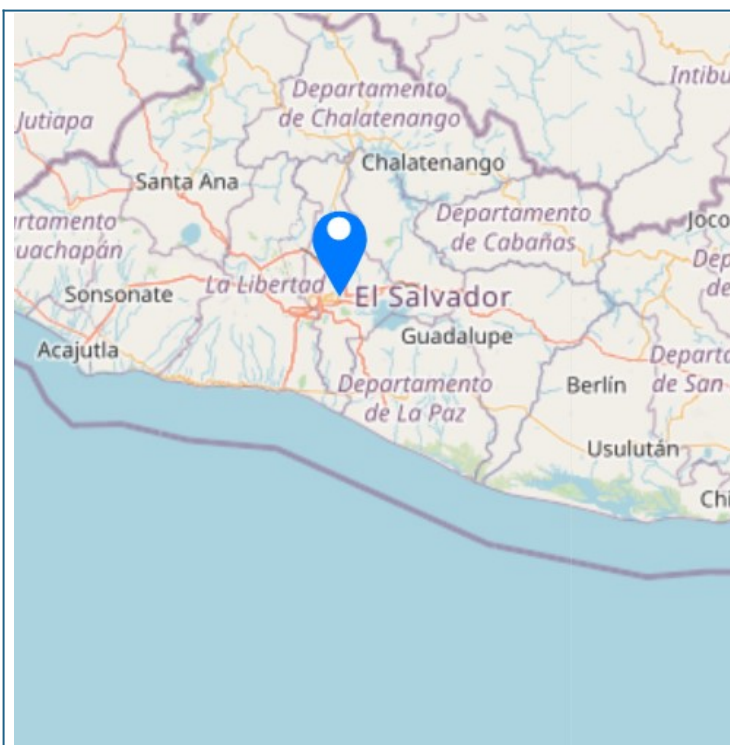


El Salvador Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2009)	1,229
Detained minors (2017)	Not Available
Immigration detention capacity (2008)	80
International migrants (2019)	42,617
New asylum applications (2019)	29

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/americas/el-salvador>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	1,229	2009	Total number of detained minors	Not Available	2017
	1,527	2008			
	1,645	2007			
	372	2006			
Immigration detainees as a percentage of total international migrant population	3	2009	Estimated total immigration detention capacity	80	2008
Number of dedicated long-term immigration detention centres	1	2015	Estimated capacity of dedicated long-term immigration detention centres	80	2008
Criminal prison population	38,007	2017	Percentage of foreign prisoners	1.3	2017
	26,796	2014		1.7	2014
	24,283	2010			
	16,786	2007			
	12,073	2004			
	9,471	2001			
	8,173	1998			
	7,013	1995			
5,348	1992				
Prison population rate (per 100,000 of national population)	585	2017			
	424	2014			
	391	2010			
	274	2007			
	200	2004			
	158	2001			
	139	1998			
	123	1995			
97	1992				

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	6,500,000	2020	International migrants	42,617	2019
	6,127,000	2015		42,000	2015
	6,300,000	2012		41,600	2013

International migrants as a percentage of the population	0.7	2015	Refugees	48	2019
	0.7	2013		48	2018
				44	2017
				36	2016
				48	2015
				44	2014
Ratio of refugees per 1000 inhabitants	0.01	2016	Total number of new asylum applications	29	2019
	0.01	2014		5	2016
	0.01	2012		12	2014
				4	2012
Refugee recognition rate	61.5	2014			

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of the Republic of El Salvador, article 13	1983	1983
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Ley de extranjería, Decreto Legislativo No. 299 de 1986		1986	
	Ley para la determinación de la condición de personas refugiadas, Decreto No. 918 de 2002		2002	
	Ley de migración, Decreto Legislativo No. 2772 de 1958		1958	
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name		Year Published	
	Reglamento de la ley de migración, Decreto Ejecutivo No. 33 de 1959		1959	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date	
	Yes		2014	

LENGTH OF DETENTION				
Average length of detention	Number of Days		Observation Date	
	30		2014	
	70		2007	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	3		2015	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Access to free interpretation services	No		2015
	Complaints mechanism regarding detention conditions	No		2015
	Compensation for unlawful detention	No		2015
	Information to detainees	No		2015
	Independent review of detention	No	No	2014
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Impact of alternatives	Name	Impact of Nature		Observation Date
	Not applicable	There are no alternatives to detention		2013
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Not mentioned	Yes	2014
	Unaccompanied minors	Not mentioned	No	2011

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>Responding to the Global Detention Project’s Covid-19 Survey, the UN Human Rights regional office in Panama (ROCA) reported that El Salvador has not established a moratorium on new immigration detention orders and that the country is not contemplating the measure. ROCA also explained that no immigration detainees have been released and that there are no “alternatives to detention” programmes employed in the country. As regards deportations and expulsions, the UN office said that while these have been temporarily suspended, there is no specific measure prohibiting them.</p> <p>ROCA also stated that returned migrants who are detained in quarantine centres are tested for Covid-19. According to IOM, more than 1,100 people have been returned to El Salvador, mostly from the United States (more than 95 percent) during 11 March - 30 April. On 7 April, 70 Salvadoran nationals were returned from the United States on a flight from Houston airport. Upon arrival, they were transferred to one of the 11 quarantine centres in the country for a duration of 30 days. Five days after their arrival, one returnee developed symptoms of Covid-19, but medical authorities only provided him paracetamol and did not test him for the disease. A month later, when around 100 people were in the quarantine centre, the government decided to test all detainees. A week later, it was confirmed that a few had been infected. El Faro reported that these Salvadoran detainees had been detained in different detention centres in the United States and none of them had been tested upon entry to the centres or prior to deportation. On 22 May, the country’s Ombudsman (Procuraduría para Derechos Humanos or PDDH) announced that they had received complaints from people detained in one of the quarantine centres, the Gimnasio Nacional centre, regarding three positive Covid-19 cases. However, the Ombudsman said that relevant authorities had not communicated the exact number of Covid-19 cases within the centre and that the director of the Salvadoran immigration authority, Ricardo Cucalon, had violated the PDDH law as he had refused to provide information to the ombudsman. The director did not respond to two requests sent on 27 April and 11 May and requested his personnel not to collaborate with the PDDH. As of 29 May, there remained 108 Salvadoran nationals in the Gimnasio Nacional quarantine centre. On 14 May 2020, a habeas corpus action was presented to the Supreme Court by twenty-two returnees urging authorities to allow them to return to their homes as they have been detained for forty-five days and have been tested for Covid-19 twice. The returnees’ legal representative said that another reason such a request is being made are the poor hygienic conditions within the centre. Social distancing is not being implemented and when it rains, mattresses get wet and the centre floods.</p> <p>On 20 May, the Ministry of Health informed detainees that they would be transferred to their homes. Nonetheless, there are still migrants in the Gimnasio Nacional that are waiting for a third Covid-19 test and have not yet been released. As regards the country’s prisons, on 26 May, health authorities in the country announced that there have been at least 36 positive cases of Covid-19. Twenty five were detected in a prison in San Vicente and 11 in the Quezaltepeque prison. The news comes after reports indicating an extreme toughening of detention conditions following violence in the past few weeks. Photographs showing detainees grouped together and wearing only underwear and without adequate protection or physical distancing have been published (see 2 May El Salvador update on this platform).</p>	<p>2020</p>
	<p>In early March, El Salvador introduced a strict quarantine lock-down, despite authorities announcing that there were no confirmed cases of Covid-19. The country’s measures—which have included the use of the armed forces and national police to enforce quarantine, and the detention of people in forced confinement for breaching the lock-down—have prompted concerns that President Bukele is utilising the pandemic to consolidate his power. On 30 April, a network of NGOs including Amnesty International published an open letter to the President, expressing concern regarding the government’s actions. “The authorities have detained thousands of people and taken them to holding centres that often lack measures to ensure a minimum level of sanitation and physical separation. With this strategy, the government only increases the risk of contagion instead of protecting people from the virus.” Particular concerns have arisen regarding conditions in the country’s penitentiary establishments, which are notorious for their degrading and inhumane conditions. Following reports of a spate of homicides across the country on 24 April, authorities initiated collective punishment by locking down prisons. President Bukele tweeted that gang members would be isolated, inmates would be denied all contact with the outside world, and activities would be suspended until further notice. Images shared online depict prisoners stripped and stacked together while the police searched their cells. Only some are seen as wearing facemasks, and no efforts to follow social-distancing measures are in place. Reportedly, the emergency declaration in detention facilities would be extended indefinitely. Amidst news of Mexico emptying its detention centres and returning detainees to countries of origin, El Salvador’s Ministry of Foreign Relations confirmed that 41 Salvadorian migrants had been returned on 23 April. The capital’s airport reportedly remains open to receive flights with deportees who, upon arrival, are transferred to one of the nine quarantine facilities setup in San Salvador.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification		
International treaties	Name	Ratification Year
	OP CRC Communications Procedure	2015
	CRSSP, Convention Relating to the Status of Stateless Persons	2015
	OP ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	2011
	OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2007
	CRPD, Convention on the Rights of Persons with Disabilities	2007
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2004
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2004
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2003
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1996
	CRC, Convention on the Rights of the Child	1990
	CRSR, Geneva Convention Relating to the Status of Refugees	1983
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1983
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1981
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1979
	ICCPR, International Covenant on Civil and Political Rights	1979
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1979
VCCR, Vienna Convention on Consular Relations	1973	
Ratio of relevant international treaties ratified	17/19	
Relevant international treaties and date of ratification		
Individual complaints procedure	Name	Acceptance Year
	ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	2011
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2007
ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1995	
Relevant international treaties and date of ratification		
Ratio of complaints procedures accepted	Number	Observation Date
	3/8	
	3/8	

Relevant international treaties and date of ratification				
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year	
		Committee on Migrant Workers	<p>§49. The Committee encourages the State party to continue focusing on the situation of unaccompanied migrant children and to respect the principle of the best interests of the child. In particular, the State party should: (a) Focus on developing policies to address the difficulties faced by unaccompanied migrant children and on setting up mechanisms for their identification and protection; (b) Strengthen cooperation with transit and destination countries in order to ensure that unaccompanied migrant children who have been the victims of crime are properly protected and that they receive individual care tailored to the specific needs of each case; (c) Strengthen cooperation with transit and destination countries in order to ensure that unaccompanied migrant children are not detained for having entered transit or destination countries in an irregular fashion, that minors who are accompanied by family members are not separated from them and that families are housed in protection centres; (d) Strengthen cooperation with transit and destination countries so that unaccompanied minors are repatriated to the State party only if it is in the best interests of the child and when it has been established that the child, upon his or her return, will be safe and provided with proper care and custody, under a procedure with proper safeguards; (e) Take the necessary steps to ensure that repatriated minors are taken in by family members and resettled and reintegrated in a lasting fashion in their home communities; (f) Develop policies on support, protection and family reunification for Salvadoran children whose parents have emigrated. §50. The Committee views with concern the systematic detention of Salvadoran migrant workers, prior to repatriation, in destination and transit countries because of their irregular status. §51. The Committee recommends that the State party strengthen cooperation with transit and destination countries in order to ensure that the detention of Salvadoran migrant workers in an irregular situation in such countries is used only as a last resort.</p>	2014
Regional treaties, regulations, and directives				
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	ACHR, American Convention on Human Rights		1978	
	IACPPT, Inter-American Convention to Prevent and Punish Torture		1994	
	CBDP, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)		1995	
	APACHR, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights		1995	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name		Year of Visit	Observation Date
	Special Rapporteur on violence against women, its causes and consequences		2004	2015
	Special Rapporteur on violence against women, its causes and consequences		2010	2015
	Special Rapporteur on the sale of children, child prostitution and child pornography		2010	2015
	Working Group on arbitrary detention		2012	2015

Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2014	

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2015

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2008

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	Direccion General de Migracion y Extranjeria	Ministerio de Justicia y Seguridad Pública	Justice	2011
	Direccion General de Migracion y Extranjeria	Ministerio de Seguridad Pública y Justicia	Internal or Public Security	2008
	Direccion General de Migracion y Extranjeria	Ministerio de Justicia y Seguridad Pública	Justice	2008

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Migration Directorate (Dirección General de Migración y Extranjería)	Governmental	2011

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
		No	

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes														

Detention monitoring institutions

Authorized monitoring institutions	Institution	Institution Type	Observation Date
	Programa de Atención a Personas Refugiadas en El Salvador (IAES PARES)	Non-Governmental Organizations (NGO)	2014

More information about immigration detention in El Salvador is available at the website of the Global Detention Project (www.globaldetentionproject.org)