.

Table 6
PDDH budget

<i>Year</i>	<i>Amount (dollars)</i>
2008	6 492 221.30
2009	6 492 221.30
2010	6 881 978.05
2011	7 799 695.00
2012	8 572 345.00

23. Within this budget, the allotment for the promotion and protection of the human rights of migrants is administered by the Migrants Unit, as part of the Office of the Deputy Advocate for Civil Rights, which (salaries included) represents a total of US\$ 38,380.12 for the activities outlined below.

24. Given the diversity of groups who are in situations of vulnerability as a result of migration, protection measures are being provided for such groups, including Salvadorans in irregular situations abroad; Salvadoran returnees; unlocated migrants and members of their families; Central American migrants and migrants from outside the region who are in El Salvador; and refugees and victims of human trafficking who require specialized care and other procedures from the PDDH in particular cases.

25. The Migrants Unit specializes in the care of groups in situations of vulnerability, such as migrants and refugees; deals with complaints; opens and handles case files; carries out procedures, including verifications and the preparation of institutional documents and reports; and conducts monitoring on the situation of the rights of migrants in various State institutions.

26. It also participates in, and provides follow-up to, the 2010 inter-institutional cooperation agreement between the PDDH, the Ministry of Foreign Affairs, the Argentine forensic anthropology team and the Comité de Familiares de Migrantes Fallecidos y Desaparecidos (Committee of Family Members of Deceased and Disappeared Migrants), on the creation of mechanisms for exchanging information on unlocated migrants and unidentified bodies. The Committee is working on the creation of a databank of unlocated migrants, which is a first in Central America and represents a major commitment by the Office.

5. Procedure for involving non-governmental organizations (NGOs) in the preparation of the State party's periodic reports under article 73 of the Convention, and whether the State party holds regular consultations with NGOs, including the Grupo de Monitoreo Independiente de El Salvador (Independent Monitoring Group of El Salvador) (GMIES), the Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (Human Rights Institute of the José Simeón Cañas University of Central America) (IDHUCA) and CARITAS El Salvador, on questions related to the implementation of the Convention

27. The current Government of El Salvador has adopted a policy of dialogue, participation and open doors with civil society, which is reflected in a number of concrete actions, as described below.

28. With respect to the rights of migrants and members of their families, the Special Act on the Protection and Development of Salvadoran Migrants and Their Families was adopted on 17 March 2011. The Act established the National Migrants Council, comprising government bodies and representatives of associations of Salvadorans residing abroad. Its functions include the preparation of comprehensive policies for the protection and development of migrants, implementation of the strategic plan and other components of the comprehensive protection policies.

29. With regard to the participation of NGOs in the preparation of periodic reports, the State endeavoured to ensure their involvement throughout the report preparation process, initially by submitting the relevant documentation and requesting their input and the designation of a representative. Specifically, IDHUCA and CARITAS were involved, but their representatives attended only the first meeting. (See communication in the annexes.)

30. As to the involvement of NGOs in questions related to the implementation of the Convention, joint actions, coordination, consultations and meetings have been held regularly with civil society, depending on the subject, as well as with participating institutions, as outlined below:

(a) GMIES, in coordination with the Ministry of Labour and Social Security, has been conducting specialized training on migrant workers for labour inspectors, officials and employees (see reply to question 3).

(b) In the regional framework, a meeting was held of the ad hoc working group of the Regional Conference on Migration – Regional Network of Civil Society Organizations for Migration. The meeting drew up a common agenda and the relevant coordination mechanisms as part of the work of the Regional Conference in San Salvador, El Salvador, on 20-21 February 2013, with a view to designing a mechanism to facilitate cooperation between the Regional Network and the Regional Conference.

(c) As part of the preparation of this report, on 15 October and 9 November 2012 the Ministry of Foreign Affairs convened a meeting in which the PDDH Human Rights Training School, the José Simeón Cañas University of Central America (UCA), Panamericana University, IDHUCA and civil society organizations participated in consultations to gather information; however, no input has been received.

(d) As part of the preparation of the regional migration policy, national consultations took place in El Salvador on 12 April 2011. The purpose was to create a forum in which actors from the public sector, civil society and academia could express their opinions on the policy. The consultations produced a preliminary list of recommendations to outline the policy's lines of action. Participants included relevant government institutions and such civil society organizations as UCA, CARITAS, IOM, the PDDH, IDHUCA, REDES, REDMIGRES and CARITAS Santa Ana.

(e) The regional consultation meeting with civil society and academia on the proposed comprehensive regional migration policy was held in San Salvador on 29-30 November 2011, with the participation of the Instituto Centroamericano de Estudios Sociales y Desarrollo, IOM, the Latin American Faculty of Social Sciences (FLACSO), UCA, the Anglican Church of El Salvador, the Programa de Atención a Refugiados en El Salvador (Programme for Refugees in El Salvador), the Centro de Investigación y Promoción de los Derechos Humanos (Human Rights Research and Promotion Centre), COCENTRA, the Consejo de Iglesias Pro-Alianza Denominacional (Council of Evangelical Churches), Pastoral de Movilidad Humana (Human Mobility Pastoral Care Service), REDNAM, the Centro Internacional de Derechos Humanos de los Migrantes (International Centre for the Human Rights of Migrants), UNA-UNED, the Asociación de Consultores y Asesores Internacionales (Association of International Consultants and Advisers), the Programa Indígena del Centro de Asistencia Legal Popular (Indigenous Programme of the People's Legal Assistance Centre), UNHCR and the Mesa Nacional para las Migraciones (National Board for Migration). Among the agreements reached at this meeting were precisely those concerning the participation of and consultations with non-State actors, such as civil society organizations, including migrants' organizations, academic institutions and specialized international bodies, as follows:

(i) To urge the Governments of the Central American Integration System (SICA) countries to continue to develop, expand and deepen the debate and consultations of Governments and non-State actors with a view to achieving the greatest possible regional consensus on the proposed comprehensive regional migration policy.

(ii) To ask the SICA General Secretariat to promote and support consultations with civil society organizations, including migrants' organizations, academic institutions and specialized international bodies, on the proposed comprehensive regional migration policy, and to take their observations into account in the preparation of the final document.

(iii) To include in the proposal the establishment of a mechanism for consultations, follow-up and monitoring of the migration policy and its implementation, composed of representatives of civil society and academia; its functioning would be based on the SICA Consultative Committee.

(f) The meeting with REDMIGRES and the Deputy-Minister for Salvadorans Abroad was held on 18 December 2009, with the participation of REDMIGRES, Panamericana University, the Swedish International Development Cooperation Agency (ASDI), the Human Rights Commission of El Salvador, COFAMIDE and Fundación Redes. Reports were presented on the new guidelines and priorities of the Office of the Deputy-Minister for Salvadorans Abroad.

(g) Creation of the National Council against Human Trafficking (CNTP) under an executive decree,³ which establishes that the Council shall invite civil society organizations to participate in actions to combat, prevent and deal with human trafficking. The preparation of the national policy against human trafficking accordingly involved the active participation of NGOs, which also reviewed the preliminary bill against human trafficking, now in the process of adoption by the Legislative Assembly.

(h) The inter-institutional cooperation agreement between the Deputy-Minister's Office, the PDDH, COFAMIDE and the Argentine forensic anthropology team on the

³ Executive Decree No. 90 of 26 August 2011, vol. 392, No. 158.

creation of mechanisms for information exchange on unlocated migrants and unidentified bodies was signed in August 2010.

6. Steps towards ratifying International Labour Organization (ILO) Conventions No. 97 (revised, 1949) concerning Migration for Employment, and No. 143 (1975) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, as recommended by the Committee in its previous concluding observations, as well as No. 189 (2011) concerning Decent Work for Domestic Workers

31. During the universal periodic review 2008–2010 at the seventh period of sessions of the Human Rights Council (9-19 February 2010), and with respect to the recommendation on the signature and ratification of international human rights instruments, El Salvador stated that: “in order to advance in the field of human rights and fundamental freedoms, we accept the obligations of international law and hold a positive view of the signature, accession, adoption and ratification of the conventions, treaties and protocols. With regard to ratification, an internal process of multisectoral consultations will be held with civil society to assess its compliance with the various laws and the Constitution. This process will facilitate the effective implementation of those instruments that have already been ratified.”⁴

32. In keeping with this commitment, the State is currently holding consultations on the above-mentioned ILO Conventions as part of an administrative process that will involve their submission to the Legislative Assembly for debate and ratification.

7. Steps taken or planned for making the declarations provided for in articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive communications from States parties and individuals

33. El Salvador is conducting a process of consultation and analysis with respect to the declarations provided for in articles 76 and 77 of the Convention.

8. Specific steps taken by the State party to review its declarations regarding articles 32, 46, 47, 48 and 61, paragraph 4, of the Convention, with a view to withdrawing them

34. There have been no changes to the declarations made by El Salvador on 13 March 2003 as of the date of this report. Nevertheless, action has been taken with respect to those articles, including the ratification of the Ibero-American Social Security Agreement⁵ on 25 May 2008 and its effective implementation on 17 November 2012. This gives effect to the implementation of article 32 of the Convention, specifically with regard to the social security of migrant workers and their families, notwithstanding the declaration.

⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), Regional Office for Central America, Office of the Human Rights Advocate of El Salvador. “El Salvador: Observaciones y Recomendaciones de Derechos Humanos Órganos de Tratados y Examen Periódico Universal 2008–2010”, p. 119.

⁵ See www.oiss.org/spip.php?article5336. The preamble to the Ibero-American Multilateral Agreement on Social Security reaffirms the need for an instrument of “coordination of domestic pension legislation guaranteeing the rights of migrant workers and their families, protected under the social security schemes of the Ibero-American States, so that they may enjoy the benefits of their work in host countries”.

9. Measures taken to ensure that all migrant workers and members of their families within the State party's territory or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination (art. 7)

35. As stated in the reply contained in the initial report on implementation of the Convention, the constitutional⁶ and legal framework is emphatic about non-discrimination, guaranteeing the right to equality in all spheres. In the area of work, El Salvador has ratified the ILO Convention of 1951 concerning Equal Remuneration (No. 100), on 12 October 2000, and the ILO Convention of 1958 concerning Discrimination (Employment and Occupation) (No. 111), on 15 June 1995. Both of these international instruments are in force as laws of the Republic, and as such must be applied and respected. The Criminal Code classifies discrimination in the area of work as a crime, punishable by imprisonment.⁷ These legal measures provide a safeguard for migrants at both the general level and in the specific area of work.

36. The preliminary bill on migration and alien affairs also reaffirms non-discrimination against migrants as one of its principles of equality.⁸

37. El Salvador is pursuing its efforts to avoid abuse and discrimination against migrants, regardless of their status, by applying the above-mentioned laws and procedures.

10. Measures taken by the State party to strengthen its efforts to inform migrant workers about the administrative and judicial remedies available to them and to address their complaints in the most effective manner. What steps have been taken to ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress in the courts, including the labour courts?

38. All persons within the territory of El Salvador are bound to abide by the law. This includes migrant workers, who also acquire the right to be protected thereunder and to enjoy the rights enshrined in the Constitution.

39. The foregoing derives from article 3 of the Constitution, which states: "All persons are equal before the law. Where the exercise of civil rights is concerned, no restrictions shall be established on the basis of differences of nationality, race, sex or religion." Article 96 of the Constitution further establishes the following: "Aliens, from the instant they arrive in the territory of the Republic, shall be strictly bound to respect the authorities and obey the laws, and shall acquire the right to be protected by them." This means that all

⁶ Constitution of the Republic of El Salvador, art. 3: "All persons are equal before the law. Where the exercise of civil rights is concerned, no restrictions shall be established on the basis of differences of nationality, race, sex or religion".

⁷ Art. 246 of the Criminal Code provides that: "A person who commits an act of serious discrimination in employment on the basis of sex, pregnancy, origin, civil status, race, social status or physical condition, religious or political beliefs, membership of a trade union or acceptance of its agreements, or kinship with other workers in the enterprise, and who does not restore the situation of equality before the law after having been required to do so or following administrative sanction, by making good any economic harm resulting from such an act shall be sentenced to imprisonment for six months to two years."

⁸ Preliminary bill on migration and alien affairs. "Principle of equality. Art. 8. – All persons are equal before the law. Where the exercise of the rights established hereunder is concerned, no restrictions shall be established on the basis of differences of race, sex, language, religion or any social condition. Aliens shall enjoy the same rights and safeguards as nationals under the terms set forth in the Constitution and Secondary Laws, except for the limitations established thereunder; and they shall be subject to the same obligations."

aliens have access to justice, in both administrative and judicial proceedings, through the means laid down by law, and without being discriminated against on the grounds of their nationality or migratory status.

40. In order to guarantee the principle of non-discrimination in the administrative and judicial spheres, the following measures have been secured in practice:

- When a migrant takes part in a criminal judicial proceeding as a victim, article 106 of the Code of Criminal Procedure is applied, which establishes, inter alia, the rights of the victim as a safeguard of due process, including the right to be assisted by an interpreter, to be informed of his or her rights and of the stages of the proceeding;⁹ the right to medical assistance; and the right to have the consulate of the country of origin informed of his or her situation so that it may provide him or her with the appropriate assistance;¹⁰
- When a migrant is involved as the accused, measures are taken to vouchsafe him or her the rights of the accused that are laid down in article 8 of the Code of Criminal Procedure. He or she must also be provided with the assistance of an interpreter, must be informed of his or her rights and of the stages of the proceedings,¹¹ must be provided with medical assistance and must be allowed to inform the consulate of the country of origin so that it may provide him or her with the appropriate assistance;¹²
- In cases of labour-related requests, in administrative or judicial proceedings, the migrant must also be assisted by an interpreter, if one is needed, and the same procedures must be applied to him or her as to a national.

11. Measures taken to investigate allegations of harassment and corruption by the police and by immigration authorities at national and local levels and abuse of power by law enforcement authorities through the use of extortion and arbitrary detention of migrant workers and members of their families. How many such officials have been brought to trial and how many have been convicted?

41. The following authorities in El Salvador are competent to receive complaints and investigate cases of police harassment and corruption with respect to migrant workers: the National Civil Police (PNC) and the Disciplinary Investigation Unit of the PNC, for disciplinary offences, and the Internal Affairs Unit of the PNC, for crimes. When the accused are migration officials or employees, public employees or police officers, complaints may be brought directly before the Attorney-General's Office, in the case of crimes; they may also be brought before the PDDH, in the case of human rights violations.

42. With respect to the number of officials who have been brought to trial and the number who have been convicted, the records show no cases involving migrant victims. The following should be cited in that regard: "The findings of the survey of Nicaraguan migrants based in eastern El Salvador reflect the following perceptions among Nicaraguan migrants based in El Salvador of the treatment they have received from the authorities of the Directorate-General for Migration and Alien Affairs: 62.3% consider it excellent;

⁹ Code of Criminal Procedure of El Salvador, arts. 106 (the rights of victims), 134 (language), 241 (translators and interpreters) and 371 (orality). Legislative Decree No. 73, *Diario Oficial* (Official Gazette) No. 20, vol. 382, 30 January 2009.

¹⁰ Vienna Convention on Consular Relations, art. 5 (consular functions).

¹¹ Code of Criminal Procedure of El Salvador, arts. 82 (rights of the accused) and 36 (communication and contact with nationals of the sending State).

¹² Vienna Convention on Consular Relations, arts. 5 (consular functions) and 36 (communication and contact with nationals of the sending State).

32.0%, very good; 4.1%, middling; and 0.9%, poor” (the document containing the findings of the survey is annexed hereto).¹³

12. Measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation and/or coming from overseas (“*migrantes extraregionales*”), are provided with legal assistance and interpretation, and that they have access to information in a language they understand

43. El Salvador has taken steps to ensure that in criminal and administrative proceedings, migrant workers are provided with legal assistance and interpretation, and that they have access to information in a language they understand (see reply to question 10).

44. In this regard, when migrants and members of their families, regardless of their migratory status, are considered to be the victims of a crime, they acquire the rights established under domestic and international law. A victim of the crimes of human trafficking or smuggling, which are classified in articles 367-A, 367-B and 367-C of the Criminal Code, has the right to:

- The necessary medical, psychological and material assistance;
- An immediate report to the accredited consulates in the country for the purpose of providing them with temporary assistance and documentation, and issuance of the relevant safe-conducts so that they can identify themselves in judicial proceedings and subsequently in their repatriation procedures;
- Application of the Special Act on Victim and Witness Protection;
- The sheltering of victims in the Comprehensive Migrant Care Centre, administered by the DGME;
- Repatriation of alien victims. Once the judicial proceedings in which the victim who is exercising his or her rights must participate are completed, the appropriate coordination is undertaken to ensure safe repatriation to his or her country of origin. This procedure is coordinated by the DGME with the collaboration of the respective consulates.

45. As stated in the reply to question 10, article 106 of the Code of Criminal Procedure lays down the following rights of victims:

- To be involved in and kept informed of all proceedings before the police, the Attorney-General’s Office, or any judge or court, and to know the outcome of those proceedings;
- To be informed of their rights and assisted by a lawyer from the Attorney-General’s Office, as appropriate, or by its special representative;
- To be assigned an interpreter or a person capable of explaining their statements, if necessary.

46. The Office of the Attorney-General of the Republic, under article 193 of the Constitution,¹⁴ is responsible for defending the interests of the State and of society, as well

¹³ “Resultados de la Encuesta de caracterización de migrantes nicaragüenses con arraigo en el oriente de El Salvador”. Ministry of Health, Ministry of Labour and Social Security, Ministry of Foreign Affairs, Ministry of Economic Affairs, Directorate-General of Statistics and Censuses of El Salvador. United Nations Population Fund (UNFPA). 500 copies, San Salvador, El Salvador, December 2012.

as for conducting criminal investigations in cooperation with the PNC and for bringing criminal action, either ex officio or on application by a party, regardless of the legal status of any of the persons within the State's territory.

47. The Office also has a criminal prosecution policy¹⁵ that defines and establishes the framework for action and the criteria governing criminal prosecutions, with a view to achieving the greatest possible efficiency and effectiveness in conducting investigations and bringing criminal action. In line with the approach outlined in the policy, manuals and handbooks have also been prepared, such as the inter-agency investigation manual, the criminal prosecution policy, the handbook of prosecutorial procedures for investigating the crimes of commercial sexual exploitation of children and adolescents and related crimes against sexual freedom, and the treatise on Salvadoran criminal evidentiary rules.

48. When migrants are accused of a crime, by virtue of their status as an accused, article 82 of the Code of Criminal Procedure will be applied to them, under which they must be guaranteed the right of defence and the following additional rights:

“(1) To be informed immediately of, and in a form they understand, the reasons for their detention and by what authority they have been detained;

(2) To designate the person or body to be informed of their arrest, which should be done immediately and effectively;

(3) To be assisted and defended by a lawyer of their choosing or by a public defender;

(4) To be brought, within the legal time limit, before a competent judge, or if not, to be released, all in conformity with this Code;

(5) Not to make a statement, and not to be compelled to testify against themselves;

(6) Not to be subjected to methods that impair their dignity;

(7) Not to be subjected to techniques or methods which alter their free will;

(8) Not to be subjected to measures that impede their necessary physical movement within the premises or during a procedure, without prejudice to any precautionary measures that the prosecutor or judge may order at their discretion in special cases;

(9) To be assisted by an interpreter or by a person capable of explaining their statements if they do not correctly understand or cannot make themselves understood in Spanish.

Accused individuals shall be informed of these rights immediately, and in a form they understand, by the police officers, prosecutors or judges, and this advice shall be placed on record.”

¹⁴ “Art. 193 – It is the responsibility of the Attorney-General of the Republic: 1st. – To defend the interests of the State and of society. 2nd. – To bring legal action, either ex officio or on application by a party, to uphold the rule of law. 3rd. – To conduct criminal investigations in cooperation with the National Civil Police in the manner prescribed by law. 4th. – To bring criminal action either ex officio or on application by a party. 5th. – To defend fiscal interests and represent the State in trials of any kind and in contracts relating to the acquisition of property in general and movable property under auction and as otherwise prescribed by law. 6th. – To bring to trial and punish individuals suspected of crimes against the authorities and contempt of court. 7th. – To appoint special commissions for the discharge of its functions.

¹⁵ Published in the *Diario Oficial* (Official Gazette) No. 216, vol. 389, 18 November 2010.

49. The rights of the victim and of the accused, as well as the investigation and procedural manuals, are applicable both to migrants and to nationals.

50. In cases of expulsion, the State of El Salvador, through the DGME and under the government expulsion procedures, allows lawyers access to the premises where the aliens subject to these procedures are housed, and in this manner they are ensured legal assistance. Such aliens present themselves to the Migrant Centre for the appropriate documentation and protection, or, if required, the DGME turns them over to their respective consulate, unless such persons have asked for refugee status; and in the latter case the PDDH is informed of their admission to the Comprehensive Migrants Care Centre. When aliens do not understand Spanish, they are provided with an interpreter to inform them of their rights and be present at the hearing and notification of the decision. Informing the consulate, and finding an interpreter, is coordinated with the Ministry of Foreign Affairs.

13. Measures taken by the State party to ensure that (a) migrant workers and members of their families are expelled from the territory of the State party only pursuant to a decision taken by the competent authority following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal; (b) pending such appeal, the person concerned has the right to seek a stay of the decision of expulsion (CMW/C/SLV/CO/1, para. 28)

51. With respect to measures taken by El Salvador to ensure that migrant workers and members of their families are expelled from the territory of the State party only pursuant to a decision taken by the competent authority following a procedure established by law and in conformity with the Convention, the following should be noted.

52. Pursuant to the Convention, each case is considered and decided upon individually. The authority competent to decide on expulsion is the Ministry of Justice and Public Security. The expulsion is carried out in accordance with articles 60 and 61 of the Migration Act.¹⁶ The administrative procedure to be carried out is called the government expulsion procedure, which is conducted only in cases of aliens who have entered national territory illegally, and in cases of aliens who have entered legally but who have committed a crime. The following steps are to be taken:

(a) The alien must present him or herself to the Comprehensive Migrant Care Centre and the case is turned over to the DGME for study and investigation; the DGME then conducts an interview to examine the case;

(b) The alien's consulate is notified in accordance with article 36 of the Vienna Convention on Consular Relations (1963). The consulate of the migrant's country of origin provides him or her with a travel document;

¹⁶ "Illegal entry.

Art. 60 – An alien who enters the country in violation of this Act shall be fined 10 to 100 colons and expelled from the national territory. This fine may be replaced by detention for up to 30 days, as appropriate. For the purposes of the preceding paragraph, the agents of public security and the other administrative authorities of the Republic have an obligation to inform the Directorate-General for Migration of cases which arise and to supply all possible information about the offenders, so as to enable the Directorate-General to carry out investigations and, when necessary, request expulsion orders, which shall be issued by the Ministry of the Interior.
Commission of an offence.

Art 61. – An alien who has entered the country illegally and during his or her stay commits an offence in respect of which the competent authority imposes a sentence on him or her shall serve that sentence; on its completion the judge in the case has an obligation to make him or her available to the migration authorities with a view to application of the preceding article."

(c) The Ministry of Justice and Public Security issues and signs the decision on the government procedure;

(d) The necessary procedures are conducted so as to assist the migrant with returning to his or her country of origin.

53. With respect to the right to appeal an expulsion order, in order to ensure the right to a hearing, during the procedure the migrant worker is informed that he or she has the right to appeal and that the appeal suspends the expulsion order until the appealed decision can be duly enforced. The expulsion order may be appealed, since the right to appeal is enshrined in the Constitution. As such, while it is grounded in law, it is also guaranteed by the Constitution, since it allows parties to exhaust all available remedies in order to obtain a review of the contested decision by the higher court or administrative body. From 2009 to date, the right to appeal has been granted to 27 aliens.

54. The expulsion order may be converted into a residence permit that allows aliens to regularize their migratory status in the country, after providing evidence of their settlement and their express intent to rectify any violations of either the Migration or Aliens Acts.

55. The expulsion order may be converted into freedom of movement, which allows aliens to regularize their migratory status in the country, after providing evidence of their settlement and of their intent to rectify any violations of either the Migration or Aliens Acts. Also falling into this category are requests for asylum lodged by persons before the Subcommission for the Reception and Evaluation of Asylum Applications of the Commission on the Determination of Refugee Status, a joint body of the Human Rights Directorate of the Ministry of Foreign Affairs and the DGME Legal Unit.

56. This procedure is not applied to migrant workers and their families. If a migrant worker has been found to be in an irregular situation, a fine is imposed on him or her in accordance with article 66 of the Migration Act,¹⁷ and he or she is permitted to regularize his or her migratory status, as was the case with the 2011–2012 programme for Nicaraguans and their families in El Salvador. Under that programme, some 400 persons were regularized. To date, El Salvador has not carried out expulsions against migrant workers and members of their families.

14. Measures taken to ensure in practice the right of equality of treatment of migrant workers, particularly migrant women in agricultural and domestic employment, and to take measures effectively to monitor the employment conditions of migrant workers in both sectors, as requested in paragraph 30 of the Committee's previous concluding observations. What legal and labour protection and enforcement mechanisms are in place to ensure that migrant agricultural and domestic workers are remunerated not less favourably than nationals?

57. The majority of migrant workers are employed in the informal sector and for temporary work, such as salt works, agriculture (sugarcane, maize, beans, etc.) and cattle-raising, as these jobs permit them to return regularly to their country of origin and to stay in touch with their families.

58. In the case of agricultural and domestic service workers, despite the fact that there are currently no specific mechanisms or procedures for supervising the conditions of employment and remuneration, El Salvador does have a means of verifying compliance

¹⁷ "Unforeseen offences.

Art. 66 – Any violation by aliens, or their failure to comply with obligations, that is not specifically provided for in the foregoing articles shall make them liable to a fine of 25 to 1,000 colons, without prejudice to the loss of their right to remain in the country, if the case so warrants."

with labour rules: the labour inspection system, which monitors employers' compliance with labour rules. These workers thus come under the overall legal protection framework.

59. El Salvador, through the 14 offices of the labour inspection services throughout the country, has taken the following measures:

(a) Bringing all male and female workers in general, and migrant workers in a regular situation in particular, along with those in an irregular situation whose basic rights are being violated, into contact with the labour advisory services;

(b) Monitoring compliance with the labour rules and rights of male and female workers in general, including migrants, without distinction as to their status in the country, and providing advice on how to demand those rights through administrative and judicial remedies;

(c) Media campaign for the protection and defence of the human rights of migrants, through radio spots.

15. Measures taken to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to basic services such as urgent medical care, and that all children of migrant workers have access to education

60. In fulfilment of the rights enshrined in the Convention, during the period 2009–2012 steps were taken to ensure that migrants, anywhere in the national territory, receive the necessary health care, which includes the guidelines for the entire public health system, so that no migrants or their families are deprived of the medical attention they require and so that such attention is provided in keeping with the installed capacity of the consulting institution.

61. From 2009 to 2012, the facilities of the Ministry of Health have provided migrants and members of their families with health care in the various areas of medical care (curative and preventive) at the primary level; outpatient care in hospitals within the national network; hospitalization for medical and surgical procedures in all the network's hospitals; dental care (curative and preventive); and vaccinations, as described in the tables below.

62. During the period 2009–2012, El Salvador, through the Ministry of Health, provided migrants and members of their families with a total of 16,172 hospitalizations for various medical and surgical treatments, including emergency care. The large majority of migrants requesting such care were Hondurans and Guatemalans, respectively (see the annex on "Question 15: Health care", table 1).

63. During the same period, 190,600 outpatient consultations on a number of conditions were provided by the primary care facilities of the Ministry of Health. Most of the requests were from Hondurans, Guatemalans and Nicaraguans. It is noteworthy that 68% of the migrants cared for were female and 32% male (ibid, table 2).

64. It should also be noted that of all the migrants cared for during the period, 71.5% were older than 15 years of age and 28.5% were younger (ibid, table 3).

65. In addition to the curative medical consultations provided in primary care hospitals and facilities during the period in question, 22,617 preventive consultations of various types were provided: child check-ups, prenatal check-ups, cytology check-ups and others, again primarily involving Hondurans and Guatemalans (ibid, table 4).

66. During the same period, 675 dental treatments were provided to migrants of different age groups: boys and girls, adolescents, adults, older adults and pregnant women, almost all of them Hondurans and Guatemalans (ibid, table 5).

67. Also during the period, migrants of all age groups in El Salvador received vaccinations, for a total of 13,086 vaccines of the various types available in the Ministry's vaccination services (ibid, tables 8-16).

68. All of the curative and preventive medical care provided to migrants during the period represented an investment of US\$ 878,666. Hospitalizations involved outlays by the Ministry of Health of US\$ 5,407,269.92. Dental care entailed an investment of US\$ 3,510, while vaccinations required US\$ 40,566.60. In all, the health care required by migrants in El Salvador, and implementation of the relevant provisions of the Convention, meant expenditures of US\$ 6,330,012.52 (ibid, tables 17-21).

69. With respect to access to health and education by the children of migrants, the Child and Adolescent Protection Boards, as administrative offices of the National Council for Children and Adolescents (CONNA), hear all cases in which complaints of possible violations of the rights of children and adolescents to education and health are made, reported or learned of ex officio or upon advice, and order the appropriate protection measures.

70. In recent months five cases have been handled in which compulsory registration or attendance at educational centres has been ordered, and seven cases in which medical treatment has been ordered, regardless of nationality. Likewise, in the case of a newborn of Guatemalan nationality who required emergency medical care, such care was provided in the National Hospital, following which the newborn was repatriated and delivered at the border to the authorities of the Counsel-General's Office of Guatemala.

71. The Ministry of Education, as the lead agency for education, monitored the Child and Adolescent Protection Act (adopted in 2009) and requested it from the Office of the President of the Republic. The Act devotes an entire chapter to education and culture (arts 81-91). It provides for free State education at the early, pre-school, primary, secondary and special levels, with the State called upon to guarantee access to education in the education system under conditions of equality and without any type of discrimination, in accordance also with articles 1, 3, 53, 55 and 56 of the Constitution. Copies of these provisions were disseminated to all the principals, deputy principals, teaching staff, administrative staff and school administration bodies in the official educational establishments of pre-school, primary and secondary education, in order to avoid, report and combat any type of discrimination against children with respect to their human right to education.

72. An academic and institutional registration system exists for secondary education, which has the capacity to gather data on students' nationality. This provides the following information (see table 7).

Table 7

Information from the academic and institutional registration system

Care provided	Years				Total
	2009	2010	2011	2012	
Educational <i>bachillerato</i> services for Honduran/Salvadoran young people and adults from the <i>ex bolsones</i>	4	3	7	12	26
Salvadorans provided with virtual <i>bachilleratos</i> in various parts of the United States and Italy				16	16
Total					42

73. With regard to primary education, the Ministry of Education has not gathered any data on the education of migrant children. However, the entire target population is in fact covered by these services, guaranteeing the right to education to all persons regardless of nationality.

74. The Ministry of Education reports that in cases of children or adolescents without birth certificates, given that they have the right to education and to attend school even without such certificates, such children must be enrolled and may at no time be refused school attendance on those grounds, and in such cases it is noted in the student census registry that they do not possess a birth certificate but are in the process of obtaining one.

75. When such cases arise, the family or the person responsible for the child is instructed to go to the Counsel-General's Office in order to resolve the situation. Work is also carried out in collaboration with the legal aid offices located in the University of San Salvador as the focal point for resolving such documentation problems.

16. Measures taken, including legislative amendments, to guarantee to migrant workers and members of their families the right to form, and to form part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention

76. The right of all workers to join and form trade unions, regardless of nationality, is enshrined in article 204 of the Labour Code, which establishes the following:

“Trade union freedoms. Positive dimension. Principle of non-discrimination –
The following persons have the right of free association to defend their common economic and social interests by forming professional associations or trade unions, *without any distinction based on nationality, sex, race, religious beliefs or political opinions:*

- (a) Employers and workers in the private sector;
- (b) Workers in autonomous public institutions.”

77. It should be mentioned that there are no migrant workers' trade unions or social organizations in the country, notwithstanding the above-mentioned article 204 of the Labour Code. Nonetheless, article 47, paragraph 4, of the Constitution imposes restrictions by stipulating that “members of boards of directors of trade unions must be Salvadorans by birth”. This prevents foreign workers from belonging to the boards of directors of trade unions. Similarly, article 225 of the Labour Code states that members of boards of directors must “be Salvadoran by birth”. It is possible that these restrictions may prevent them from forming their own trade unions. Accordingly, we reiterate the fact that there have never been any trade unions or social organizations of foreign workers in El Salvador.

17. Measures taken by the State party to review its legal framework, as well as other steps to facilitate the exercise of voting rights by Salvadoran migrant workers residing abroad

78. The Government of President Mauricio Funes made a priority of enabling Salvadorans residing abroad to vote. In its Government Programme 2009–2014, the following specific objective is stipulated:

“The steady reduction in the undocumented migration of Salvadorans, while also providing effective assistance to Salvadoran families both in and outside their country, including by creating the conditions allowing them to exercise their legitimate right to vote, that is, to elect and be elected for discharging public duties in the country, as well as for the defence, protection and promotion of their human rights.”

79. The drafting and consideration of a preliminary bill on the right to vote abroad has been encouraged accordingly, calling for the participation of various actors, as follows:

- The technical proposal for the bill was prepared by an inter-agency commission comprising the Ministry of Foreign Affairs, the Secretariat for Strategic Affairs, the National Registry of Natural Persons (RNPN) and the Directorate-General for Migration and Aliens Affairs (DGME), with the assistance of the Office of the President of the Supreme Electoral Court;
- Consultations were held in December 2011 with electoral authorities from Latin America, Salvadoran civil society, Salvadoran organizations and citizens abroad, cooperation agencies and political parties;
- In December 2011 and February 2012, a virtual consultation campaign was launched from the website www.votodesdelexterior.gob.sv, which helped to attract some 2,000 participants in different countries around the world;
- In San Francisco (United States), a series of activities took place to define the starting point for the dissemination of the preliminary bill on voting rights for Salvadorans around the world;
- Surveys were conducted with Salvadorans abroad to determine their interest in voting;
- Meetings were held with representatives of the media, civil society, political parties, the diplomatic corps and international cooperation agencies to present the details of the bill;
- A meeting was held in November 2012 with Salvadoran community leaders in Canada and the United States, called “Salvadorans abroad with a voice and a vote: dialogue on participation in elections”. It created an opportunity for dialogue among representatives of Salvadoran organizations in the United States and Canada, national civil society, deputies in the Legislative Assembly, officials of the Ministry of Foreign Affairs, the National Registry of Natural Persons (RNPN) and the Secretariat of Strategic Affairs.

80. Following its submission by the executive branch to the Legislative Assembly for debate, the bill was adopted on 24 January 2013 as the Special Act on Voting Abroad in Presidential Elections, which gives Salvadorans residing abroad the right to vote in the presidential elections of 2014 and for which the implementation logistics are handled by the Supreme Electoral Court.

81. The Act enshrines the principle of the universality of the right to vote and envisages a new procedure for the issuance of a single identity document by a total of 20 RNPN offices:¹⁸ 16 consular or diplomatic offices of El Salvador in the United States, and 4 in Canada.

82. As of 10 January 2014,¹⁹ the Court had received 91 ballots from Salvadorans residing abroad, specifically in the United States and Canada, which were delivered by the

¹⁸ In Canada: Ottawa, Ontario; Montreal, Quebec; Toronto, Ontario and Vancouver, British Columbia. In the United States: Boston, Massachusetts; Chicago, Illinois; Coral Gables, Florida; Dallas, Texas; Houston, Texas; Las Vegas, Nevada; Los Angeles, California; San Francisco, California; Long Island, New York; New York, New York; Seattle, Washington; Tucson, Arizona; Washington, D.C.; Woodstock, Georgia; Woodbridge, Virginia; Elizabeth, New Jersey.

¹⁹ *Source:* www.milenio.com/internacional/elecciones-Salvador-voto-presidente-2_de_febrero_0_220778086.html.

Electoral Board for Voters Abroad. The Court has sent out approximately 10,000 election packets so that other registered Salvadorans may also vote.

- 18. Please indicate whether the State party has amended article 26 of its Migration Act, which requires migrant workers to leave the State party upon termination of their contracts, regardless of the reason for such termination, in order to ensure compatibility of its legislation with the provisions of the Convention, in particular articles 51 and 52**

83. The DGME does not enforce article 26 of the Migration Act, since it is not compatible with the Convention; furthermore, the preliminary bill on migration and alien affairs now under consideration proposes a reasonable time limit for initiating a new procedure for acquiring the requested migratory status. (See the preliminary bill on migration and alien affairs in the annexes.)

- 19. Measures taken to implement the Plan Piloto El Salvador-Honduras (El Salvador-Honduras pilot project for regularization) aimed at improving the situation of frontier workers, and to include in its national legislation the definition of frontier workers as well as specific provisions related to the protection of their rights, in accordance with article 58 of the Convention**

84. As part of the pilot project, and with a view to improving the situation of frontier workers, El Salvador has unilaterally taken the following steps:

- The border at Perquín, Department of Morazán, has been opened in fulfilment of the commitment undertaken by El Salvador and Honduras to implement the decision of the International Court of Justice (11 September 1992). Furthermore, Agreement No. 60²⁰ was issued to promote, stimulate and facilitate border integration and to guarantee that the landowners and inhabitants of the zone can transit freely in the territories covered by the decision;
- An identity fair was held in the municipality of Perquín, Morazán, on 10 November 2011 with a view to providing identity papers to the Salvadorans affected by the decision, from which 112 persons benefited;
- The Legislative Assembly of El Salvador adopted Decree No. 295, on the “Special Act for the creation of a migration and customs identification scheme applicable to all persons affected by the 11 September 1992 decision of the International Court of Justice” (published in Official Gazette No. 37, vol. 398, 22 February 2013);
- The building legalization procedure, which issued 204 title deeds in the lower zone of Nahuaterique, as the result of the agreement between the Ministry of Foreign Affairs, through the El Salvador Section of the El Salvador-Honduras Follow-up Commission, and the Property Legalization Institute, on the legalization of 665 buildings belonging to persons in the zones concerned, for the amount of US\$ 135,275 (funded by the Ministry of Foreign Affairs);
- The naturalization procedure, under which more than 1,837 applications for Honduran nationality were processed;
- Mobile consulates, which issued more than 550 birth certificates free of charge.

²⁰ Published in the *Diario Oficial (Official Gazette)*, vol. 392, San Salvador.

- Health Days, involving more than 8,600 free consultations for dental, gynaecological and paediatric care, general medicine, treatment, HIV tests, cytology tests and cryotherapy;
- Donation of an ambulance for the residents of the Nahuaterique zone, equivalent to US\$ 32,000;
- Renewal of the single identity document for the residents of the Nahuaterique zone; 787 documents were renewed, equivalent to US\$ 8,113.97;
- Legalization of the Nahuaterique zone residents' associations, four of which are now duly registered with the Ministry of the Interior.

20. Measures taken by the State party to ensure that seasonal workers enjoy the same treatment as national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international standards

85. Part of the operational structure of the Ministry of Labour and Social Security is its Department for Agriculture and Livestock Inspections, which is responsible for ensuring compliance with labour rules and the working conditions of agricultural workers, with a view to safeguarding the rights of workers, whether migrants or not, since the same national and international rules are applied without distinction.

86. With regard to inspections pertaining specifically to migrant workers, 2,401 inspections were undertaken between 2009 and 2013, in which compliance with individual labour contracts and other workers' conditions was verified. (See breakdown by year in the annex on "Labour inspections of the Ministry of Labour".)

21. Efforts undertaken to continue developing the "Bienvenida a Casa" ("Welcome Home") programme with a view to assisting returning migrants in their reintegration into Salvadoran economic and social life

87. The "Welcome Home" programme was set up in 2007 by the DGME to help Salvadorans who had returned from the United States under the 2009 voluntary deportation or exit programme, along with Salvadoran returnees from Mexico. The programme provides immediate assistance, such as telephone calls, food, clothing, transport, medical care and toiletry kits, as well as a night in a shelter, if necessary.

Table 8
Persons returned by air or land

<i>Migrants returned</i>	2006	2007	2008	2009	2010	2011	2012	2013	<i>Total</i>
By air	14 604	20 269	20 302	19 302	18 911	16 899	19 685	20 888	150 860
Males	11 855	15 734	16 483	16 129	16 527	15 088	18 130	18 735	128 681
Females	2 749	4 535	3 819	3 173	2 384	1 811	1 555	1 866	21 892
Minors	298	337	206	165	210	138	164	287	1 805
By land	25 913	16 015	12 632	11 036	10 276	8 946	12 128	14 930	111 876
Males	19 532	13 006	10 849	9 601	8 672	7 538	10 180	10 886	90 264
Females	6 381	3 009	1 783	1 435	1 604	1 408	1 948	2 639	20 207
Minors	1 521	865	508	574	715	676	1 058	1 405	7 322
Total	40 517	36 284	32 934	30 338	29 187	25 845	31 813	35 818	262 736

Note: 2013 data cover the period up to 4 December.

88. Each week El Salvador receives at least five federal flights, each with up to 120 returnees from the United States, as well as a daily bus with up to 35 persons, to which should be added the voluntary and minor returnees who take commercial flights. Cases of human rights violations and serious crimes have been discovered in all these situations, and the DGME has accordingly turned them over to the Reintegration Programme for Returned Migrants of the Ministry of Foreign Affairs, which classifies and verifies the conditions of returnees in order to turn them over to the appropriate bodies for dealing with specific cases and ensuring follow-up.

89. The Ministry of Foreign Affairs and the DGME coordinate efforts to ensure the best possible conditions for the arrival of vulnerable persons and children and adolescents by air, with the support of the consular network abroad, which provides whatever information may be necessary. The cases of persons returned in a vulnerable condition are handled by the Ministry of Health.

90. The Reintegration Programme for Returned Migrants also endeavours to smooth the transition of returnees with a view to their social and productive reintegration; 35 such cases are currently being monitored. Another programme objective is to sensitize Salvadoran society to returned migrants, which is achieved by means of actions coordinated with civil society, Government and international cooperation, as detailed below:

- Start-up capital for businesses or for equipment and raw materials;
- Medical and psychological care for returnees or for persons who have lost a limb, provided by the Ministry of Health;
- Provision of basic food baskets;
- Payment of housing rental for six months for returnees without family or other support;
- Tattoo removal with the support of the Ministry of Justice and Public Security;
- Provision of prostheses with the support of Don Bosco University;
- Scholarships from the EDUCAME Programme.

91. Other programmes for the reintegration and immediate care of returnees are supported by IOM, ICE and Save the Children, among others. One example is the START programme for the reintegration of returned migrants who are victims of trafficking, financed by the Government of Canada through IOM, which ran a pilot programme for the integration of 20 Salvadorans into economic initiatives. START received technical support from the National Commission on Micro-Enterprises and Small Businesses of the Ministry of Economic Affairs (CONAMYPE) to make it more sustainable and marketable. Technical training centres have been opened as well, allowing 15 persons to acquire specialized skills.

92. Efforts were also made to continue developing and improving the “Welcome Home” programme with a view to helping returning migrants with their reintegration into Salvadoran economic and social life. High-level coordination has been undertaken for the programme’s proposed new facilities in the El Salvador Airport, ensuring the best possible conditions for receiving returnees, in terms not just of infrastructure but also of the respect and safeguard of Salvadorans’ human rights.

93. The Office of the Deputy-Minister for Salvadorans Abroad is responsible for developing, facilitating, contributing to and strengthening the mechanisms for the dignified reception and reintegration of Salvadoran returnees. It also encourages the settlement of Salvadorans, to which end it has been proposed to overhaul the support provided by the “Welcome Home” programme to Salvadorans returning either by air or by land. The idea is to create dignified conditions and opportunities to resume work and productive activity

which allow them to resettle and which reduce both illegal migration and the risk of their being taken over by illegal groups, focusing on such vulnerable populations as children and adolescents.

94. The Office of the Deputy-Minister for Salvadorans Abroad is promoting the preparation and adoption of a legal framework for the “Welcome Home” programme. Such a framework will endow it with an organizational structure, objectives, goals and accountability, and a commission will be set up as its governing body, represented by institutions from the Government, academia, churches, NGOs, the private sector and international bodies. There will also be a unit responsible for implementing procedures for return by air and land, which will involve new actors and include more dynamic work structures that can meet all the needs of the returnee population, drawing on civil society organizations as strategic allies. Such organizations have not only the knowledge and the experience to deal with returnees, but also the capacity for national implementation.

95. Efforts have been undertaken to coordinate the strengthening of the “Welcome Home” programme – part of the Ministry of Justice and Public Security – with various governmental and non-governmental institutions and to revive the spirit in which the programme was originally created: to avoid the further victimization of returnees, to provide better care and reception mechanisms and to strengthen inter-institutional coordination between State bodies and civil society organizations for the care and reintegration of returnees. They are assisted upon their return by medical staff from the Ministry of Health, who provide them with primary care, the services of a psychologist, and counselling for those who have been the victims of serious crimes or who experience a crisis upon their return. It should further be noted that the Child and Adolescent Protection Boards have now begun to operate.

96. Very expeditious work has been carried out with the DGME Migrant Care Department on both air and land procedures in order to provide returnees with comprehensive protection, not just in terms of the delivery of basic necessities (food, toiletry kit) but overall. The situation is thus addressed from the moment the returnees are deported from Tapachula, Mexico City and the United States, and the consular representation informs the Reintegration Programme for Returned Migrants of any emblematic cases that have been identified by the consulates of El Salvador. A final list of persons returned by air and by land is furnished so as to provide basic information and to include it in the DGME database. This avoids further victimization during interviews.

97. Various forms of inter-agency coordination have been initiated with the following:

- CONNA, the Migrant Care Department, the Salvadoran Institute for the Development of Children and Adolescents, IOM, the secretariat of the National Council for the Protection and Development of Salvadoran Migrants and Their Families (CONMIGRANTES), the PNC migration checkpoints and the PDDH, in order to draft a protocol for inter-agency action to deal with the return of children and adolescents in keeping with the principles of the best interests of the child and of the adolescent and the shared responsibility of the institutions involved. Work plans and mechanisms are being implemented in conjunction with the Child and Adolescent Protection Boards, and in accordance with their competence the administrative inquiry is begun in order to address the cases that arise;
- The Ministry of Health has established a liaison to provide immediate attention to returnees and ensure continuity in their processing; action is coordinated so that returnees requiring psychological care receive it as a matter of priority, focusing on the place of residence so that the person can be cared for close to where he or she lives;

- The Ministry of Education is setting up educational processes to provide returnees with access to the education system, offering alternatives for continuing their studies and facilitating apprenticeships;
- The Ministry of Labour and Social Security is working with returnees on their integration into the job market, based on their profile, and on giving them access to the labour market; they are informed of job opportunities in the national network and helped to apply for such jobs;
- The Secretariat for Social Integration, with which support is coordinated for a provisional basic food basket for returnees in situations of vulnerability and for the acquisition of wheelchairs;
- The Salvadoran Institute for the Advancement of Women, in keeping with its role, provides psychological and legal support for returnee women, children and adolescents and members of their families who have been the victims of crimes or of human rights violations while in transit;
- A mechanism has been set up with the Salvadoran Institution for the Rehabilitation of Invalids, which assists with the rehabilitation of returnees who have been mutilated while in transit;
- The Ministry of Agriculture and Livestock has implemented coordination so that returnee programme beneficiaries are helped with household crops, orchards and farm packages, and also assisted through training programmes and in setting up chicken farms;
- Municipal authorities are coordinating work in the field and work with returnees in the Municipality of Metapán, Department of Santa Ana; in Nueva Concepción, Department of Chalatenango; and in Verapaz, Department of San Vicente. They are also developing alliances with other municipalities;
- The PNC has had an impact on minimizing the number of incidents in which the protocols established in accordance with its role are applied without regard to human rights, in order to avoid further stigmatization of returnees;
- The RNPN has facilitated the acquisition of the single identity document;
- Steps are being taken with IOM so that, based on the profile and degree of vulnerability of returnees, seed capital is provided for the start-up of productive activities. CONAMYPE furnishes the relevant technical support, through the Centres for the Development of Small and Medium-sized Enterprises, which have offices in various departments of El Salvador, thereby fostering relations with the population;
- Don Bosco University, which has obtained prostheses for returnees who were mutilated during the derailment of the train known as “La Bestia” and/or who suffered a permanent injuring at the start of their journey.

98. The Ministry of Foreign Affairs is also promoting the standardization of the PNC and the DGME (air and land) databases through information technology, with a view to checking them against the consular interviews conducted by consular representations in Mexico City and the United States and to avoiding further victimization of returnees.

22. Measures taken by the State party to: (a) Ensure the rights of migrant children, particularly those unaccompanied and/or in an irregular situation, whether in El Salvador or in transit; (b) Promote adequate conditions for the resettlement and reintegration of Salvadoran migrant children and their families upon their return

99. The Child and Adolescent Protection Act (LEPINA) of El Salvador enshrines the rights of the child and of the adolescent and establishes CONNA, which is responsible for managing and coordinating the national system for the comprehensive protection of children and adolescents; for drafting, adopting and monitoring the national policy for children and adolescents; and for defending the rights of children and adolescents.

100. The Act entered partially into force in April 2010, and the Child and Adolescent Protection Boards began operating in January 2012. The main functions of these boards, which are technically independent, are to hear cases involving threats and/or violations of the rights of children and adolescents at the local level; to issue and safeguard the protection measures needed to protect any rights that have been threatened or violated; and to exercise other powers established in articles 6²¹ and 161 of the Act. The boards thus hear all cases involving threats and/or violations of the rights of children and adolescents of different nationalities.

101. Between February 2012 and March 2013, the boards heard 56 cases involving children and adolescents of other nationalities who entered the country illegally and who have been guaranteed full protection, and in some cases reintegration with their families of origin, as was the case with two Guatemalan children who were repatriated.

Table 9

Information based on data provided by the Child and Adolescent Protection Boards

Cases heard by Child and Adolescent Protection Boards involving children and adolescents whose rights have been violated and who are of other nationalities

<i>Child and Adolescent Protection Boards/Department</i>	<i>2012</i>	<i>2013</i>	<i>Total</i>
San Salvador	3	5	8
Santa Ana	8	0	8
San Vicente	3	1	4
San Miguel	23	0	23
Chalatenango	1	4	5
Usulután	0	0	0
La Libertad	0	0	0
La Unión	0	7	7
Sonsonate	0	1	1
Total	38	18	56

102. In all the cases heard by the boards involving violations of children's rights to education and health, the appropriate protection measures for their enrolment in an educational facility or for medical treatment have been ordered, exactly as they would be for Salvadoran children or adolescents.

²¹ Ar. 6 of the Act: "The present Act shall apply to all children and adolescents in the national territory, whether Salvadoran or foreigners".

103. With the adoption of the Act and the creation of CONNA, the national policy for the comprehensive protection of children and adolescents of El Salvador 2013–2023²² was formulated, in which the State of El Salvador assumes responsibility for enforcing the rights of children and adolescents. The purpose of this policy is to guide the actions and coordination of all members of the national system, and its guiding principles will be binding on decisions and actions aimed at safeguarding the rights of children and adolescents.

104. It should be noted that when the policy was being formulated, a specific focal group of migrant children were consulted in order to ensure that their rights were guaranteed and fulfilled, regardless of their nationality.

105. Pursuant to the Migration Act, the LEPINA and international human rights law, the DGME seeks to avoid further victimization by ensuring that children and adolescents receive priority attention from the moment they enter the country, whether by air or by land. Children and adolescents in transit through the country are handed over to the institution responsible for ensuring their protection (the Salvadoran Institute for Child and Adolescent Development (ISNA)). If they are accompanied by a member of their family the principle of family unity prevails, and they are cared for together in the Migrant Care Centre, which provides them with medical and psychological care, food and recreational activities.

106. With regard to children's education, the Ministry of Education participates in the Technical Committee on Inter-agency Coordination of Care for children and adolescents who are returned migrants. Through this Committee, and thanks to coordination between ISNA and the departmental education directorates, 50 (96%) of a total of 52 children and adolescents who returned in 2010 have been reintegrated into both the formal and informal education systems.

107. According to the latest education survey 2012–2013, which covered 1,705,736 children, 4,498 children of other nationalities are enrolled in the public education system. Some 2,673 more are enrolled in the private system, for an overall total of 7,171. It is noteworthy that in the public sector, the most numerous nationalities are Americans (1,553) and Guatemalans (1,087), followed by Hondurans (939), Nicaraguans (614), Costa Ricans (61), Panamanians (48), Belizeans (83) and South Americans (23). The educational services offered this population by the Ministry of Education range from the pre-school to the secondary and technical secondary levels.

108. In 2011, 164 teachers and technical staff from 109 schools nationwide were sensitized to the risks of illegal migration and the educational needs of children and adolescents through their attendance at six workshops on human rights, migration and human trafficking.

109. Thanks to the Ministry of Education, State-sponsored secondary education is free, and flexible education methods (distance learning, night classes, e-learning, accelerated education and virtual education) are used for young people and adults who are outside of the education system and who wish to complete their primary and secondary education. These methods have also been available under the "Welcome Home" programme since 2009. Beginning in 2010, school packages (uniforms and sturdy shoes) have been issued to all students in the primary to third cycle levels as a means of protecting returned migrant children.

²² Adopted under Agreement No. 13 at the ninth ordinary meeting of the Governing Council on 16 May 2013.

23. Measures taken to intensify and allocate adequate financial and other resources to prevention campaigns aimed at countering misleading information relating to emigration and raising awareness among Salvadoran nationals, including children, about the dangers of irregular migration. Cooperation efforts with countries of transit and destination, with a view to ensuring the safety of Salvadoran migrant workers, including migrant children, whether accompanied or not, in transit through third States and upon arrival in the countries of destination

110. In November 2012, the Ministry of Labour and Social Security launched a media campaign for the protection and defence of the human rights of migrants, whose objective is to recognize the rights of migrant workers. The campaign involved television and radio interviews, with special articles published in the weekend editions of national newspapers. Some 1,200 radio spots were broadcast on six programmes; a month-long television spot was broadcast on 120 programmes; 500 posters were designed and 1,500 pamphlets were printed and distributed at strategic locations around the country.

111. The campaign, whose slogan was “Los buenos empleadores se reconocen por...” (“You can recognize a good employer by...”), urges respect for verbal and written contracts; the payment of minimum wages or higher, according to the sector, with such wages stipulated in detail; and other obligations, such as prompt payment in cash and recognition of social benefits and of the rights of migrant workers.

112. In May 2013, the Ministry of Foreign Affairs launched a campaign on the risks of undocumented migration for adolescents and young people in the municipality of Nueva Concepción, Chalatenango. The campaign targets young men and women who are potential migrants from urban and rural areas, as well as returnees, members of the families of young migrants in El Salvador and in the United States, as well as consular staff in countries of transit and destination.

113. Its main objective is to stop young migrants from thinking of themselves as “illegal” – an image that they acquire from the outset of the entire migration process – by means of messages and communications strategies that provide information on the rights available to them and on how to exercise those rights before, during and after the undocumented trip to the United States.

114. The specific objectives of the campaign include the following:

- To raise awareness of and provide information on health care and risks to consider throughout the process of undocumented migration to the United States;
- To raise awareness of sexual and reproductive rights, providing information on these rights and on access to sexual and reproductive health-care services at every stage of the migration process;
- To demystify the notion of “coyote”;
- To demystify the American dream by presenting personal accounts of the problems of integration, marginalization, discrimination, violence and xenophobia;
- To form strategic alliances for action and awareness-raising on the subject of illegal migration.

115. The campaign slogan is “Si decidís migrar, infórmate primero” (“If you decide to migrate, first get some information”), which is a combination of three elements. The first concerns information on the dangers of travelling by land to the United States, on where they can ask for help and on which government agencies can provide support while they are in transit. The second is about documenting their family identity and the reality of their personal context and experience when faced with the migration process (parents, siblings,

family). The third is intended to get them to view their Salvadoran identity as part of their personal development in the economic, educational and social fields.

116. The areas covered are: migration, remittances and education; travel routes to the United States; the reality of the obstacles and dangers to be encountered en route; institutional information on consulates and shelters; experiences of migrants in the journey; citizenship and assistance from Salvadorans residing in the United States; and opportunities for development, ranging from entrepreneurship to job opportunities.

117. The campaign includes the following elements: “Practical guide to rights and information while en route to the United States”; “Practical guide for the trip”; and “Practical guide for adolescents, young men and women who are thinking about or have decided to migrate”.

118. The campaign targets the participation of the educational community, local social groups and citizens from the municipality. Its participatory process involves local institutions, a dynamic form of training and the generation of knowledge among young persons with a personalized and comprehensive focus. This is attained by means of guided tours through a circuit of strategic points, distributed in different parts of the city where the campaign is under way and where groups of (previously trained) young persons are to be found who can help by providing information, organizing young persons and familiarizing them with the subject.

119. In June 2013, CNTP finished launching the regional campaign on “Los Caminos de la Vida” (“The roads of life”), which is being promoted by the member countries of the Central American Regional Coalition against Human Trafficking. Its principal objective is to inform, raise awareness, encourage the filing of complaints, raise the profile of the crime of human trafficking and offer constant reminders to migration agents and border patrols. The campaign also involved the distribution and placement of 2,000 information posters at all national borders.

120. Also in 2013, a prevention campaign on “Municipalidades libres de Trata” (“Municipalities free of human trafficking”) was launched at the municipal level, aimed at informing, preventing, educating, raising awareness and encouraging the filing of complaints with regard to the crime of human trafficking among municipalities and businesses. The campaign involved the distribution of 250 posters and 250 plaques in recognition of establishments that commit themselves to dissemination and awareness-raising. It also makes use of a hotline with the number “123”, which is intended to help increase the number of citizens’ complaints.

121. The Ministry of Health has planned fairs to disseminate information and raise awareness about the Convention, targeting top regional managers of the basic comprehensive health system and of local health-care facilities. The first such fair was held in April 2013, and 17 officials at the operational technical level who are responsible for providing comprehensive health care to children participated.

24. Measures taken by the State party to combat trafficking and smuggling of migrants, in particular women and children, including by effectively detecting the illegal or clandestine movement of migrant workers and members of their families, systematically compiling disaggregated data and bringing perpetrators of trafficking and smuggling of migrants to justice. Updated information on the number of reported cases of trafficking and smuggling of migrants, investigations, prosecutions, and the sentences imposed on perpetrators since 2008

122. In the area of health, in order to detect and prevent human trafficking, a survey of knowledge, attitudes and practices was conducted among doctors and nurses from 93 health units in the 17 health system facilities as a starting point for planning awareness-raising

activities on the subject of human trafficking (2008–2009). The survey's findings led to the establishment of the following objectives: a) To raise awareness in a substantial, comprehensible and ongoing manner of the existing mechanisms for preventing, prosecuting and sanctioning cases of human trafficking; b) To sensitize and raise the awareness of the population in general, and particularly of officials from the Ministry of Health, about the crime of human trafficking; and c) To inform health staff, in a comprehensible and ongoing manner, about the crime of human trafficking and its negative impact on victims and on society.

123. This was followed up by information, educational and awareness-raising campaigns for more than 7,000 health staff and more than 11,000 members of organized community groups in order to sensitize them as to the causes, modalities, effects and filing of complaints to prevent, combat and deal with the crime of human trafficking and the need to eradicate it in health-care facilities (2008 and 2009).

124. In 2009, continuing a process that began in 2008, more than 60 health-care facilities were visited to monitor, assess and follow up on dissemination activities being carried out at the various levels of health care on the subject of human trafficking. Also in 2009, two health-care facilities were identified to provide medical care to victims of human trafficking or to individuals who turn state's evidence and are being prosecuted. This makes it possible for victims of human trafficking to be cared for promptly, comprehensively and effectively at all times, both within and outside the framework of administrative and/or judicial proceedings. These facilities have health staff who are sensitized to the problem and trained to care for such persons.

125. In 2009, 53 victims of human trafficking were cared for and provided with general medical services, gynaecological care, counselling on personal health care, dental care and psychological care.

126. In 2010, the Unit for the Comprehensive and Integrated Treatment of Violence in all its Forms was created, which includes a subprogramme on community violence and a component on preventing human trafficking and on the commercial sexual exploitation of children and adolescents, as well as on treating the victims of such crimes.

127. Between 2009 and 2012, 81 survivors of human trafficking were treated.

128. In 2011 and 2012, documents were distributed and health staff were trained on health-care norms and guidelines for persons in situations of violence, which include the prevention of human trafficking and of the commercial sexual exploitation of children and adolescents as well as care for the victims of such crimes. In addition, educational materials were distributed and training provided on how to use such materials in the prevention of human trafficking and of the commercial sexual exploitation of children and adolescents.

129. The national policy against human trafficking was adopted in 2012, and proposed the following action lines: prevention, care, protection, prosecution, inter-agency coordination, cooperation, training and corruption, all of which are being implemented through the National Action Plan. (The text of the national policy is to be found in the annexes.)

130. CONNA, through the Child and Adolescent Protection Boards, is competent to hear cases involving human trafficking, in accordance with article 41 of the LEPINA. Between February 2012 and 31 March 2013, a total of 29 cases of violations of the rights of minors against human trafficking were reported. Protection measures were ordered for these minors, including emergency placement in institutions or with families, participation in the special ISNA trafficking programme for children and adolescents, and declaration of responsibility by the father or mother. These measures were ordered by the Protection Boards (see table 10 below).

Table 10
Reported cases involving protection against the trafficking of children and adolescents

Child and Adolescent Protection Boards /Department	2012	2013	Total
San Salvador	4	2	6
Santa Ana	3	1	4
San Vicente	12	0	12
San Miguel	4	2	6
Chalatenango	0	0	0
Usulután	0	0	0
La Libertad	0	0	0
La Unión	0	0	0
Sonsonate	0	1	1
Total	23	6	29

Information based on data provided by the Child and Adolescent Protection Boards.

131. The PNC has deployed efforts to prevent and combat human trafficking and smuggling, as described below:

- Sensitization workshops were held in 2011 on human trafficking and smuggling, in which 145 police officers assigned to various stations of the Migration and Fiscal Control Division participated; through the Prevention Section, they in turn held discussions on prevention at schools in Chalatenango, San Miguel and Usulután;
- The PNC took part in an information fair in February 2012 on the rights of children and prevention of the crimes of human trafficking and smuggling, with the participation of various institutions, including the municipal authorities of Santa Ana. The fair urged compliance with the Municipal Ordinance for the Prevention of Human Trafficking in that municipality;
- A police fair was held in a shopping centre in the Department of La Libertad in April 2012, in which police stations operating in the Departments of La Libertad and Chalatenango took part. It publicized the multidisciplinary work of the PNC and helped sensitize society to the prevention and reporting of the crimes of human trafficking and smuggling;
- Another information fair on human trafficking and smuggling was held in September 2012, in the Department of San Vicente, attended by 900 students.

132. The PNC, through the Central Investigations Division, takes steps to suppress the crimes of human trafficking and smuggling. These actions are planned based on information about the strategic days, times and places used to carry out these crimes. A special unit is maintained in the Attorney-General's Office, and groups of investigators have been set up in the PNC to work on combating the crimes.

133. CNTP was established in 2011 under Executive Decree No. 90. It is composed of the Ministry of Education, the Ministry of Health, the Ministry of Foreign Affairs, the Attorney-General's Office, the Secretariat for Social Integration, the Institute for the Advancement of Women, the Ministry of Justice and Public Security and a technical committee, involving all the government bodies that deal with the issue. The purpose of the decree was to raise the level of national commitment for dealing comprehensively with human trafficking.

134. A special protocol was established and implemented for migration officials on the Salvadoran borders and in the DGME offices in 2012.

135. The National Council has taken over the activities of the former National Committee, acting as a channel and executor of government action against human trafficking. The involvement and efforts of civil society organizations should also be mentioned in this regard.

136. CNTP is working on a special preliminary bill against human trafficking, which covers comprehensive reforms of the crime, care, and restitution of the rights of victims and which will be submitted to the Legislative Assembly.

137. The National Council represents El Salvador on the Regional Coalition against Human Trafficking, of which Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Belize and Mexico are members. The objective is to strengthen and extend communication with counterparts from other Central American countries on the comprehensive approach to the crime of human trafficking. The Council also participates in the Regional Conference on Migration, in the meeting of the liaison officials' network on human trafficking.

138. The Attorney-General's Office has implemented mechanisms for prosecuting the crime of human trafficking; by prosecuting traffickers with records of related crimes, it has succeeded in increasing the number of sentences against them. (See table 11.)

Table 11

Cases of human trafficking reported by the Attorney-General's Office

<i>Year</i>	<i>Cases filed</i>	<i>Sentences</i>
2006		4
2007		2
2008	81	8
2009	67	8
2010	78	7
2011	76	9
2012	62	5
2013	2	2
Total*	366	45

* The numbers shown in the table are the total numbers of all victims, Salvadoran nationals and aliens combined.

139. The following information is available on cases of illegal human trafficking between 2009 and 2012:

Table 12

Cases and sentences for illegal human trafficking

<i>Year</i>	<i>Cases filed</i>	<i>Sentences</i>
2009	359	36
2010	266	20
2011	208	23
2012	271	25

Total*	1 104	104
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* The numbers shown in the table are the total numbers of all victims, Salvadoran nationals and aliens combined.

140. Some of the obstacles to investigating the crime of illegal human trafficking²³ arise from the fact that many victims turn to prosecutors' offices or police stations in the hope of recovering their investment (the money paid to the guide or "coyote"). Even in cases of crimes that exclude conciliation, if the accused succeed in compensating the victims financially and extrajudicially for the damage suffered, they are already failing to cooperate with the legal process – even in those cases where the person directly affected has lost his or her life. There is little or no collaboration on the part of the victims of this crime, insofar as cases have also been identified where, during the investigation or legal proceeding, the victims succeed in reaching their intended destination illegally, after several attempts.

25. Measures taken to implement the Convention and the Committee's recommendations since its consideration of the State party's initial periodic report in 2008, including relevant statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention

141. Discussions have been held on health education for the prevention of communicable diseases, emergency medical care for migrants in need and epidemiological surveillance of diseases among migrants that require treatment, through the Ministry of Health, by the international health offices on the country's border posts.

142. In compliance with the Convention on the Rights of the Child (ratified by El Salvador on 27 April 1990), and with articles 34 and 35 of the Constitution of the Republic, the Child and Adolescent Protection Act was adopted and CONNA was established as the lead agency and coordinator of the national system for the comprehensive protection of children and adolescents, with procedures and institutions at the national, departmental and municipal level. The system provides for mechanisms to guarantee the rights enshrined in the Convention. The Act entered partially into force on 16 April 2010 with respect to Book 1 and the legal part; the rest of the system entered into force in January 2011 and the Protection Boards began operating progressively as of January 2012.

143. In response to recommendations 44 and 45 of the document "Consideration of reports submitted by States parties under article 74 of the Convention – Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families", the Ministry of Foreign Affairs, through the Office of the Deputy-Minister for Salvadorans Abroad, took steps such as investigations in which

²³ Criminal Code: "Illegal human trafficking, Art. 367-a. – A person who himself or through another person or persons, in contravention of the law, attempts to introduce or introduces aliens into the national territory, or shelters, transports or guides them, with the intent of evading the migration regulations of El Salvador or other countries, shall be sentenced to imprisonment for four to eight years.

The same sentence shall be imposed on a person who shelters, transports or guides Salvadorans with the intent of evading the migration regulations of El Salvador or other countries. The same sentence shall be incurred by persons who, with false or forged documents, attempt to secure or secure the departure from the country of Salvadorans or nationals of any other country and by persons who use authentic documents belonging to another person. If as a result of the commission of this offence the passive subjects suffer deprivation of liberty abroad, are victims of offences of any kind, or die from violent or other culpable causes, the sentence shall be increased by two thirds." *Diario Oficial* (Official Gazette) No. 105, vol. 335, 10 June 1997.

statistical data and specific situations related to migration were compiled. Campaigns were also run to prevent violations of the human rights of Salvadoran migrants, including:

- Publicizing and delivery to CONNA of the study entitled “International Migration, Children and Adolescents in El Salvador in February 2012. Summary of the study conducted by the team of investigators of the Fundación Dr. Guillermo Manuel Ungo (FUNDAUNGO)”, which succeeded in raising the profile of the migrant child and in getting the migrant child covered by the LEPINA;
- Publication and presentation in December 2012 of the study entitled “La Esperanza viaja sin visa: Jóvenes y migración indocumentada en El Salvador” (“Hope travels without a visa: Young people and undocumented migration in El Salvador”), conducted by UCA in coordination with the Ministry of Foreign Affairs, through the Office of the Deputy-Minister for Salvadorans Abroad and with the support of the United Nations Population Fund (UNFPA);
- Presentation in December 2012 of the documentary “Which Way Home, un Vistazo en las Vidas de los Niños Inmigrantes no Acompañados” (“A Glimpse into the Lives of Unaccompanied Migrant Children”), about unaccompanied migrant children. It was attended by an international delegation of the United States Committee for Refugees and Immigrants (USCRI). The purpose was to inform people working directly or indirectly with migrant children or with children at risk of migrating about irregular child migration in the United States. Participants included the Ministry of Foreign Affairs, the Ministry of Education, USCRI, universities (José Matías Delgado, UCA and the University of Technology), the Attorney-General’s Office, the PDDH, the DGME, the CONNA Protection Boards, the National Council for Persons with Disabilities, the Legislative Assembly, the Ministry of Labour, the National Public Security Academy, the Ministry of Defence, the Ministry of Tourism, IDHUCA and the REMAR Shelter, among others;
- Presentation on 10 December 2013 of the outcomes and draft guidelines for public policies, as part of the study entitled “Atrapados en la tela de Araña: La migración irregular de niñas y niños salvadoreños hacia Estados Unidos” (“Caught in the spider’s web: The irregular migration of Salvadoran children to the United States”). The study was conducted by UCA researchers in coordination with the Ministry of Foreign Affairs, through the Office of the Deputy-Minister for Salvadorans Abroad, and analyses the impact of migration on unaccompanied migrant children. It benefited from the support and funding of various government bodies.

III. Additional information

144. The fund to facilitate the processing of humanitarian migration documents for exceptional cases has helped 227 low-income Nicaraguans, including 39 female heads of households and 35 minors, by providing them with a permanent resident card. Some 147 persons benefited from the family reunification project: 88 large family groups, 21 sick migrants and 14 single mothers.

145. For the sixth population census in 2007, a question module was introduced that made it possible to determine the place of origin, area of residence and sex of aliens residing in El Salvador. It found that the population of Nicaraguan origin totalled 6,958 persons: 52.7% men and 47.2% women; 75.9% urban and 24.0% rural.

146. The survey of Nicaraguan migrants based in El Salvador was conducted in 2011. Some 2,138 persons were interviewed in 709 dwelling units, and 1,023 of those surveyed were found to be Nicaraguan. The survey findings showed the sociodemographic

characteristics of this population, the basic services available in their dwelling units, their work activities, employment benefits, places of origin, length of residence in El Salvador, educational level, access to health care, access to educational services and benefits, and human rights violations, among others.

147. The document entitled “Findings of the survey of Nicaraguan migrants based in eastern El Salvador” was prepared on the basis of the survey findings. It contains input for the formulation and implementation of national and regional public policies on the promotion and protection of the human rights of migrants. (See document in the annexes.)

148. The Special Act on the Protection and Development of Salvadoran Migrants and Their Families was adopted in 2011. Its purpose is to develop the guiding constitutional principles for guaranteeing the rights of Salvadoran migrants and their families by means of the design, formulation, evaluation and monitoring of comprehensive policies for protection and development, through inter-institutional and intersectoral coordination between the State and civil society in the national development process.

149. The Act establishes the National Council for the Protection and Development of Salvadoran Migrants and Their Families (CONMIGRANTES), which was set up in October 2012 following completion of the internal process for electing the representatives of civil society, private universities, small and medium-sized enterprises, and organizations of Salvadorans residing abroad.

150. CONMIGRANTES is defined as a decentralized autonomous institution under public law, not-for-profit and organized on an inter-institutional basis with the participation of civil society and migrants. It will become a State body of inter-institutional and intersectoral coordination. It comprises 11 governmental representatives: from the Ministry of Foreign Affairs, the Ministry of Labour and Social Security, the Ministry of Health, the Ministry of Economic Affairs, the Ministry of Agriculture and Livestock, the Ministry of Tourism, the Ministry of Justice and Public Security, the Corporation of Municipalities of El Salvador, the Counsel-General’s Office and the RNP. Also participating as NGOs are representatives of three associations of Salvadorans residing abroad, non-governmental Salvadoran associations involved with migration issues, the private universities, the University of El Salvador and associations of small and medium-sized enterprises.

151. The Act establishes the following structure for the Council: plenary meeting, executive secretariat and technical units. It also refers to the structuring of a strategic plan for the protection and development of migrants and their families. The plan should be based on a human rights approach and should be aimed at implementing public policies that guarantee, promote and restore the rights of migrants and their families through the implementation of the humanitarian assistance and protection programmes. It should also include a migration-and-development perspective. The programmes are defined as follows:

- The mission of the Humanitarian Assistance and Protection Programme is to guarantee the full enjoyment of human rights in situations affecting the dignity; life; liberty; and physical, psychological and moral integrity of migrants and their families. The programme will offer assistance and repatriation services to persons in extreme situations, such as accidents, terminal illnesses or death; will facilitate the search for disappeared persons; will assist the victims or survivors of human trafficking and their families; and will provide assistance to returnees and victims of

abuse and of sexual exploitation, as well as medical, psychological, psychiatric and rehabilitation assistance;²⁴

- The principal mission of the Migration and Development Programme is to seek the integration and productive economic, social and cultural cooperation of migrants and their families, as well as to ensure them the full enjoyment of their economic, social and cultural rights.²⁵

152. It should be mentioned that although the Act only initiates these programmes, this does not prevent the Council from creating and executing other plans and programmes considered pertinent to policy implementation.

153. The Ministry of Foreign Affairs has a call centre that opened in 2011, with a free hotline for the United States, Canada and Mexico. The hotline has received complaints of human rights violations and serious crimes committed against Salvadoran migrants as well as requests for humanitarian assistance. Since the hotline began operating in May 2012, 1,171 such cases have been reported.

154. A second hotline, for Mexico, began operating on 1 April 2011. Since November 2011, it has been used by Salvadorans in transit through Mexico in order to get in touch with members of their families in El Salvador or to ask where shelters or consulates are located, as well as to file complaints. From November 2011 to March 2013, a total of 11,819 calls were logged on the free hotline for Mexico. Between June 2012 and March 2013, 649 calls were handled by the call centre for the United States and Mexico for members of the families of Salvadoran detainees facing deportation.

155. El Salvador, through the Ministry of Foreign Affairs and the Office of the Deputy-Minister for Salvadorans Abroad, has set up an institutional registry of persons still missing abroad, which includes Salvadoran migrants in transit and in the country of destination. As of March 2013, complaints had been received from the family members of 786 Salvadorans missing abroad, of whom 409 had lost contact with their families while they were in the United States – where the most recent communication had originated. Another 221 Salvadorans had communicated with their family members most recently from Mexico, while in transit to North America; the remaining 156 persons had lost contact with their families while in Guatemala, Belize and other countries. Search efforts are coordinated by Ministry of Foreign Affairs headquarters, which operates the worldwide network of diplomatic and accredited consular representations. The latter in turn conduct searches with the assistance of local authorities and civil society organizations.

156. The forensic databank was created in that context, and began operating on 25 August 2010. It is a joint inter-agency effort, based on the implementation of the working agreement between the Office of the Deputy-Minister for Salvadorans Abroad, of the Ministry of Foreign Affairs; the PDDH; the El Salvador Committee of Family Members of Deceased or Disappeared Migrants; and the Argentine forensic anthropology team. This agreement permitted the operation of mechanisms for the exchange of information on unlocated migrants and unidentified corpses, with a view to implementing and coordinating the compilation and input of case histories, ante-mortem data and blood or saliva samples for the genetic analysis of members of the families of unlocated migrants throughout the country.

157. Now that the agreement is operational, DNA samples have been taken for analysis from 183 members of families of unlocated Salvadorans, and the remains of 17 Salvadorans

²⁴ Special Act on the Protection and Development of Salvadoran Migrants and Their Families, April 2012, art. 27.

²⁵ *Ibid.*, art. 31.

who died while in transit to the United States and who had not been identified in that country's morgues were identified.

158. As part of the Regional Conference on Migration, a dialogue was initiated to create the Consular Protection Network in Mexico for Central America and the Dominican Republic. The resulting agreement took effect on 15 December 2011 in the city of San Salvador, within the framework of the meeting of the SICA Council of Foreign Ministers. The relevant memorandum of understanding between the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Dominican Republic was signed the same day. Under its terms, it is agreed to establish a consular and humanitarian assistance network in Mexico for Central America and the Dominican Republic. The network seeks to establish and share consular protection programmes for migrants who are nationals of the signatory countries, during their transit and stay in Mexican territory, by creating formal and ongoing means of cooperation for this population, regardless of their migratory status. It also seeks to set up joint consulates in Mexico, all within the legal framework laid down in the Vienna Convention on Consular Relations and in accordance with domestic Mexican legislation.

159. The Ministry of Foreign Affairs of El Salvador has begun to institutionalize the procedures for the protection of human rights and humanitarian assistance offered by the country's consulates in countries of transit for Salvadoran migrants, in accordance with the Vienna Convention and with full respect for the domestic laws of the receiving countries. The institutionalization of consular procedures is achieved by applying special protocols for consular action and by using a database that efficiently automates information processing and follow-up.

160. The consular protection protocols encourage an approach based on the human nature of Salvadoran migrants, regardless of their migrant or other status. Such an approach safeguards their protection and dignified treatment, particularly if they have been the victims of human rights violations or serious crimes, or if they are especially vulnerable, as is the case with children, sick people or elderly adults. The protection of such people is a priority for the State, which is why the consular authority must focus on saving the migrants as quickly as possible, providing humanitarian assistance if needed and helping them to stay in touch with their family.

161. The protocols indicate the steps to be followed in each of the areas of consular protection, contributing to the registry and documentation of cases affecting Salvadoran migrants in transit to the United States. There are 12 protocols in all, as described below:

- (a) Monitoring the human rights of Salvadorans in Mexico and Guatemala;
- (b) Monitoring the human rights of Salvadorans abroad;
- (c) Processing and publication of a report on human rights violations and serious crimes committed against Salvadorans in Guatemala and Mexico;
- (d) Request for food aid abroad;
- (e) Tracing Salvadoran citizens abroad and in transit;
- (f) Repatriation of children and adolescents;
- (g) Repatriation of Salvadorans who have died abroad;
- (h) Repatriation of Salvadorans who fall ill or are wounded while abroad;
- (i) Care for persons deprived of their liberty who face deportation proceedings;
- (j) Monitoring the human rights and legal status of Salvadorans detained abroad;
- (k) Consular protocol for unlocated migrants in Mexico;

(l) Consular protocol for cases of human rights violations and serious crimes.

162. The Migration Observatory was created to monitor the human rights situation of Salvadoran migrants in transit to the United States. It is a tool that provides data on the current human rights situation of Salvadoran migrants.

163. The following progress may be reported on the protection of Salvadoran migrants:

- Strengthening the consular network through meetings with international bodies (International Committee of the Red Cross) to standardize search mechanisms for unlocated migrants;
- Submitting an agreement with the Jesuit Service for Migrants;
- Locating migrants who have been traced by means of forensic evidence and genetic profiling;
- Inter-institutional work with the Doctor Alberto Masferrer Institute of Forensic Medicine on a day of sample-taking to identify unlocated migrants.

164. The design, construction and implementation of the Consular Protection and Legal Assistance Network for Salvadorans in the United States. A workshop was held in Washington, D.C., in January 2013 with consular and diplomatic officials in the United States. A similar dialogue was also held with social and State organizations that provide community and legal services in the Washington, D.C., metropolitan area and with representatives of the Salvadoran consular network. It was attended by USCRI; United Salvadoran-American Transnational Communities; the Construction Workers Union in North America; the Central America Resource Centre; CASA Maryland; and the Maryland Governor's Commission on Hispanic Affairs. The organizations outlined their priority needs for effective coordination with the Salvadoran consulates in the United States with respect to support for Salvadorans in situations of vulnerability vis-à-vis their human rights.

165. The following documents were produced during the process of setting up the Network:

- "Evaluation of consulates located in communities with a large concentration of Salvadoran citizens in the United States";
- "Report of studies of human rights violations of Salvadorans in transit to and in the United States";
- "Compilation of international and United States migration law pertaining to Salvadoran migrants";
- "Analysis and evaluation of current legal assistance and protection programmes in the diplomatic representations of other Latin American countries";
- "Legal assistance and human rights protection manual for Salvadorans in the United States".

166. The Network now has an instrument that sets forth its definition, scope, objectives and strategic action lines.

167. The institutional protection and liaison policy for Salvadoran migrants is a management tool that permits an orderly and systematic approach to one of the most urgent issues in El Salvador today. It puts the country in touch with more than 3 million Salvadorans who live and work abroad, which would not otherwise be possible, and it asserts the State's obligation to safeguard the human rights of Salvadoran migrants.

168. The overarching objective of this Network, which is both institutional and comprehensive, is to foster the development of the Salvadoran migrant population and their

families as well as the exercise by Salvadorans of their right not to migrate. It was developed on the basis of a process of reflection about the migration situation in El Salvador and in Central America; a policy dialogue with other Governments, State bodies and civil society; and, of course, a dialogue with Salvadoran migrants and their organizations.
