



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

Distr.: General
20 April 2023

Original: English

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Thirty-sixth session

Summary record of the 520th meeting

Held at the Palais Wilson, Geneva, on Thursday, 30 March 2023, at 3 p.m.

Chair: Mr. Corzo Soza

Contents

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

Third periodic report of El Salvador

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

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

Third periodic report of El Salvador (CMW/S/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**, welcoming the delegation of El Salvador to the meeting, said that the Committee extended its heartfelt condolences to the Government and people of El Salvador and other Central American countries for the tragic loss of life that had recently occurred in a migrant holding centre in Ciudad Juárez, Mexico.
3. **Ms. Portal** (El Salvador), introducing the report of El Salvador (CMW/S/SLV/3), said that her delegation's hearts and thoughts were with the mourning families. The Government had strongly condemned the events in Ciudad Juárez and was calling for an in-depth investigation. Those responsible must be brought to justice.
4. The Constitution of El Salvador placed the human person at the centre of government action. El Salvador was a country of origin, transit, destination and return, and migration was not seen in terms of numbers alone. Behind each person, there was a story of resilience and hope, and the Government strove to provide migrants with the greatest possible support. Migration was a human right, but people also had the right to stay at home and thrive. Since 2019, much had been done to address the structural causes of irregular migration and to mount a comprehensive response to the demands of human mobility while valuing the Salvadoran diaspora as an asset that could contribute to the nation's development.
5. For decades, El Salvador had been plagued by extreme levels of violent crime and the highest murder rate in the world. In 2019, the incoming Government had embarked on the implementation of a comprehensive security policy designed to put a stop to the ever-escalating barbarities committed by terrorist groups. As a result, March 2023 had been the safest month in the country's history, without a single homicide being registered. Alongside effort to address crime and violence, efforts were being made to create an enabling environment for people who wanted to remain in the country and lead fulfilled lives in their home communities. Eleven urban well-being and opportunity centres had been set up nationwide to promote holistic development and social cohesion through activities such as painting, dance, sports, reading, English language and information technology (IT) classes, with a special focus on children and adolescents. Inclusive public policies were backed by major investments aimed at promoting economic and social development, including during the coronavirus disease (COVID-19) pandemic.
6. Inter-institutional and intersectoral efforts focused on raising awareness of the risks of irregular migration and on curbing human trafficking. By 2022, the country's 13 nationwide help desks had provided comprehensive support to nearly 6,000 people who were on the move. Capacity-building and personal development programmes such as the "Transformando Vidas" (changing lives) initiative were offered in order to enable returning migrants to achieve sustainable livelihoods. Information sessions, recreational activities and training opportunities were offered for at-risk youth to discourage irregular migration. Regular labour migration was facilitated through engagement with companies in the United States of America, Canada and other major destinations that employed seasonal workers. The Government ran briefing sessions for migrant workers prior to their departure to inform them of their rights and provided psychosocial support to the family members who remained behind. Since 2021, the Government had facilitated the placement of more than 4,500 seasonal workers.
7. Although El Salvador had not witnessed large-scale irregular migration flows since 2019, it cooperated with its neighbours to strengthen the cross-border response to migrant smuggling and human trafficking and to support and facilitate comprehensive redress for victims.

8. All persons living in El Salvador had equal access to health care, education, financial services, goods and services, justice and free legal aid regardless of their nationality or residence status.

9. A comprehensive overhaul of migration-related laws and practices in 2019 had culminated in the enactment of the Special Act on Migration and Alien Affairs and its implementing regulations, together with the updating of procedural handbooks and training for all staff working with migrants. Campaigns to expedite the issuance of identity cards for foreign migrant workers had been conducted and, since September 2022, more than 18,000 special identity cards had been issued to facilitate border crossings for Salvadorans living along the Honduras-El Salvador border, in line with the judgment of the International Court of Justice of 11 September 1992. An additional 145 identity documents had been issued to Hondurans opting for dual nationality.

10. The institutional framework for safe, orderly and regular migration was provided by the Office of the Deputy Minister for the Diaspora and Human Mobility, as detailed in paragraph 161 of the report. Approximately US\$ 40 million from the special activities fund for the benefit of Salvadorans abroad and returnees had been made available to improve services for the Salvadoran migrant population and their families. As part of that effort, 16 new consular offices and a virtual consulate had been set up; details on those arrangements were provided in paragraph 102 of the report. Legislation adopted in 2022 granted Salvadorans living abroad the right to vote. In the 2024 elections, migrant workers and their families would be able to vote electronically. Salvadorans residing abroad could also run for elected office in elections for president and for seats in the Legislative Assembly, the Central American Parliament and municipal councils.

11. El Salvador faced the same challenges as those confronting the rest of the continent in such areas as the management and digitization of disaggregated data on different categories of migrants and the adoption and implementation of comprehensive legislation and programmes on human mobility. At home, the Government was engaged in consultations with a view to the development of public policies that covered all stages of the migration cycle and that placed people and their right to migrate at the core of those policy instruments.

12. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he would appreciate additional information on the content, objectives and consultation processes relating to the bill of 2022 on human mobility. It was unclear whether the bill, if signed into law, would replace the Special Act on Migration and Alien Affairs. If so, he wished to invite the delegation to comment on the expected benefits of such a step in terms of the rights of migrants and their protection. He was also curious to hear more about the objectives and role of the Deputy Minister for the Diaspora and Human Mobility. It would be helpful to learn of any progress in the development of an action plan for implementing the Policy for the Protection and Advancement of Migrants and Their Families.

13. He would be keen to learn whether the State party had any protocols or predetermined procedures for handling cases of the death or disappearance of Salvadoran migrants abroad. It would be useful to know whether the authorities provided support to the families and ensured that any such cases were duly investigated and prosecuted and that reparations were made to the victims or their families. He would be interested to hear about any transnational cooperation mechanisms that were used for that purpose.

14. He would like to find out more about the content and implementation of any asylum, safe third country, return or labour migration agreements concluded with the United States. He was particularly interested in policies and measures regarding unaccompanied minors and the extent to which the best interest of the child was taken into account in migration proceedings. The delegation might wish to clarify the role of the National Council for Children and Adolescents in that regard.

15. The Committee would be grateful for additional details on the effectiveness of reintegration programmes established under the Cuscatlán Plan (2019–2024) in terms of the retention of returnees, the development of a database and indicators to assess their progress, and the creation of opportunities at home as alternatives to migration.

16. He wished to know whether migrants held in facilities such as the Comprehensive Support Centre for Foreign Migrants were deprived of their liberty during status determination procedures and, if so, whether their right to due process and appeal against expulsion orders were being upheld.

17. **The Chair**, speaking as Country Rapporteur, said that the State party had clearly made progress in aligning its domestic laws with the Convention, in particular by amending the Special Act on Migration and Alien Affairs and the Special Act on the Protection and Advancement of Salvadoran Migrants and Their Families along with their respective regulatory frameworks. According to alternative sources, the Government was intending to issue new legislation on migration. If that was indeed the case, it would be useful to know whether civil society had been given the opportunity to participate in the formulation of that legislation. The Committee stood ready to support the State party by providing its expertise in connection with the drafting of legislation on migration to ensure that the resulting text would be aligned with international standards.

18. He would like to hear more about the use being made of the special activities fund for the benefit of Salvadorans abroad and returnees. He would be grateful if the delegation could provide more information on the Comprehensive Support Centre for Foreign Migrants, in particular on its scope of activity, how long migrants usually stayed at the Centre and whether persons staying there were deprived of their liberty. The delegation might also wish to provide statistics on the impact of the work of the National Council on Trafficking in Persons in El Salvador. It would be interesting to hear more about the achievements of the virtual consular service, which surely was of benefit to migrants and their families who were unable to travel to consular offices.

19. Although the State party had taken the positive step of recognizing the competence of the Committee to receive and consider individual communications under article 77 of the Convention, it maintained its reservation to article 92 (1) of the Convention. He wondered whether the State party had given further consideration to that provision and whether circumstances had changed to the extent that it would be willing to reconsider its position on the matter.

20. He invited the delegation to explain the rationale behind the decision to adopt regulations that effectively prohibited the formation of caravans of migrants. He would like to know how the State party intended to respond to the concerns of the hundreds or thousands of people who chose to travel in such caravans because they had been forced to flee difficult situations in their countries of origin. Was there a mechanism in place to address those concerns?

21. The Committee had received reports from alternative sources that persons deported to El Salvador from other countries were often at risk of becoming victims of illicit or criminal activity, depending on the part of the country to which they were sent. It would be helpful to hear the delegation's thoughts in that regard.

22. **Mr. García Sáenz** said that he had noted that, in 2022, when the State party had held the Presidency Pro Tempore of the Regional Conference on Migration, it had given strong impetus to the Global Compact for Safe, Orderly and Regular Migration within its workplan but had not done so for the Convention. He therefore wondered whether the State party had plans to promote the Convention in that forum in the coming year. The delegation might also wish to indicate the countries with which the State party had signed agreements on the employment of temporary workers from El Salvador and the kinds of consular support those workers could expect to receive. It would also be interesting to hear whether the delegation had information on temporary workers from other countries residing in El Salvador and what support those workers received from the national authorities.

23. **Mr. Oumaria** said that he would like to know whether the structure of the national human rights commission in El Salvador conformed to international standards, whether it had been accredited with category A status and whether it was fully independent.

The meeting was suspended at 4 p.m. and resumed at 4.20 p.m.

24. **A representative of El Salvador** said that the National Council for Early Childhood, Children and Adolescents worked in coordination with other State institutions and consulted

with civil society. It was the lead coordinating agency for the implementation of the Growing Together Act and the Plan for the Comprehensive Care and Protection of Returnee Children and Adolescents and Their Families 2021–2023 (the “Open Arms” Plan). Under its Social Development Plan 2019–2024, her Government was seeking to address the root causes of irregular migration, while also ensuring the protection of migrants at all stages of the migration cycle and improving consular assistance, in particular with regard to child migrants. To that end, in 2022, in coordination with the Ministry of Foreign Affairs, the National Council had set up offices in two consulates to provide psychological and other support to child migrants and their families prior to their return to El Salvador with the aim of averting repeat migration. In parallel, through its 16 protection sites around the country, the Council conducted psychosocial evaluations of families to whom child migrants were returning with a view to ensuring their sustainable reintegration.

25. The Council had been involved in designing a temporary shelter for migrant women and children in coordination with the Salvadoran Institute for the Advancement of Women. It also worked closely with the Counsel General’s Office to provide support through the various consulates. The overall aim was to ensure safe returns, provide legal assistance, if desired, and facilitate access to the education and health-care systems for returning child migrants in an effort to avert repeated attempts at irregular migration. In addition, there were a number of shelters around the country for migrant children in transit; those shelters were staffed by multidisciplinary teams who provided any necessary support and coordinated with consular staff to facilitate the children’s safe return.

26. In the framework of the Growing Together Act, a number of programmes were being implemented to address the reasons why some people chose to emigrate. Those programmes focused on furthering local development efforts, strengthening local committees that were working to protect the rights of children and adolescents, tackling inequality and providing access to services in areas where such services had previously been unable to operate. In a similar vein, as part of the efforts being deployed under the Open Arms Plan to ensure the sustainable reintegration of child returnees, some 600 families were currently being provided with seed capital and support for the development of life plans that would enable them to become self-sufficient. Lastly, early childcare centres had been established to give returning Salvadoran migrants access to adequate and safe childcare services while they worked.

27. **A representative of El Salvador** said that efforts were under way to promote inclusive education and ensure that the education system gave priority to the best interests of the child. To enable returning child migrants to gain access to preschool education, alternative modalities had been put in place, such as roving teachers and preschools that were open at weekends. In addition, returning and foreign migrants could take a test to determine their academic level for purposes of school placement and had access to social programmes, such as those providing uniforms, school materials and free school meals. Salvadoran migrant children had access to a portal through which they could continue their studies abroad, which facilitated their automatic reincorporation into the education system upon their return. In addition, during the COVID-19 pandemic, the assessment system had been strengthened and moved online to ensure that Salvadoran pupils abroad had the opportunity to continue with their education. In 2022, as many as 2,500 migrant children from almost 40 countries had been attending school in El Salvador.

28. **A representative of El Salvador** said that his Government guaranteed free, comprehensive health care to all persons in El Salvador, irrespective of their nationality or migration status. In the case of returnee children, care was provided in reception centres. Unaccompanied children in emergency shelters benefited from a medical assessment upon their arrival and had access to any medical and rehabilitation services needed. Comprehensive care was provided to foreign migrants and returning Salvadoran migrants without discrimination in accordance with the Open Arms Plan, the Grow Together Act and the Caring Births Act. In short, all child migrants, whether accompanied or unaccompanied, as well as the adult migrant population, had access to the full range of health-care services.

29. **A representative of El Salvador** said that the Counsel General’s Office had a number of specialized units, including ones that dealt specifically with children and adolescents, persons in situations of forced internal displacement and persons in situations of vulnerability. The Office worked with other State institutions to guarantee the rights and

equal treatment of returning child migrants, whether accompanied or unaccompanied, and to provide them with the necessary support to facilitate their return. The Office also took steps to identify any rights violations that had occurred, including during transit, by liaising with authorities in other countries to ensure proper treatment and compliance with the relevant procedures and international standards.

30. A similar coordinated approach was taken with regard to children who had been subjected to forced internal displacement. In that respect, support was provided by not only State institutions but also international organizations such as the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees. Overall, there was a clear vision and genuine commitment across all State institutions to work together to guarantee the rights of all children and adolescents.

31. **A representative of El Salvador** said that the Special Prosecutor's Unit for People Smuggling and Trafficking Offences of the Attorney General's Office was part of a network of similar units throughout Central America and Mexico. Among other measures, it provided legal assistance, acted on complaints or reports of smuggling or trafficking offences, assisted and took statements from victims and launched searches for persons who had disappeared abroad. Within the framework of regional investigations, the Unit provided international criminal investigative assistance, exchanged information and supported repatriation and safe return processes.

32. **A representative of El Salvador** said that a bill had been drawn up by the Directorate General for Migration and Alien Affairs to amend the country's labour laws in order to take account of the new post-COVID-19 reality. The proposed amendments would address the rising demand for permits for remote work, ease bureaucratic requirements and reduce delays.

The meeting rose at 4.55 p.m.