Women ON THE RUN

FIRST-HAND ACCOUNTS OF REFUGEES FLEEING
EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO

A Study Conducted by the United Nations High Commissioner for Refugees

UNHCR
The UN Refugee Agency

FOREWORD

Today the world is witness to a global refugee crisis of proportions not seen since World War II. But while most of the international media attention is on the refugees arriving in Europe – from countries such as Syria, Iraq, and Afghanistan – there is another protection crisis unfolding in Central America.

Tens of thousands of women – travelling alone or together with their children or other family members – are fleeing a surging tide of violence in El Salvador, Honduras, Guatemala, and parts of Mexico. This report brings their often terrifying stories to life and explains why these women have been forced to flee their homelands.

The more than 160 women interviewed for this report talked about being raped, assaulted, extorted, and threatened by members of heavily-armed, transnational criminal groups. They spoke about their families having to contend with gunfights, disappearances, and death threats. They described seeing family members murdered or abducted and watching their children being forcibly recruited by those groups. With authorities often unable to curb the violence and provide redress, many vulnerable women are left with no choice but to run for their lives.

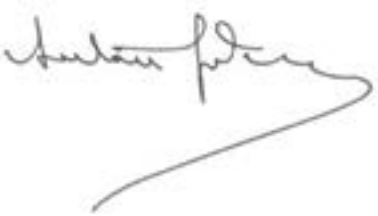
Fleeing is an ordeal in its own right, and for most women, the journey to safety is a journey through hell. After paying exorbitant fees to unscrupulous "coyotes," many women are beaten, raped, and too often killed along the way. This is the untold story of many refugees from Central America.

Since 2008, UNHCR has recorded a nearly fivefold increase in asylum-seekers arriving to the United States from the Northern Triangle region of El Salvador, Guatemala, and Honduras. Over the same period, we have seen a thirteenfold increase in the number of requests for asylum from within Central America and Mexico – a staggering indicator of the surging violence shaking the region.

This is not the first refugee crisis the Americas region has faced, but it is nevertheless unique in its complexity. Solving it requires a comprehensive regional approach based on cooperation, responsibility-sharing, and solidarity among all countries affected, to ensure that people in need of protection can have access to it. UNHCR stands ready to support governments in this effort.

António Guterres

United Nations High Commissioner for Refugees



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EXECUTIVE SUMMARY

Today, we are confronted with a global refugee crisis of unprecedented levels, a crisis that, as shown in this report, deeply affects the Western Hemisphere. No one knows this better than those fleeing epidemic levels of violence, including gender-based violence, in El Salvador, Guatemala, and Honduras.[1] Research conducted over four months found that women face a startling degree of violence that has a devastating impact on their daily lives. With no protection at home, women flee to protect themselves and their children from murder, extortion, and rape. They present a clear need for international protection. Based on US Department of Homeland Security data covering FY 2015, of the thousands of women and girls from these countries who expressed a fear of being returned to their home country and were subject to the credible fear screening process, US authorities have found that a large percentage have a significant possibility of establishing eligibility for asylum or protection under the Convention against Torture.[2]

A surging tide of violence sweeping across El Salvador, Guatemala, and Honduras forces thousands of women, men, and children to leave their homes every month. This region of Central America, known as the Northern Triangle ("Northern Triangle of Central America" or "NTCA"), is one of the most dangerous places on earth.[3]

The region has come under increasing control by sophisticated, organized criminal armed groups, often with transnational reach, driving up rates of murder, gender-based violence, and other forms of serious harm. According to data from the UN Office on Drugs and Crime, Honduras ranks first, El Salvador fifth, and Guatemala sixth for rates of homicide globally.[4] Furthermore, **El Salvador, Guatemala, and Honduras rank first, third, and seventh, respectively, for rates of female homicides globally.**[5] In large parts of the territory, the violence has surpassed governments' abilities to protect victims and provide redress.[6] Certain parts of Mexico face similar challenges.[7]

Over the last few years, there has been a sharp escalation in the number of people fleeing the NTCA. In 2014, tens of thousands sought asylum in the United States,[8] and the number of women crossing the US border was nearly three times higher than in 2013.[9] Others have fled to neighboring countries. Combined, Mexico, Belize, Costa Rica, Nicaragua, and Panama have seen the number of asylum applications from citizens fleeing the NTCA grow to nearly 13 times what it was in 2008.[10]

An alarming feature of this refugee crisis is the number of children fleeing home, with their mothers or alone. Over 66,000 unaccompanied and separated children[11] from the NTCA reached the United States in 2014.[12] The number of children

traveling with their mothers is comparable: recent US Government statistics show that over 66,000 families arrived to the United States in fiscal year 2014.[13]

Since 2014, countries of asylum have exerted significant efforts to intensify border control measures with a view to containing this phenomenon. However, at the end of August 2015, the United States Government recorded more unaccompanied children arriving to the United States than in the same month in 2014, and the number of family arrivals at the close of financial year 2015 is the second largest on record.[14]

This report provides first-hand accounts of the severity of the protection crisis in the NTCA and Mexico. The United Nations High Commissioner for Refugees (UNHCR) interviewed 160 women from these countries in the US from June to August 2015. Though these women do not represent a statistical sample of refugees from this region, they have all been either recognized as refugees or have been screened by the US Government to have a credible or reasonable fear of persecution or torture.[15]

Escalating Violence against Women

Women interviewed for this report indicated that they and their children face extreme levels of violence on a near-daily basis. They described being raped, assaulted, extorted, and threatened by members of criminal armed groups, including gangs and drug cartels. Eighty-five per cent of the women described living in neighborhoods under the control of *maras* (criminal armed groups prevalent in the NTCA) or other transnational or local criminal groups.

Sixty-four per cent of the women described being the targets of direct threats and attacks by members of criminal armed groups as at least one of the primary reasons for their flight. Women also described incidents in which gang members murdered or were responsible for the forced disappearance of a loved one (e.g. a child, partner, or other close relative). Many were asked to pay a *cuota*, or "tax," for living or commuting to work in a certain area, and threatened with physical harm if they could not pay.

Women emphasized that the presence of criminal armed groups in their neighborhoods had a deep impact on their daily lives. Women increasingly barricaded themselves and their children inside their homes, unable to go to school or work fearing gunfights or direct threats from armed groups. Sixty-two per cent of women reported that they were confronted with dead bodies in their neighborhoods and a number of women mentioned that they and their children saw dead bodies weekly.

Living in an environment of escalating violence, women spoke of multiple instances of threats, extortion, and physical or sexual assault over extended periods. In some instances, the harm became so intolerable that they had no choice but to flee. In other cases, a particular event prompted their immediate departure, sometimes within hours of an attack occurring.

For many of the women interviewed, the increasing violence from criminal armed groups occurred alongside repeated physical and sexual violence at home. Women described life-threatening and degrading forms of domestic violence, including repeated rapes, sexual assaults, and violent physical abuse, such as beatings with baseball bats and other weapons. Women repeatedly emphasized that the police could not protect them from harm. In fact, many of the women's abusive partners were members or associates of the criminal armed groups, making it even harder to seek protection from the authorities.

No Safety at Home

The women interviewed for this report were unable to find safety at home. All three countries in the NTCA have passed legislation addressing violence against women.[16] Nonetheless, the women consistently stated that police and other state law enforcement authorities were not able to provide sufficient protection from the violence. More than two-thirds tried to find safety by fleeing elsewhere in their own country, but said this did not ultimately help.

Sixty per cent of the women interviewed reported attacks, sexual assaults, rapes, or threats to the police or other authorities. All of those women said that they received inadequate protection or no protection at all.

Forty per cent of the women interviewed for this study did not report harm to the police; they viewed the process of reporting to the authorities as futile. Some had seen the police fail to provide sufficient responses to family or friends who had made reports. Others felt that criminal armed groups maintained such tight control of their neighborhoods that the police were unable to intervene effectively on their behalf.

NORMA'S STORY

The experience of Norma,[17] the wife of a police officer from El Salvador, starkly illustrates the threats facing women and the lack of available State protection. Indeed, the police and their families are targets of violence in the struggle for power and control in El Salvador.

Before she fled to the United States, Norma lived in a neighborhood she describes as controlled by M18, a powerful transnational armed group with a significant presence in El Salvador. She saw routine gunfights and murders between gang members and had to pay an increasing *cuota* every two weeks. About 15 days before she fled, a boy was murdered and left in the street near her house.

In late 2014, four gang members abducted her and took her to a nearby cemetery. Three of the four proceeded to rape her; she believes they targeted her because she was married to a police officer. "They took their turns…they tied me by the hands. They stuffed my mouth so I would not scream." When it was over, she said, "They threw me in the trash." She contracted a sexually transmitted disease as a result of the rape.

Her husband, the police officer, vowed revenge. They filed an official report. Norma became increasingly concerned that the groups were threatening her and her children, and that the police would not be able to protect her family. "[T]hey'd kill me. Gangs don't forgive.…If they didn't harm me, they'd harm my children."

Norma tried to find safety by going to live with her aunt and uncle in another part of El Salvador. She changed her phone number and "never left the house." Nonetheless, she and her family were continually threatened. Having no other option, she and her husband decided that she should leave the country; she fled through Mexico with a *coyote*, or human smuggler. Before she left, she wanted to withdraw the police report, "so no one left behind would be hurt." However, Norma said her children, who still live with her husband, "are still being threatened."

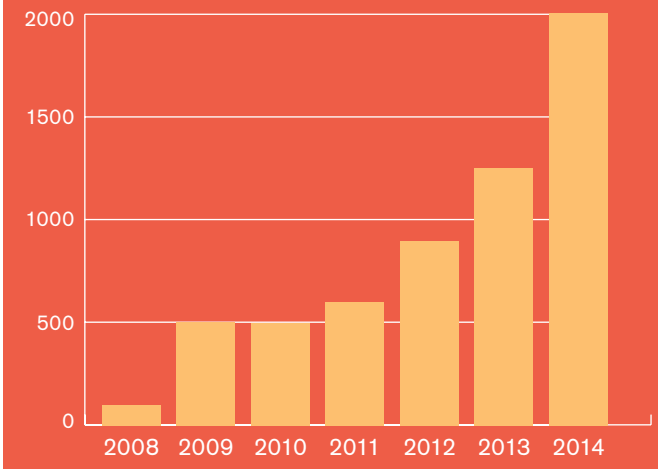
Norma, detained in the United States at the time of her interview with UNHCR, described ongoing trauma from the rape. She stated that, "I feel dirty, so very dirty. This is why I wake up not wanting to live. I feel I have sinned, and this sin lives inside me…Sometimes, I wake up and think it was just a nightmare, but then I feel the pain and remember it was not."

Ten per cent of the women interviewed stated that the police or other authorities were the direct source of their harm in their home countries. In certain instances, women described collusion between the police and criminal armed groups. Several women from NTCA countries who worked for the police themselves or who had family members working with the police said refusal to collaborate with *maras* resulted in gang members threatening or attacking them or their families. Women emphasized that this atmosphere made it very difficult to seek protection.

Sixty nine per cent of the women interviewed for this report attempted to find safety by going into hiding in other parts of their home countries. Women moved to other neighborhoods, often moving in with family members or close friends. Many tried to remain invisible by constantly barricading themselves and their children inside the home. Yet women repeatedly stated that members of criminal armed groups were able to track them when they moved, and emphasized that even in new locations, they continued to experience similar levels of violence.

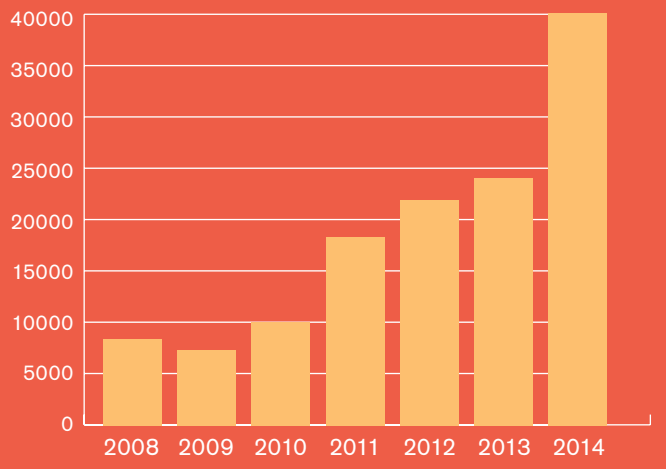
Women fleeing some parts of Mexico reported problems similar to those of women fleeing the NTCA (although to differing degrees). Indeed, in 2014 Mexicans constituted the largest nationality seeking asylum in the United States.[18] Mexico faces a complex situation, as it is simultaneously a country of origin, a country of transit, and a country of asylum.

NTCA Asylum Applications to Mexico & non-NTCA Central American Countries* (2008–2014)



*Including Belize, Costa Rica, Nicaragua, and Panana

Mexico and NTCA Asylum Applications to the United States (2008–2014)



Mexican women interviewed for this report fled areas under some degree of control by transnational criminal gangs. Women reported being raped, assaulted, and threatened by members of these groups. And, like women from the NTCA, some Mexican women described severe domestic violence. Although Mexico has taken significant steps in enacting national legislation to address violence against women, Mexican women interviewed for this report reflected a lack of trust in the authorities' capacity to respond in those areas from which they fled.

UNHCR interviewed 15 transgender[19] women from Mexico, El Salvador, and Honduras for this report. They described similar experiences of gender-based violence and lack of police protection, yet their gender identity further exacerbated the level of violence they experienced. They relayed recurrent discrimination, beatings, and attacks from family members, romantic partners, clients or employers, and others.

Fleeing to Find Refuge

All the women interviewed for this report were forced to leave their countries to escape persecution, yet the journey itself, through Guatemala and Mexico, presented its own set of challenges. Women reported paying high fees to smugglers, and being victims of extortion throughout their flight, particularly near the US/Mexico border.

Several women from the NTCA mentioned that they took contraceptives before traveling, in order to reduce the possibility of becoming pregnant if they were raped during flight. Despite precautions, many women reported that coyotes sexually or physically abused them during transit.

The women interviewed for this report suffered serious, targeted human rights violations related to protected grounds under the 1951 Convention relating to the Status of Refugees. Given the demonstrated fear of persecution, and in the absence of effective State protection, many of the claims for international protection of women interviewed for this report are likely, upon individual determination, to fall within the scope of the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and related jurisprudence.[20] Their stories are not atypical: thousands of women fleeing this region may be facing similar hardships. Countries hosting refugees from this emerging crisis should ensure that each woman has the opportunity to present her case for asylum.

RECOMMENDATIONS

The growing refugee situation originating from the NTCA and Mexico requires a comprehensive regional approach. Governments have a duty to manage migration, and must do so using policies that protect human lives and ensure that individuals fleeing persecution can find safety, acknowledging that border security and refugee protection are not mutually exclusive.

Make Saving Lives the Top Priority

UNHCR calls on governments in the region to:

- Ensure that all steps taken to manage this situation are in strict accordance with refugee law, including the fundamental principle of *non-refoulement*.
- Ensure that all migration policies protect people's legal right to seek asylum, and refrain from using detention as a deterrent.
- Provide safe and legal avenues to asylum so that individuals fleeing their countries do not have to turn to people smugglers.

Reinforce Host Country Capacity to Provide Refuge

UNHCR calls on governments in the region to:

- Set in place or reinforce individualized screening procedures to identify the specific protection needs of all those arriving.
- Ensure that individuals in need of refugee protection can access adequate and humane reception conditions, including by:
  - Reinforcing shelter availability appropriate for particularly vulnerable groups, including transgender women and unaccompanied children.
  - Strengthening alternatives to detention, including various forms of reporting requirements, community and supervision schemes, and accommodation in designated reception centers with guaranteed freedom of movement. Such alternatives have proven to be far more cost-effective than detention.
  - Avoiding the use of unnecessary immigration detention and other punitive measures. Deprivation of liberty must be a last resort used only after individualized determination, and the best interests of the child must guide all actions taken in regard to children.
- Bolster efforts to ensure access to fair and efficient asylum procedures, including by:
  - Ensuring asylum-seekers, and in particular unaccompanied children, have access to legal assistance and information on the right to seek asylum.
  - Providing the necessary resources for domestic adjudication processes to resolve cases in a timely manner.

- Allowing for deportation of those who are not found to be in need of protection in a manner that ensures the return is carried out with safety and dignity.
- Training adjudicators on the application of refugee law to people fleeing the NTCA and parts of Mexico, with particular focus on profiles of individuals at heightened risk of persecution such as women subject to gender-based violence, transgender women, and unaccompanied children.

- Promote durable solutions and collaborate to share responsibility for refugee protection in the region, including through refugee resettlement as a strategic and/or emergency protection tool for refugees at a heightened risk.

Address Root Causes of Displacement

UNHCR calls on governments in the region to:

- Redouble efforts to formulate political solutions that address "push factors" and the root causes of refugee flows.
- Expand efforts to prosecute traffickers and smugglers while fully respecting the rights of victims.

WHAT WOMEN WOULD SAY TO GOVERNMENTS

"I think they should combat the gangs. If they catch gang members, don't let them go." – Salvadoran woman

"I'd tell them to work more on security and see what solutions they can provide to break apart the gangs and traffickers. These are the groups who have arrived and ruined everything." – Honduran woman

"Get a president who respects the laws and cares about women's rights, especially victims of abuse, whatever abuse. Even though many laws exist to protect us, they don't enforce them. They only exist in name." – Guatemalan woman

"Mexico should create safety and protect women better." – Mexican woman

"[The US] is the only country near us that can protect us. It's the nearest to us that actually enforces its laws." – Salvadoran woman

"Thank you. I think the US has helped a lot of people who entered this country out of necessity, fleeing from countries all over the world. We're thankful for the opportunity. I'm thankful I get to be part of this." – Salvadoran woman

"To the US Government, I'd say that those places [detention centers] shouldn't exist. We aren't criminals, we aren't here to hurt others, we're hard-working people." – Guatemalan woman

"The US leaders should think about how they would treat their own mothers. We just want to protect our children. The gang members are forcibly recruiting the young people – especially young men. And the US Government does not understand this. This is one of the reasons I had to leave, to protect my sons." – Honduran woman

"The US Government should listen closely to the stories of people fleeing their countries, because they are leaving out of great necessity." – Salvadoran woman

METHODOLOGY

UNHCR conducted this report between April and September 2015 to provide detailed analysis of why women are fleeing El Salvador, Guatemala, Honduras, and Mexico.

This report follows up on two 2014 studies, which examined why unaccompanied children fled NTCA countries and Mexico. In *Children on the Run*, UNHCR research indicated that 58 per cent of the 404 children interviewed in the United States presented protection concerns, and that if not allowed to lodge an asylum claim, they could face harm if returned home.[21] In *Uprooted*, UNHCR research found that nearly 50 per cent of the children interviewed at Mexico's southern border identified specific incidents of beatings, intimidation, threats, and insecurity as a reason for leaving the NTCA.[22] Two overarching patterns of harm related to international protection needs emerged in their first-hand accounts: violence by organized criminal armed groups and violence in the home.

For this report, UNHCR sought to interview women age 18 or older with El Salvadoran, Guatemala, Honduran, or Mexican nationality. All the women interviewed had most recently entered the United States on or after 1 October 2013. In order to understand women's reasons for flight, UNHCR chose to focus the interviews for this report on women who had passed either a credible or reasonable fear screening with a US asylum officer, or had been granted some form of protection in the United States (such as asylum).[23]

The design and implementation of the survey were guided by the principles of confidentiality and voluntary and informed participation. UNHCR distributed a notice to the US Government, and subsequently identified and arranged interviews with women who met the parameters described above. UNHCR requested and obtained access to 11 US Immigration and Customs Enforcement (ICE) detention facilities nationwide. UNHCR distributed sign-up sheets in each location in advance to allow women to learn about the project and sign up for an interview slot. UNHCR also coordinated with legal service providers in the majority of the facilities to identify interview candidates. A majority of the women were interviewed while in ICE custody; all interviews took place in spaces that met the confidentiality requirements of the project.

The interview process included two components: first, a comprehensive informed consent process to outline UNHCR's mandate, the purpose of the survey, and the rights of interviewees, and then a one-on-one interview with a UNHCR team member. While an option for telephonic interpretation was offered to each woman at the outset to ensure that the interview took place in a language in which she was comfortable, none of the women made use of this service. All of the 160 interviews were conducted in Spanish. Upon the request of some women interviewed in non-detained settings, lawyers were present during the interviews as observers.

To supplement the women's voices, UNHCR conducted an extensive literature review and consulted with experts on both patterns of asylum and country conditions.

This report is based on in-depth, individual interviews conducted by UNHCR in August and September 2015 with 160 women. The women ranged in age from 18 to 57. 63 women were from El Salvador, 30 from Guatemala, 30 from Honduras, and 37 from Mexico.

Of the individuals interviewed, 15 are transgender women. Sixty-seven per cent of the women interviewed are mothers. Of those mothers, 36 per cent traveled with at least one of their children to the United States. Seven per cent of the women traveled with a partner or spouse.

Ninety-three per cent of the women had passed their credible or reasonable fear interviews – the first step in accessing asylum procedures in the United States.[24] The remaining seven per cent of women had been granted asylum, withholding of removal, or protection under the Convention against Torture in the United States. Every woman indicated that she fled her country in the pursuit of protection that she could not receive in her home country.

Ninety-four per cent of the women interviewed were being held in US detention facilities at the time of the interview; 25 per cent had been in detention for less than one month, 27 per cent had been in detention for one to three months, and 41 per cent had been in detention for more than three months.

REASONS WOMEN FLED EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO

The women from El Salvador, Honduras, and Guatemala interviewed for this report spoke of pervasive and systemic levels of violence, connected to increasing territorial influence of criminal armed groups from which it was nearly impossible to find reprieve. Women from certain parts of Mexico reported similar issues. **In fact, 136 of the 160 women interviewed (from all four countries) stated that they lived in neighborhoods controlled by criminal armed groups.**

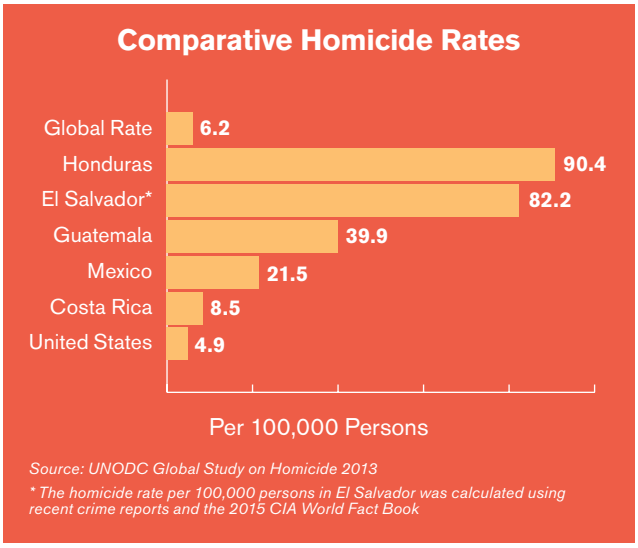
In 2014, governments of Latin America and the Caribbean, in cooperation with UNHCR, established the Brazil Plan of Action to address forced displacement and statelessness in the Americas, including a prevention program to strengthen national protection and assistance mechanisms for populations in NTCA countries.[25] As a complementary action, the presidents of El Salvador, Guatemala, and Honduras unveiled the Alliance for Prosperity, a coordinated plan amongst the three countries to address to address the underlying conditions that motivate people to leave their countries.[26] The goals of the initiative are to energize social and economic development, promote settlement of migrant populations in their own communities, and implement long-term measures to respond to the underlying causes of displacement.[27] The three governments have made progress on some of those commitments and have requested a combined USD $2.857 billion in funding for 2016 to support their plan.[28] The US has taken significant steps to support these initiatives and develop further means of addressing root causes of displacement in the region.[29]

However, the testimonies of 160 women emphasize that these long-term efforts have not curbed root causes of displacement or addressed the urgent humanitarian need. The women from the NTCA reported multiple reasons for flight. Many women spoke of severe instances of violence due to *maras* or other criminal armed groups, including assaults, extortion, and disappearances or murder of family members. Likewise, many women described brutal domestic violence. Many emphasized that being women compounded the difficulties they faced; this was especially true for transgender women. Sixty per cent of those interviewed reported harm to the relevant authorities, but received inadequate protection; 40 per cent believed a police report would be ineffective or make matters worse and never sought protection from the authorities. Women from Mexico reported similar patterns of concerns, although, as discussed below, with differing levels of severity.

Violence and Insecurity Due to Criminal Armed Groups

The violence that women are fleeing from in the NTCA stems from increasing territorial control by organized criminal armed groups. Mara Salvatrucha (MS-13) and 18th Street (M-18), the two most powerful gangs in Central America,[30] alongside other groups, engage in brutal killings, assaults, robberies, and widespread extortion.[31] Murder rates in the region are among the highest in the world: according to data from the UN Office on Drugs and Crime, Honduras ranks first, El Salvador fifth, and Guatemala sixth.[32] Impunity for murder and violent crime is widespread,[33] reflecting inadequate government capacity to provide safety,[34] especially for women.[35] In fact, **El Salvador, Guatemala, and Honduras rank first, third, and seventh, respectively, for rates of female homicides globally.**[36]

Women interviewed emphasized that increasing power of gangs and other criminal groups posed particular dangers for women. Nelly, a young Honduran woman, said: "The gangs treat women much worse than men. They want us to join as members, but then women are also threatened to be gang members' 'girlfriends,' and it's never just sex with the one; it's forced sex with all of them. Women are raped by them, tortured by them, abused by them."



In the NTCA countries, the presence of criminal armed groups is pervasive and difficult for the government to control. Recent estimates suggest that there are 20,000 gang members in El Salvador, 12,000 in Honduras, and 22,000 in Guatemala.[37] Central American "*mano dura*" ("iron fist") policies involved large-scale government efforts to crack down on gang violence, but recent data shows their effectiveness has been limited.[38] El Salvador, in particular, is facing the highest rates of murder since the end of the civil war in 1992.[39] Police and their family members are now specifically targeted.[40]

The women interviewed for this report emphasized that the presence of gangs and cartels had a deep imprint on their daily lives. Approximately 62 per cent of the women reported having directly witnessed violent crime in their communities. Roughly the same percentage (62 per cent) of the women had seen dead bodies in their neighborhoods. A number of women mentioned they came across dead bodies on at least a weekly basis. Women described increasingly barricading themselves and their children inside their homes, avoiding certain areas and not taking public transit, being unable to leave the home to commute to work or school to hide from gun fights, and keeping children inside after the children had witnessed acts of violence or death. One Guatemalan woman said, "In the local market, the people from the cartel put the dead body of a woman on public display to strike fear into everyone."

For a number of the women interviewed, residing in this type of environment led directly to the targeted threats or violence that precipitated their flight. Nearly every woman spoke of multiple traumas throughout her life. In some cases, the harm worsened or compounded over time until they reached a "breaking point" and realized they had to leave as soon as possible. In other cases, a particular event forced women to flee immediately, sometimes within a few hours following a threat or attack.

Brutal Domestic Violence

The increased activity of criminal armed groups and accompanying violence has occurred in societies already affected by high rates of violence

against women.[41] Domestic violence in the three Central American countries is commonplace and is rarely discussed openly.[42]

A common theme among women interviewed was that, due to their gender, they were both targets of violence and unable to find adequate protection. As Claudia, a Salvadoran woman who suffered domestic violence at the hands of her gang-affiliated husband, explained: "The whole reason I was in danger was because I was a woman. A man feels like he is entitled to physical and emotional power over you."

All three NTCA countries have made some effort to put in place laws to protect women from Sexual and Gender Based Violence.[43] Yet the legal frameworks offer only limited protection to women and have not been effectively implemented, according to US Department of State reports.[44] Under-reporting of instances of severe harm, as well as the widespread impunity for acts of violence, are pervasive examples of the lack of trust in government institutions and point to the basic structural challenges to rule of law, citizen security, and justice.[45]

Violence in Mexico

According to women who participated in this report, some of the problems women face in the NTCA are reflected in certain parts of Mexico. Women interviewed for this report came from areas under the influence of criminal armed groups, and often encountered problems securing protection from police or other state authorities. Notably, in 2014, Mexico surpassed China as the country with the highest number of nationals requesting asylum in the United States.[46]

Lana, a Mexican woman, described how, as a woman, she experienced life in her village of origin: "Everything affects you because there, a

woman is worthless. It is as though your life is not worth anything. They [cartel members] rape. There is no limit. There is no authority. There is no one to stop them."

In recent years, Mexican drug cartels have extended their reach towards Central America and have increasing built links with major criminal armed groups there, including MS-13 and M-18.[47] Cartels fighting over drug route control has been a significant source of violence, leading to more than 80,000 deaths in Mexico since 2006.[48] Police and judicial corruption, as well as a lack of structural and institutional capacity, leaves many citizens without legal recourse or protection against violence by cartels.[49] The US Department of State observes that significant problems with violence against women persist in Mexico, with forced disappearances and sexual violence particular issues in the border regions.[50]

Mexico has passed several laws intended to give women the right to equality and a life free of violence,[51] and all 32 Mexican States have created and passed their own laws to address violence against women.[52] However, reporting remains low: reports by the United Nations, nongovernmental organizations, and the US Department of State indicate various causes for low reporting of rates of violence against women, including authorities' ineffective approach to victims, and a perception that cases will not be prosecuted.[53]

Indeed, Mexican women interviewed for this report reflected a lack of trust in the authorities' response in certain parts of Mexico. One young woman said the police did "nothing" when her brother was kidnapped, therefore, she subsequently "didn't report when the police beat and raped me because I was afraid."

Direct Harm by Criminal Armed Groups

More than 60 per cent of women interviewed for this report described direct threats and attacks by various criminal armed groups as at least one of the primary reasons for their flight.

Some women described incidents in which criminal armed groups forcibly disappeared or murdered a loved one, whether a spouse, child, parent, sibling, or other relative or close friend. These cases generally involved threats or extortion. In other cases, women themselves received death threats from criminal armed groups after an attack on a family member, and fled to avoid harm to themselves or other remaining family members.

In many cases, the woman in question did not know why she received direct threats or why criminal armed groups had targeted family members for disappearance or death. Many of the women's partners or other family members had not shared what was occurring; thus, the disappearance or murder was the first, and tragic, indication. Yet many women concluded that they could not be safe in their home countries after experiencing the death or disappearance of a family member, a sentiment compounded by the unwillingness or inability of the police or other authorities to provide protection.

Indigenous women faced particularly high rates of violence, including sexual violence, from criminal armed groups: **of the 15 indigenous women interviewed for this report, 12 reported that they had been physically abused and 11 sexually abused**. One indigenous woman from

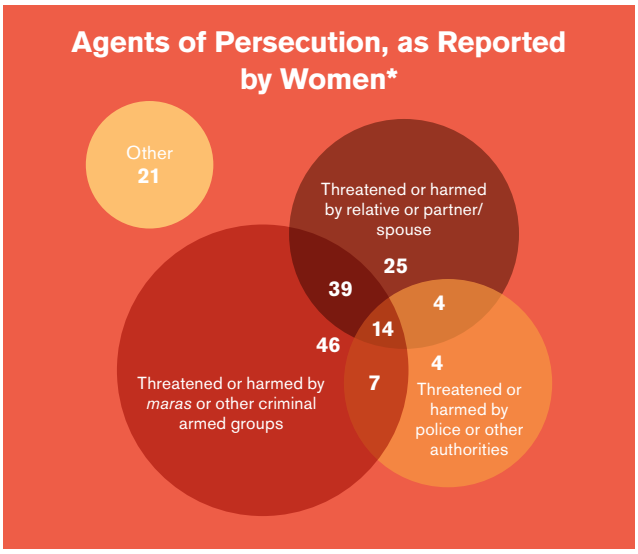
Honduras, for example, said: "The gang members were persecuting and threatening me…. They used to tell me that they were going to kill me and my children… they had already killed two of [my friend's] brothers, because he was a gang member…. They were upset with the father of my children and wanted money."

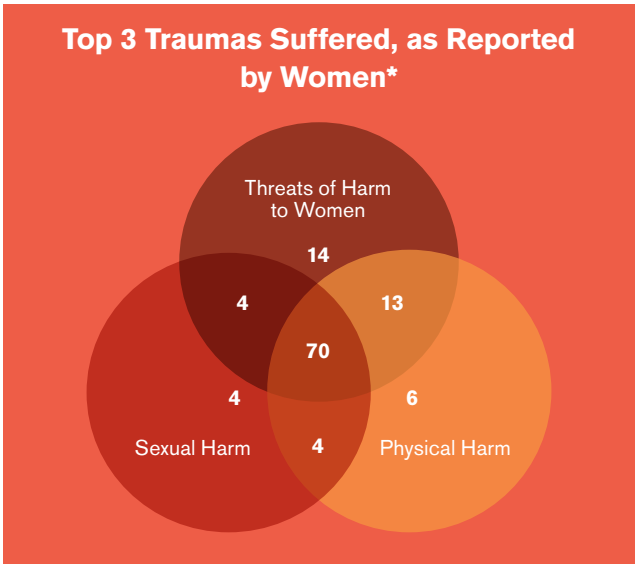
Threats or Attacks after Failure to Pay Extortion Fees

Many women living in areas with widespread presence of criminal armed groups fled in part because they were constantly subject to extortion, with escalating physical threats if they were unable to pay. Some women reported they were asked to pay a *cuota* for working, living, or transiting an area. Others reported being asked to pay ransom for the return of a kidnapped loved one. Sometimes after the payment of a hefty fee, the loved one was released to the care of the family, but more often than not, the kidnapped family member never returned home.

Velma, a woman from an area of Mexico with a heavy presence of criminal armed groups, was asked for ransom when her sister was kidnapped. Velma paid the first two installments, but missed the third. She reported that the cartel sent a letter threatening that she had 12 hours to leave town or she would be killed. Velma fled that day, as she was unable to pay. She has never heard from her sister again, and presumes she was killed.

In NTCA countries, many women were targeted for extortion if they or their family were viewed or perceived as (even moderately) successful. Gloria, a Honduran woman, made and sold small amounts of food from her house. "I had to stop selling tortillas





** The 160 women interviewed for this report*

and other foods from my home, because when B18 [a Honduran gang] arrived, they wanted me to pay a certain amount to them, and I could not."

In other cases, criminal armed groups in the NTCA learned that women had family or friends in the United States who were sending them money, and demanded that they pay high fees. If women missed payments, they received death threats or direct attacks by the criminal armed groups. Angelica, from Mexico, owed money to a cartel in her area. When she was late on a payment, members of the group "came and took photos of me and my kids, and said they were going to kill me. They even called my mother in New York and told her that I had to pay. So I decided to leave."

Children Recruited and Killed by Criminal Armed Groups

Some women from NTCA countries reported direct and devastating threats and attacks on their children, and five women reported that their children had been killed. Many more women from this region feared that criminal groups would forcibly recruit or otherwise abuse their children, and this contributed to flight.

Gloria, from Honduras, told UNHCR that members of a criminal armed group abducted her 13-year-old grandson, and "**when we finally found his body, it was at the morgue. They had cut his head off, tied his hands and feet, cut him all over.**" After her grandson's death, Gloria and her family fled to another part of the Honduran city where they lived. But they received continuing threats from the same people they believed abducted the boy, and eventually fled the country.

Nelly, a young woman from Honduras, stated that a criminal armed group murdered her nephew (who lived with her) because he refused to be recruited and was suspected of having allegiances to another armed group. "[B18] wanted [my nephew] to join them and said if he did not, that meant he was a member of the other gang, their rival. He refused to join. They increased their threats. After a year… they killed him." Nelly and her family found the body three days later at the morgue. "We reported the murder to the police, but they never do anything," Nelly said. "The same police are working at the gang's side.... They passed our report on to the gang, and the gang knew we'd reported them." Nelly and her family fled almost immediately. "We decided to move the next day…We knew the gang realized we'd made the report, so we decided to go, because we knew we'd be next."

Many women reported that they faced direct threats themselves after trying to protect their children from recruitment or abduction. "Gang members tried to recruit my 10-year-old son to sell drugs, and then threatened us when we did not comply," stated Sara from Guatemala.

Many women described worrying about children they had been forced to leave behind. One El Salvadoran woman, for instance, was only able to bring some of her children with her when she fled. "My daughters are still in El Salvador and I worry for their safety," she said. "I worry that they will be killed by the gangs. I took my son and grandson to the US so they wouldn't be recruited into the gangs, but I couldn't take my daughters as well. I am very worried for them."

Targeted for Suspected or Actual Involvement in Rival Criminal Groups

Women from the NTCA interviewed for this report explained that refusal to join an armed group in their countries might be taken as a sign of allegiance to a rival group. Other inadvertent activities, like being new to a neighborhood or accidentally crossing boundaries between armed groups, could also lead to suspicion of rival gang membership.

In some cases, including in Mexico, women whose family members were involved in criminal armed groups reported also being victims of gangs' threats. For instance, one woman, whose brother had been reportedly involved with a powerful Mexican cartel, explained that she suffered when her brother decided to collaborate with US law enforcement. The woman and her family noted suspicious people following and monitoring them constantly. They moved many times within the region to find safety, to no avail. One day they returned home to find death threats written on their doorstep, alluding to the brother's situation. The woman and her family fled to the United States immediately, seeking protection.

Threats to Police or Government Authorities and Their Family Members

Several women from NTCA countries said they either worked directly for the police or had a family member who worked with the police or other authorities. According to these women, police officers or government authorities who refused to collaborate with the gangs were threatened, attacked, or killed. Their family members often faced risks of persecution by association. Women explained that threats and attacks on police and other authorities made it very difficult to seek protection and contributed to a generalized feeling of impunity and insecurity.

Norma, the wife of a police officer in El Salvador, faced extortion from a criminal armed group, and then was attacked by four gang members when she refused to pay. "Three of the four raped me," she said. "They took their turns…. They tied me

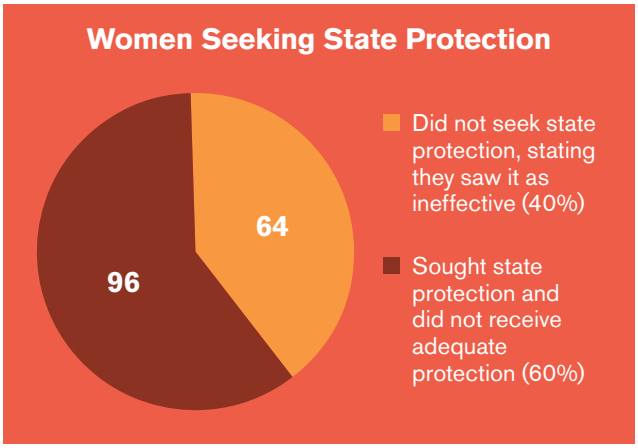
by the hands. They stuffed my mouth so I would not scream. They took off my clothing. They then threw me in the trash." She said it happened because her husband is a policeman, and she worried her children would also be harmed. "They'd kill me. Gangs don't forgive….I knew if they didn't harm me, they'd harm my children." Without any way to find protection, Norma fled to the United States. Even her husband, the policeman, felt powerless to act. "He feels so useless…he wants to protect me, to do whatever he can for me."

The mother of a police officer in El Salvador described how criminal armed groups threatened her son when he refused to support them. Instead of receiving the protection of his police colleagues, he was punished. "My son went a number of times, he asked his bosses to help him, as a police officer. They in fact lowered him to a lower grade." The armed groups started threatening her because of her son's behavior. She, too, sought police protection, but received no meaningful help.

Some women from Mexico also described threats to the police. For instance, Dania, a young Mexican woman, stated that her female neighbor, who worked for the police, was threatened and killed when she refused to work with local cartels. According to Dania, the armed group offered the neighbor 5,000 pesos (approximately US $300) to work with them, but she refused. Dania's mother offered to hide the neighbor, but "the [cartels] told her that if she didn't turn herself in, they would start to kill her family." Dania relayed that the armed group killed the neighbor. "I went to see her body," said Dania. "They had shot her."

Inadequate Protection in Home Countries

The women interviewed drew a stark picture of their societies where they saw the State as corrupt or inept, working in conjunction with illegal armed actors, or as the direct perpetrators of the harm the women suffered. While examples given by women fleeing the NTCA are particularly severe, women from Mexico also described problems seeking protection.



In the search for protection, 69 per cent of women interviewed moved within their own country, unable to find protection in their home areas.[54] Some moved multiple times, attempting to hide, but none found safety. In many cases, the perpetrators of abuse tracked them or threatened to harm family members if they did not return.

Sixty per cent of the women interviewed reported abuse, threats, or other harm to the police but received little help, if any. The rest of the women — 40 per cent — never attempted to file police complaints, having seen friends or family do so to no avail, or simply believing that, given the pervasive presence of criminal armed groups, the police would have no effect.

In fact, 10 per cent of the women interviewed stated that the police or other authorities were the direct source of their harm. Five of the 16 women reported to have suffered direct police abuse were transgender, a group particularly likely to be targeted because of their gender identity.

Police collusion with criminal armed groups was one of the most pervasive concerns for the women interviewed. Women described family members or friends in the police who were pressured by illegal groups to collaborate. When they refused to collaborate with the armed groups, these police officers were threatened or killed.

Women interviewed had lost trust in the ability of their governments to protect them from the

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threats they had experienced and the harm they feared. They simply felt they could not find safety at home. "We cannot go back to Honduras," said one woman in her late 30s. "They will kill us. With the gangs it is very difficult... **The gang members wear the same vests and use the same guns that the police do. How do they get hold of these guns and vests? From the police.**"

Women Who Reported Harm to Authorities, But Received Inadequate Protection

All of the women who said they reported persecution to the authorities in the NTCA and Mexico stated that they received no protection or inadequate protection.

Many women viewed the reporting of persecution as an entirely futile process. For instance, Nelly, the young woman from Honduras, reported various incidents around her nephew's murder to the police, to no avail. She first reported the criminal armed group's attempted recruitment of her nephew, and received no assistance. Her next complaint to the police was to report that the group had murdered her nephew. "They never do anything," she said about the authorities. "They're always contracted by the same gang members. They don't do anything for people who really need it. They're only on the side of the gang members."

Sometimes women were unable to report incidents and threats due to bureaucratic excuses. "I went to the public ministry to file a complaint about [my husband's abduction] and they told me that I needed to have a document to say I was the wife," reported one woman from Mexico. "They said they couldn't do anything [.]"

Some women, after trying to make official reports, described being threatened by authorities. Natalia, a woman from Michoacán State in Mexico, approached the police about her common-law husband's disappearance. After witnessing masked men break into her home, abduct her partner, then leave in a federal police vehicle, Natalia contacted authorities to find out whether her partner was being held in custody. He was not. She repeatedly sought information from various authorities. **A forensics official showed her a tortured body and told her that this "this is what they do to people who ask too many questions." When she continued to complain,**

authorities told her, "You will only get yourself into problems if you keep it up." Natalia started receiving direct threats from a powerful criminal cartel and fled to the United States. Her partner was never found.

Women Who Chose Not to Report to Authorities

40 per cent of the women interviewed chose not report harm to the authorities at all, having seen others fail to gain protection in similar circumstances.

Particularly in NTCA countries, some women felt that police were unable to help because the neighborhoods were so controlled by the criminal armed groups. Other women had received direct threats that they or family members would be killed if they went to the authorities. For instance, Sandra, from El Salvador, described direct threats she received after her son-in-law was murdered. "[A] narco and his father began threatening my daughter and me. They are narcos, but are affiliated with [a criminal group]. They thought that I had denounced them to the police after they killed my son-in-law, even though that was not true.…They threatened us multiple times. They would drive by slowly, armed with guns. They also killed a cat and a dog and left them dismembered in front of our house."

Many women spoke of the collusion of the police with the armed criminal actors. **"The police and the *maras* work together," said Alexa from El Salvador. "It's useless to go to the police. They let everyone go after 48 hours. If you call the police, you just get into more problems."**

Severe and Prolonged Domestic Violence

Women interviewed for this report described prolonged instances of physical, sexual, and psychological domestic violence, for which authorities provided no meaningful help. Unable to secure state protection, many women cited domestic violence as a reason for flight, fearing severe harm or death if they stayed.

Many of the women's abusive partners were members or associates of criminal armed groups. These women stated that because these groups were often the highest powers in their neighborhoods, they did not believe the government could protect them. "My husband was connected with the *maras*. When he abused me, I knew there was nowhere I could go," said Claudia from El Salvador. "There is no way to escape them."

A Guatemalan woman, whose partner was abusive, emphasized intrinsic links between the domestic violence she experienced and the violence in her neighborhood: **"Twice, I saw the gang kill two young men who approached the block. My ex required me to watch…it was a way of making me more afraid, weaker. How they screamed and begged for their life, I can't forget it."**

Physical and Sexual Violence in the Home

The most common form of domestic abuse reported by the women interviewed was at the hands of their husbands or domestic partners. Notably, a significant number of the women who described surviving domestic violence were not officially married to their abusive partners, but nonetheless suffered severe harm and were unable to leave that partner and find protection elsewhere in their country.

The forms of abuse described were varied and often life-threatening. Women described repeated rapes and sexual assaults. In addition, the women detailed instances of violent physical abuse, including: beatings with hands, a baseball bat, and other weapons; kicking; threats to do bodily harm with knives; and repeatedly being thrown against walls and the ground. The abuse occurred both inside the home and in public. Many women described being in constant fear. One woman described her partner's calculated decisions about how to beat her: "He was smart. He did not hit me in a way that left bruises, so there was not evidence for others to see."

A rape survivor from Guatemala described constant and debilitating abuse. "My husband

abused me verbally and physically on a regular basis. He kept me locked in the house. I wore my hair pulled back, and sometimes he would grab my hair, shove my face near the fire, and ask 'Are you fine here?' Or he would hold a knife to my neck and ask the same thing. I had to respond 'yes.' To me, this is not a life."

Another woman from El Salvador endured escalating levels of physical and sexual violence for years. **"He'd demand that I have sex with him, and sometimes I did not want to. And he'd then take me by force.** He said I was his," she explained. "He'd throw the table, the utensils.... Sometimes he put the iron to me, hit me with a belt, cut me. I have scars. But I always took it. He'll hit the wall with his fists until his fists bleed. He has so much anger and so much hurt. This scares me. I really think he'll kill me now. He's so violent."

The physical and sexual abuse was often accompanied by psychological abuse, including isolation, stalking, and threats to harm family members. Nearly every woman who survived domestic abuse recalled being called a "slut," "whore," or "prostitute" by her partner. Mariela, a Mexican woman, said she was "beaten like a man" by her husband for several years. She tried to flee, but he tracked her to several different cities before she ultimately fled to the United States.

One Honduran woman fled after years of abuse escalated to the point of her husband nearly killing her. He severely beat her many times, often in front of her young children. Yet one incident stood out in her mind. On this evening, the woman's husband came home drunk and she did not want to be near him, so she slept on the sofa. "In the middle of the night, I felt like water was falling on me. I woke up and he was urinating on my face and body."

Lack of State Protection

Survivors of domestic violence stated that authorities in NTCA countries were unable or unwilling to help them. One El Salvadoran woman recalled that she was "standing in front of the police, bleeding, and the police said, 'Well, he's your husband.'" Another El Salvadoran woman stated: "One time the police came to our home, but they said that because this was a case of domestic violence, we could resolve it between ourselves. I do not have confidence in the police."

In the rare cases where police arrested the perpetrators of abuse, the perpetrators were generally released within a few days. "I reported my husband to the police once," explained a woman from Honduras. "They detained him, but only for 24 hours, and then he was released and was even more angry." Another Honduran woman, whose mother had been abused by the woman's father and later her stepfather, sometimes made official complaints on her mother's behalf. But it was useless, she says. "They put them in jail for 24 hours and then they are out."

Most of the women interviewed reported that they had suffered intimate partner violence for a prolonged period, often years. They either experienced one specific instance that caused them to flee on the spot, or someone offered to help them and they took advantage and left as soon as they could. For instance, Carolina, from Honduras, reported that her husband forced her and her children into the car and threatened to drive them over a cliff. "He said he loved me and would rather kill all of us than me leave him," she said. The car had a mechanical problem, and her husband was not able to carry out the threat. Rather than go to the authorities, Carolina contacted her brother and arranged to flee the country immediately. She was forced to leave her children behind and continues to worry about them.

Threats to Harm Family

Many women reported that, if they tried to leave, their abuser threatened to harm their families, including their parents, siblings, and children. Mothers stated that it was common that their abusive domestic partners would use children as pawns in the relationship. Some of the partners would threaten to take full custody in court, some physically took the children, and others simply threatened to have the children killed.

A Guatemalan woman in her early 20s had become a target of her well-connected abusive boyfriend. "I came [to the United States] because my parents were receiving death threats. My boyfriend was really, really abusive and he had friends in high places. My parents were really worried because he threatened everyone. I moved several times to get away from him, but it never worked." She fled to save her life and those of her family.

Women who fled alone and left children in their home countries expressed deep worries about their children and other family members left behind. Some women described situations in which their children still lived with the woman's abuser. Others described situations in which the children were hidden with a family member, but the woman feared that the abusive partner or father would be able to find them. In some cases, that fear came true, and the women knew their children were now with the abusive party.

Many women reported that they had spoken with family members at home who told them that their partners – or their armed criminal associates – continue to look for the women. When the abused women's situations cause threats to their family members, whether parents, siblings, children, or others, they often feel even more isolated and unprotected. In some cases, the family members are supportive. In others, they are not. A number of women whose mothers had suffered domestic violence talked about being under pressure to stay in abusive relationships with their domestic partners.

Targeted Violence Faced by Transgender Women

For this report, UNHCR interviewed 15 transgender women from El Salvador, Honduras, and Mexico. They experienced many of the issues faced by all the women interviewed. In addition, the transgender women UNHCR interviewed faced numerous additional concerns that added to their persecution. They reported routine discrimination, harassment, beatings, and attacks on them or their friends, as well as forced sex work. Transgender women repeatedly emphasized that the police provided no protection and in some instances perpetrated further harm.

Acute Discrimination and Harassment

Many of the transgender women interviewed talked of being confronted by constant discrimination, harassment, and the threat of violence on a daily basis. Simply leaving the house was often a cause for discrimination and potential physical violence. "People on the street would verbally and physically assault me often," said a transgender woman from El Salvador. Elisabeth, from Mexico, echoed the risk of being outside: "In Mexico, if anyone sees you [wearing women's clothing], they make fun of you or throw things at you, or people might hit you."

A number of the transgender women interviewed had been kicked out of the house or shunned by family for years after coming out as gay or transgender. (Several of the women spoke of coming out as gay when they were young, and only later also realizing their gender identity as transgender.) Maria, from El Salvador, said, "I had to leave my home because my parents kicked me out of the house when I was 11 and had come out as gay. I could not afford to pay for school on my own, so I had to stop studying."

Most of the transgender women left school early because they were kicked out of their homes by their parents, or were threatened or attacked in school. Sara, a transgender woman from Mexico, had to leave school around age 9 or 10 "because [my classmates] hit me with rocks." She says the abuse occurred because she "was very feminine."

The transgender women interviewed described how the pervasive cultural stigma and discrimination impacted their ability to find safe access to the legal employment market. One woman from Honduras explains: **"I had to quit every job I ever had because of the risks encountered. I found work after my friend was murdered at a restaurant, but they fired me after three people came to look for me and kill me.** The owner said it was too dangerous for him, his workers and the clients to have me there as a result. He was correct, but it didn't help me."

Sonia shared that she found legal employment working with her community doing outreach and education to youth and had previously worked as a sex worker. "I did not want to be a prostitute, but there are not many options for transgender people in El Salvador. I was forced to do it." One Mexican woman echoed this. "The majority of [transgender] people are forced to prostitute."

Their discriminatory lack of access to safe work escalated their risk of serious harm.

"A transgender person is constantly threatened and anyone could do harm to you for your appearance alone. **Being transgender, very simply, is impossible.**"

Sexual and Physical Violence

Transgender women described numerous examples of having seen friends attacked, raped, and killed. The trauma of these experiences contributed to acute fear in the women that they, too, would be subject to similar incidents.

Sara from Mexico described what happened to a transgender friend, Jacqueline: "[Cartels in Tijuana] kidnapped her and brought her to a garage and cut off two of her toes, and raped her many times. They told her that they would kill someone from her family if she reported them." Unable to identify whether it was gangs or cartels in Mexico, Betty witnessed a different group "kill a friend who was a trans woman. **They stabbed her like 12 times. They put her in a barrel and they put gas [on it] and they lit it on fire."**

One commonality amongst the transgender women interviewed by UNHCR for this report, regardless of background or country of origin, was that each had been repeatedly abused and assaulted, often both sexually and physically. Many of the women survived sexual abuse and rape by numerous people throughout their lives – including family members, clients or employers, romantic partners, and the authorities.

One transgender woman's testimony underscored the severity of the multiple harms she survived in Mexico with the following, "I lived on the street and didn't have anyone. When I was seven years old, a cousin raped me for five years. My mom blamed me [and] started beating me to punish me. Before leaving, five of my friends were more or less buried alive. I lived with them. That's also why the police pursued me. They burned some of us alive, because they said we had AIDS. They said if our bodies remained, our virus would run throughout the town. They said we had to be killed so we wouldn't infect others."

The transgender women who participated in sex work reported being extorted and sexually or physically assaulted by clients, their employers, and the authorities. One transgender woman from El Salvador said: "I was constantly beaten and raped when doing sex work – by clients [and the] police, who also forced me to pay a *cuota* of $15-20 a week, or more. I did eventually go and put in a claim with the national police office because I thought I should. I was very scared. But I knew I had to leave."

Another transgender woman from El Salvador described a similar situation that caused her to flee: "I made a criminal complaint against the police officials who raped and beat me, and I am afraid they will kill me…They kill trans women often. I had many friends who were murdered."

Laura, a transgender woman in her 30s from Mexico who had moved within the country several times already, went to Tijuana to find safety. "[T]hey are near the US and maybe I could be safer there. I was wrong." She continued: "In Tijuana, the police raped and beat me. [Then] the police told me if they saw me again in the city they would kill me…They were afraid that I would say something."

> "I saw the [drug cartel] kill someone on the street as I was leaving school. They saw me running away. The threats started this day. They told me if I said anything or moved, they'd kill me. They'd look for me, find me and kill me. The[y] had raped me twice, kidnapped me four times, beat my partner, and mistreated me in so many other ways. They'd said they'd kill me. They also said if I didn't leave, they'd find my family and kill them, too. So, I decided to go."
>
> ANYA FROM HONDURAS

Lack of State Protection

Transgender women interviewed described the impossibility of finding safety at home, being unable to get protection from authorities, and being unable to relocate within their country. A number of transgender women noted that the same types of problems – discrimination, harassment, and serious physical and sexual violence – existed wherever they tried to flee inside their countries and they could not find any protection or refuge at home.

"Leaving my work one day, a group of people attacked me because I was a homosexual. They beat me, and I had to go to the hospital. I didn't know who they were, but they hate transgender people. I was in the hospital for eight days." Later, Alma from Honduras stood up to a group who was harassing her on the street and told them they lacked respect for her. Again, she was beaten. "I was screaming and asking people to help me, but no one would help me. No one would even call the police." A different time, a "group of three men grabbed me, beat me, raped me, and I escaped from them after three hours. I went to San Pedro Sula to make the report. I was so beat up, and they wouldn't take my report. They didn't want to listen to me at all. Thus, I went to Tegucigalpa. I lived alone, and my ex-boyfriend who was living in the US paid for me to have a bodyguard." When we asked her why she left Honduras, she explained, "I was not safe. I've tried to be in different cities [in Honduras], and it's always the same. I've made 30 reports, and the police have never done anything."

Transgender women told UNHCR they had no way of reporting abuse or finding protection. Sara said, "I saw many times that the police would beat my trans friends...in the center and downtown Tijuana. I never reported it because if I report it and they find out, the one who suffers would be me. It's amazing that many of us survive," she said. "There are murders of transgenders [sic] and we cannot complain."

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WOMEN AS REFUGEES UNDER INTERNATIONAL LAW

This section addresses categories in refugee law that apply to some women fleeing the NTCA to the United States.

The 1951 Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees[55] (the Refugee Convention or Convention, and the Protocol) define a refugee as a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."[56] Both the Convention and the Protocol prohibit the return of persons who meet the criteria of "refugee" to their country of origin.

The United States became a party to the Protocol[57] in 1968,[58] and incorporated the substantive provisions into domestic US law in 1980.[59]

Since then, US courts have expressly relied on UNHCR interpretations and especially the *Handbook on Procedures and Criteria for Determining Refugee Status* (Handbook)[60] in assessing refugee claims,[61] and have recognized that UNHCR's "analysis provides significant guidance for issues of refugee law."[62]

UNHCR has given authoritative commentary on determining refugee status with specific consideration of gender.[63] UNHCR's long-standing interpretation of refugee law recognizes that gender violence (including intimate partner violence); family association; political opinion; lesbian, gay, bisexual, transgender and intersex (LGBTI) status; and racial or indigenous status, among others,[64] meet the criteria for protection.

Women who are subject to gender-based violence in a specific country may qualify for both refugee protection and "complementary protection" under US law. This includes Temporary Protected Status, where the Attorney General declares such a country to be unsafe for reasons typically related to violence or natural disaster.[65]

International Protection of Refugees in US Law

The **"well-founded"** element of the refugee definition requires the applicant to show a "reasonable fear under the circumstances," but does not, according to UNHCR, impose the higher probability standard of "more likely than not."[66] The United States adopted UNHCR's interpretation, so that a "well-founded fear" is defined as a "reasonable possibility," a significantly lower standard than that of a "probability."[67] Other States Parties to the Refugee Convention similarly reject the "probability" standard.[68] So interpreted, the well-founded fear standard reflects the international community's recognition of refugees' trauma and difficulty in telling their stories and in presenting documentary proof in support of their claims. In addition to the well-founded fear, US law adds "past persecution" to the refugee definition's standard of proof, so that proof of past persecution is a distinct basis for eligibility;[69] it usually creates a presumption of a well-founded fear, though under some circumstances, past persecution alone can result in a grant of refugee protection.[70]

Demonstrating **persecution** entails showing serious harm (for instance, a serious human rights violation) *and* a State's refusal or inability to offer effective protection.[71] UNHCR recognizes that forms of harm that are gender specific, most prominently sexual violence, constitute such serious harm.[72] Rape, for example, is a form of serious harm within the meaning of persecution, due not only to the physical harm, but also because of the severe and long-lasting psychological harm that it causes.[73]

To meet the Refugee Convention's refugee definition, persecution must be **"for reasons of"** a protected ground (such as race, religion, or political opinion), a causal link between the well-founded fear of persecution and one or more Convention grounds (referred to as the "nexus" requirement in US law). A Convention ground need not be the exclusive reason for the persecution, and a "reason" may reference more than one Convention ground. The United States accepts UNHCR's position that the Convention ground need only be a "relevant contributing factor, though it need not be shown to be the sole, or dominant, cause" of the persecution.[74] Under US law, a protected ground must be "at least one central reason"[75] for the persecution suffered or anticipated, but need not be the exclusive or dominant reason. Reasons for persecution may be mixed; a protected ground need not be the exclusive reason or cause.[76]

The **Convention grounds** include race, religion, nationality, membership in a particular social group, and political opinion.

The **political opinion** ground includes not only beliefs associated with formal political parties, but also protected political beliefs and opinions that may include any assertions or expressions related to basic human rights. Political opinions may be

PARTICULAR SOCIAL GROUP

UNHCR defines a **"particular social group"** as a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society.[80] The characteristic will often be one that is innate, unchangeable, or is otherwise fundamental to the identity, conscience, or the exercise of one's human rights.

In the US context, "particular social group" was first defined in terms of an immutable characteristic. As discussed below in more detail, certain particular social groups, such as family and LGBTI status, have been seen as a protected ground in the United States for some decades. In later years, US law has increasingly accepted cases involving domestic violence under this rubric.

express or imputed,[77] and include views regarding the treatment and rights of women.[78]

The **race and nationality** grounds refer to physical or innate actual or perceived characteristics. Indigenous people are included in these grounds, which is especially relevant to claims (including women's claims) from Guatemala and neighboring countries.

Protection from **religious** persecution and the right to hold religious beliefs and practice one's religion are fundamental, with long-standing recognition under international human rights law. UNHCR has described and interpreted this ground in *Guidelines on International Protection: Religion-Based Refugee Claims*.[79]

International Protection and Women

All of the Convention grounds in the refugee definition apply, of course, to women as well as men. In recent decades, the persecution alleged by many women seeking asylum in the United States has been for reasons relating to membership in a "particular social group." In addition, women like those profiled in this report may find the Convention grounds of race, religion, nationality, and political opinion relevant to their claims.

Domestic Violence as the Basis for International Protection

Domestic violence against women may be one of the most prevalent forms of violence against women[90] and has been one of the most common contexts for claims to refugee protection based on a gender-defined "particular social group."

Domestic violence is generally defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.[91]

WOMEN AND PARTICULAR SOCIAL GROUP

Certain women seeking asylum in the United States may be able to build a case for refugee status using the "particular social group" ground. UNHCR interprets particular social group in the context of gender as defined by gender alone or by gender in combination with other characteristics.[81] Indeed, UNHCR's *Guidelines on Gender-Related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees (Gender Guidelines)* state "[W]omen [are] a clear example of a social subset defined by innate and immutable characteristics…and who are frequently treated differently than men."[82]

United States jurisprudence, for the most part, also supports defining "particular social group" to encompass gender. Several federal courts have held that gender itself can define "particular social group,"[83] and US administrative authorities (whose guidance notes play a normative role in the development of US refugee law[84]) instruct that "women hold a significantly different position in many societies than men....Women may suffer harm solely because of their gender."[85] One court found that as a result of pervasive, targeted violence, "Guatemalan women" generally constituted a particular social group.[86]

Several decades ago, the United States played a leadership role in establishing a principled framework for defining "particular social group," including recognition of women as a protected class.[87] Early jurisprudence defined a particular social group in terms of "immutable characteristics."[88] However, since around 2006, various streams of analysis have led to a debate over whether additional requirements to define "particular social group" should be used.[89]

UNHCR takes the position that women who suffer serious harm in domestic relationships can qualify for refugee protection.[92] The *US Gender Guidelines*[93] specify that domestic violence can be the basis of a claim to refugee protection where there is State unwillingness or inability to protect.[94]

Much of the US jurisprudence on this issue involves Central American women. In 2014, in a case involving Guatemalan victims of domestic violence, the federal Board of Immigration Appeals clarified previous rulings and explicitly held that domestic violence could be the basis for refugee protection.[95] The Board went on to reaffirm this position in two very recent decisions, underscoring in these decisions that the person claiming refugee status need not have been married to the abuser in order to qualify.[96]

Protecting Families and Children

Family relationships are central to many of the stories presented by women profiled in this report. Women may be daughters, mothers, or sisters of persons targeted for persecution. Women may seek to protect their children from harm or forced recruitment. And women themselves may be targeted as a result of their associations. Political opinions may be imputed to them because of a family relationship.[97]

UNHCR considers family as a "classic example" of a particular social group,[98] stating that "[m]embers of a family, whether through blood ties or through marriage and attendant kinship ties, meet the requirements of the definition by sharing a common characteristic which is innate and unchangeable, as well as fundamental and protected."[99] Similarly, US administrative authorities[100] and US courts have often described family as a "prototypical example" of a particular social group that is a basis for refugee protection.[101] When family members are persecuted as a result of their relationship to a particular individual, that individual need not also be targeted on account of another Convention ground.[102]

Particular Concerns for LGBTI People Seeking Refugee Status

Being forced to conceal one's sexual orientation or gender identity may lead to a well-founded fear of persecution.[103] UNHCR's *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention*

and/or its 1967 Protocol relating to the Status of Refugees (Sexual Orientation and Gender Identity Guidelines), issued in 2012, state "a person cannot be denied refugee status based on a requirement that they change or conceal their identity, opinions or characteristics in order to avoid persecution,"[104] and note the severe mental and other consequences on such individuals who are forced to conceal their identities.[105]

One of the first "particular social group" claims recognized in the United States (in 1990) was based on homosexual status.[106] That recognition has been extended by courts[107] and administrative authorities[108] to LGBTI cases generally. LGBTI claims for refugee protection may also implicate other grounds. For example, persecution because of an applicant's advocacy for equal rights for LGBTI individuals or an applicant's protest against discriminatory treatment and violence can constitute persecution on account of political opinion. Persons can be targeted as LGBTI even if they do not self-identify; LGBTI status can be imputed.[109]

Paramilitary, rebel groups, and so-called "gangs" in particular may target LGBTI individuals.[110] Where non-State entities inflict harm on an LGBTI person (either in collaboration with the State or police, or where State protection is unavailable), the person qualifies for refugee protection.[111] Families and communities may threaten serious harm on LGBTI individuals,[112] and this can constitute persecution where (as is often the case) there is no meaningful State protection.[113] Non-State actors, including family members, neighbors, or the broader community, may be either directly or indirectly involved in persecutory acts against LGBTI individuals, including intimidation, harassment, domestic violence, or other forms of physical, psychological, or sexual violence.

Transgender persons may be at heightened risk. UNHCR's *Sexual Orientation and Gender Identity Guidelines* note "[t]ransgender individuals are often highly marginalized and their claims may reveal experiences of severe physical, psychological and/or sexual violence."[114] The United States has long recognized transgender cases under the particular social group rubric.[115]

Gender identity is distinct from sexual orientation, which encompasses "the emotional and sexual attraction an individual feels towards others."[116] Transgender individuals may be of any sexual orientation. The proper analysis of immutability with transgender individuals is not based on the immutability of gender (transgender persons generally believe it is mutable), but based on gender *identity* as a characteristic that is immutable and fundamental to identity.

Political Opinion and Violence against Women

Both UNHCR[117] and the United States[118] have asserted that the term "political opinion," a Convention ground, includes opinions on gender roles. This includes non-conformist behavior (such as women refusing to submit to violence) that leads a persecutor to impute a political opinion to that person. It is not necessarily relevant whether the individual claiming protection has articulated the opinion concerned.[119] Sexual violence in retaliation for actual and imputed political opinion has been recognized as a form of persecution.[120]

Most recently, administrative authorities in the United States have instructed adjudicators that "opposition to institutionalized discrimination of women, expressions of independence from male social and cultural dominance in society, and refusal to comply with traditional expectations of behavior associated with gender…may all be expressions of political opinion. Feminism is a political opinion and may be expressed by refusing to comply with societal norms that subject women to severely restrictive conditions."[121]

Individuals — including women — who fear, or who have suffered, the kinds of violence perpetrated by criminal armed groups in Central America may be eligible for refugee protection based on their political opinion, including a political opinion imputed to them.[122] As detailed above, women may be threatened, attacked for refusal to comply with threats, forced into sexual relationships with gang members, and forcibly recruited. Criminal armed groups may view those who oppose them, either expressly or implicitly, as having oppositional political opinions. Political opinion (both expressed and implied) may manifest in various expressions of anti-gang beliefs and values: refusing forced affiliation[123] or taxes-via-extortion; testifying or informing against the gangs; participating in community-based gang prevention and intervention activities; maintaining neutrality (especially in "hazardous" conditions);[124] or associating with persons or social or religious groups that promote anti-gang values.

Women in such situations may have a claim for refugee status, regardless of whether their political opinion is grounded in explicit and expressed oppositional views or whether those views are real or imputed.[125] This well-established imputed political opinion doctrine focuses on the persecutor's perception of the applicant's beliefs, not the applicant's own beliefs. Evidence of imputation of a political opinion can be direct or circumstantial.[126] Most importantly, persecutory agents, including non-State actors, may have multiple reasons for targeting a person — including financial gain or a need for new members — in addition to an imputed political opinion. "Mixed motives" such as these can be sufficient to meet the test for refugee status.[127]

Religion, Race, and Refugee Status

Women like those interviewed for this report may be protected under the grounds of "race" and "religion" in the refugee definition.

Protection from religious persecution has long-standing recognition under international human rights law.[128] Religion is inexorably linked to other grounds so that it is often difficult to separate religious persecution from grounds of political opinion, race, nationality, or membership in a particular social group.[129] The criminal armed groups described in this report may threaten basic religious rights, for instance, where people are morally opposed to violence and resist joining gangs.

Religious beliefs and identity are central to indigenous communities, many members of which have a deep sense of loyalty and identification with their communities, as well as opposition to violence. This

may especially be the case with women, who, as noted, are often targeted because of their gender and indigenous identities. Women who assert their rights to independence, to be free from violence — all of which are gender-specific rights and political beliefs — may also be asserting opinions grounded in religion.

Indigenous people are also protected by the "race" grounds in the refugee definition. Race, defined in the principal international instrument as "race, colour, descent, or national or ethnic origin,"[130] is a physical characteristic or perceived innate characteristic beyond the control or choice of the individual. Indigenous women are an especially vulnerable group; many indigenous Guatemalans are persecuted, or fear persecution, based on current conditions of severe discrimination and violence.[131]

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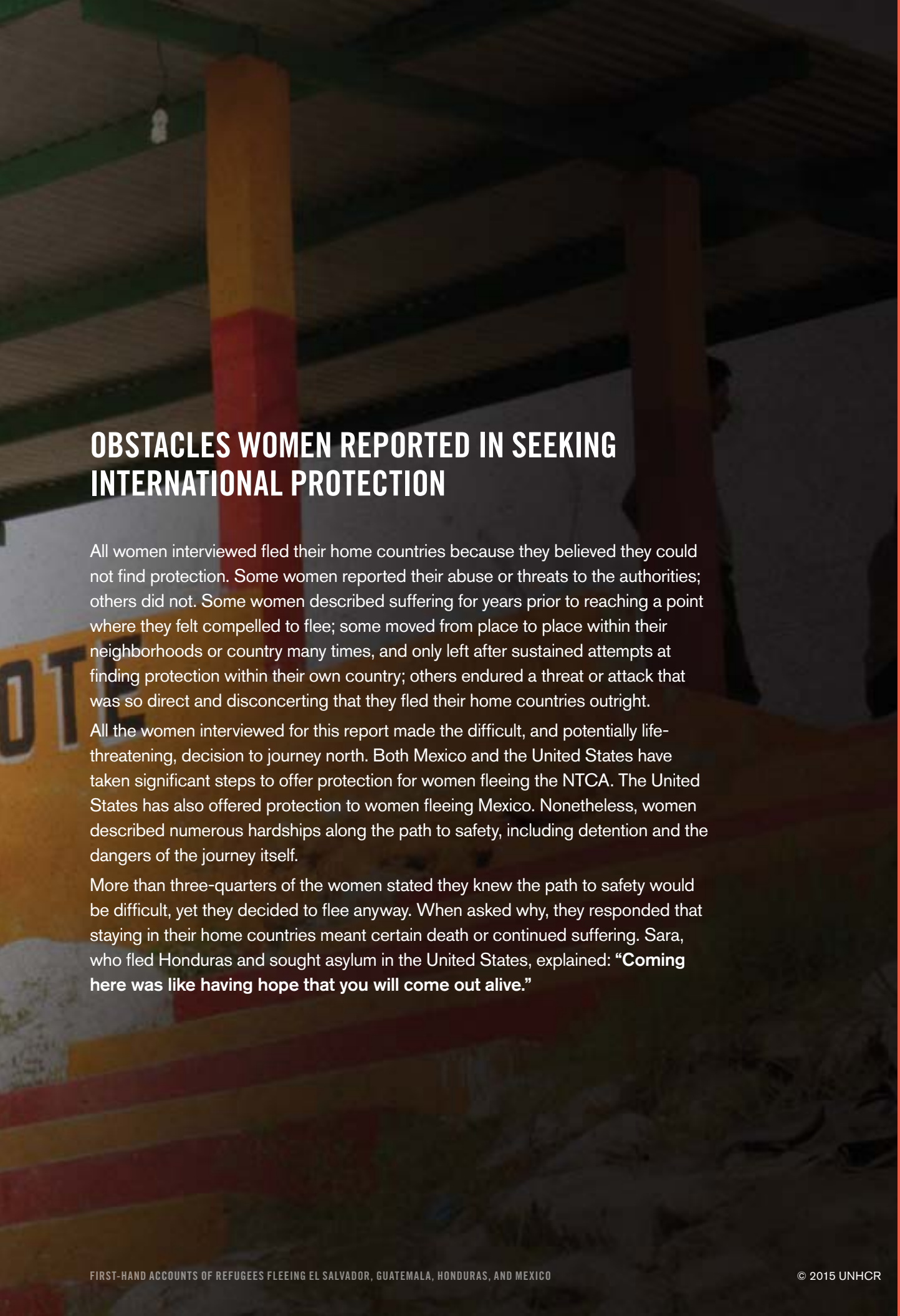
BIENVENIDOS A PASO DEL COY



OBSTACLES WOMEN REPORTED IN SEEKING INTERNATIONAL PROTECTION

All women interviewed fled their home countries because they believed they could not find protection. Some women reported their abuse or threats to the authorities; others did not. Some women described suffering for years prior to reaching a point where they felt compelled to flee; some moved from place to place within their neighborhoods or country many times, and only left after sustained attempts at finding protection within their own country; others endured a threat or attack that was so direct and disconcerting that they fled their home countries outright.

All the women interviewed for this report made the difficult, and potentially life-threatening, decision to journey north. Both Mexico and the United States have taken significant steps to offer protection for women fleeing the NTCA. The United States has also offered protection to women fleeing Mexico. Nonetheless, women described numerous hardships along the path to safety, including detention and the dangers of the journey itself.

More than three-quarters of the women stated they knew the path to safety would be difficult, yet they decided to flee anyway. When asked why, they responded that staying in their home countries meant certain death or continued suffering. Sara, who fled Honduras and sought asylum in the United States, explained: **"Coming here was like having hope that you will come out alive."**

The Journey North

People have fled NTCA countries for Mexico, the United States, and other countries in the region. All of the women interviewed for this report — who fled to the United States, transiting through Mexico — indicated different degrees of difficulty in finding safety. The most problematic aspect of flight and accessing asylum, as identified by the women themselves, was detention (in both the United States and Mexico).

Mexico faces complex challenges as a country of origin for some women seeking protection in the United States, a country of asylum for women fleeing the NTCA, and a country of transit for those women fleeing the NTCA who continue to the United States. This complexity is reflected by the experiences of women who participated in this report: women asserted that navigating the dangerous journey through Mexico was a significant challenge to finding protection.

Many women from the NTCA described having to pay high fees and being victims of extortion throughout their flight, particularly while transiting through Mexico. Ana, a woman in her 40s from El Salvador, described her journey: "My coyote [smuggler] charged me US $6,500. From El Salvador to Guatemala, we traveled by bus…In Mexico, we traveled by bus. I had to pay extortion four times. They ask for thousands of pesos, but take what you have…It was the authorities and the cartels."

One woman described her lack of trust in the authorities of countries in the region. "In Guatemala, the police got all of us off the bus and robbed one of the migrants. The rest of us paid them voluntarily. Then, five police got a beautiful girl off the bus. We were pretty sure that they took her off to rape her. In Mexico, every time we got on the bus, the police came on and asked for a certain amount. You had to pay them."

Given their fears, many women who spoke to UNHCR said they took precautions to avoid harm. Some women from the NTCA obtained fake Mexican identification cards so they could try to avoid detection, deportation, and extortion. A few women

MOTHERS SEPARATED FROM THEIR CHILDREN

Over 60 per cent of the mothers interviewed for this report were forced to leave behind one or more of their children when they fled their home countries. The separation from their children was one of the most difficult parts of their flight. "For me, the worst part is not knowing what's happening to my children," said a woman from Mexico.

Carolina, from Honduras, was forced to leave her children behind with her abusive husband when she fled for her life. Since fleeing, Carolina has spoken with her 13-year-old daughter on the phone. Her daughter told her that "she [my daughter] was paying for what happened with me," and Carolina's husband was abusing the girl.

One woman, Arelia from Mexico, left her youngest child, a three-year-old, at home because she feared he would not survive the journey. A few months after arriving in the United States with her older children and applying for asylum, she learned her youngest son had kidney failure. She felt she had no choice but to return to Mexico to be with her dying son, even though a criminal armed group had targeted her family. After her son's death, Arelia immediately returned to the United States to continue her asylum case. At the time of her interview with UNHCR, she was detained without possibility of bond, separated from her two children who were held in foster care in the United States.

Once detained in the United States, women describe detention as a significant barrier to their ability to maintain communication and be safely reunited with their sons and daughters. "I am very sad here. We cannot see our families. I only talk once a week with my kids. We get depressed being here," said one woman.

had family members — usually male — accompanying them during their flight. Many women used coyotes, with their families paying significant sums of money in an attempt to ensure their safety. Many religious women stated that they prayed and used their faith in God to keep them safe.

A number of women mentioned that they sought out birth control injections or pills before fleeing "so that if you are raped, you will not end up pregnant. And you will only have the trauma of the event, but not a baby in the future from the rape."

Attacks during Transit

Despite precautions, a number of women described horrific incidents of sexual and physical violence in transit. For instance, a transgender woman from El Salvador described how Mexican immigration officials stopped her and a transgender friend in southern Mexico, and physically and sexually assaulted them. Other women were abducted and extorted by criminal armed actors.

One woman from Guatemala who was traveling with her daughter said that the coyote raped her every day of her 20-day trip. She said the coyote offered a reduced smuggling fee if she had sex with him, but she accepted only because she was afraid that he would kill her or rape her daughter if she protested.

A significant number of women reported being held captive by smugglers in Mexico, usually near the US border. The women had to provide contact information for family members; coyotes then told family members to pay ransom to get the women released. If family members did not pay, coyotes threatened to harm the women they held. Some women went into significant debt to family members who paid, leaving them without resources to pay bond or hire lawyers once they reached the United States and were detained there. Many were released physically unharmed during captivity; others, whose families could not pay, were not.

Coyotes abandoned some women in life-threatening conditions on the US side of the border. Tania, a Guatemalan woman in her early 20s, traveled with a coyote to Sasabe, Arizona. "[The first coyote] handed me off to other coyotes, but those other coyotes just left me in the desert," she said. "My friend and I were there for five days in the desert. We had a little bit of water, but that ran out pretty fast. We drank water from cattle troughs."

Obstacles to Accessing Asylum in Mexico

All of the women interviewed for this report had transited through Mexico before entering the US asylum system. All women interviewed for this report were either recognized as refugees or have been screened by the US Government and determined to have a credible or reasonable fear of persecution or torture.[132]

MARIA'S STORY

Maria, a transgender woman from El Salvador, fled her home country twice. The first time, she and a transgender friend were detained for several months by the Mexican authorities. "We were detained with men and were sexually and physically abused there," she said. "My friend could not stand being detained, and she decided to be returned to El Salvador. Then she was killed when she went back."

Maria pursued her asylum case while detained in Mexico. "But I lost after four months. They had me interviewed by a man when I asked to be interviewed by a woman. They denied my case for 'lack of proof.'"

Persecuted and abused again by Salvadoran police after being returned to El Salvador, Maria fled again, with a different transgender friend. The second time she reached Mexico, immigration police arrested her again. "I was punched in the face and bleeding," she said. "They stole all our belongings." Maria was able to run away and stayed in a shelter in Mexico for a few months, but, living in constant fear there, she traveled to the United States to apply for asylum.

As a country of origin, transit, and asylum, Mexico presents a multifaceted environment for women seeking safety. Although this report does not discuss in detail the experiences of women seeking asylum in Mexico, it is clear that many of the women interviewed would appear to qualify for protection under the country's exemplary asylum legislation, which incorporates an expanded refugee definition that could be used to ensure the international protection of women fleeing criminal violence in Central America.[133]

The complexity of the situation in Mexico is reflected in the women's varied experiences. Some women interviewed had attempted to find safety in Mexico before coming to the United States. Others reported that they lacked sufficient information about the Mexican asylum system to know that they could apply for protection there. Still others attempted to avoid detection, fearing that if caught they would be returned to their home countries. Some women chose not to seek asylum in Mexico. Many traveled through remote and unsafe parts of Mexico, far from the three offices of Mexico's small refugee protection agency, risking their lives to evade the authorities.

Many women interviewed perceived Mexico to be an unsafe place to claim asylum. For instance, Ana, from El Salvador, said: "Mexico [is] almost as bad as El Salvador. Why would I go there? That would be no escape. In fact, it would be worse, because I don't know anyone there."

Some women who participated in this report told UNHCR they would have been willing to stay in Mexico if they knew how to make an asylum claim and had access to national procedures and safe reception facilities. In fact, a few women interviewed did apply for asylum in Mexico, although only one was granted protection. Others reported being denied due to "lack of proof." A woman from Honduras explained, "asylum is very difficult to access in Mexico." When these women eventually reached the United States, each was deemed to meet the initial requirements for accessing US Asylum procedures (some women's cases were still pending; others had been granted asylum or some other form of protection in the United States).

Several people mentioned that they lost their cases for asylum in Mexico because of an ostensible lack of proof. "I asked for political asylum in Mexico, but I did not win it," said Patricia, from Honduras, who had been referred to the asylum process by priests at a migrant shelter where she stayed. "They [the Mexican adjudicators] told me that I did not bring proof or anything. They wanted proof…I did not have photos showing how he had hurt me…They made me feel like if I had photos, it would have been easier."

Obstacles to Accessing Asylum in the United States

All the women UNHCR interviewed for this report had either been recognized as refugees or been screened by the US Government and determined to have a credible or reasonable fear of persecution or torture.[134] Many of the women spoke of the United States as a beacon of hope and safety. Some of the women, particularly those who had been quickly released from immigration detention, were indeed grateful to have arrived in the United States and be able to apply for asylum.

Valeria, a mother in her 30s from El Salvador who fled with her children, relayed her newfound sense of security: "I say completely sincerely that my happiest day was when I got to the United States with my family. It was the first time I felt safe…Now, I am so happy seeing my children content and safe and going to school. I tell them over and over that nothing will happen to them here."

However, many of the women expressed confusion about the need to continue fighting for asylum upon arrival to the United States. Almost all of the women interviewed for this report were apprehended by or turned themselves into officials of US Customs and Border Protection (CBP) shortly after crossing the border. CBP officials are often the first point of contact for asylum-seekers. Under these circumstances, an individual must express fear of return to CBP in order to continue with the asylum process. Otherwise, if rejected by CBP, she faces summary removal to her country of origin or last

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habitual residence. During this process, she will be held in detention by either CBP or Immigration and Customs Enforcement (ICE).

For some, this was not their first time arriving at the United States border in search of safety. One woman from El Salvador tried to find safety in neighboring Honduras and the United States multiple times before finally being allowed to pursue her claim in the United States. "When I was almost twenty years old and was two months pregnant with my daughter, I was coming home from the doctor, and my cousin assaulted me and raped me in front of his gang, on the street… The first time I arrived to the US, I was detained and deported. The second time, I arrived in the US in April 2014. I told the officials that I was there because I was afraid to return to my country. But they did not write anything down. They told me that everyone says

this, and that I did not have the right to anything because I had been deported already. I was deported again to El Salvador. Then in June 2014, I was able to escape to Honduras with my life." She returned a third time and a US immigration judge recognized that her fear of persecution was well founded and allowed her to remain permanently. She says, "Just to be here, to be a refugee here, I already feel safe. I would say thank you, thank you for letting me be here. And thank you for believing in women like me." She and her daughter are now safely reunited with her husband.

However, some women who participated in this report said that detention caused them to question whether to abandon their claims for asylum. Women were held in facilities with their children, including very young children, and described wanting to abandon their claims so that their sons or daughters would be able to leave detention.

Some felt detention exacerbated traumas suffered at home and in flight. As Alexa from El Salvador put it: "They should help facilitate the asylum process so that one doesn't suffer in detention centers. They shouldn't be causing more harm." One Mexican woman described experiencing severe anxiety each time the officers closed and locked the doors to her cell. She said, "It is better to be free and to die by a bullet than to suffer and die slowly in a cage."

For many women who spoke with UNHCR, detention has meant they have been unable to hire a lawyer, due to lack of resources and distance from major service providers. A recent academic study looked at asylum cases from Central America and found that **"the single most important factor in determining outcome is whether or not these individuals are represented in their court proceedings."**[135]

For women without attorneys, the lack of ability to fully understand the proceedings, file the correct paperwork in a language they do not understand, or gather evidence to support their cases is daunting. "I haven't filled out an asylum application yet because it is in English only," said a young woman from Guatemala.

Women interviewed for this report emphasized that the experience of being detained remains with them far beyond release. "The things I lived through in detention have marked me for life," said a Salvadoran woman who recently was granted asylum. **"Please remember that we are also human beings. I didn't want to come here, but for me it was a question of life and death."**

CONCLUSION

The women who shared their stories with UNHCR for this report fled situations of extreme violence and abuse at the hands of criminal armed groups. They were threatened, extorted, physically abused, and even raped. Some had family members who were murdered or disappeared and some had children who were forcibly recruited into criminal armed groups. In overlapping incidents, many women also fled horrific physical and sexual violence at home. The transgender women UNHCR interviewed were affected by these patterns of violence in addition to acute discrimination, harassment and violence specific to their gender identity.

The increasing reach of criminal armed groups, often amounting to de facto control over territory and people, has surpassed the capacity of governments in the region to respond. The women interviewed talked about the authorities being threatened by criminal

armed groups and even colluding with them in certain circumstances. They repeatedly emphasized that they had no choice but to flee, fearing for their lives. Some fled so quickly that they had to leave children behind; many women worried deeply what would become of their families at home.

Seeking asylum is a lawfully protected act. Forced return – without the opportunity to have a refugee claim fully adjudicated on the merits – runs counter to the laws meant to protect refugees. All of the women UNHCR interviewed for this report had either been recognized as refugees or been screened by the US Government and determined to have a credible or reasonable fear of persecution or torture.

Each suffered serious human rights violations related to protected grounds under the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and related jurisprudence, and their own governments were unable to provide protection or redress. Many of the claims for international protection of the women interviewed for this report are likely, upon individual determination, to fall within the scope of the 1951 Convention and related jurisprudence.

Thousands of others fleeing the region have faced similar hardships. Many of the women interviewed were relieved and thankful to have found safety in the United States in particular. Yet the women profiled in this report described numerous obstacles to finding safety, including facing dangerous journeys, detention, and in certain instances, *refoulement* from countries of asylum.

This looming refugee crisis requires a comprehensive regional response with a balanced protection approach. Such an approach should ensure that adequate screening procedures are in place in countries of asylum to identify the protection needs of all those arriving, that asylum procedures are accessible, fair, and efficient, and that effective protection is available to all refugees, including through the provision of adequate reception arrangements. A regional approach is also essential to upholding the shared responsibility of countries in the Americas and to finding long-term solutions for refugees. Recognizing that border security and refugee protection are not mutually exclusive, all steps should be taken to manage this situation in accordance with international refugee law, including the fundamental principle of *non-refoulement*.

ENDNOTES

[1] This report refers to El Salvador, Guatemala, and Honduras collectively as the "Northern Triangle of Central America." The report also discusses concerns faced by some Mexican asylum-seekers.

[2] In FY 2015, out of 16,077 females from El Salvador, Guatemala, Honduras, and Mexico who were subject to the credible fear screening by a US asylum officer, 13,116 (or 82 per cent) were found to have a significant possibility of establishing eligibility for asylum or protection under the Convention against Torture. The purpose of this screening process is "to quickly identify potentially meritorious claims to protection and to resolve frivolous ones with dispatch.... If an alien passes this threshold-screening standard, his or her claim for protection...will be further examined by an immigration judge in the context of removal proceedings." US Department of Homeland Security, *Refugee, Asylum, and International Operations Directorate Officer Training: Asylum Division Officer Training Course*, "Lesson Plan Overview: Credible Fear," February 28, 2014, *available at* http://www.lexisnexis.com/legalnewsroom/immigration/b/insidenews/archive/2014/04/18/uscis-revised-credible-fear-lafferty-memo-lesson-plan.aspx; see also 8 U.S.C.Sec 1225(b)(1)(B)(v). As a signatory to the 1967 Protocol ("Protocol") relating to the Status of Refugees, the US is required to co-operate with the UNHCR by "providing them with the information and statistical data requested, in appropriate form, concerning" the implementation of the Protocol. *See* UN General Assembly, *Protocol relating to the Status of Refugees*, GA Res. 2198 (XXI), UN GAOR, 21st Sess., UN Doc. A/RES/2198 (6 Dec. 1966), Art. II. The information is on file with UNHCR.

[3] World Bank Sustainable Development Department, Poverty Reduction and Economic Management Unit & Latin America and the Caribbean Region, *Crime and Violence in Central America: A Development Challenge*, World Bank Group (2011), *available at* http://siteresources.worldbank.org/INTLAC/Resources/FINAL_VOLUME_I_ENGLISH_CrimeAndViolence.pdf; Clare R. Seelke, Gangs in Central America, CONGRESSIONAL RESEARCH SERVICE, Publication No. RL34112, 7-5700 (20 February 2014).

[4] UN Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013* (March 2014), *available at* https://www.unodc.org/gsh and the CIA World Factbook on El Salvador, https://www.cia.gov/library/publications/the-world-factbook/geos/es.html

[5] The Geneva Declaration on Armed Violence and Development, *Global Burdens of Armed Violence 2015, available at* http://www.genevadeclaration.org/nc/en/measurability/global-burden-of-armed-violence/gbav-2015/chapter-3.html?sword_list%5B0%5D=homicide

[6] UN High Commissioner for Refugees (hereinafter UNHCR), *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014) pp.15-17; UNHCR, *Uprooted (Arrancados de Raíz)* (2014), *available at* http://www.acnur.org/t3/donde-trabaja/america/mexico/arrancados-de-raiz/

[7] UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014) pp.15-17.

[8] UNHCR, Population Statistics Database, "Asylum-Seekers (Monthly Data)", *available at* http://popstats.unhcr.org/en/asylum_seekers

[9] US Customs and Border Protection, http://federalnewsradio.com/business-news/2014/12/us-border-patrol-female-agents-wanted/

[10] UNHCR, Unaccompanied Minors: Humanitarian Situation at the US Border, http://unhcrwashington.org/children

[11] UNHCR defines an "unaccompanied child" as any child under the age of 18 who has been "separated from both parents and other relatives and [is] not being cared for by an adult who, by law or custom, is responsible for doing so," while a "separated child" is one who is "separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives." UNHCR Guidelines on Determining the Best Interests of the Child (May 2008) at 8, available at http://www.refworld.org/docid/48480c342.html. UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014).

[12] Since 2008, the US Government has recorded a 561 per cent rise in the number of new arrivals of unaccompanied and separated children. For FY 2014, the U.S. Government apprehended 66,115 UACs. *See* U.S. Customs and Border Protection, *Southwest Border Unaccompanied Children*, Fiscal Year 2014, *available at* https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children

[13] For FY 2014, the U.S. Government apprehended 66,144 family units. *Ibid.*

[14] *Ibid.*

[15] The United States employs a range of accelerated removal procedures that subject an individual to summary removal without a formal immigration hearing. The women whose stories are reflected in this report passed through one of the following accelerated procedures: expedited removal, reinstatement of removal, or administrative removal.

An individual apprehended for the first time at a port of entry to the United States, or between ports of entry within 100 miles and two weeks of having crossed the US border without authorization, may be placed in expedited removal proceedings. If she expresses a fear of return, then she is referred for a screening interview with an asylum officer to determine whether she has a credible fear of persecution or torture. At the credible fear interview, she must establish a "significant possibility" that she will be granted asylum or relief under the Convention Against Torture (CAT). 8 CFR § 208.30(e). If the asylum officer finds that she has a credible fear, the asylum-seeker is referred to an Immigration Judge for a full merits hearing on her claim. 8 CFR § 208.30(f).

Individuals who reenter the United States without authorization after a prior order of removal are placed into reinstatement of removal. Those who are not lawful permanent residents and are convicted of certain crimes after entering the United States may be placed into administrative removal. Under either reinstatement of removal or administrative removal, if an individual expresses a fear of return, she is referred for an interview with an asylum officer to determine whether there is "a reasonable possibility that he or she would be persecuted on account of his or her race, religion, nationality, membership in a particular social group or political opinion." 8 CFR § 208.31(c). If the asylum officer finds that the individual has a reasonable fear, the case is referred to an Immigration Judge for full merits consideration of whether the individual is eligible for withholding or deferral of removal under the refugee definition or Convention against Torture. 8 CFR § 208.31(e).

The United States also employs affirmative and defensive asylum procedures. A number of women in this report passed through either the affirmative or defensive asylum process. To apply for asylum affirmatively, an individual must be physically present in the United States or seeking entry to the United States at a port of entry. The individual files an application for asylum with the US Citizenship and Immigration Services (USCIS). After filing an application, the individual is interviewed by an asylum officer, whose decision is reviewed by a supervisory asylum officer. USCIS, *Obtaining Asylum in the United States*, http://www.uscis.gov/humanitarian/refugees-asylum/asylum/obtaining-asylum-united-states. Individuals apply for asylum defensively when he or she requests asylum as a defense against removal from the U.S. Individuals are generally placed into defensive asylum procedures in one of two ways: (1) "they are referred to an Immigration Judge by USCIS after they have been determined to be ineligible for asylum at the end of the affirmative asylum process," or (2) they are placed in removal proceedings, as discussed above. Id. Immigration judges hear defensive asylum cases and decide whether the individual is eligible for asylum.

[16] *See, e.g.,* Decree No. 97-96, 24 October 1996, Law to Prevent, Punish, and Eradicate Intrafamily Violence (Guatemala); Decree No. 132-97, 29 September 1997, the Law on Domestic Violence (Honduras); Decree No. 902, 5 December 1996, the Law on Intrafamily Violence (El Salvador).

[17] All names of women interviewed for this report have been changed to preserve their confidentiality.

[18] UNHCR, Population Statistics Database, "Asylum-Seekers (Monthly Data)", *available at* http://popstats.unhcr.org/en/asylum_seekers

[19] The word "transgender" is "an an umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc." Human Rights Campaign, *Sexual Orientation and Gender Identity Definitions*, *available at* http://www.hrc.org/resources/entry/sexual-orientation-and-gender-identity-terminology-and-definitions

[20] UN General Assembly, *Convention relating to the Status of Refugees*, GA Res. 429 (V), UN GAOR, 5th Sess., UN Doc. A/RES/429 (14 Dec. 1950) Art. 1; UN General Assembly, *Protocol relating to the Status of Refugees*, GA Res. 2198 (XXI), UN GAOR, 21st Sess., UN Doc. A/RES/2198 (6 Dec. 1966); *Handbook on Procedures and Criteria for Determining Refugee Status*, UN Doc. HCP/1P/4/Eng/Rev.2, 1979 (edited 1992) [hereinafter "Handbook"].

[21] UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014).

[22] UNHCR, *Uprooted (Arrancados de Raíz)* (2014), *available at* http://www.acnur.org/t3/donde-trabaja/america/mexico/arrancados-de-raiz/

[23] Individuals who are placed in accelerated removal in the United States will be summarily removed to their country of origin or last habitual residence unless they express a fear of return. If fear is expressed, these individuals are referred for asylum-related screening via one of two processes: the credible fear interview process or the reasonable fear interview process. Upon a positive credible fear or reasonable fear determination, a US asylum officer refers the individual's case to an Immigration Judge for further review. Individuals who have not been placed in removal proceedings may apply for asylum affirmatively by filing an application for asylum with US Citizenship and Immigration Services. For a more detailed discussion, see footnote xv.

[24] Individuals who are placed in accelerated removal in the United States will be summarily removed to their country of origin or last habitual residence unless they express a fear of return. If fear is expressed, these individuals are referred for asylum-related screening via one of two processes: the credible fear interview process or the reasonable fear interview process. Upon a positive credible fear or reasonable fear determination, a U.S. asylum officer refers the individual's case to an Immigration Judge for further review. Individuals who have not been placed in removal proceedings may apply for asylum affirmatively by filing an application for asylum with U.S. Citizenship and Immigration Services. *For a more detailed discussion, see footnote xv.*

[25] Participating Governments of the countries of Latin America and the Caribbean, *Brazil Declaration and Plan of Action*, 3 December 2014, *available at* http://www.refworld.org/docid/5487065b4.html, [hereinafter "Brazil Declaration and Plan of Action"].

[26] Governments of El Salvador, Guatemala, and Honduras, *Plan of the Alliance for Prosperity in the Northern Triangle: A Road Map*, September 2014, *available at* http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39224238

[27] Brazil Declaration and Plan of Action, p. 15.

[28] The White House, Office of the Vice President, "Fact Sheet: Promoting Prosperity, Security and Good Governance in Central America," January 29, 2015, *available at* https://www.whitehouse.gov/the-press-office/2015/01/29/fact-sheet-promoting-prosperity-security-and-good-governance-central-ame

[29] The US government has provided more than USD $640 million in US security assistance to the region since 2008 through the Central American Regional Security Initiative. The US government also developed the US Strategy for Engagement in Central America, a comprehensive approach that proposes major investments in security, economic, and governance programs. The multi-year strategy is supported by a USD $1 billion budget request for FY 2016 which is still pending before the US Congress. The U.S. strategy aligns with and supports the overall goals and objectives of the Alliance for Prosperity, but they are different plans. The U.S. strategy seeks to accelerate regional integration of all seven Central American countries to achieve the economic outcomes necessary to change the trajectory of the region, confront security challenges, and address the underlying conditions that lead to outbound migration. The White House, "US Strategy for Engagement in Central America," *available at* https://www.whitehouse.gov/sites/default/files/docs/central_america_strategy.pdf

[30] Clare R. Seelke, *Gangs in Central America*, Congressional Research Service, Publication No. RL34112, 7-5700 (20 February 2014).

[31] World Bank Sustainable Development Department, Poverty Reduction and Economic Management Unit & Latin America and the Caribbean Region, *Crime and Violence in Central America: A Development Challenge*, World Bank Group (2011) pp. 15-16, http://siteresources.worldbank.org/INTLAC/Resources/FINAL_VOLUME_I_ENGLISH_CrimeAndViolence.pdf; Clare R. Seelke, *Gangs in Central America*, Congressional Research Service, Publication No. RL34112, 7-5700 (20 February 2014) p. 2.

[32] UN Office on Drugs and Crime (UNODC), *Global Study on Homicide 2013* (March 2014), *available at* https://www.unodc.org/gsh

[33] Cristina Eguizábal et al., *Crime and Violence in Central America's Northern Triangle*, Woodrow Wilson International Center for Scholars, Latin America Program (2015) p. 2.

[34] *Ibid*., at pp. 2, 12, 27.

[35] United Nations News Centre, *Honduras Must Address Widespread Impunity for Crimes against Women, Girls*, 10 Jun. 2014, http://www.un.org/apps/news/story.asp?NewsID=48241#.Vg03kflVhBc; Washington Office on Latin America et al., *Recommendations for U.S. Government Action: Smart Responses to Increased Migration from Central America*, 11 Jul. 2014, *available at* http://www.wola.org/commentary/recommendations_for_us_government_responses_to_the_increase_in_migration_from_central_ame

[36] The Geneva Declaration on Armed Violence and Development, *Global Burdens of Armed Violence 2015, available at* http://www.genevadeclaration.org/nc/en/measurability/global-burden-of-armed-violence/gbav-2015/chapter-3.html?sword_list%5B0%5D=homicide

[37] UN Office on Drugs and Crime (UNODC), *Transnational Organized Crime in Central America and the Caribbean: a Threat Assessment*, September 2012, p. 29 [hereinafter: UNODC, 2012].

[38] Clare R. Seelke, *Gangs in Central America*, Congressional Research Service, Publication No. RL34112, 7-5700 (20 February 2014) p. 6.

[39] The Guardian, "El Salvador Gang Violence Pushes Murder Rate to Postwar Record," 2 September 2015, http://www.theguardian.com/world/2015/sep/02/el-salvador-gang-violence-murder-rate-record

[40] US Passports & International Travel, El Salvador Travel Warning, 22 June 2015, http://travel.state.gov/content/passports/en/alertswarnings/el-salvador-travel-warning.html

[41] *See, e.g.* US Department of State, *Country Reports on Human Rights Practices for 2013: Honduras* (2013) (rape and domestic violence reported to be a serious concern in Honduras); US Department of State, *Guatemala 2013 Human Rights Report: Executive Summary* (2014) (sexual violence occurs with high degrees of impunity); US Department of State, *Country Report on Human Rights Practices for 2011: El Salvador* (2012) (laws addressing domestic violence are not well enforced or effectively prosecuted; rape, sexualized violence, and other forms of violence against women are under-reported and widespread).

[42] Teresa Romero Incháustegui et al., *Violencia Femnicida en México: Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010* (2012); Cecilia Menjivar, *Enduring Violence: Ladina Women's Lives in Guatemala* (2011).

[43] *See, e.g.*, Decree No. 97-96, 24 October 1996, Law to Prevent, Punish, and Eradicate Intrafamily Violence (Guatemala); Decree No. 132-97, 29 September 1997, the Law on Domestic Violence (Honduras); Decree No. 902, 5 December 1996, the Law on Intrafamily Violence (El Salvador).

[44] US Department of State, *Guatemala 2013 Human Rights Report: Executive Summary* (2014) (The government failed to enforce laws criminalizing rape and domestic violence effectively; victims frequently did not report crimes due to lack of confidence in the system and/or fear of reprisal); US Department of State, *Country Reports on Human Rights Practices for 2013: Honduras* (2013) (the law criminalizes all forms of rape and sexual harassment, but both crimes are underreported due to fear of retribution and further violence; domestic violence continues to be widespread and victims are reluctant to press charges against abusers); US Department of State, *Country Report on Human Rights Practices for 2013: El Salvador* (2014) (weaknesses in the judiciary and security forces contribute to a high level of impunity, leaving widespread domestic violence).

[45] The Assessment Capacities Project (ACAPS) is a non-profit initiative of a consortium of three NGOs (Action Contre la Faim - ACF, Norwegian Refugee Council, and Save the Children International) which supports the humanitarian community with needs assessments in collaboration with a large network of partners including NGOs, UN and academics. According to ACAPS, between 2004 and 2013, there were 143,588 recorded homicides in the NTCA, which constitutes approximately 41.9 homicides per day in a population of approximately 30 million people – one of the highest homicide rates in the world. Ninety-five per cent of all homicides go unpunished. In addition, according to ACAPS, the rate of under-reporting is very high throughout the region, and the statistics cited do not include the many persons who go missing and whose bodies are later found.

[46] UNHCR, Population Statistics: Asylum Seekers (Refugee Status Determination), http://popstats.unhcr.org/en/asylum_seekers

[47] Bruce Bagley, *Drug Trafficking and Organized Crime in the Americas: Major Trends in the Twenty-First Century*, Woodrow Wilson Center Update on the Americas, (1 August 2012) p. 7; Clare R. Seelke, *Gangs in Central America*, Congressional Research Service, Publication No. RL34112, 7-5700 (20 February 2014) p. 2.

[48] *Ibid*., at p. 1.

[49] *Ibid*., at pp. 11-12; *see also* United States Department of State, *Country Reports on Human Rights Practices for 2013: Mexico* (27 February 2014), *available at* http://www.state.gov/j/drl/rls/hrrpt/2013/wha/220457.htm ("Impunity for human rights abuses remained a problem throughout the country with extremely low rates of prosecution for all forms of crime.").

[50] *Ibid*., at pp. 23-24.

[51] In 1996, it passed the Ley de Asistencia y Prevención de la Violencia Intrafamiliar; in 1997, the Decreto para reformar el Código Civil y el Código Penal, which focused attention on intrafamiliar violence and rape; in 2003 the Ley Federal para Prevenir y Eliminar la Discriminación; in 2006 the Ley General para la Igualdad entre Mujeres y Hombres; in 2007 the Ley General de Acceso de las Mujeres a una Vida Libre de Violencia (LGAMVLV), which seeks to establish coordination among the three levels of governement to more effectively protect women; and in 2012, the Reforma Constitucional en Materia de Derechos Humanos. Amnesty International, *Mexico: Briefing to the UN Committee on the Elimination of Discrimination Against Women: 52nd session, July 2012* (2012); ONU Mujeres & INMujeres & LXI Legislatura, *Feminicidio en México. Aproximacíon, tendencias y cambios, 1985-2009* (2011).

[52] Teresa Romero Incháustegui et al., *Violencia Femnicida en México: Características, tendencias y nuevas expresiones en las entidades federativas, 1985-2010* (2012).

[53] See, e.g. US Department of State, *Country Reports on Human Rights Practices for 2013: Mexico* (27 February 2014), *available at* http://www.state.gov/j/drl/rls/hrrpt/2013/wha/220457.htm; Amnesty International, *Mexico: Briefing to the UN Committee on the Elimination of Discrimination Against Women: 52nd session, July 2012* (2012); Human Rights Watch, *Mexico: The Second Assault: Obstructing Access to Legal Abortion After Rape in Mexico* (2006).

[54] Eighty per cent of Honduran women interviewed sought safety within their own country prior to flight. That figure was 78 per cent for Salvadoran women, 57 per cent for Mexican women, and 57 per cent for Guatemalan women.

[55] The 1951 Convention and its 1967 Protocol are the key international instruments governing the protection of refugees and address who is a refugee, his or her rights and responsibilities, and the legal obligations of States. UN General Assembly, *Convention relating to the Status of Refugees*, GA Res. 429 (V), UN GAOR, 5th Sess., UN Doc. A/RES/429 (14 Dec. 1950); UN General Assembly, Protocol relating to the Status of Refugees, GA Res. 2198 (XXI), UN GAOR, 21st Sess., UN Doc. A/RES/2198 (6 Dec. 1966). The 1967 Protocol binds parties to comply with the substantive provisions of Articles 2 through 34 of the 1951 Convention with respect to "refugees" as defined in Article IA(2) of the Convention. 1967 Protocol, art. I ¶ 1. The 1967 Protocol removed the geographical and temporal limitations of the 1951 Refugee Convention, thus universalizing the refugee definition. 1967 Protocol, art. 1 ¶¶ 2-3.

[56] *1951 Convention*, art. 1A(2).

[57] *1951 Convention; 1967 Protocol*. Formally, the United States ratified the Protocol, which incorporated the Convention except for certain temporal and geographic restrictions eliminated in the Protocol.

[58] UNHCR, *States Party to the 1951 Refugee Convention relating to the Status of Refugees and the 1967 Protocol*, April 2015, *available at* http://www.unhcr.org/3b73b0d63.html

[59] Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102.

[60] *Handbook on Procedures and Criteria for Determining Refugee Status*, UN Doc. HCP/1P/4/Eng/Rev.2, 1979 (edited 1992) [hereinafter "Handbook"].

[61] *See, e.g. INS v. Cardoza-Fonseca*, 480 U.S. 421, 439 n.22 (1987) ([T]he Handbook provides significant guidance in contruing the Protocol, to which Congress sought to conform.").

[62] *Mohammed v. Gonzales,* 400 F.3d 785, 798 (9th Cir. 2005) (relying on both the *Guidelines on Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UN Doc. HCR/GIP/02/01 (7 May 2002) [hereinafter "Gender Guidelines"] and its *Guidance on "Membership of a particular social group" within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UN Doc. HCR/GIP/02/02 (7 May 2002) [hereinafter "Social Group Guidelines"]).

[63] Especially since 2002, UNHCR has supplemented its classic Handbook with guidance and guidelines on specific issues, and other authoritative interpretations. Of particular relevance here are the *Gender Guidelines* and *Social Group Guidelines*. The *Gender Guidelines* provide an interpretation of the refugee definition as it pertains to gender-related claims, and the *Social Group Guidelines* offer a detailed interpretation of the "membership of a particular social group" protection ground.

[64] *Ibid.*

[65] INA § 244, 8 U.S.C. § 1254a; *Matter of A-R-C-G-*, 26 I&N Dec.288 (B.I.A 2014).

[66] *See, e.g.* UNHCR, *UNHCR Intervention before the Supreme Court of the United States in the Case of Immigration and Naturalization Service v. Cardoza-Fonseca*, No. 85-782 (14 July 1986) *available at* http://www.refworld.org/docid/4b03c5818.html (Refworld Doc. No. 85-782).

[67] *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987).

[68] For a comprehensive discussion of the position of various States Parties, see James C. Hathaway & Michelle Foster, *The Law of Refugee Status*, Second Edition (Cambridge University Press 2015), 2.4.1.

[69] 8 C.F.R. § 208.13(b)(1); INA § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42)(A) (2006).

[70] *See generally*, Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), pp. 88-108.

[71] UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, UN Doc. HCP/1P/4/Eng/Rev.2.1979, (edited 1992), ¶¶ 51 and 65.

[72] *Gender Guidelines*, ¶ 9.

[73] *Gender Guidelines*, ¶ 9; Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), pp. 271-77.

[74] *Gender Guidelines,* ¶ 20.

[75] REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302 (2005).

[76] *Matter of S-P-*, 21 I&N Dec. 486 (B.I.A. 1996) (holding that asylum could be granted where there were multiple reasons for harm). A refugee applicant also need not demonstrate that a persecutor's "motives" are hostile or malignant. *See Matter of Kasinga*, 21 I&N Dec. 357 (B.I.A 1996) (finding the benign intent of those who actually inflicted female genital mutilation irrelevant).

[77] *See, e.g. Ravindran v. INS*, 976 F.2d 754 (1st Cir. 1992) ("An imputed political opinion, whether correctly or incorrectly attributed, may constitute a reason for political persecution within the meaning of the Act.").

[78] *Fatin v. INS*, 12 F.3d 1233 (3rd Cir. 1993) («[W]e have little doubt that feminism qualifies as a political opinion within the meaning of the relevant statutes.»). The *US Gender Guidelines* state that this case makes clear «that an applicant who could demonstrate a well-founded fear of persecution on account of her (or his) beliefs about the role and status of women in society could be eligible for refugee status on account of political opinion.» INS Office of International Affairs, *Considerations for Asylum Officers Adjudicating Asylum Claims From Women*, Memorandum to all INS Asylum Officers, HQASM Coordinators (26 May 1995), p. 11, *available at* http://www.unhcr.org/refworld/docid/3ae6b31e7.html

[79] UNHCR, *Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, UN Doc. HCR/GIP/04/06 (April 28, 2004), ¶ 24, *available at* http://www.unhcr.org/refworld/pdfid/4090f9794.pdf ("The *travaux préparatoires* of the 1951 Convention show that religion-based persecution formed an integral and accepted part of the refugee definition throughout the drafting process.") [hereinafter *UNHCR Religious Claims Guidelines*]. See also UNHCR, *UNHCR Statement on Religious Persecution and the Interpretation of Article 9(1) of the EU Qualification Directive*, C-71/11 and C-99/11 (17 June 2011), *available at* http://www.refworld.org/docid/4dfb7a082.html

[80] UNHCR, *Social Group Guidelines*, UN Doc. HCR/GIP/02/02 (7 May 2002), ¶ 11 ("[A] particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, *or* who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one's human rights.").

[81] UNHCR, *Gender Guidelines*, ¶ 30.

[82] UNHCR, *Gender Guidelines*, ¶ 30. See also UNHCR, *Age, Gender and Diversity Policy: Working with people and communities for equal protection* (1 June 2011), *available at* http://www.unhcr.org/4e7757449.html

[83] *See, e.g., Mohammed v. Gonzales*, 400 F.3d 785, 797 (9th Cir. 2005) (finding that gender was a "prototypical immutable characteristic"); *See also Niang v. Gonzales*, 422 F.3d 1187 (10th Cir. 2005) (recognizing social group defined by gender and tribal membership); *Fatin v. INS*, 12 F.3d 1233, 1240 (3d Cir. 1993) (noting that gender itself could be the defining characteristic of a particular social group).

[84] There are several sources of official authority on US law. United States Citizenship and Immigration Services (USCIS) (part of the Department of Homeland Security) has jurisdiction over the first-tier Asylum Officer decision makers, and issues instructions and training materials on key issues, discussed herein. The Board of Immigration Appeals, or Board, is part of the Executive Office of Immigration Review (EOIR), which is within the Department of Justice. Immigration Judges also are a part of EOIR; they conduct formal removal hearings, including hearings on refugee protection claims (sometimes after the Asylum Office has issued a non-favorable decision). The Board hears appeals on decisions of immigration judges, and is the final administrative decisionmaker. A Board decision can be appealed to the relevant federal court of appeal. Federal courts of appeals are independent, constitutional courts. The US Supreme Court may hear appeals from the federal courts. See Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), Ch. 1.

[85] Asylum Officer Basic Training Course, Female Asylum Applications and Gender-Related Claims, pp. 5-6 (12 Mar. 2009) *available at* http://www.uscis.gov/USCIS/Humanitarian/Refugees%20&%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Female-Asylum-Applicants-Gender-Related-Claims-31aug10.pdf (hereinafter AOBTC, Gender).

[86] *Perdomo v. Holder*, 611 F. 3d 662 (9th Cir. 2010).

[87] In 1985, the Board issued *Matter of Acosta*, which defined a "political social group" in terms of "immutable characteristics" and naming "sex" as a quintessential example. *Matter of Acosta*, 19 I&N Dec. 211, 233 (B.I.A. 1985).

[88] *Ibid.*

[89] Beginning in 2006, the Board confused the analysis by including additional requirements (i.e. "social distinction" and "particularity") (*See* Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), Ch.5), but, as noted, in the last two years especially, it has been moving in a more principled and legally coherent direction, even suggesting a return to its core *Acosta* analysis with its recognition of gender as a defining qualification for refugee protection. *See also, Matter of A-R-C-G-*, 26 I&N Dec.288 (B.I.A 2014) (providing further analysis on the requirements of "particularity" and "social distinction").

[90] World Health Organization (WHO), *The WHO Multi-country Study on Women's Health and Domestic Violence Against Women* (2005), at vii ("[W]omen are more at risk of experiencing violence in intimate relationships than anywhere else.").

[91] United States Department of Justice, Office on Violence Against Women, Areas of Focus (updated 23 July 2014) http://www.justice.gov/ovw/domestic-violence

[92] UNHCR, *Matters of C.P.-G., C.-G., V.-C., C.-G., and A.-C., Amicus Curiae Brief, the United Nations High Commissioner for Refugees in Support of Respondents*, (21 Nov. 2012), pp. 20-21, *available at* http://www.refworld.org/docid/50b5c2a22.html

[93] Phyllis Coven, INS Office of International Affairs, *Considerations for Asylum Officers Adjudicating Asylum Claims From Women*, Memorandum to all INS Asylum Officers, HQASM Coordinators (26 May 1995), p. 4, *available at* http://www.unhcr.org/refworld/docid/3ae6b31e7.html

[94] Ibid, p. 16.

[95] *Matter of A-R-C-G-*, 26 I&N Dec.288 (B.I.A 2014).

[96] *See In re E-M-* (B.I.A unpublished decision, 18 Feb. 2015, Texas) and *In re D-M-R* (B.I.A unpublished decision, 9 June 2015, Arizona) (both on file). In *A-R-C-G-*, the Board had defined the political social group as married women who could not leave the relationship. In the two more recent decisions, the Board held that marriage was not necessary to meet the political social group requirements.

[97] *See* Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), Ch. 5.

[98] UNHCR, *UNHCR Position on Claims for Refugee Status Under the 1951 Convention relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual's Membership of a Family or Clan Engaged in a Blood Feud*, (17 Mar. 2006) ¶18, *available at* http://www.unhcr.org/refworld/docid/44201a574.html

[99] *Ibid.*

[100] AOBTC, Nexus, Asylum Eligibility Part III: Nexus and the Five Protected Characteristics, pp. 33-34 (12 Mar. 2009) *available at* http://www.uscis.gov/USCIS/Humanitarian/Refugees%20&%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Nexus-the-Five-Protected-Characteristics-31aug10.pdf

[101] The US *Acosta* definition specifically points to kinship ties as an example of the type of shared, immutable characteristic that can form the basis of a particular social group. *Matter of Acosta*, 19 I&N Dec. 211, 233 (B.I.A. 1985).

[102] *Zelaya v. Holder*, 668 F.3d 159 (4th Cir. 2012).

[103] UNHCR, *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, U.N. Doc HCR/GIP/12/09 (23 Oct. 2012) ¶¶ 30-31, *available at* http://www.unhcr.org/refworld/docid/50348afc2.html [hereinafter UNHCR *Sexual Orientation and Gender Identity Guidelines*]; *See also Karouni v. Gonzales*, 399 F.3d 1163 (9th Cir. 2005); James C. Hathaway & Jason Pobjoy, *Queer Cases Make Bad Law*, 44 NYU J. INT'L L & POL. 315, 333 (2012) (arguing that "it is the modification of behavior itself, or the impact that the modification has on the applicant, that is the relevant persecutory harm"); Deborah Anker & Sabi Ardalan, *Escalating Persecution of Gays and Refugee Protection: Comment on Queer Cases Make Bad Law*, 44 N.Y.U.

J. INT'L L. & POL. 529 (2012) (responding to Hathaway and Pobjoy and agreeing that such "endogenous harm" is persecutory).

[104] *See* UNHCR, *Sexual Orientation and Gender Identity Guidelines*, UN Doc HCR/GIP/12/09 (Oct. 23, 2012) ¶ 31, *available at* http://www.unhcr.org/refworld/docid/50348afc2.html

[105] *Ibid.*,at ¶ 33.

[106] *Matter of Toboso-Alfonso*, 20 I&N Dec. 819 (B.I.A 1990); Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015) 485. In that case, the Board rejected the legacy-INS argument that Mr. Toboso-Alfonso was being punished by the government (such "punishment" consisting of, among other abuses, forced labor and detention) for his conduct in engaging in homosexual acts rather than his status as a homosexual. The Board found that homosexuality is a status. *Id.* A status is like an immutable characteristic, under Acosta, that either cannot be changed or that is fundamental to identity and should not be required to be changed. *Matter of Acosta*, 19 I. & N. Dec. 211 (B.I.A 1985). In the US domestic context, this status versus conduct distinction has been firmly rejected by the Supreme Court in *Lawrence v. Texas*, 539 U.S. 558 (2003).

[107] *See Hernandez-Montiel v. INS*, 225 F.3d 1084 (9th Cir. 2000).

[108] USCIS Training Module, *Guidance for Adjudicating Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Refugee and Asylum Claims* (28 Dec. 2011), p.16, *available at* http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/Asylum%20Native%20Documents%20and%20Static%20Files/RAIO-Training-March-2012.pdf (stating that gender identity "can be classified as either innate or fundamental" and has "characteristics that an individual cannot change about him or herself or should not be required to change") [hereinafter USCIS LGBTI Training Materials].

[109] *Ibid.*, p.16 ("Harm imposed because an applicant was mistakenly perceived as belonging to a sexual minority may also qualify as 'on account of' a protected ground.").

[110] *See e.g, J.P.S., a/k/a S.J.P., v. Holder, Attorney General*, No. 09-3291, Agency No. A99-473-409 (3rd Cir. 2010) *available at* http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4fbf263f2 (concerning a gay man who was targeted by a non-State armed group).

[111] *See, e.g. Mockeviciene v. U.S. Atty. Gen.*, No. 06-12334 (11th Cir. 2007) (When Mockeviciene told her husband she was a lesbian, he "beat and raped her while his friends held her down. Mockeviciene reported the incident to the police. But instead of assisting her, she claimed that the police searched her mother's apartment, where Mockeviciene was staying, presumably looking for 'homosexual literature.'").

[112] UNHCR, *Sexual Orientation and Gender Identity Guidelines*, UN Doc HCR/GIP/12/09 (Oct. 23, 2012) ¶ 23, *available at* http://www.unhcr.org/refworld/docid/50348afc2.html

[113] *See e.g.* Gene Robinson, *Out and Proud in El Salvador's Murderous Gangland*, The Daily Beast, 13 July 2014, *available at* http://www.thedailybeast.com/articles/2014/07/13/out-and-proud-in-el-salvador-s-murderous-gangland.html; United States Department of State, *El Salvador 2013 Human Rights Report*, (21 Mar. 2014) pp. 21-22, *available at* http://www .state.gov/documents/organization/220654.pdf

[114] UNHCR, *Sexual Orientation and Gender Identity Guidelines*, ¶ 10, *available at* http://www.unhcr.org/refworld/docid/50348afc2.html

[115] In *Hernandez-Montiel v. INS*, the court concluded that a transgender Mexican was a member of the particular social group of "gay men with female sexual identities." *Hernandez-Montiel v. INS*, 225 F3d 1084 (9th Cir. 2000). In 2015, the 9th Circuit found that transgender asylum-seekers are "especially visible, and vulnerable, to harassment and persecution" and should be assessed by US immigration officials differently than gay asylum-seekers. *Avendano-Hernandez v. Lynch*, No. 13-73744, Agency No. A099-823-350 (9th Cir. 2015).

[116] UNHCR, *Sexual Orientation and Gender Identity Guidelines*, ¶¶ 8-9, *available at* http://www.unhcr.org/refworld/docid/50348afc2.html. *See also* Victoria Neilson, *Uncharted Territory: Choosing an Effective Approach in Transgender-Based Asylum Claims*, 32 Fordham Urban L. J. 265 (March 2005).

[117] UNHCR, *UNHCR letter to Attorney General relating to the Matter of Rodi Alvarado Peña*, A73 753 922 (4 Jan. 2004), p.11.

[118] *Lazo-Majano v. INS*, 813 F.2d 1432, 1435 (9th Cir. 1987),

[119] UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, ¶ 36, *available at*: http://www.refworld.org/docid/3d36f1c64.html; UNHCR, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, ¶ 40, *available at*: http://www.refworld.org/docid/443679fa4.html. *See also* Atle Grahl-Madsen, *The Status of Refugees in International Law* 228, 251 (1966). Refugee protection is not the exclusive domain of the elite, but "is designed to suit the situation of common [people] not only of the philosophers.…The instinctive or spontaneous reaction to usurpation or oppression is [as] equally valid" as the "educated, cultivated, reflected opinion."

[120] *See In-Re- D-V-*, 21 I.&N. 77 (B.I.A. 1993) (finding that rape in home as retaliation for imputed and actual political support for deposed president, constituted persecution).

[121] Asylum Officer Basic Training Course, *Female Asylum Applicants and Gender-Related Claims* (12 Mar. 2009) pp. 27-28, *available at* http://www.uscis.gov/USCIS/Humanitarian/Refugees%20&%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Female-Asylum-Applicants-Gender-Related-Claims-31aug10.pdf [hereinafter AOBTC Gender].

[122] *See generally*, Deborah Anker & Lawrence Palmer, *"Third Generation" Gangs, Warfare in Central America, and Refugee Law's Political Opinion Ground*, 14-10 Imm. Briefings 1 (2014).

[123] Political opinion and the nexus requirement in the gang context have been misunderstood in some BIA and federal court decisions. In *Rivera-Barrientos v. Holder*, 658 F.3d 1222 (10th Cir. 2011) the court upheld the Board's denial of her claim of persecution based (among other grounds) on political opinion. Even though the court found that "[s]ome evidence in the record supports [her claim] that she was assaulted because of her expressed opposition to gangs," including testifying before the attack, refusal to join, and "vocal expressions of anti-gang sentiments," the Court found that the Board could reasonably conclude that these opinions were not the only basis for the attacks. *Id.* at 1227. But an applicant does not have to show that a protected ground is an exclusive or even overarching reason for the persecution experienced or feared, but only that the protected ground is "one central reason." REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 302 (2005). The Board misread the Supreme Court's *INS v. Elias-Zacarias* decision (502 U.S. 478 (1992)) and the well-established mixed motives doctrine. The Board was clearly wrong as a matter of law and should have been overruled. See Deborah Anker, *Law of Asylum in the United States*, (Thomson Reuters 2015), Ch.5.

[124] *See, e.g. Sangha v. INS*, 103 F.3d 1482, 1488 (9th Cir. 1997).

[125] *See Hernandez-Ortiz v. INS*, 777 F.2d 509, 517 (9th Cir. 1985) (finding the applicant's actual political view, whether neutral or partisan, irrelevant where government attributed certain political opinions to her); *Desir v. Ilchert*, 840 F.2d 723, 728 (9th Cir. 1988) ("We must view Desir as possessing a political opinion because his persecutors...both attributed subversive views to Desir and treated him as a subversive").

[126] *INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992).

[127] *Ibid.*; REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005) ("[A]t least one central reason.").

[128] UN General Assembly, Universal Declaration of Human Rights, GA Res. 217A, UN GAOR, 3d Sess., Supp. No. 16, preamble, ¶ 1, Arts. 18 and 27, UN Doc. A/810 (1948) (UDHR). Article 18 of the UDHR provides that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Article 27 of the UDHR states that "[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." Most recently, UNHCR has described and interpreted this ground in the *Guidelines on International Protection: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, UN Doc. HCR/GIP/04/06 (April 28, 2004), ¶ 4, *available at* http://www.unhcr.org/refworld/pdfid/4090f9794.pdf ("The *travaux préparatoires* of the 1951 Convention show that religion-based persecution formed an integral and accepted part of the refugee definition throughout the drafting process.") [hereinafter UNHCR *Religious Claims Guidelines*].

[129] UNHCR, *Religious Claims Guidelines*.

[130] UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 7 Mar. 1966, Art. 1(1), 660 U.N.T.S. 195, *reprinted in* 5 I.L.M. 352.

[131] United States Department of State, *2009 Human Rights Report: Guatemala*, (11 Mar. 2010) *available at* http://www.state.gov/j/drl/rls/hrrpt/2009/wha/136114.htm

[132] Individuals who are placed in accelerated removal in the United States will be summarily removed to their country of origin or last habitual residence unless they express a fear of return. If fear is expressed, these individuals are referred for asylum-related screening via one of two processes: the credible fear interview process or the reasonable fear interview process. Upon a positive credible fear or reasonable fear determination, a US asylum officer refers the individual's case to an Immigration Judge for further review. Individuals who have not been placed in removal proceedings may apply for asylum affirmatively by filing an application for asylum with US Citizenship and Immigration Services. *For a more detailed discussion, see footnote xv.*

[133] While many of the women in this report would likely qualify for protection under the *1951 Convention*, there may be individuals who are found not to meet the refugee definition contained in the *1951 Convention or 1967 Protocol* but are nevertheless in need of international protection due to their lack of safety or security and their inability to receive State protection in their countries of origin. Some of these individuals may fall within the broader refugee definition contained in the *Declaration*. In its definition of "refugee", the *Cartagena Declaration* includes "Persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central*

America, Mexico and Panama, III(3), 22 November 1984, *available at*: http://www.refworld.org/docid/3ae6b36ec.html

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[135] *Representation Makes Fourteen-Fold Difference in Outcome: Immigration Court 'Women with Children' Cases*, Transactional Records Access Clearinghouse (TRAC), Syracuse University, (25 July 2015), *available at* http://trac.syr.edu/immigration/reports/396/

[136] *UNHCR, Age, Gender and Diversity Accountability Report 2014* (2015) p. 13, *available at* http://www.refworld.org/pdfid/55a61f794.pdf

[137] *Ibid*.

[138] UNHCR, *Refugee Women and International Protection*, ExCom Conclusion No. 39 (XXXVI), 18 October 1985, *available at* http://www.unhcr.org/3ae68c43a8.html; UNHCR, *Refugee Women*, ExCom Conclusion No. 54 (XXXIX), 10 October 1988, *available at* http://www.unhcr.org/3ae68c4370.html; UNHCR, *Refugee Women*, ExCom Conclusion No. 60 (XL), 13 October 1989, *available at* http://www.unhcr.org/3ae68c4384.html; UNHCR, *Refugee Women and International Protection*, ExCom Conclusion No. 64 (XLI), 5 October 1990, *available at* http://www.unhcr.org/3ae68c441f.html

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UNHCR'S ROLE IN PROTECTING WOMEN

The United Nations High Commissioner for Refugees (UNHCR) is entrusted by the United Nations (UN) General Assembly with responsibility for providing international protection to refugees and others of concern and, together with governments, for seeking permanent solutions to their problems. UNHCR would not be able to carry out its essential duties without the support, cooperation, and participation of States around the world.

UNHCR provides international protection and direct assistance to refugees in some 125 countries throughout the world. It has over 60 years of experience supervising the international treaty-based system of refugee protection and has twice received the Nobel Peace Prize for its work on behalf of refugees. UNHCR works closely with governments and others to ensure that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol are honored, and that national and regional migration policies are sensitive to the protection needs of all individuals. International refugee protection centers on providing refugees the protection of asylum, ensuring their human rights are respected, and safeguarding the principle of *non-refoulement*: the prohibition against returning individuals to a place where they would face danger.

The protection of women is a core priority of UNHCR at the global, regional, and national levels. Gender inequality systematically prevents women and girls from claiming and enjoying their rights, and is exacerbated by displacement. UNHCR is committed to promoting gender equality and ensuring equal access to protection and assistance so women can fully participate in all decisions affecting their lives. In 2014, for instance, the percentage of females playing active roles in leadership and management structures in refugee communities increased from 42 to 46 per cent;[136] UNHCR's sexual and gender-based violence (SGBV) reporting and awareness raising led to a doubling of reported incidents in 44 key countries; and women identified access to livelihood options as key to creating self-reliance and sustainable solutions to displacement.[137]

UNHCR's Executive Committee has adopted four general conclusions relating specifically to refugee women.[138] These conclusions note the need for UNHCR and host governments to give particular attention to the international protection needs of refugee women; the need for reliable information and statistics about refugee women in order to increase public awareness of their situation; the need for an active senior-level steering committee on refugee women; and the need for the development of training modules on the subject for field officers.

The UNHCR Regional Office in Washington, DC covering the United States of America and the Caribbean gives priority to enhancing protection for women arriving in and within the United States, including for women in detention. After coming into contact with increasing numbers of women and families fleeing El Salvador, Guatemala, Honduras, and Mexico, UNHCR undertook this study to understand the challenges they face.

The overarching goal for the study was to hear from the women themselves the reasons they fled their countries of origin and the challenges they encountered while seeking protection. The women's voices provide the foundation for the ultimate aim of the study: to document profiles of women from El Salvador, Guatemala, Honduras, and Mexico with a need for international protection, and provide policy makers and adjudicators with necessary information to bolster regional asylum for women.

Since 2008, UNHCR has recorded a fivefold increase in asylum-seekers arriving to the United States from the Northern Triangle region of El Salvador, Guatemala, and Honduras. Escalating violence and rising numbers of people fleeing the region also impact neighboring Mexico. The most vulnerable, namely women and children, are often the first to flee violence. In 2014, UNHCR released *Children on the Run*, a study on minors in the United States who had fled violence in the Northern Triangle and Mexico. In August 2015, UNHCR conducted interviews with 160 women who arrived in the United States since October 2013, totaling 63 women from El Salvador, 30 from Guatemala, 30 from Honduras, and 37 from Mexico. Each had been screened by the US Government and had either been granted asylum or found to have a credible fear of persecution if returned to her home country. *Women on the Run* tells their stories in detail, illustrating the growing refugee situation in the region and describing the staggering levels of violence and persecution that forced them to flee.

This is a looming refugee crisis. Women and children in Central America and Mexico face alarming rates of escalating, targeted violence and persecution from *maras*, criminal armed groups, including murder, disappearance, assault, rape, and recruitment of children. Particular groups of women, such as police officers, women with children, and transgender women, face disproportionate levels of persecution. Escalating violence from well-connected, armed, and dangerous criminal groups in the region has surpassed the governments' capacity to respond. When women and children flee, they face obstacles and additional dangers in countries of asylum and transit.

The regional refugee-producing situation requires a regional response, and UNHCR calls on all governments to provide women and children with desperately needed protection.

Governments in the region can respond to immediate humanitarian needs by:

- Ensuring accordance with principles that prevent the forced return of refugees and asylum-seekers, as well as other fundamental human rights standards; providing safe and legal avenues to asylum; and ensuring every women has the opportunity to tell her story to qualified asylum adjudicators.

Countries of asylum can reinforce regional and national capacities to manage the current refugee situation by:

- Upholding individual screening processes and access to quality asylum systems; avoiding the use of unnecessary detention; and collaborating on durable solutions, including resettlement.

Governments can respond to root causes of displacement by:

- Collaborating to formulate political solutions that address violence, insecurity, and other root causes of forced displacement from the Northern Triangle of Central America.

The global refugee crisis is growing in the Americas. Everyone has to step up and respond.
Visit womenonthe.run for more information.

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