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USDOS – US Department of State

2019 Trafficking in Persons Report: El Salvador

EL SALVADOR: Tier 2

The Government of El Salvador does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous period; therefore El Salvador remained on Tier 2. These efforts included investigating an allegedly complicit government official, convicting and sentencing more traffickers to significant prison terms, and providing services to girl victims. However, the government did not meet the minimum standards in several key areas. The government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. Victim services for adults, boys, and LGBTI persons were severely lacking. The government offered few long-term support or reintegration services to victims, leaving them vulnerable to re-trafficking.

PRIORITIZED RECOMMENDATIONS

Provide adequate funding for and implement the victim assistance protocols, paying particular attention to areas where gaps in current assistance exist—adults, boys, and LGBTI victims. • Implement procedures to proactively identify victims among vulnerable groups, including children apprehended for illicit gang-related activities, irregular migrants returning to El Salvador, and individuals in commercial sex. • Amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law. • Strengthen efforts to investigate, prosecute, and convict traffickers, especially for forced labor, including forced criminal activity. • Conduct thorough criminal investigations and prosecutions of alleged government complicity in trafficking offenses. • Enforce laws punishing local labor brokers for illegal practices that facilitate trafficking, such as fraudulent recruitment and excessive fees for migration or job placement. • Develop a case management system to improve data collection, sharing, and analysis related to trafficking cases. • Expand prevention measures to target populations particularly vulnerable to trafficking.

PROSECUTION

The government maintained law enforcement efforts. The 2014 Special Law Against Trafficking in Persons criminalized sex trafficking and labor trafficking and prescribed penalties of 10 to 14 years' imprisonment; these penalties were sufficiently stringent

and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law considered the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; the penalties increased to 16 to 20 years’ imprisonment for trafficking offenses involving these factors.

Authorities investigated 74 cases (71 sex trafficking cases and three forced labor cases), compared to 76 cases (73 sex trafficking cases, two forced labor cases, and one domestic servitude case) in 2017 and 55 sex trafficking cases in 2016. In 2018, authorities prosecuted nine cases and convicted seven traffickers, including for sex trafficking and forced labor, compared to nine cases and six sex traffickers convicted in 2017 and seven prosecutions and six sex traffickers convicted in 2016. Offenders convicted in 2018 received sentences of six to 10 years’ imprisonment, compared to sentences ranging from 10 to 14 years’ imprisonment in 2017. Authorities arrested an allegedly complicit government official on charges of drug trafficking and human trafficking. In previous years, authorities investigated prison guards and the former head of the anti-trafficking unit for alleged complicity in trafficking offenses, but did not hold any officials responsible, raising serious concerns of a lack of accountability and weak law enforcement.

Observers reported law enforcement and prosecutors lacked sufficient funding and personnel to pursue cases, and judges required additional training to understand the dynamics of trafficking cases, non-testimonial evidence used by prosecutors to corroborate victim testimony, and threats of reprisal from traffickers, all of which impeded efforts to hold traffickers accountable. Officials reported the absence of an electronic case management system hindered the collection, sharing, and analysis of law enforcement information. Experts expressed concern over the court’s acquittal and affirmation on appeal of several defendants accused of knowingly patronizing a child sex trafficking victim to perform a commercial sex act despite compelling evidence. Law enforcement and prosecutors participated in specialized trafficking training provided by foreign governments and international and non-governmental organizations. The government cooperated with law enforcement bodies from Costa Rica, Guatemala, Mexico, and the United States but did not report any concrete results related to this cooperation.

PROTECTION

The government maintained victim protection efforts. The government identified 53 victims (50 sex trafficking victims and three forced labor victims), compared to 72 victims (67 sex trafficking victims and five forced labor victims) in 2017 and 53 victims in 2016. Those identified included 18 women and 32 girls; 52 were Salvadoran and one was a foreign national. Authorities have not identified men or boys as trafficking victims since 2016. The anti-trafficking council provided a manual to immigration officials to identify possible trafficking victims in border regions; however, the government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. The anti-trafficking council provided some training on victim identification to immigration officials, labor inspectors, physicians, service

providers, and tourism professionals. Officials observed a gap between knowledge of victim identification procedures and the application of those procedures by first responders.

In September 2018, the anti-trafficking council launched an interagency protocol for immediate victim assistance, which complemented the “Protocol for Intergovernmental Action for the Integral Care of Trafficking in Persons Victims” revised during a previous reporting period and required by the national action plan. According to a key government official, the protocols have resulted in victims receiving more expedited medical and psychological attention. The anti-trafficking council operated 19 offices to provide information and referrals to victims in 15 municipalities across the country. The Ministry of Justice and Public Security’s budget for the victims’ attention and gender equality area in FY 2018 was \$370,960, while the anti-trafficking unit received a separate budget of \$486,570. The government maintained only a single shelter with the capacity for 20-25 girls that housed and offered psychological and medical care to 11 girls in 2018, compared to 12 girls in 2017 and 15 girls in 2016. The government referred 50 victims to NGOs for temporary shelter, psychological services, and job placement services. The government offered no specialized services or shelter to boys, adults, or LGBTI victims, although NGOs reported these populations needed shelter, rehabilitation, and mental health services. Authorities assisted Salvadorans returned from abroad by providing medical and social services, but the government did not identify trafficking victims among returnees in 2018. The government offered few long-term support or reintegration services to victims, leaving them vulnerable to re-trafficking.

El Salvador’s laws allowed judges to order convicted traffickers to pay restitution; however, the courts did not order restitution in any cases in 2018. The government provided witness protection and support to identified victims, including disguising victims’ identities in court and allowing victims to provide testimony by deposition. Government officials and NGO representatives stated police need additional procedures and training to properly identify, interact with, and protect victims, who were often mistaken for criminals and may have been punished for such crimes. Furthermore, civil society organizations reported the government treated as criminals children forced to engage in illicit activity by criminal groups, rather than providing them protection as trafficking victims. Criminal groups restricted the access of authorities and NGOs in neighborhoods they controlled, impeding victim protection and assistance efforts. The 2014 trafficking law provided foreign trafficking victims the right to seek residency status, which would allow them to work legally, but authorities did not offer such protection to any foreign victims in 2018, compared to four foreign victims in 2017 who ultimately requested to be repatriated to their country of origin.

PREVENTION

The government maintained prevention efforts. The national anti-trafficking council coordinated the efforts of 10 institutions and extended through the end of 2019 the previous national anti-trafficking action plan, which required the government to make efforts to prevent trafficking, identify and protect victims, prosecute traffickers,

coordinate inter-agency work, cooperate with the public, and provide training. The government promulgated regulations to further implement the 2014 law, specifically to facilitate investigations of forced child labor cases and improve coordination between law enforcement and prosecutors, which resulted in national police officers identifying forced child labor cases. The government promoted the UNODC “Blue Heart” Campaign for a second year, which included billboards and broadcast media and training for hotel staff and bus drivers, but did not report any concrete results of the campaign. The National Civil Police established a 24-hour crime-reporting hotline, which resulted in 10 potential trafficking leads, and operated the 911 emergency hotline, which resulted in eight trafficking leads. The government did not punish labor recruiters for illegal practices that contribute to trafficking or enforce labor migration policies that could decrease migrants’ vulnerability to exploitation abroad. The Ministry of Labor administered a labor inspection program but did not identify any cases of forced labor for the second year in a row. The Ministry of Labor developed a labor inspection plan to verify compliance with labor laws for migrant workers arriving at ports of entry aimed at preventing forced labor. The National Civil Police conducted searches at bars and beauty salons to identify potential sex trafficking but did not report identifying any cases. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. Salvadoran law criminalized sex tourism and prescribed penalties of four to 10 years’ imprisonment, but authorities did not report any investigations of sex tourism. The tourism ministry trained tour guides, businesses, and students in a popular tourist destination to prevent and report trafficking crimes.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in El Salvador, and traffickers exploit victims from El Salvador abroad. Traffickers exploit women, men, and children in sex trafficking within the country; LGBTI persons, especially transgender individuals, are at particular risk. Traffickers sometimes exploit their own children and family members. Traffickers exploit Salvadoran adults and children in forced labor in agriculture, domestic service, begging, and the textile industry. Traffickers exploit men, women, and children from neighboring countries—particularly Nicaragua, Guatemala, and Honduras—in sex trafficking and forced labor in construction, domestic service, or the informal sector. Traffickers recruit victims in the regions of the country with high levels of violence and coerce victims and their families through threats of violence. Gangs actively recruit, train, arm, and subject children to forced labor in illicit activities—including assassinations, extortion, and drug trafficking—and force women and children to provide sexual services and childcare for gang members’ children. Traffickers exploit Salvadoran men, women, and children in sex trafficking and forced labor in Guatemala, Mexico, Belize, and the United States. Traffickers exploit some Salvadorans who irregularly migrate to the United States in forced labor, forced criminal activity, and sex trafficking en route or upon arrival. Traffickers exploit some Latin American migrants who transit El Salvador to Guatemala and North America in sex and labor trafficking. Corruption and complicity, including within law enforcement, the prison system, and local government, remained a significant obstacle to law enforcement efforts.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)

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