



***Common human rights vulnerabilities
identified in interviews with people
returned to El Salvador during the
COVID19 Pandemic (15/06/20 -
11/03/21)***

September 2021



Cristosal
Promoviendo Derechos Humanos en Centroamérica

Introduction

Between June 15, 2020 and March 11, 2021, Cristosal conducted a series of eleven phone interviews with people that had been deported to El Salvador after migrating out of the country. All interviews occurred in the context of Covid-19, featuring respondents who experienced the deportation process during different stages of the pandemic¹.

Similarities amongst the interviews revealed a set of common motivations for migration - based mainly in economic insecurity, community violence, and mistrust of state institutions. There were also a number of stand-out elements of concern such as maltreatment and lack of information about Covid-19 in detention centers in the United States.

Among the several common traits recorded in interviews with people deported back to El Salvador in the context of Covid-19, significant human rights violations can be identified preceding and throughout the continuity of the migration process, particularly inside of detention centers in the U.S.

According to the U.S. Immigration and Customs Enforcement (ICE), during the US fiscal year 2020, 12,590 Salvadorans were deported from that country².

Economic insecurity

Economic insecurity emerged as a primary motivation for migration in seven of the eleven interviews. Some participants stated explicitly that they migrated for economic reasons, while others said simply that they were not employed in El Salvador. Both of these situations trace a trajectory towards economically motivated migration. When asked why they chose to migrate from El Salvador, one participant shared:

Basically, I was looking for a better economic life, to get by, to provide for my family. Male participant, 31.

¹ The investigation of this report was done by Cristosal's Human Rights Investigation Directorate. The final report was written by Addy Cross.

² <https://www.ice.gov/doclib/news/library/reports/annual-report/eroReportFY2020.pdf>

Another interviewee described repeated efforts to improve their economic situation in El Salvador through employment but decided to migrate after four years of trying.

Before migrating, I had turned in more than 50 resumes, and no one ever called me to interview – I was never even called for a preliminary interview – nothing. Male participant, 47.

Grave socioeconomic insecurity in El Salvador can be attributed to historic instability as well as severe inequality rooted in corruption at the highest levels of Salvadoran society. The Salvadoran government's withdrawal from the Organization of American State's International Commission Against Impunity in El Salvador (CICIES), a multilateral body created in 2019 with the purpose of combating corruption in the country, demonstrates lack of executive commitment to address the issue.³

Economically motivated migrants such as the seven participants identified in our interviews suffer the consequences of this lack of governmental accountability against corruption.

Insecurity or violence

The other stand-out motivating factor for migration was insecurity or violence. This factor appeared to be endemic and long-term. One interviewee mentioned the impossibility of attempts to distance themselves from gang involvement after starting a family.

Because of a little mistake I made when I was 12 years old; at that age anyone can brainwash you. But thank God, when I was 13, I became aware of what was going on. Since I was 13, I have been with my wife and had a child with her, and at that point I changed my mind even more and I decided to distance myself from all that. And it was then that the problems started, and I decided better that I leave. Male participant, 27.

Two interviewees shared that they migrated due to the murder of a family member. This experience, compounded with mistrust in the justice system, leaves little recourse for victims of violence or insecurity in El Salvador. As one interviewee shared:

No, when they killed my husband, I didn't report it because I was afraid. Female participant, 38.

³ [Human Rights Watch](#)

Mistrust and lack of capacity in state institutions

Interviewees exhibited mistrust in state institutions for a variety of reasons, particularly; corruption, fear that assailants would find out about victim reporting, and lack of state capacity. When one interviewee was asked whether they reported violence to the police, they shared their uncertainties very directly.

See no, because to tell you the truth I was scared to go to the authorities because I felt that they weren't acting how they should. So, we decided to look for a solution on our own, and not turn to the police, because I felt like they weren't going to solve anything. Male participant, 31.

This example demonstrates the permeation of corruption into the daily functions of the Salvadoran justice system. Even more prevalent were interviewees that expressed fear to report crimes due to the chance that assailants would retaliate.

I just decided to leave because, look, if I sought help from the authorities, it would have been harder because they [the assailants] might have killed my family and I wouldn't have known. You know? My mother, my brother, everyone, my uncles, they could have killed them all. Male participant, 27.

Interviewees highlighted the risk that state authorities would sell them out for reporting crimes.

No, because we are in a place, well, you know that the problem is that you can't report because the authorities will give you away. They notify them who it was, how it was, and so on; then you, you are putting yourself at risk, you and your family too. Female participant, 29.

Finally, multiple comments from interviews demonstrated a lack of state capacity in properly addressing reported crimes and their impacts. When one individual was asked whether they reported a crime, they shared:

No, not really because the last time it was the same, even when my brother was killed, they didn't do anything for him. Male participant, 25.

Others expressed shame for utilizing limited state resources such as the National Institute for Women's Development (ISDEMU):

No, I was ashamed because they helped me so much with a place to stay and food and everything. So, I listened to my brother-in-law, and I left, and when the lawyer went to look for me, she couldn't find me, so I didn't

have their help anymore. I was really ashamed, and I didn't have the courage to go back there and ask for help. Female participant, 29.

The combination of lack of capacity and trust in state institutions in El Salvador serve as motivating factors for migration because alternatives for justice and protection are non-existent.

Human rights violations in México

Another common feature of note encountered among interviews with people deported back to El Salvador were the human rights violations suffered while migrating through Mexico. Interviewees reported suffering hardships in Mexico, including accidents, becoming the victim of a crime, and maltreatment by Mexican authorities. One interviewee described this as a common occurrence.

Yeah, those ones, even the same municipal police assaulted you. They put you in the pickups or police cars, and they take away your belongings. They stole phones and money from me. Male participant, 47.

Experiences of hunger and adverse effects due to weather in Mexico were startlingly prevalent amongst interviewees, with over 80% of interviewees reporting lack of food or water and suffering due to climate. Even more concerning was the normalization of this phenomenon amongst the group. As reported by one interviewee:

We were just there, and all you do there is endure hunger and suffering but thank God that when I left everything turned out fine for me. I endured hunger, but I made it out, you know? Male participant, 27.

Maltreatment in U.S. custody

Before being returned to El Salvador, interviewees spent time ranging from days to months in United States immigration detention facilities. Due to inhumane living conditions, many attorneys have deemed long term stays in these facilities to be unconstitutional. Based on the experiences recounted in interviews, it can be determined that maltreatment and human rights violations of Salvadoran migrants persisted in U.S. immigration detention facilities.

While being held in U.S. custody awaiting court hearings or deportation proceedings, common themes were identified among interviewee experiences including inhumane conditions and abuse, often charged by racist and xenophobic sentiment. One interviewee described being treated as an animal without any consideration for his humanity or right to dignity. He states:

Over there they bring you food as if you were a dog, you know? They don't care if they bring you good food, they have their good food in their kitchen. Over there you're like a dog, understand? They throw you everything and everything is cold. And they don't worry about anything, they throw it at you and nothing more. If you want to take it, they say 'grab it, and if not, well then don't grab it.' I mean, it's all very racist, but remember by law you must eat the food. Male participant, 27.

Detainees in detention facilities were left at the mercy of prison staff, who interviewees described as acting with impunity. Two such examples were laid out by men who described vivid scenes of being forced into a space called “el hoyo,” or in English, “the hole.” In the hole detained migrants were left for indefinite periods in solitary confinement without any information as to how long they would remain there. One man described his experience as total isolation:

You are locked up in the cell 24 hours, 24/7. Male participant, 27

With access to only one phone call a month, interviewees were forced to endure these living conditions for months or rather, as long as detention workers wanted. A general lack of information and understanding on the part of detainees stood out in interviews, as they were left uninformed about how long they would remain in detention.

With too much decision-making power given to prison staff, interviewees reported that violations of human rights were endemic, and that migrants were forced into cruel and inhumane living conditions. The name “the hole” itself reflects the state of conditions for migrants who endured this particularly inhumane example of solitary confinement; one that is psychologically harmful as well as physically dangerous because of sanitary health concerns. One interviewee described:

They call it the hole because where you do your business is a hole and they are the only ones who can throw water to wash it away — like pressing a button for the water, that's why they call it the hole. They put you in there naked if possible. Male participant, 55

This same interviewee went on to explain that he was removed only after seeing a psychologist who requested his removal. He was then returned to El Salvador.

Leaving detainees in the dark about the duration of their detention led to multiple detainees choosing to be deported rather than to endure indefinite imprisonment. In February of 2020, two interviewees were given interviews for their asylum cases. Both interviewees were approved, and the men were told they would be given a second court date in April.

Although the men were receiving support with their cases, one from an organization in Tucson helping him to fight for political asylum, they describe the unbearable condition of being detained. Treatment from guards, the food, and general living conditions made these men decide that being deported was better than awaiting a court date that could be suspended, in facilities where their health and wellbeing were being threatened every day⁴.

Although given court dates, the uncertainty of the legal process combined with inhumane, undignified, and intolerable conditions robbed detainees of their right to a fair trial. Returnees interviewed laid out their options of either staying in facilities that threatened their wellbeing or returning to countries where their lives are threatened. In this way people's right to seek asylum while residing in the US was violated.⁵

Illness

Irrespective of the circumstances created by the pandemic, interviewees spoke to the unhealthy conditions and policies that put the physical health of people detained at risk. From the last week of March through the first week of April 2020 one interviewee described his experience of extreme illness while in U.S. custody. Unable to tell prison staff about the reality of his physical discomfort because of fear that he would be "put naked in a cold room" as a means of isolating him from other detainees, this interviewee endured two weeks of extreme illness. He describes:

I was already dying of cold because of the fever that I had. I was cold like you can't imagine, and not only me, my cellmate too. We felt horribly sick, throwing up, and our heads hurt. Male participant, 55.

The potentially life-threatening situation endured by this interviewee comes because of conditions of detention facilities as well as disregard for the wellbeing of detainees. This disregard for the health of a person in critical condition was only

⁴ Male participant, 25

⁵ [8 U.S. Code § 1158 - Asylum | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

replicated over the following months as Covid-19 continued to spread and represented an increasingly grave risk to people being held in US custody.

Not only did close quarters in combination with a lack of health safety measures demonstrate a disregard for the wellbeing of detainees, but a lack of information about the public health crisis caused by the pandemic left people vulnerable and misinformed. The Covid-19 pandemic was first declared a national emergency in the United States on March 13, 2020, and the use of face masks in public settings was recommended on April 3, 2020. Deportations and interviews occurred after this range, signaling that U.S. immigration detention facilities were slow to implement biosecurity measures despite national-level warnings.

People detained at the beginning of the pandemic described complete lack of knowledge about the state of the Covid-19 pandemic despite the US government's clear understanding of the risk this disease posed to the lives of people detained. When asked about his understanding of Covid-19 while detained, one interviewee stated, during February and March, some migrants detained in the US were not informed about COVID-19 until reaching El Salvador.

Upon return, many gained access to information and news sources for the first time since entering U.S. detention. Beginning in March, returnees were placed on a 30 - day home quarantine where they were visited by government health officials who performed temperature checks, but no Covid testing. Even well into the spring and summer months, testing for detainees in the U.S. was inconsistent.

Human rights violations

Inhumane conditions in U.S. detention facilities as described by interviewees directly violate international accords for human rights that have been signed and ratified by the United States. As laid out in the International Covenant on Civil and Political Rights, the U.S. has recognized a person's right to human dignity and humane treatment. Conditions in "the hole" as well as general treatment within the facilities that seek to dehumanize immigrants awaiting court hearings directly contradict and violate minimum human rights standards.

Furthermore, detainees described a pattern of racism within the U.S. immigration process in detention facilities and the court system. Three interviewees mentioned feeling targeted because of their identity as Latinx people. Not only does the pattern of racism within the U.S. immigration system deny people entry, it also often denies migrants from El Salvador the right to protection, asylum, and a fair immigration

hearing. It also violates the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁶, signed and ratified by the United States. While in U.S. custody, detained migrants are being denied their right to safe and dignified conditions, but also their legal right to a fair immigration hearing because of illegal acts of discrimination corrupting the U.S. immigration system.

Conclusion

The frequency of concerning human rights abuses identified in interviews collected with individuals that have been deported back to El Salvador during the Covid-19 pandemic highlights the need for urgent state and multilateral intervention. Violations of international treaties such as the Convention relating to the Status of Refugees⁷ and Protocol relating to the Status of Refugees⁸ recognized in interviewee testimony, especially through reports of inhumane treatment in U.S. detention, necessitate calls for accountability by international bodies.

These agreements establish the definition of a refugee and a baseline for refugee rights. Notably, the United States is not a signatory of the 1951 Convention but is a signatory to the later 1967 Protocol. The violation of this protocol is represented in the inhumane treatment experienced by migrants while in detention in the United States, and the lack of opportunity afforded to reasonably pursue asylum.

Factors motivating migration identified across the interviews reveal the need for capacity building in individual economic stability and community security in El Salvador. All patterns of human rights abuse identified across interviews were exacerbated by the Covid-19 pandemic, demonstrating the urgency of accountability and intervention – especially in an increasingly vulnerable global context.

The series of recommendations derived from human rights vulnerabilities identified in interviews with people returned to El Salvador during the Covid-19 pandemic are as follows:

- Domestic and international investment in economic and community security measures in El Salvador, especially through the strengthening of state institutions, which currently experience a lack of popular trust and functional capacity.

⁶ [OHCHR | International Convention on the Elimination of All Forms of Racial Discrimination](#)

⁷ [UN | Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons](#)

⁸ [UN | New York, 9 February 1967](#)

- In-depth investigation and intervention regarding human rights abuses experienced by migrants in Mexico, with special attention to migration control authorities.
- In-depth investigation and intervention regarding human rights abuses experienced by migrants in U.S. detention centers by multilateral actors such as the international Red Cross.
- Established protocols for biosecurity measures and the dissemination of information on global crisis in U.S. detention centers and throughout the deportation process.