The Government of El Salvador does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore El Salvador remained on Tier 2. These efforts included increased investigations, prosecutions, and convictions. The attorney general’s office added 11 new prosecutors to work on trafficking cases, and the government cooperated with various governments on joint investigations, one of which resulted in a conviction and prison sentence for the trafficker. The government identified more victims and passed a new law for migrants and foreigners that granted trafficking victims two years’ residency with multiple entry and exit permissions. However, the government did not meet the minimum standards in several key areas. The government did not provide sufficient personnel and resources for law enforcement and prosecutors to conduct investigations and prosecutions. The government struggled to implement procedures to identify victims among vulnerable groups, including children apprehended for illicit gang-related activities and irregular migrants returning to El Salvador, and to consistently apply victim-centered approaches during investigations and criminal proceedings. Judges did not have an adequate understanding of anti-trafficking laws and struggled with the evidentiary process in trafficking cases. The government had limited shelter services for all victims; victim services for adult men and women, boys, and LGBTI persons were severely lacking. The government offered few long-term support or reintegration services to victims, leaving them at risk of re-trafficking. The government’s labor ministry did not have sufficient funding or personnel to conduct labor inspections focused on forced labor. The government did not have effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

PRIORITIZED RECOMMENDATIONS:

- Provide additional shelter services for all victims.
- Increase specialized services for adults, boys, and LGBTI victims.
- Implement procedures to proactively identify victims among vulnerable groups, including children apprehended for illicit gang-related activities and irregular migrants returning to El Salvador, and use victim-centered approaches during investigations and criminal proceedings.
- Strengthen efforts to investigate, prosecute, and convict traffickers, especially for forced labor, including forced criminal activity.
- Provide adequate funding and personnel for law enforcement and prosecution efforts.
- Increase efforts to train judges on the anti-trafficking law and the evidentiary process in trafficking cases.
- Enforce laws punishing local labor brokers for illegal practices that facilitate trafficking, such as fraudulent recruitment and excessive fees for migration or job placement.
- Amend the 2014 anti-trafficking law to include a definition of human trafficking consistent with international law.
- Conduct thorough criminal investigations and prosecutions of alleged government complicity in trafficking offenses.
- Develop a new national
action plan to combat trafficking for the period 2020 and beyond. • 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 increased 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. The law defined trafficking broadly to include fraudulent adoption without the purpose of exploitation. The government also prosecuted trafficking crimes under other parts of its penal code.

Authorities investigated 80 cases (77 sex trafficking cases, one case of forced begging and two cases of forced labor) in 2019, compared with 74 cases (71 sex trafficking cases and three forced labor cases) in 2018, 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 2019, authorities prosecuted nine individuals (eight for sex trafficking, one for forced labor), and convicted 12 individuals (three for sex trafficking and nine for forced marriage), compared with prosecuting nine cases and convicting seven traffickers in 2018, prosecuting nine cases and convicting six traffickers in 2017, and seven prosecutions and six traffickers convicted in 2016. The government did not provide data on sentences in 2019, but sentences ranged from six to 10 years in 2018, and 10 to 14 years’ imprisonment in 2017. The national police conducted searches at bars and nightclubs in several areas of the country with a specific focus on potential human trafficking for sexual exploitation and child labor; police arrested nine people on charges of sexual crimes against adolescents from these searches. In October 2019, the police and attorney general’s office carried out Operation Turquoise, an anti-trafficking law enforcement sting, in San Salvador, Sonsonate, and Chalatenango, which identified child sex trafficking in El Salvador and Guatemala. In October 2019, the Salvadoran national police and immigration officials cooperated to dismantle two human trafficking and smuggling networks in eastern El Salvador. In 2018, authorities arrested an allegedly complicit government official on charges of drug trafficking and human trafficking; the government was unable to provide updates to this case during the reporting period. In previous years, authorities investigated prison guards and the former head of the anti-trafficking unit for alleged complicity in trafficking offenses, but they did not hold any officials responsible, raising serious concerns of a lack of accountability and weak law enforcement.

The attorney general’s office added 11 new prosecutors to work on trafficking cases, two of whom were located remotely in the areas of San Miguel and Ahuachapán, known areas for human trafficking. Observers reported that law enforcement and prosecutors still lacked sufficient personnel for investigations and prosecutions, funding for operational budgets, and resources, such as appropriate communication technology to share information.
electronically, office equipment, and transportation, as well as training to adequately investigate trafficking cases and bring cases to trial. Observers and officials reported law enforcement and the attorney general’s office would benefit from a modernized case management system to collect, share, and analyze law enforcement information. Observers noted the attorney general’s office frequently assigned different prosecutors to handle different phases of a single criminal case, which hampered its ability to prosecute cases in an efficient and cohesive manner. The government and NGOs reported difficulty prosecuting cases with foreign victims because they often returned to their country of origin before testifying, which made investigations difficult to complete and convictions more difficult to obtain. Experts noted some investigators used harsh questioning during victim interviews leading to re-traumatization. Gang violence and insecurity throughout the country continued to limit the access of prosecutors, investigators, and social workers to visit gang-controlled territory.

Government officials and outside experts reported judges showed increased sensitivity to trafficking cases. Observers, however, reported judges still did not have an adequate understanding of anti-trafficking laws and regulations, and judges struggled with the evidentiary process in trafficking cases. Officials reported that training judges to understand the dynamics of trafficking cases and the use of non-testimonial evidence to corroborate victim testimony, and building overall capacity in the law enforcement and immigration sectors, and with first responders, would improve the efficacy of identifying and prosecuting trafficking cases. In response to these gaps, two international organizations worked with the El Salvadoran National Judiciary Council to deliver a nine-month trafficking-related training to 40 judges starting in July 2019. The government collaborated with an international organization and foreign government to provide judges and law clerks with a short course on understanding digital evidence.

**PROTECTION**

The government increased victim identification and protection efforts; however, shelter and specialized services remained limited. The government identified 124 victims (75 sex trafficking victims, two forced begging, and 47 forced labor victims), compared to 53 victims (50 sex trafficking victims and three forced labor victims) in 2018, 72 victims (67 sex trafficking victims and five forced labor victims) in 2017, and 53 victims in 2016. Out of the 124 victims identified, 31 were adult males and eight were male adolescents; this marked the first time, since 2016, men or boys were identified as trafficking victims. The attorney general’s office, in collaboration with the police; the anti-trafficking council; NGOs; and international organizations, assisted 111 victims in 2019 with psychological care, temporary lodging, and job training and placement; this compared with the government referring 50 victims to NGOs for shelter and services in 2018. All identified victims assisted in the prosecution of their traffickers.

The anti-trafficking council operated 19 offices to provide information and referrals to victims in 15 municipalities across the country. The government’s 2018 Inter-Institutional Action Protocol for the Immediate Comprehensive Care of Trafficking Victims outlined the roles and responsibilities of government agencies in responding to trafficking victims. The Law for the Protection of Children and Adolescents established a comprehensive legal framework for the protection of children’s rights, including protection from child labor and trafficking. The anti-trafficking council provided a manual to immigration officials to identify possible trafficking victims in border regions and received
training; however, the government lacked formal procedures to identify trafficking victims among vulnerable groups, including individuals in commercial sex. Several organizations provided some training on victim identification to immigration officials, labor inspectors, physicians, service providers, and tourism professionals. Officials observed that first responders had continuing gaps in knowledge of victim identification procedures and their application.

The government did not provide the Ministry of Justice and Public Security’s budget for the victims’ attention and gender equality area in FY 2019; however, its 2018 budget was $370,960. The government did not provide 2019 budget figures for its anti-trafficking unit; in 2018 this unit received $486,570. Assistance to victims, including shelters, was limited and specialized care was not available. The Salvadoran Institute for the Complete Childhood and Adolescent Development (ISNA) maintained the only trafficking victims’ shelter in the country, which had the capacity to house 12 adolescent girls; there was no shelter available to house adult women. Furthermore, ISNA stated that they were limited in providing anti-trafficking training to their personnel due to financial constraints. Government services and shelters for boys, adults, LGBTQI persons, and the disabled continued to be nearly nonexistent, with the government relying on religious and civil society organizations to attend to these victims. NGOs reported these victims needed shelter, rehabilitation, and mental health services. The government offered few long-term support or reintegration services to trafficking victims, leaving them at risk of re-trafficking. Authorities assisted Salvadorans returned from abroad by providing medical, psychological, and social services, but the government did not identify trafficking victims among returnees in 2019. Social workers reported problems and delays in entering gang-controlled neighborhoods to attend to victims, impeding victim protection and assistance efforts. In spring 2019, the government formed the Women’s Coordination Unit, which was dedicated to combatting the country’s high rate of female and minority violence, including gangs involved in the sex trafficking of women.

El Salvador’s laws allowed judges to order convicted traffickers to pay restitution; however, the courts did not order restitution in any cases in 2019. The government provided witness protection and support to identified victims, including disguising victims’ identities in court and allowing victims to provide testimony by deposition or via videoconference. Experts criticized the government’s witness protection measures as insufficient, as they did not continue after the trial ended. Government officials and NGO representatives stated police needed 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. Law enforcement detained and jailed minors associated with gangs for gang-related criminal activity, which may have involved sex trafficking or forced labor. 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 2019 or 2018, compared to four foreign victims in 2017 who ultimately requested to be repatriated to their country of origin. In April 2019, the legislative assembly passed the Special Law on Migration and Foreigners that included a subsection on human trafficking; this law granted trafficking victims residency with multiple entry and exit permission for an initial period of up to two years with the option to extend. With the support of an international organization, 12 municipalities in the San Miguel Department approved a local ordinance against human trafficking in 2019, which provided rules that companies and local businesses must follow to prevent, detect, and support investigations on human trafficking; the local ordinances were expected to enable greater collaboration between municipal and national police.
PREVENTION

The government maintained prevention efforts. The national anti-trafficking council coordinated the efforts of 12 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. Observers commented the council lacked consistency and continuity in implementing its anti-trafficking programs; some experts also criticized the anti-trafficking plan as partisan. The council created an annual trafficking in persons report distributed to stakeholders, but it was not available by the end of the reporting period. The government promoted the UNODC “Blue Heart” Campaign for a third year, which included billboards and broadcast media, but did not report any concrete results of the campaign. The council provided training to companies on the risk of human trafficking. ISNA, through the coordination of the Shared Attention Network, delivered 15 trafficking awareness and training campaigns to 350 members across nine networks. In July 2019, the Ombudsman for Human Rights in collaboration with an NGO and the European Union launched a project focused on combatting human trafficking in eight departments across El Salvador. The government, in collaboration with Guatemala and Honduras issued communications warning parents of the dangers of migration, the failures of migration, and highlighted the government’s intent to prosecute traffickers. The national police had a 24-hour crime-reporting hotline and Twitter account, which resulted in no trafficking leads; however, its 911 emergency hotline resulted in 46 potential trafficking leads.

Neither the Labor Code nor the Penal Code specified fines or punishment for fraudulent recruitment of workers. However, in 2019, the Ministry of Labor (MOL) managed the majority of El Salvador’s H-2A visa recruitment process, which stated that foreign companies must respect the rights of Salvadoran workers, including their right to fair pay and warned potential H-2A visa applicants that foreign job offers only come from the MOL. The MOL released statements warning workers about fraudulent job offers. While the MOL took an active stance in fraudulent labor recruitment for foreign jobs, it did not make similar statements on domestic recruitment practices. The MOL administered a labor inspection program but it had limited funding and personnel, and did not identify any cases of forced labor for the third year in a row. The lack of transportation and limited access to gang-controlled territories made it difficult for the labor inspectorate to conduct inspections nationwide. The MOL 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 MOL started restructuring its labor inspectorate to broaden both the prevention and eradication of child labor, and began planning new schedules for labor inspections in 2020 focused on child labor targeted at hotels, night clubs, and bars where sex trafficking of minors may occur. Labor inspectors received anti-trafficking training in 2019. 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 government noted that it was difficult to prosecute sex tourism cases because according to the 2014 trafficking law, the trafficking must specifically occur in a tourist resort or facility. NGOs reported that sex trafficking occurred in the tourism industry. The government did not make efforts to reduce the demand for commercial sex acts.

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. NGOs report that the sociodemographic profile of traffickers involves a range in age 18 to 45; they are usually the same nationality as their victims, and generally have an education level slightly above their victims with some traffickers completing schooling that is equivalent to university education. Traffickers exploit women, men, and children in sex trafficking within the country; minors without parents, adolescent women, and LGBTQI persons, especially transgender individuals, are at particular risk. Traffickers sometimes exploit their own children and family members. Recent cases of trafficking have involved gangs using the pretense of domestic employment to lure women into forced marriage. Some women and men, who were previously trafficking victims, subsequently run trafficking networks. 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, abduct, train, arm, and subject children to forced labor in illicit activities—including assassinations, extortion, and drug trafficking—and force women, LGBTQI persons, and children to provide sexual services, in some cases for imprisoned gang members, as well as forced to provide domestic service, 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, South American, African, and Asian migrants who transit El Salvador to Guatemala and North America in sex and labor trafficking. Individuals without personal identification documents are highly vulnerable to trafficking. Traffickers are increasingly using social media and messaging platforms to lure victims. Corruption and complicity, including within law enforcement, the prison system, and local government, remained a significant obstacle to law enforcement efforts.