



**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**
Thirty-sixth session

Summary record of the 522nd meeting

Held at the Palais Wilson, Geneva, on Friday, 31 March 2023, at 3 p.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 3.05 p.m.

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

Third periodic report of El Salvador (continued) (CMW/C/SLV/3;
CMW/C/SLV/QPR/3)

1. *At the invitation of the Chair, the delegation of El Salvador joined the meeting via video link.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **A representative of El Salvador** said that migrants were not subjected to detention in El Salvador. Migrants unable to continue on their journeys and those who were unwell or in vulnerable situations were taken to the Comprehensive Support Centre for Foreign Migrants, where they would be provided with food, medicine and legal advice. Once a migrant had been placed in the Centre's charge, the embassy of his or her country of origin would be informed of the situation. If migrants wished to return to their country of origin, arrangements would be made to facilitate their return with the support of the International Organization for Migration (IOM). Migrants were able to stay at the Centre for as long as they wished to remain in the country and could leave in order to exercise their right to migrate at any time; at no point, therefore, were they deprived of their liberty. In fact, on assuming office, the current Administration had discovered an actual detention centre and had closed it down. There were no specific measures in place concerning expulsion from the Centre, since migrants' freedom of movement was not restricted and they were thus not at risk of being expelled.
4. The Directorate General for Migration and Alien Affairs had developed a number of reception and return programmes, including a programme implemented in partnership with other State institutions which provided migrants with food, medical care, psychological support, financial aid and hygiene kits. The Directorate General also worked with the Ministry of Labour and local governments to provide migrants with the support they needed to find work. A special temporary residence permit was granted to migrants wishing to work in El Salvador provided that they met certain requirements. After a specified period of time, holders of those permits could apply for permanent residency. To support frontier workers and workers from neighbouring countries, the Directorate General held several events each year during which migrants could obtain identification documentation allowing them to cross borders more easily. Additionally, citizens of El Salvador who had been born in Honduras and Honduran citizens born in El Salvador who lived in certain areas along the border of those countries were issued with a document permitting unhindered cross-border travel.
5. The Special Act on Migration and Alien Affairs was aligned with the provisions of the Convention. However, weaknesses in that law had been identified. The Directorate General for Migration and Alien Affairs was therefore working with the legal division of the Office of the President to develop a legal framework that would adequately protect the human rights of migrants and foreign workers in the country.
6. **A representative of El Salvador** said that the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families was in full alignment with the Convention. The Act had been amended in 2019 to address important issues such as the protection of the rights of migrant children and adolescents in keeping with their best interests; that issue had also been addressed in other relevant legislation. Efforts to harmonize legislation and public policies with the Convention would continue.
7. **A representative of El Salvador** said that the Special Act against Trafficking in Persons had been adopted in 2015 to strengthen institutional capacity for combating that problem. The Act applied to all natural and legal persons present or acting on Salvadoran territory. Its regulatory framework had been approved in 2016 and had been augmented with the creation of the National Council on Trafficking in Persons. The Council was responsible for formulating, coordinating, monitoring and evaluating the National Policy on Trafficking in Persons; developing preventive plans, programmes and activities; and protecting, caring

for and reintegrating victims on the basis of a holistic approach. It was composed of representatives of several government ministries and institutions and was governed by an executive secretariat operating under the auspices of the Ministry of Justice and Public Security. The Council's technical advisory committee supervised the implementation of the National Policy on Trafficking in Persons and its annual operational plan.

8. In 2018, the National Council for the Protection and Advancement of Migrants and Their Families had approved a protocol for inter-institutional action for the immediate, comprehensive care of victims of trafficking in persons. The aim of the protocol was to ensure that public officials working with trafficking victims respected their human rights while avoiding retraumatizing them.

9. Strategies had been designed for transforming the risk environment and building the skills of individuals and communities so that they would be in a better position to support the fight against trafficking in persons. The Government had taken various steps to combat trafficking and protect survivors. Those efforts had included actions to support persons at risk of being trafficked for the purpose of profit or exploitation, to suppress the demand for services linked to trafficking and to protect Salvadoran nationals and foreign citizens alike from being apprehended by traffickers and people smugglers. El Salvador had become the seventh country in Latin America to join the Blue Heart Campaign against Human Trafficking. Each year, on the World Day against Trafficking in Persons, the National Council on Trafficking in Persons led a series of commemorative activities to highlight the experiences of victims, explore the history of the phenomenon and disseminate information on relevant national and international regulations.

10. Various training sessions on the identification and prevention of trafficking in persons had been held to raise awareness among communities and various groups, including public officials. In particular, persons working in the tourism industry had received training on the prevention of sex tourism, especially child sex tourism; labour inspectors had been trained in the early detection of potential cases of trafficking in workplaces; and migration officials and other public servants had engaged in training on ways of ensuring access to justice for migrants.

11. During the coronavirus disease (COVID-19) pandemic, institutions fighting on the front line against trafficking had taken on an even more crucial role given the challenges generated by the pandemic response restrictions. Certain activities had needed to be re-engineered; for example, specialized courses for front-line migration officials had been adapted for delivery via information and communications technology.

12. The Office of the Attorney General and the national police had achieved success in their joint efforts to combat organized crime and had deployed information technologies to help them in their fight against human trafficking. In one such case, during a raid carried out by those institutions, they had discovered materials concerning child sexual abuse and identified 81 telephone numbers of persons in seven different countries who had shared those materials through the WhatsApp instant messaging service. In addition, the Ministry of Tourism had developed a national code of conduct on the prevention of sex tourism.

13. The Government would continue to combat organized crime and trafficking in persons with the support of international partners such as the United Nations Office on Drugs and Crime.

14. **A representative of El Salvador** said that, since the inauguration of the Territorial Control Plan in 2019, the national police had not received any reports of returning migrants falling victim to crime upon their arrival in the country. Furthermore, although five caravans of migrants had passed through the country between January and March 2019, none had been reported in El Salvador since the entry into force of the Plan thanks to the implementation of new strategies for preventing the activities of would-be traffickers. The Plan also provided for the harmonization of laws on human trafficking, early warning and regional information-sharing interventions and the arrest of persons who sought to organize migrant caravans. An awareness-raising campaign on the prevention of people-smuggling had also been conducted.

15. **A representative of El Salvador** said that, with IOM support, the Labour Market Intelligence Unit of the Ministry of Labour and Social Security had determined that two of

the drivers of emigration were a lack of security and unemployment. The Government had developed a series of programmes to combat unemployment, including a programme that awarded grants to help members of certain groups, namely young people and adults aged over 40 years, to enter the labour market and gain professional experience. The Ministry also assisted returning migrants to re-enter the domestic labour market. Persons with disabilities were also targeted by reintegration programmes, as were single mothers, who were among the most likely people to migrate without the correct documentation. The Labour Market Intelligence Unit would be undertaking an analysis of those programmes to assess their results in areas such as national security.

16. Migrant workers could be granted one of five different types of permits: temporary work permits; extensions to those permits; permits for self-employed workers; work permits for professional footballers; and permits for positions in companies wishing to align pay levels with international standards.

17. The Government had signed an agreement on temporary labour migration with the Government of the United States of America, had made significant progress in its negotiations with the Government of Canada and had also engaged in discussions on the subject with the Governments of Italy, Spain and Costa Rica. The Ministry of Labour and Social Security followed up on the status of temporary workers through a programme that helped to provide companies with an appropriate labour force that met their needs while ensuring that migrant workers would have social security coverage in their destination country. Those types of programmes contributed to the stability of Salvadoran society and promoted a non-discriminatory approach in the area of employment in general.

18. **A representative of El Salvador** said that the Cuscatlán Plan 2019–2024 represented his Government’s vision of a more compact and efficient State apparatus and was aimed at achieving the socioeconomic development of his country. The Plan provided for comprehensive development planning, greater institutional transparency and technological modernization. Within the framework of that plan, strategies were being pursued to improve, among other aspects, security, health, education, infrastructure and the development process. For example, in the area of security, the Territorial Control Plan had transformed the country from one of the most violent in Latin America to one of the safest; in education, laptops had been provided to every pupil, equipping them with the tools they needed to be able to compete in the digital era; and in terms of development, measures had been taken to invest in tourism and to create jobs and reduce migration in the eastern part of the country, which had long been overlooked by previous Administrations. The foreign policy component of the Cuscatlán Plan set out objectives in relation to the diaspora and human mobility and provided for the creation of the Office of the Deputy Minister for the Diaspora and Human Mobility as a means of introducing a comprehensive human rights-based approach to human mobility and ensuring that Salvadoran migrant workers abroad received appropriate support.

19. **Ms. Portal** (El Salvador) said that technical consultations had been held with State institutions and international organizations concerning the new bill on human mobility in order to ensure that the text would be in compliance with her country’s international obligations and would reflect all the various dimensions of human mobility. Further consultations would be held throughout the drafting process.

20. **A representative of El Salvador** said that, in cooperation with the Ministry of Foreign Affairs, the foreign affairs committee of the Legislative Assembly, which dealt with Central American integration and the situation of Salvadorans abroad, had established technical task forces to aid in the drafting of a bill on human mobility. The main objective of the bill was to establish a framework to support, protect and reintegrate Salvadorans abroad, including those who had at one time been expelled from the country, taking into account feedback that had been received from the diaspora. It also sought to ensure safe, orderly and regular migration and to guarantee the rights of Salvadoran migrant workers at all stages of the migration cycle. A broad consultation process involving State institutions, members of the diaspora and international organizations, including IOM, had been launched.

21. The bill was based on various principles, such as the right of freedom of movement, the right to development, universal civil and political rights, the *pro persona* principle and the principle of shared responsibility. It covered three main areas: the rights of Salvadorans

abroad, support for Salvadoran returnees and the rights of foreign nationals in El Salvador. In particular, the bill guaranteed the rights of Salvadorans abroad to transfer financial assets and to privacy, consular assistance, cultural identity, health and political participation, among others. Targeted efforts were being made to ensure that members of the diaspora could actively exercise the right to vote. The support envisioned for returning Salvadorans included reintegration into the education system, vocational and business training programmes, labour reintegration, access to mental health care, access to finance and access to decent housing. The bill also provided for measures to identify groups of migrants in situations of vulnerability, such as Salvadoran migrant workers who were in an irregular situation in a country of transit or destination and lacked the resources to return to their home country, or those who were in a situation of helplessness in the face of threats or risks to their life or personal integrity, such as unaccompanied minors.

22. **Ms. Portal** (El Salvador) said that the mandate of the Office of the Deputy Minister for the Diaspora and Human Mobility was to ensure safe, orderly and regular migration at all stages of the migration cycle; improve the quality of assistance provided to Salvadorans abroad; and protect the human rights of Salvadoran migrants and members of their families, irrespective of their migration status. The Office's main functions were to coordinate public policies, processes and actions relating to the provision of humanitarian assistance and the reintegration and advancement of Salvadorans in situations of vulnerability; coordinate the provision of comprehensive consular services to all Salvadorans abroad; and strengthen ties between Salvadorans abroad and their home country and cities, including through measures aimed at increasing economic and business activities, investment and tourism in El Salvador. Its priority objectives included empowering the members of the Salvadoran diaspora and including them in the country's development process, modernizing consular services, preventing irregular migration and fostering sustainable reintegration.

23. As a champion country for the implementation of the Global Compact for Safe, Orderly and Regular Migration, El Salvador was working with IOM to devise a new framework plan on migration that would incorporate the objectives of the Compact. The consultation process was ongoing, and the comments and forthcoming recommendations of the Committee would certainly be taken into consideration.

24. An inter-institutional cooperation agreement was in place for dealing with cases of deceased or disappeared Salvadoran migrants, as was a mechanism for information exchange and the identification of human remains by the Office of the Deputy Minister for the Diaspora and Human Mobility, the Office of the Human Rights Advocate, the Salvadoran Committee of Families of Deceased and Missing Migrants and the Argentine Forensic Anthropology Team. A number of cases were being dealt with by the Mechanism for Mexican Support Abroad in Search and Investigation Activities in coordination with the Mexican authorities and the families of disappeared persons. In recognition of the families' right to truth, such cases were brought to the attention of consular staff, who requested the authorities of the relevant country of transit or destination to investigate and to activate the corresponding mechanisms of redress. That same procedure had been followed in the wake of the distressing events that had occurred earlier that week at an immigration centre in Ciudad Juárez, where her country's consulate had swiftly taken action to launch an investigation and to promote the families' right to truth.

25. Among the various consular services available to Salvadoran migrant workers, labour liaison officers with expertise in labour mobility issues provided pre-departure support and assistance during transit and monitored migrants' status in their country of destination. An ongoing dialogue was maintained with companies regarding integration processes, fulfilment of contracts and respect for the human rights of migrant workers. In addition, information and counselling regarding labour rights and access to justice mechanisms in the country of destination were made available on a continuing basis.

26. The reintegration of returnees was a priority in her Government's approach to human mobility management. Actions had been focused on capacity-building, not only for returning migrant workers but also for their family members and their communities of origin, and on increasing investment in their communities, strengthening the social fabric and implementing strategic projects with support from development partners.

27. Thanks to the strategic approach used for the management of human mobility, service provision had been increased by more than 55 per cent between 2019 and 2022, and help desks for migrants had been deployed in all the country's departments.

28. The "Transformando Vidas" (changing lives) initiative had been launched to raise awareness at the community and institutional levels; facilitate the productive, sustainable and comprehensive reintegration of returnees; and reduce the likelihood of repeat migration. A series of strategic projects had focused on women returnees and had used approaches involving the certification of job skills, support for business start-ups and the provision of psychosocial support. So far, more than 6,000 returnees had been reintegrated into Salvadoran society.

29. An intersectoral protocol on assistance for women returnees set out guidelines for the provision of support and reintegration services based on a gender-equality approach. Other initiatives had also been implemented since 2019 in cooperation with national and international partners that focused on economic and tourism development as a means of supporting reintegration and a pilot project on the provision of safeguards and psychosocial support to female returnees and their children. A vocational skills initiative involved training returnees in the installation of solar panels. A pilot programme to enhance the employability of migrant women in Central America had also been set up. Support for the reintegration of female and child returnees was part of the second phase of the country's social development plan. A specialized help desk had also been opened up to assist female returnees.

30. The Special Activities Fund for Salvadorans Abroad and Returnees was financed through the Foreign Ministry. Its purpose was to improve the assistance available to Salvadorans abroad and to provide support for efforts to combat irregular migration by providing legal assistance and advisory services, consular protection and reintegration support. The Government had also established a special department to combat irregular migration, which to date had conducted some 220 projects in such areas as strengthening the Directorate for the Diaspora and Development, implementing investment and business programmes to promote the inclusion of members of the diaspora, transferring the Labour Mobility Programme to the Foreign Ministry, implementing initiatives under that programme which had placed more than 4,500 persons in jobs in the United States and improving the integration and inclusion of Salvadorans abroad in their host communities. Humanitarian assistance was provided for the families of Salvadorans who had died abroad.

31. Diplomatic and consular facilities had been modernized, and 56 of the country's consular offices were now authorized to issue passports. In 2018, prior to the assumption of office by the current Administration, the budget for services for members of the diaspora and returning migrants had been approximately US\$3 million; since 2019, budget execution for those services had totalled more than US\$46 million. The virtual consular service enabled Salvadorans abroad to schedule appointments for consular procedures and made legal advice, guidance and humanitarian and administrative assistance available to migrants. It was equipped with 51 workstations staffed by legal professionals and could be contacted by telephone or by the WhatsApp messaging service. In 2022, it had provided support to more than 300,000 Salvadorans in Canada, the United States and Mexico, and it would soon be available to Salvadorans in Europe as well. El Salvador was thus serving as a model for the provision of services for overseas citizens, and consular officials from neighbouring countries had visited El Salvador in order to gain insight into its best practices.

32. Between 2021 and 2022, more than 500 Salvadoran and foreign professionals had received training in relation to the rights enshrined in the Convention. The topics covered in those training events included comprehensive protection and other services for Salvadorans abroad, consular services, human trafficking issues, regular migration, migration of children and adolescents, and temporary protection status. Efforts to disseminate information about the Convention to a wider spectrum of stakeholders at all levels were being pursued by means of a coordinated intersectoral approach. Talks were also being conducted with international cooperation agencies, and specifically IOM, with a view to further improving the application of the Convention.

33. **A representative of El Salvador** said that the Institute for Access to Public Information helped to ensure that all the inhabitants of El Salvador were familiar with the

Convention and were aware of the rights enshrined in it. The Institute was an autonomous body independent from the executive branch and other branches of government. It coordinated directly with government bodies in the country and consular offices abroad to promote freedom of expression and ensure access to information, including information on the Convention. The Convention could be accessed via transparency portals and other websites managed by State institutions. Meanwhile, government programmes and provisions relating to the protection of migrants' rights were also publicized on the social networks of the institutions in question. Those arrangements ensured that migrant workers of all nationalities and their families inside or outside El Salvador had full access to the information they needed in order to know what their rights and obligations were, as required by the Convention. The response of the Office of the Deputy Minister for the Diaspora and Human Mobility to the recent tragic events in Ciudad Juárez in Mexico had included a statement in which telephone numbers were provided so that affected persons could swiftly access support, advisory and assistance mechanisms. That was but one example of the Government's efforts to take immediate action to support migrants.

34. The Access to Public Information Act was another instrument that gave people, including migrant workers and their families, the ability to request public information directly from the relevant institutions and to appeal to the Institute for Access to Public Information if their request was turned down. There were no examples to date of the appeal procedure having been taken up.

35. **Ms. Portal** (El Salvador) said that the Government's response to the challenges of irregular migration included interventions in education, a commitment to rescue the agricultural sector, security policies, improvements in health services and measures aimed at the restoration of the social fabric.

36. **A representative of El Salvador** said that the President had instructed all members of the Government to strengthen their inter-institutional work and to prioritize the population's most vulnerable groups. Those groups included migrants, both those in regular and those in irregular situations, who were often victims of internal displacement brought about by the poverty and insecurity that were legacies of the armed conflict, which had then evolved into the gang activity that had continued to plague Salvadoran society thereafter.

37. Efforts to improve the lot of the country's most vulnerable groups were helping the country to fulfil many of the Sustainable Development Goals of the 2030 Agenda. More than 25 institutions had been working since 2019 to avert irregular migration by promoting integration and putting an end to violence in the country's communities and neighbourhoods. The Ministry of Labour had been working to increase decent employment opportunities in vulnerable communities. The process of reducing migration also involved giving younger Salvadorans agency and ensuring that the message aimed at encouraging people to stay in El Salvador came as a positive appeal from within the community rather than emanating from the Government.

38. Government action focused on building sustainable cities and neighbourhoods, based on a bottom-up approach and close cooperation with the neighbourhoods and communities concerned, in order to create conditions that would encourage people to stay in the country. For the first time in the country's history, civil servants were truly at the service of the people. Government workers reached out to communities and neighbourhoods to identify people's concerns and the challenges that they faced on the ground. That approach was engendering a high level of engagement and a sense of ownership of public policies.

39. He himself had grown up in a vulnerable neighbourhood where, in the past, unemployment and insecurity had driven most of his peers to migrate. Now, however, urban well-being and opportunity centres, with support from relevant State institutions, promoted the growth of a creative economy, also known as the "orange economy", providing children and young people with training in the arts, culture and new technologies. The Committee members were cordially invited to visit El Salvador to see first-hand the kinds of positive changes that were being led by the President yet were being implemented and owned by the most vulnerable segments of society.

40. **Ms. Portal** (El Salvador) said that there was indeed an independent human rights commission in El Salvador.

41. **A representative of El Salvador** said that the Office of the Human Rights Advocate was attached to the Attorney General's Office and was constitutionally designated as an independent human rights institution. It had its own legal personality and administrative autonomy. Issues relating to the rights of migrant workers and their families were addressed by the Office of the Deputy Advocate for Migrants and Citizen Safety.

42. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he was keen to learn how the 2022 bill on human mobility would enhance the protection afforded for the rights of migrant workers by the quite recently promulgated Special Act on Migration and Alien Affairs, which was reportedly fully harmonized with the Convention.

43. He was curious to know what legal recourse was available to relatives of migrants who had gone missing or died along migration routes. He wondered whether there were any transnational justice mechanisms that could be activated in cases involving events that had taken place abroad. It would be helpful to know whether Salvadorans who had been forcibly returned could appeal against those decisions upon their arrival and whether the State party cooperated with the authorities of the deporting State in such cases. The delegation might wish to elaborate on any arrangements that were in place for cooperation with other States in regard to matters relating to the diaspora. He was particularly interested in action taken in situations where deported migrant workers were owed wages or where irregular migrants were deported even though their children held the nationality of the host country by birth. It would also be useful to learn if any legal channels for family reunification had been established to tackle the challenges associated with irregular migration by unaccompanied minors wishing to join their parents abroad.

44. It would be helpful to obtain statistical data that would be useful in determining whether or not the programmes and initiatives aimed at curbing irregular migration had yielded the desired results.

45. He wondered whether the State party consulted with organizations that worked with migrants in transit abroad or migrants' organizations in El Salvador when developing new legal provisions on issues of interest to them. Information on any measures taken to facilitate access to residence and work permits for cross-border migrant workers would be welcome.

46. **The Chair**, speaking as Country Rapporteur, said that he would appreciate information on specific plans, policies or programmes in place to combat xenophobia, discrimination and hate crimes. He wondered whether there were any mechanisms for identifying victims of people-smugglers and human traffickers and if there were shelters where those victims received targeted psychosocial and other support. It would be helpful if the delegation could indicate whether the cost of renewing residence and work permits might constitute a financial barrier to their renewal and thus push people into irregular situations.

47. The Committee would be grateful if the delegation could provide updated information on the situation of a migrant from Cuba who had been living in the State party since 2007 and whose request for the renewal of his residence permit in 2017 had reportedly been rejected. It would also be helpful if the delegation could comment on reports that a Salvadoran girl and her mother had been held in the custody of the immigration authorities for 530 days.

48. He would be grateful if the delegation could clarify what was meant by a person's "desire to leave the country", which, under article 239 of the Special Act on Migration and Alien Affairs, would justify a fast-track deportation procedure, as the notion somewhat eluded him. He wondered whether current legislation provided for the right to appeal against expulsion orders and, if so, how migrants could access that remedy.

49. **Mr. Babacar** asked whether the State party envisaged ratifying the International Labour Organization Promotional Framework for Occupational Health and Safety Convention, 2006 (No. 187), Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and Domestic Workers Convention, 2011 (No. 189). He would welcome information about any plans to update the State party's labour legislation. Additional information would be appreciated on migrant children's ability to regularize their migration status irrespective of their parents' migration status.

The meeting rose at 5 p.m.