



HOME SWEET HOME?

HONDURAS, GUATEMALA AND EL SALVADOR'S
ROLE IN A DEEPENING REFUGEE CRISIS

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Cover photo: Body of a man shot dead in a street in San Salvador. El Salvador is one of the most violent countries in the world with a murder rate of 108.6 per 100,000 inhabitants in 2015. This violence is one of the main factors causing forced migration. 16 May 2016

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1. EXECUTIVE SUMMARY

As violence has worsened and poverty and inequality remain prevalent, the Central American governments of Honduras, Guatemala and El Salvador, also known as the Northern Triangle, are doubly failing to protect their citizens: socioeconomic conditions remain poor and an increasingly violent environment permeates every corner of their countries, which causes people to flee in record numbers, but governments are failing to provide protection to those who are deported back to the same dangerous climates from which they ran.

Amnesty International is undertaking a multi-year, transnational investigation into the various components of this regional crisis, including future research which will examine the dangers of asylum-seekers', refugees' and migrants' journeys through Mexico and the failings of the regional response to the surge in refugee protection needs. Future investigation will particularly highlight how practices in Mexico and the US violate the principle of non-refoulement, which under international law forbids a State from returning a refugee to a country where they will face persecution or danger.

The United Nations High Commissioner for Refugees (UNHCR) has established that asylum-seekers from the Northern Triangle countries fall within a certain risk profile: those persecuted by a gang due to the gang's perception that they do not comply with the gang's authority; persons working or involved in activities susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate; women and girls in areas where gangs operate; and LGBTI people. UNHCR advises that all these groups may be in need of international protection under the 1951 Refugee Convention. Regional instruments such as the Cartagena Declaration clearly calls for refugee status for those persons fleeing generalized violence in their countries, such as those from Central America's Northern Triangle.

To truly understand the regional dynamics of human mobility, Amnesty International chose to first investigate the conditions in which these people begin and often end their perilous journey - their countries of origin - and found that the governments of these countries are failing their citizens every step of the way.

The migration flow from Northern Triangle countries through Mexico to the United States is a decades-long phenomenon. But the last several years have seen the development of a new reality that pushes people to leave their homes: soaring violence has caused rising numbers of people to run north to save their lives. Despite this situation, impunity remains the norm for most crimes and access to justice is mere wishful thinking. Moreover, people in the Northern Triangle have also reason to fear that the authorities who are supposed to protect them are complicit in organized crime or are the perpetrators of abuses themselves. Citizens of Guatemala, El Salvador and Honduras fight a daily battle to survive amidst ubiquitous violence and fleeing their countries is often the only choice they have.

Amnesty International found that violence is a key expulsion factor in El Salvador and Honduras, where levels of violence and an increase in the amount of territory controlled by gangs affect people's right to life, physical integrity, education and free movement. In both countries, women are increasingly suffering the impact of violence. In El Salvador, the female murder rate increased by 60% between 2008 and 2015, while in Honduras it rose by 37% in the same period.¹ In the case of Guatemala, Amnesty International found that migration occurs due to multiple push factors often linked to historic high levels of inequality. Further research is necessary to analyse migration factors in Guatemala.

The total number of asylum applications, of deportees, and of apprehensions of unaccompanied children from the Northern Triangle countries, plus the lack of public policies to respond to the needs, result in large-scale gaps in protection and highlight the magnitude of the protection crisis. Deportations from Mexico to El Salvador, Guatemala and Honduras increased by 231%, 188% and 145% respectively between 2010 and 2015, representing an average increase of 179%.² Heightened immigration enforcement on both Mexico's northern and southern borders means these numbers are not likely to drop anytime soon. In this context, Amnesty International found that no Northern Triangle government has a comprehensive, clearly articulated mechanism or protocol in place to address the protection needs of deportees, leaving many of those deported exposed to great danger. The governments of the Northern Triangle have invested resources in improving the reception centres for deportees. Despite this improvement, our research found that states' efforts to protect their returned citizens appeared to end the moment they walked out the doors of the reception centres. In some of these countries, authorities relied on civil society organizations to fill the void and provide the most crucial services to follow up with deportees with protection needs.

National and local authorities responsible for migrants and deportees in Guatemala, Honduras and El Salvador interviewed by Amnesty International were unwilling to acknowledge the extent to which violence has changed migration and has become a push factor. Many of them made reference to the Plan of the Alliance for Prosperity, a development initiative financed by the US Government, as the main strategy to address root causes of migration. However, none of them could explain how this strategy would respond to the needs of at-risk deportees.

The Northern Triangle states have often sought to minimize the link between violence and forced migration, focusing instead on historic factors such as economic opportunities and family reunification. But skyrocketing asylum applications throughout the region indicate a very real shift in reasons to migrate. For instance, the number of asylum applications made around the world by applicants from El Salvador, Honduras and Guatemala increased by 597% between 2010 and 2015, according to UNHCR statistics. The desperate situation has been reflected in the new demographics of the people making the journey, who increasingly come from society's most vulnerable groups and whose basic rights states have repeatedly failed to protect: women, young people, children (both traveling alone and in family units), and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

When tragedies befall many refugees, migrants and asylum seekers on their journeys the respective consulates and foreign relations ministries have been sluggish and indifferent in demanding justice and assistance for their families at home. Amnesty International found that the Northern Triangle States have no clear policy to assist or attend to the needs of relatives of migrants who have been subjected to grave human rights violations while making the journey through Mexico.

While the countries of transit and destination take steps to stem the migrant flow, the region's crisis will not be solved until Northern Triangle country leaders take concrete action and confront the protection crisis at home.

KEY RECOMMENDATIONS

Northern Triangle States must acknowledge their responsibility in the protection crisis in the region and design and implement public policies and legal frameworks to provide protection for deportees, with particular attention to vulnerable groups such as children, indigenous people, women and LGBTI individuals.

¹ Female murder rates calculated using homicide statistics from Instituto Nacional de Ciencias Forenses, available at www.inacif.gob.gt/index.php?option=com_content&view=article&id=96&Itemid=2, and population figures from the United Nations Population Division, 2015 Revision of World Population Prospects.

² Unidad de Política Migratoria, available at http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Estadistica

Honduras, Guatemala and El Salvador need to lend improved and continued assistance to the relatives of people who have been the victims of crimes or human rights violations during transit abroad. This includes more active advocacy on their behalf with foreign authorities, the development and strengthening of transnational justice mechanisms, keeping families informed of ongoing investigations and providing psychological assistance when necessary.

International cooperation, especially related to the Plan of the Alliance for Prosperity, should earmark part of these resources for programmes that respond to the needs of at-risk deportees. Economic aid for the countries of origin should be channelled to support the design and implementation of protection mechanisms for populations at risk before and after migration occurs.

Additional recommendations are set forth at the end of this report.

METHODOLOGY

In this report, Amnesty International documents the context of violence that has changed the face of regional migration and the situation for deportees in the Northern Triangle countries. The organization conducted five research trips to the three countries and Southern Mexico between March and July 2016, during which it visited reception centres for deportees, interviewed around 50 people who had been affected by violence and/or had migrated and been deported, met people working for civil society and religious organizations working on issues related to violence and migration, and spoke with government officials.

Amnesty International conducted more in-depth interviews with the people of the cases highlighted in this report and substantiated their accounts to the fullest extent possible with official documentation from government and intergovernmental agencies, including birth and death certificates, hospital records, photographs of victims and crime scenes, reports filed to the police and human rights commissions, asylum applications and notifications from national government and international refugee agencies, as well as news reports and additional documentation by civil society organizations. In some cases, it was impossible to obtain such documents, both because of the transitory lifestyles of people who migrate and people's reluctance to file reports with authorities out of fear of reprisals. Similarly, many of the people whose stories feature in the report requested anonymity due to the great risk they and their families face in their home countries. The fluid nature of their migration plans and risk levels also mean that their living situations and locations can change rapidly, thus the status of each case is susceptible to change after the publication of this report, which represents the most current information available at the time of going to press.

Amnesty International sought and held meetings with various officials from the agencies working on migration in all three countries. In Honduras, the Undersecretary for Justice and Human Rights and the Office for Children, Adolescents and Families (DINAF) did not grant meetings despite several requests. Amnesty International met local officers of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and several civil society organizations in each country as well as consular officials in Mexico. In addition, extensive desk research was carried out on statistics, studies and reports related to violence, migration, asylum and deportation.

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Amnesty International would also like to dedicate this work to all of the people whose personal experiences appear in the report and thank them for their incredible bravery and graciousness in the face of great danger and often great tragedy.



2. PUSHED OUT THE DOOR

Human mobility from the Northern Triangle countries (Guatemala, El Salvador and Honduras) through Mexico and to the United States has a long history in the region. Lingering fallout from the decades of civil war, social exclusion, stagnant economies, displacement due to natural disasters and droughts have stimulated Northern Triangle countries migration to the north for decades. Many people have also sought reunification with family members, when a parent or other relative had already migrated. But even if the phenomenon is not new, in recent years, the people who are undertaking the journey, their motives and the conditions in which they are leaving their homes, have undergone significant changes.

CHRONIC POVERTY, STILL A REASON TO CROSS THE DESERT

Despite the changing context and new factors, poverty and social exclusion continue to be important push factors for migration. While poverty rates have improved in some countries in Latin America in the past decades, the changes in Central America have been less visible than in some countries in South America, and the number of people in the Northern Triangle living on less than they need to survive is still worryingly high.


Guatemala stands out for its growing levels of poverty, which have in fact been backsliding in recent years. According to the World Bank, 59.3% of Guatemalans were living below the poverty line in 2014, which is defined as an income that is insufficient to purchase a basic basket of goods and services.³ The United Nations Development Programme (UNDP) found that Guatemala was the only country in the region where levels of poverty actually increased over the 2003-2013 period,⁴ for the equivalent of around three million people, and whose middle class shrunk.⁵ Economic and social exclusion continue to be dominating factors for migration in Guatemala, particularly for children. In particular, local analysts and civil society organizations cite what they call “structural violence” as a source of migration, in reference to the long lasting discrimination against and social and economic exclusion of the region’s biggest indigenous population.

³ This is different than the global poverty standard of living on less than US\$1.90 a day. The World Bank, Poverty & Equity: Country Dashboard Guatemala, available at povertydata.worldbank.org/poverty/country/GTM

⁴ The UNDP study looks at Latin America and the Caribbean as a whole from 2003-2013, but data for Guatemala is only available up to 2011. UNDP, Progreso multidimensional: bienestar más allá del ingreso, 2016, available at www.cl.undp.org/content/dam/rblac/docs/Research%20and%20Publications/IDH/UNDP_RBLAC_IDH2016Final.pdf

⁵ UNDP, Progreso multidimensional: bienestar más allá del ingreso, pp. 51-53.



↑  Outskirts of Guatemala City, 23 April 2016

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MATEO AND LIDIA

FROM AMERICAN DREAM TO
AMERICAN NIGHTMARE

“One day I am going to cross the desert and get my sister... It is always on my mind”



Mateo, a 23-year-old man who watched his sister die while trying to cross the Mexico-USA border, 24 April 2016
© Amnesty International / Encarni Pindado

In 2010, when he was 17 years old, Mateo and his 22-year-old sister Lidia left their home in Guatemala and set off for the United States in search of a better life and to help their family financially.⁶ Under the hot sun in the Sonora desert, Lidia suddenly collapsed near the Mexico-USA border. The group with whom the two were travelling abandoned them without any food or water and Mateo watched as his sister died in his arms hours later. Mateo said he spent the night holding her body, fending off animals, and trying to carry her until he realized he would not be able to do so and set off to find help. After getting lost he said he eventually turned himself over to US immigration authorities and was deported. In the years since, despite his parents' pleas to stay, he has tried to make the journey several times but has never made it past Mexico. “One day I am going to cross that desert and get my sister,” he said. “It is always on my mind.” The family filed reports with the authorities and gave DNA samples of their daughter but has had no news of her. If he never makes it back there himself, Mateo hopes that one day her body is found, “so that my conscience can be free.”

⁶ Name changed to protect identity of family.


2.1 LIFE AMIDST UBIQUITOUS VIOLENCE

After a noted drop in violence in the period after the conclusion of the internal armed conflicts in Central America in the 1990s, gangs (known as maras) and organized crime made the Northern Triangle one of the most dangerous sub-regions in the world in the past decade.⁷ Mara activity increased along with the influx of gang members deported back from the United States and the influence of Mexican drug cartels in the region.

The inability of these countries to halt the gangs' rapid growth and control of territory, coupled with the complicity and abuses of frequently corrupt law enforcement and security forces, has left people unprotected and at risk of violence. It is not only their lives and safety which are under threat, but their ability to enjoy other human rights including their right to freedom of movement and education. The struggle for territory between the gangs has left invisible fault lines throughout the countries, which people are not allowed to cross, no matter if their relatives, job or school lies on the other side of these lines. This particularly affects the poorest and most marginalized communities. Young people and children face the prospect of forced recruitment and sexual exploitation. Broad swaths of society face routine extortion at gunpoint and small business owners and transportation workers are particularly targeted. The lack of proper investigations means impunity is the norm for most crimes and distrust of the authorities is widespread. Daily life is a constant battle and with no prospects for protection and justice at home, those at the margins of society often feel their only hope for survival is to flee. This has created one of the world's most invisible refugee crises.

2.2 MURDER CAPITALS



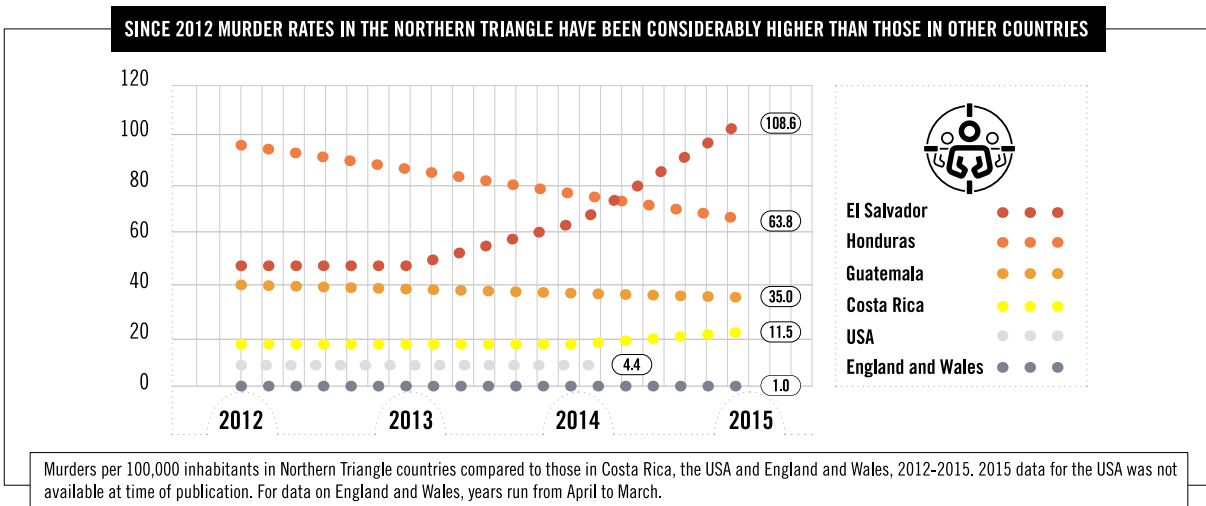
↑  Forensic team working at a crime scene where two people were killed in Choloma, Honduras, 5 July 2016
© Amnesty International / Encarni Pindado

⁷ United Nations Office on Drugs and Crime, *Global Study on Homicide 2013: Trends, Contexts, Data*, 10 April 2014, p. 33, available at www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf

In 2012, Honduras was one of the most deadly countries in the world outside of a warzone, registering 92.7 murders per 100,000 inhabitants (7,172 murders in total).⁸ San Pedro Sula, the country's economic hub and second-biggest city, was ranked the world's deadliest city for several consecutive years.⁹ In recent years, although the country still figures as one of the most dangerous in the region and the world, numbers have dropped to a total of 5,148 murders in 2015 and 2,488 in the first half of 2016, according to official statistics.¹⁰

El Salvador has seen its levels of violence rise and fall precipitously in accordance with gang politics. The number of murders dropped from 4,366 in 2011 to 2,567 in 2012 when a truce between warring gangs took hold, and spiked in 2015 to 6,656 (setting records at over 108 murders per 100,000 inhabitants) when the truce was broken.¹¹ In 2015, the capital San Salvador became one of the world's most dangerous cities outside a conflict zone.¹² At least 2,015 murders were recorded in the first three months of 2016 alone, but the numbers fell by nearly half between March and April.¹³ The government has claimed the drop in violence and murders shows that tough security policies are working, while analysts and journalists theorized the three gangs –Mara Salvatrucha (MS13) and the two factions of Barrio 18 (Sureños and Revolucionarios)– might be in new negotiations.¹⁴

Guatemala also ranks as one of the most violent countries in the region, with 5,718 murders in 2015 (35 murders per 100,000 inhabitants), down from 6,025 in 2012.¹⁵



⁸ Murder rate calculated using homicide statistics from Instituto Universitario en Democracia, Paz y Seguridad, based on official data, available at www.iudpas.org/boletines/boletines-nacionales, and population statistics from the United Nations Population Division, 2015 Revision of World Population Prospects, available at esa.un.org/unpd/wpp/

⁹ Consejo Ciudadano para la Seguridad Pública y la Justicia Penal, For the fourth consecutive year, San Pedro Sula is the most violent city in the world, 20 January 2015, available at www.seguridadjusticiaypaz.org.mx/lib/Prensa/2015_01_20_seguridad_justicia_y_paz-50_most_violent_cities_2014.pdf

¹⁰ Sistema Estadístico Policial en Línea, available at www.sepol.hn/artisistem/images/sepol-images/files/PDF/Estadistica%20mensal%20Junio%202016.xlsx.pdf

¹¹ Murder rate calculated using homicide statistics from Instituto de Medicina Legal, available at www.transparencia.oj.gob.sv/portal/transparencia.php?opcion=13, and population statistics from the United Nations Population Division, 2015 Revision of World Population Prospects.

¹² El Faro, La ciudad más violenta del mundo, 26 January 2016, available at losblogs.elfaro.net/cronicasguanacas/2016/01/la-ciudad-m%C3%A1s-violenta-del-mundo.html

¹³ Instituto de Medicina Legal, available at www.transparencia.oj.gob.sv/portal/transparencia.php?opcion=13 ¹⁴ El Faro, Pandillas caminan hacia un frente común ante medidas extraordinarias, 5 July 2016, available at www.elfaro.net/es/201607/salanegra/18899/Pandillas-caminan-hacia-un-frente-com%C3%BAn-ante-medidas-extraordinarias.htm

¹⁵ Murder rate calculated using homicide statistics from Instituto Nacional de Ciencias Forenses, available at www.inacif.gob.gt/index.php?option=com_content&view=article&id=97&Itemid=18, and population statistics from the United Nations Population Division, 2015 Revision of World Population Prospects.



ALEXA AND HER FAMILY ¹⁶

TWO YOUNG SONS MURDERED
IN ONE WEEK

“Watch the news to see if he [your son]
shows up dead”



Alexa, a 34-year-old woman forced to flee Honduras after two of her sons under the age of 13 were murdered by gang members, 18 July 2016
© Amnesty International / Encarni Pindado

Alexa lived with her four sons in a poor and dangerous community in San Pedro Sula, Honduras. In April 2014, her 13-year-old son Osvaldo went missing. When he hadn't appeared after two days, Alexa went to file a report at the police station, where she said police officers told her they could not do much but that she should “watch the news to see if he shows up dead”. Outside the station, she began talking to some police officers who said they had just found the bodies of two teenagers and suggested she come along to the morgue to take a look. At the morgue, Alexa positively identified one of the victims as Osvaldo. He and his friend had been found tied up and badly beaten before being shot to death in “clandestine houses” used by the gangs called “casa locas”.

In the confusion while Osvaldo was missing, his younger brother, seven-year-old Alberto, went looking for his brother and also disappeared. In May, less than two days after the burial of his brother, Alberto's badly decomposed body was found wrapped in a mattress. He was the eighth of nine children who were killed in the area that month, allegedly by members of a local gang who sought to recruit them. Alexa participated as a protected witness in the trial against at least five men who were arrested for the murders. The month after Alberto's body was found, Alexa and her two surviving sons, then 17-year old Jose and then 15-year old Mauricio, fled to Mexico using money which they were given as support from the Honduran National Human Rights Commission. The family received refugee status in Mexico in December 2014.

A year later, while in the state of Veracruz, the family was picked up by migration authorities. Alexa told Amnesty International that she told immigration authorities she had lost the papers proving the family's legal status as refugees in Mexico. According to Alexa, the three were sent back to Honduras at the end of December 2015, despite her urging the officials to check their names in the electronic system. Alexa told Amnesty International that no Honduran consular official in Mexico or immigration authority in Honduras consulted her about what had happened to the family. As Mauricio was a child, he was interviewed by a psychologist with the nongovernmental organization Casa Alianza.¹⁷ The family returned to the same neighbourhood in Honduras and two weeks after arriving, Mauricio received anonymous text messages threatening to kill the whole family if they did not leave the neighbourhood within nine days. At the beginning of 2016, Casa Alianza, along with UNHCR, started preparing the paperwork that would allow Alexa and her family to return to Mexico. In May 2016, Alexa and her two sons travelled yet again to Mexico, but this time with assistance and some limited funds from UNHCR.

In July, the three were granted refugee status in Mexico. Alexa plans to keep “working and struggling to survive”, and Mauricio hopes one day to finish school and be a forensic doctor.

¹⁶ All names changed to protect identity of family. Interviews with Amnesty International in San Pedro Sula, Honduras, March 2016 and Tapachula, Mexico, July 2016.

¹⁷ Casa Alianza, part of the global organization Covenant House, is a nonprofit organization that works to protect at-risk children and adolescents in Honduras.

2.3 THE GENDER DIMENSION OF THE VIOLENCE

The pervasiveness of the violence in the Northern Triangle countries affects all of society, but it affects people differently according to their gender identity and/or their sexual orientation. While the vast majority of murder victims are young men, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) people are also subjected to differentiated forms of violence.

VIOLENCE AGAINST WOMEN AND GIRLS

Though most of the countries of Central America have enacted specific legislation to protect the rights of women as instructed by the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, and by the Convention on the Elimination of Discrimination against Women, Amnesty International research shows that in practice, women in the Northern Triangle countries are routinely subjected to violence and the duty to investigate is routinely flouted.

In Honduras, the female murder rate jumped by 37% between 2008 and 2015, while in El Salvador it rose by 60% during the same period.¹⁸ According to one global study, a minority of these killings were committed by intimate partners in the private sphere.¹⁹ It is important to highlight that targeted violence against women and gender-based violence whether by an intimate partner or by gangs is potential grounds for international protection.

The climate of violence affects women in specific and different ways. Honduras reported 2,619 forensic medical exams for sexual assault against women and 2,808 exams for aggression against women²⁰ in 2015.²¹ These figures were up from 2,195 exams for sexual assault against women and 2,301 exams for aggression in 2014.²² Sexual assault and aggression against women combined represented 31.6% and 35.4% of any kind of forensic medical examination conducted in the respective years.²³ But attacks are widely underreported, and many analysts believe the numbers to be far higher. The judicial branch in Honduras reported 788 rape cases in 2015.²⁴

Sexual violence against women and girls by gang members in El Salvador has been reported by the press and civil society organizations, and there is great need for comprehensive studies on this alarming social problem.²⁵ One of the issues faced in relation to data is that none of the Northern Triangle governments have specific mechanisms to collect data during criminal investigations to disaggregate statistics related to the killing of women and LGBTI people as a result of their gender identity and/or their sexual orientation. The information provided by local NGOs is also often not explicitly clear on whether the motive of the killings was based on gender and/or sexual orientation. The Committee on the Elimination of Discrimination against Women has not issued concluding remarks on any of the 3 countries in recent years.

Yet women and girls themselves have reported being targeted with gender-specific violence. According to UNHCR's report *Women on the Run*, 64% of the 160 women from El Salvador, Guatemala Honduras and Mexico interviewed and seeking asylum in the United States described:

Being targets of direct threats and attacks by members of criminal armed groups as at least one of the primary reasons for their flight... the women consistently stated that police and other state law enforcement authorities were not able to provide sufficient protection from the violence. More than

¹⁸ Female murder rates calculated using homicide statistics as above, and population figures from the United Nations Population Division, 2015 Revision of World Population Prospects.

¹⁹ The Geneva Declaration on Armed Violence and Development, Global Burden of Armed Violence 2015, October 2015, Ch. 3, p. 109, available at www.genevadeclaration.org/fileadmin/docs/GBAV3/GBAV3_Ch3_pp87-120.pdf

²⁰ Aggression against women is defined as "gender-based violence or violence against a woman by a romantic partner" by Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 40 sobre Mortalidad y Otros, 2015, p. 11, available at www.iudpas.org/pdf/Boletines/Nacional/NEd40EneDic2015.pdf

²¹ Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 40 sobre Mortalidad y Otros, pp. 10-11, graphics 22 and 27.

²² Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 36 sobre Mortalidad y Otros, 2014, pp. 10-11, graphics 22 and 27, available at www.iudpas.org/pdf/Boletines/Nacional/NEd36EneDic2014.pdf

²³ This includes all sexual assault cases, but in 86.7% of sexual assault cases the victims were women in 2015 (p. 11) and 92.6% in 2014 (p. 11).

²⁴ Poder Judicial Honduras, Boletín Estadístico 2015, p. 22, available at www.poderjudicial.gob.hn/CEDIJ/Documents/BE2015CEDIJ.pdf

²⁵ La Prensa Gráfica, Violencia contra las mujeres: Extorsión sexual, 27 May 2016, available at www.laprensagrafica.com/2016/05/27/violenciaco-tra-las-mujeres-extorsion-sexual

*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.*²⁶

VIOLENCE AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

LGBTI people are frequently targeted for abuse, intimidation and violence because of their sexual orientation and/or their gender identity. They not only rarely see justice but are often ignored, belittled or victimized by law enforcement officers. This violates their right to equal protection of the law without discrimination and to equal exercise and protection of all human rights.²⁷

While government statistics of murders of LGBTI people are hard to come by, the Inter-American Commission on Human Rights (IACHR) has found that in this climate of extreme violence, marginalized groups like LGBTI people are often targeted for abuse.²⁸ Transgender women, who because of patriarchal social norms are particularly stigmatized, are especially subjected to violence and extortion by gangs because they often face greater obstacles to access justice, due to discrimination. Local activists told Amnesty International that employment discrimination means transgender people often turn to sex work, which requires them to work late at night in environments and conditions that can expose them to higher risks of crime and violence. They also face harassment and intimidation by the police and authorities because of their gender identity and/or their sexual orientation and, when crimes occur, they face serious obstacles to access justice from law enforcement officials who discriminate against them.

The Salvadoran organization ASTRANS, which works to promote human rights for transgender people, said that of 42 LGBTI people murdered in 2015, 32 were transgender women, according to news reports.²⁹ The Salvadoran Human Rights Ombudsman, David Morales, said that his office had investigated at least 14 murders of LGBTI people between 2009 and 2015 and five cases in the first two weeks alone of 2016. He said there had been little or no justice in any of the cases.³⁰

For many LGBTI people who have experienced violence, the only option is to flee. Salvadoran transgender activist and director of the organization COMCAVIS TRANS, Karla Avelar, wrote in a blog published on Amnesty International's website in July 2015 that her organization had documented the cases of 60 transgender women who had fled El Salvador after receiving direct threats and abuse in the 12 months prior.³¹ In the previous six months, she said COMCAVIS reported 13 murders and 13 attempted murders of transgender women in the country, none of which received justice. She said that law enforcement and security forces officers are often the worst offenders in terms of harassment against the transgender community. In June 2015, for example, Aldo Alexander Peña, a transgender man, was brutally beaten by the police.³² In early December 2015, UNHCR said that in 2015, 13% of the cases of refugees and asylum-seekers processed by the agency's office in the city of Tapachula in southern Mexico were of LGBTI people.³³

²⁶ UNHCR, *Women on the Run*, 2015, p. 4, available at www.unhcr.org/5630f24c6.html

²⁷ Articles 1 and 24 of the American Convention on Human Rights "Pact of San Jose, Costa Rica", available at www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf

²⁸ Inter-American Commission on Human Rights, *Violencia contra Personas Lesbianas, Gay, Bisexuales, Trans e Intersex en América*, 12 November 2015, pp. 172-173, available at www.oas.org/es/cidh/informes/pdfs/ViolenciaPersonasLGBTI.pdf

²⁹ *Contrapunto*, *En los tacones de la discriminación*, 17 May 2016, available at www.contrapunto.com.sv/sociedad/ddhh/en-los-tacones-de-la-discriminacion/697

³⁰ Procuraduría para la Defensa de los Derechos Humanos, *Procurador hace un llamado a las autoridades a investigar los recientes homicidios de personas de la población LGBTI en El Salvador*, 18 January 2016, available at www.pddh.gob.sv/menupress/735-procurador-hace-un-llamado-alas-autoridades-a-investigar-los-recientes-homicidios-de-personas-de-la-poblacion-lgbti-en-el-salvador

³¹ K. Avelar, "Ser mujer trans en El Salvador: 'Tengo miedo constantemente'", in Amnesty International, 30 July 2015, available at www.amnesty.org/es/latest/news/2015/07/ser-mujer-trans-en-el-salvador-tengo-miedo-constantemente/

³² N. Lakhani, "LGBT in El Salvador: Beatings, intolerance, death", in Al Jazeera, 12 August 2015, available at www.aljazeera.com/indepth/features/2015/08/lgbt-el-salvador-beatings-intolerance-death-150805075132892.html

³³ UNHCR, *Stabbed 58 times, transgender woman flees El Salvador*, 8 December 2015, available at www.unhcr.org/news/latest/2015/12/566699f76/stabbed-58-times-transgender-woman-flees-el-salvador.html



PATRICIA³⁴

A TRANSGENDER WOMAN WHO
JUST WANTED TO SELL SODA

“I’m afraid that something will happen to me again and they will hurt me again... it’s impossible to live in this country anymore”



Patricia, a 32-year-old trans woman extorted, threatened and forced to flee El Salvador by gang members, 10 May 2016
© Amnesty International / Encarni Pindado

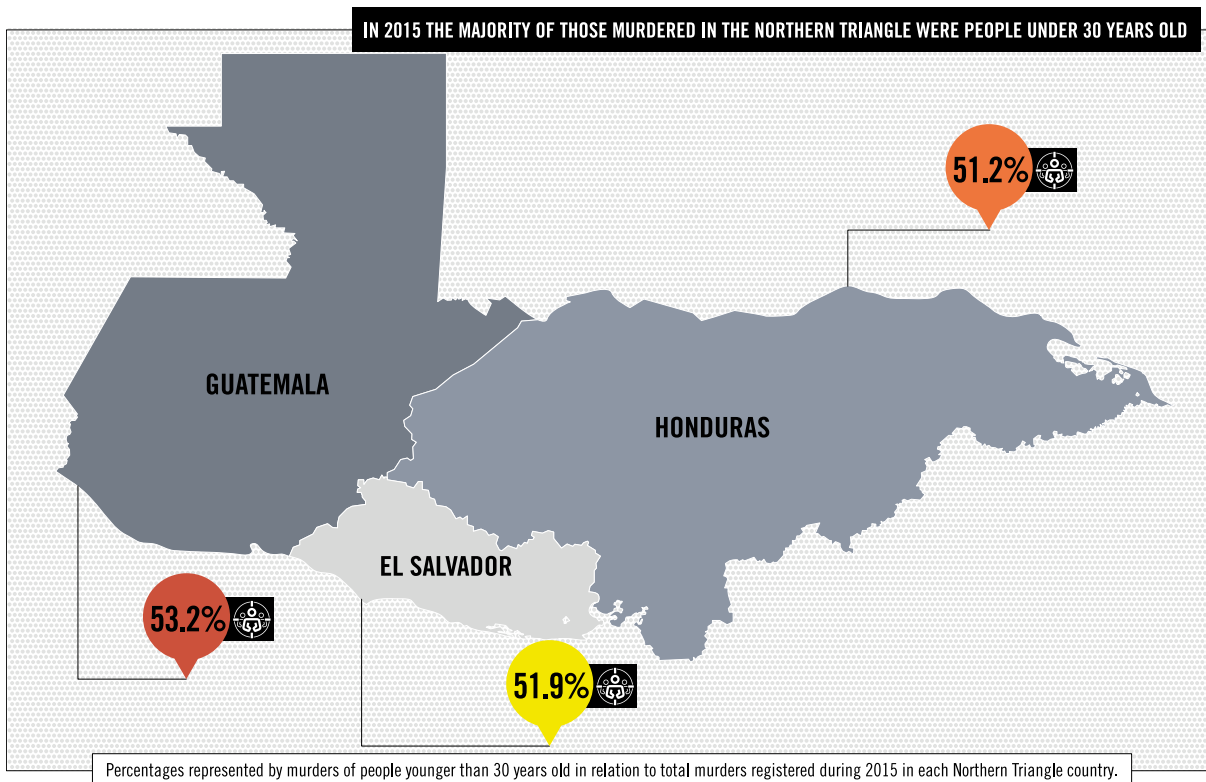
Patricia is a 32-year-old transgender woman from El Salvador, who was proud to have her own small business selling soda in her neighbourhood. Patricia’s business became endangered by the “rent” she was obliged to pay to local gangs, who wanted to charge her US\$50 or US\$100 a month, a sum she could almost never afford. Patricia began to receive threats from the gangs but never considered going to the authorities since police officers themselves had harassed her in the past, both because of her gender identity and issues in her home. She had twice filed reports about harassment by the police with the Human Rights Ombudsman’s office (PDDH) but never saw any results. In the first case, in June 2015, she reported to the PDDH that police officers with their faces covered had come to the home one morning at 3am. They asked for another brother who had not lived there for over three years, and then hit her with their guns and told her she had a month to leave the house. In the second report, in September 2015, she said a neighbour had alerted her that police officers had come looking for her at the same house twice in the previous week and they also looked for her at her work. Days after these incidents, she decided to leave for Mexico.

After being assaulted and robbed on the journey, Patricia said her asylum application in Mexico was denied on the grounds that 12 years earlier she had served a jail sentence on drug offences. She was deported back to El Salvador in April 2016 and said that she told the Salvadoran immigration officer that she had fled out of fear for her safety but that he had offered no response. A little over two weeks later, when she spoke with Amnesty International, she was planning to leave for Mexico again imminently. “I’m afraid that something will happen to me again and they will hurt me again. It always feels unsafe here, it’s impossible to live in this country anymore” Patricia said.

³⁴ Name changed to protect identity. Interview in San Salvador, El Salvador, May 2016.

2.4 VIOLENCE AGAINST YOUTH: A GENERATION AT RISK

Children and young people have also borne the brunt of the surge in violence. Of the 6,656 murders in El Salvador in 2015, 1,227 of the victims were under 19 years old and an additional 1,294 were aged between 20 and 24.³⁵ Of the 5,148 murders in Honduras in 2015, 727 of the victims were under 19 and 993 were between 20 and 24 years old.³⁶ In both countries the vast majority of victims are male, and young men and boys continue to be forcibly recruited by gangs. Those who refuse are at risk of violent retaliation. Of 5,718 murdered in Guatemala in 2015, roughly one fifth were under the age of 19 and the majority of those, 807, were young men and boys.³⁷



In every case documented for this report, children and young people who had been a victim of violence had left and not returned to their studies, either by force by the gangs or out of fear of being their next target. According to news reports based on official information, 39,000 students left school due to harassment or threats by the gangs in 2015, three times the 13,000 who had been forced to do so the year before. In 2009, 6100 students abandoned their studies. The teachers union, however, said they believed the real number in 2015 could be more than double the amount reported.³⁸ The combination of forced conscription to gangs and the pressure to leave school puts the future employment prospects of an entire sector of a generation at risk, perpetuates social exclusion, and further complicates efforts to extricate them from the hold of organized crime.

³⁵ Instituto de Medicina Legal, available at www.transparencia.oj.gob.sv/portal/transparencia.php?opcion=13

³⁶ Sistema Estadístico Policial en Línea, available at www.sepol.hn/artisistem/images/sepol-images/files/PDF/Estadistica%20mensal%20Junio%202016.xlsx.pdf

³⁷ Instituto Nacional de Ciencias Forenses, available at www.inacif.gob.gt/index.php?option=com_content&view=article&id=97&Itemid=18

³⁸ J. López, 'Deserción escolar por violencia se ha triplicado en últimos dos años', in *Elsalvador.com*, 19 July 2016, available at www.elsalvador.com/articulo/sucesos/desercion-escolar-por-violencia-triplicado-ultimos-dos-anos-119540

The connection between violence and migration is particularly acute in the cases of children.³⁹ According to UNHCR's report "Children on the Run", which documents the situation of unaccompanied children from El Salvador, Guatemala, Honduras and Mexico:

In 2006, only 13% of the unaccompanied and separated children that UNHCR interviewed presented any indication of international protection concerns – that is, 11 of the 75 children who were interviewed at that time... In contrast, of the 404 children interviewed for study in 2013, over half (53%) of those who mentioned family reunification, school or better opportunities, deprivation, or other reasons also gave international protection-related reasons for leaving their countries, among them violence in society predominantly by armed criminal actors... One hundred ninety-two (48%) of the children interviewed shared that they had experienced or been threatened with serious harm by organized armed criminal actors... state actors or other actors within the community or that they had suffered such harm due to a lack of sufficient protection by the State.⁴⁰

Gang control of territory has been shown to have a particular impact on the lives of children, obstructing their rights to protection from violence. Boys are exposed to economic exploitation in the form of forced conscription and girls are at risk of sexual exploitation. Of 108 children interviewed by UNHCR who said they fled gang-related harm, 79 were boys.⁴¹ The informal rules of conduct established by gangs in the neighbourhoods they dominate frequently leave children confined to their homes out of terror, impinging upon their ability to enjoy their rights to freedom of movement, to education and to recreation and play, as guaranteed by the Convention on the Rights of the Child.⁴²

In communities where gangs have control, everyday decisions like on which road to walk, or whether to attend school, can be a life or death decision.

³⁹ M. Orozco and J. Yansura, *Centroamérica en la Mira: La migración en su relación con el desarrollo y oportunidades para el cambio*, 2016, pp. 29-33, *Teseo*.

⁴⁰ UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, 2014, pp. 24-26, available at www.unhcr.org/56fc266f4.html

⁴¹ UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*, p. 27.

⁴² Convention on the Rights of the Child, available at www.ohchr.org/en/professionalinterest/pages/crc.aspx 43 All names changed to protect identity. Interview in Tegucigalpa, Honduras, July 2016.

LEONORA ⁴³

A TEENAGER IS ABDUCTED FOR GOING TO SCHOOL



Leonora, a 14-year-old girl abducted by gang members while going to school, 7 July 2016
© Amnesty International / Encarni Pindado

Fourteen-year-old Leonora and a schoolmate were warned by several members of a local gang not to return to their school, which was in territory controlled by the gang, because they lived in a neighbourhood controlled by a rival gang. In April 2016, the two girls decided to go to school anyway and were confronted by the same men. The men forced Leonora and her friend into a car and held them captive in a house for four days. During that time, the girls were given no food but were forced to consume cocaine and ecstasy and to drop off drugs for sale in certain neighbourhoods. Several days later, while the men were out, the girls escaped through an open window and called Leonora's mother from a neighbour's phone to come pick them up.

During their captivity, Leonora's mother, Alejandra, had searched for her ceaselessly, filed a report of her disappearance with the police and had even appeared on television asking for information about her daughter's whereabouts. Alejandra told Amnesty International that after receiving her daughter's phone call, she called the detective who had been assigned to the case but was told he had the day off and there was nothing he could do. She went to the local police station and some officers went with her to rescue her daughter, to where the phone call had been received from. Leonora and Alejandra said that the officers did not follow Leonora's further directions to the house where the girls had been held, and did not take any statements or file a report after picking them up. Police frequently do not investigate these kinds of cases out of fear or complicity with criminal groups.

On the advice of the police officers, Alejandra and Leonora left that day for Leonora's aunt's house and never returned home. Leonora has since moved to live with two different sets of relatives in different parts of the country and has not returned to school nor spoken with her friends. She spends most of her time inside because she is afraid of seeing the men who abducted her. With the help of the local organization Casa Alianza, she is starting to take some classes and hopes to return to school soon and eventually become a doctor.

⁴³ All names changed to protect identity. Interview in San Salvador, El Salvador, May 2016.

**DREAMS OF BEING AN ARCHITECT DASHED
AFTER WITNESSING A MURDER**



*Yolanda, a 19-year-old woman threatened with death after witnessing a murder by gang members in El Salvador, 14 May 2016
© Amnesty International / Encarni Pindado*

Nineteen-year-old Yolanda mostly knows her mother, Teresa, from near-daily telephone conversations. When Yolanda was a baby, Teresa left her to live with an aunt and migrated to the United States in search of work. Teresa received Temporary Protected Status and is able to live and work legally in the US. Yolanda was granted a US visa and was able to visit her mother once in 2015 but was happy living and studying architecture in El Salvador.

In February 2016, gang members stopped the car in which she had been given a lift back from school along with classmates and other people from her neighbourhood. The gang members forced one of the boys out of the car and instructed the other passengers to drive off. While driving away, they heard gun shots and were later told that the boy had been shot dead. The same night, Yolanda was with her boyfriend when she received phone calls from an unidentified person who ordered her not to tell anyone what had happened and that she had 24 hours to leave the neighbourhood or she would be killed.

Yolanda fled and has been living with different relatives ever since. She has not been able to return to her studies, has cut off contact with most of her friends, and barely leaves the house. She did not speak to the police about what happened out of fear for her and her family. Yolanda's relatives suggested that, for her safety, she should move to the United States to be with her mother and, with the help of the local organization the Independent Monitoring Group of EL Salvador (GMIES), filed an application to the US embassy under the Central American Minors (CAM) Refugees/Parole programme. CAM was started in December 2014 to process refugee applications in country for Salvadorans, Hondurans or Guatemalans under the age of 21 who have a parent living legally in the United States. The programme was expanded in July 2016 to include their family members over the age of 21.⁴⁵ In May 2016, Yolanda was denied refugee status on the grounds she did not prove her fear of persecution stemmed from a protected characteristic, but was conditionally approved parole, which allows her to go to the United States for two years with the possibility of renewal. In July, Yolanda was anxious after months in hiding and waiting to receive word from the US Department of Homeland Security that she had been approved to leave for the United States. As of publication of this report she had not yet left El Salvador.

⁴⁴ All names changed to protect identity. Interview in San Salvador, El Salvador, May 2016.

⁴⁵ In its first year and a half of existence, the CAM programme was harshly criticized for admitting too few people and for the sluggishness with which it assessed applications, granting entry to only 267 children, according to news reports. An additional 2,880 individuals, such as Yolanda, had been approved and were awaiting resettlement. On 26 July 2016, it was announced that the CAM programme would be expanded to allow entire families of the children who qualified to apply, including siblings and caretakers over 21 years of age. The Deputy Homeland Security Adviser, Amy Pope, said in a conference call with journalists that the changes had been made because, "the criteria is too narrow to meet the categories of people who we believe would qualify under our refugee laws, but they just don't have the mechanism to apply," according to the New York Times. As part of the programme, Costa Rica agreed to serve as a temporary host site for up to 200 prescreened people at a time for six-month periods while their applications were processed, according to the Times. The UNHCR and White House officials said authorities would review refugee applications in their home countries as a means to discourage asylum-seekers from travelling through Mexico to the US border. See the New York Times, US to Admit More Central American Refugees, 26 July 2016, available at www.nytimes.com/2016/07/27/us/politics/obama-refugees-central-america.html?_r=0

2.5 EXTORTION: THE BLOOD MONEY THAT FUELS THE VIOLENCE

Murders, sexual violence and threats are only the starkest way to measure the lawlessness and violence that have terrorized citizens in the Northern Triangle in recent years.

Extortion, the financial lifeblood of the gangs, is rampant and affects broad swaths of society, but it hits hardest in poor communities where gangs hold power. Gangs charge members of these communities “war tax” or “rent”. Salvadorans pay about 3% of the country’s GDP in extortion charges and when money spent on security measures and lost income from people who are prevented from working is factored in, the total cost to the economy is nearly 16%, according to a study cited by the magazine *The Economist*.⁴⁶ The Honduran National Anti-extortion Force said that extortion rates in the region have been reported to annually reach US\$390 million in El Salvador, US\$200 million in Honduras and US\$61 million in Guatemala, though the actual figures are thought to be far higher, according to news reports.⁴⁷ Those who work in the transportation industry or own small businesses are particularly affected and failure to comply can result in retaliation that ranges from threats, to having their business burned down, to murder. An association of Salvadoran bus owners said that 35% of businesses operating bus lines in the San Salvador metropolitan area had gone bankrupt because of extortion between 2010 and 2015, according to the daily *La Prensa*, which also reported that 70 transportation sector workers were killed in 2014 alone.⁴⁸

2.6 WHEN YOU CAN’T TRUST THE STATE, SAFETY IS ANYWHERE BUT HOME

Authorities in the Northern Triangle are failing in their obligation to respect and protect the right to life and personal integrity by not addressing the soaring levels of violence and murders.⁴⁹ The Inter-American Commission on Human Rights has made clear that states are particularly obliged to reasonably prevent, investigate and punish all actions that implicate violations of the right to life, including those committed by state or non-state actors.⁵⁰ Similarly, the Inter-American Court of Human Rights has constantly stated that states have an obligation to guarantee the conditions to ensure that violations to the right to life do not occur.⁵¹ In order to do so, states must establish an effective judicial system to prevent, prosecute and punish the deprivation of life both when committed by the state’s security forces or as a consequence of criminal acts in general.⁵²

The Inter-American Commission on Human Rights has further added that the authorities, in fulfilling their obligations to respect and protect the right to life, must design, implement and constantly scrutinize its public policies related to public safety.⁵³

As part of these obligations, states must also develop an adequate normative framework to deter all threats to the right to life and to allow effective, thorough and independent investigations of violations to the right to life. Both the Commission and the Inter-American Court have determined that the duty to investigate and punish violations to the right to life becomes essential since impunity facilitates the continuing repetition of human rights violations and the total defencelessness of victims and their families.⁵⁴

However, authorities of the Northern Triangle have routinely failed in their obligation to provide justice and redress to victims and their relatives. States are also obligated to enact specific protection measures in cases

⁴⁶ *The Economist*, The gangs that cost 16% of GDP, 21 May 2016, available at www.economist.com/news/americas/21699175-country-gangs-specialise-extortion-they-may-be-branching-out-gangs-cost

⁴⁷ *La Prensa*, “Imperios de la extorsión” están en Honduras y El Salvador, 1 July 2015, available at www.laprensa.hn/honduras/854572-410/imperios-de-la-extorsi%C3%B3n-est%C3%A1n-en-honduras-y-el-salvador

⁴⁸ *La Prensa*, “Imperios de la extorsión” están en Honduras y El Salvador.

⁴⁹ Articles 4.1 and 5 of the American Convention on Human Rights “Pact of San Jose, Costa Rica”, available at www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf

⁵⁰ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, para. 108, available at www.oas.org/en/iachr/docs/pdf/CitizenSec.pdf

⁵¹ Inter-American Court of Human Rights, Case of the Pueblo Bello Massacre vs. Colombia, 2006, para. 120, available at www.corteidh.or.cr/docs/casos/articulos/seriec_140_ing.pdf

⁵² Inter-American Court of Human Rights, Case of Escué-Zapata vs. Colombia, 2007, para. 40, available at www.corteidh.or.cr/docs/casos/articulos/seriec_165_ing.pdf

⁵³ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, para. 226, available at www.oas.org/en/iachr/docs/pdf/CitizenSec.pdf

⁵⁴ Inter-American Commission on Human Rights, Report on Citizen Security and Human Rights, p. 12.

where they have reason to believe a particular group or person may be at risk. The duties have not been met in the cases of protected witnesses, for example, or human rights defenders who have been threatened or attacked.

The common thread through all the stories of those who flee dangers at home to face the unknown and serious risks of the journey to the US is an utter lack of trust or confidence in authorities to protect them or bring perpetrators of violence against them to justice. This is unsurprising considering the pervasive impunity in these countries for all crimes. According to an academic study based on official statistics, between 2006 and 2009, the Salvadoran Attorney General's office pursued only 20% of all crimes reported to its office and between 2009 and 2013, 85% of criminal proceedings resulted in a dismissal and only 8.4% resulted in a conviction.⁵⁵ The Inter-American Commission on Human Rights reported it had received information that between 2010 and 2013 in Honduras only 3.7% of all murders resulted in a conviction.⁵⁶

During the past several years in the Northern Triangle, prosecutors, international impunity and corruption commissions and journalists have uncovered some of the most high-profile corruption scandals ever recorded in the region. In Guatemala, the former president and vice president were forced to resign and are currently standing trial on an ever increasing number of accusations of malfeasance (which they deny) that have touched different sectors of government and business. In Honduras, the national police force is undergoing yet another purge, resulting in the dismissal of over 100 high-ranking police officers accused of corruption, after documents leaked to the press appeared to reveal that police officials carried out and covered up the executions of a prominent anti-narcotics official and prosecutor.⁵⁷ In March 2016, Berta Cáceres, one of Honduras' most internationally recognized environmental and Indigenous rights defenders and the recipient of precautionary measures from the Inter-American Commission on Human Rights, was murdered in a high-profile case that has not been fully investigated.⁵⁸

The ineffectiveness of law enforcement and sluggishness of the justice systems in the Northern Triangle make it unreasonable to assume that someone who has received credible death threats would stick around long enough to see if authorities follow through on a police report to investigate, let alone provide effective protection. But beyond perceptions of neglect or ineptitude, people in the Northern Triangle have also reason to fear that the same authorities who are supposed to protect them are complicit in organized crime or are the perpetrators of abuses themselves.

In El Salvador, as security forces have been given enhanced powers to fight what the authorities have called a "war on gangs", evidence has emerged of increasing human rights violations committed by police and military members including extrajudicial executions.⁵⁹ At a press conference in April 2016, Human Rights Ombudsman David Morales said his office had concluded that "state agents" had committed extrajudicial executions in 2015 in two separate massacres. According to public statements, his office was investigating 30 more cases of possible extrajudicial executions that involved more than 100 individuals.⁶⁰

In this context of abuse by security forces many victims of crime and intimidation choose to flee rather than seek protection from law enforcement and the justice system. In most of the cases Amnesty International investigated, victims did not file reports with the authorities.

⁵⁵ J. Aguilar (Ed.), *La situación de la seguridad y la justicia 2009-2014: Entre expectativas de cambio, mano dura militar y treguas pandilleras*, 2014, p. xxviii, available at www.uca.edu.sv/iudop/wp-content/uploads/libro_la_situacion_de_la_seguridad.pdf

⁵⁶ Inter-American Commission on Human Rights, *Violence, Children and Organized Crime*, 11 November 2015, para. 399, available at www.oas.org/en/iachr/reports/pdfs/ViolenceChildren2016.pdf

⁵⁷ Wilson Center, *Comisión Especial para la Depuración y Transformación de la Policía Nacional*, June 2016, p.13, available at www.wilsoncenter.org/sites/default/files/presentacion_comision_especial_usa.pdf

⁵⁸ Amnesty International, *Honduras: Deep failures in investigation into activist's killing put many at risk*, 8 March 2016, available at www.amnesty.org/en/latest/news/2016/03/honduras-deep-failures-in-investigation-into-activist-s-killing-put-many-at-risk/

⁵⁹ Procuraduría para la Defensa de los Derechos Humanos, *Procurador emite resoluciones en torno a casos de presuntas privaciones arbitrarias de la vida por ejecución extralegal y uso desproporcionado de armas de fuego*, 25 April 2016, available at www.pddh.gob.sv/menupress/751-comunicado-30-2016

⁶⁰ Q. King, 'El Salvador Police Accused of Two Extrajudicial Massacres', in *Insight Crime*, 26 April 2016, available at www.insightcrime.org/news-briefs/el-salvador-police-accused-of-two-extrajudicial-massacres

ANDRES ⁶¹

IN THE WAR ON GANGS, A TEENAGER IS ABUSED BY THE STATE



“Because we are poor, even if we file a report, no one ever listens”



*Andres, a 16-year-old boy abused by security officers in El Salvador, 12 May 2016
© Amnesty International / Encarni Pindado*

Andres, aged 16, lives with his family in the countryside outside of San Salvador, where he plants corn and sells wood. One morning in May 2016, his mother, Claudia, was approached outside a store by approximately 10 soldiers who had their faces covered and two police officers who asked for her name, she told Amnesty International. They then ordered her to take them to her home. Claudia and Andres believe the soldiers were part of the new Special Reaction Forces (FER) battalion created as part of the militarized strategy to fight the gangs. At the family's home the police and soldiers asked to see any of Claudia's sons and when Andres appeared they accused him of being a lookout for the gangs and of having participated in a shootout that had occurred earlier that morning. Andres denied the accusations, saying that he had been working all morning. They beat him and then, without presenting any kind of arrest warrant, took him away on foot saying they were headed to the police station.

The soldiers and officers paraded him handcuffed and barefoot in front of a television crew that was covering the shootout from earlier in the day. They then took him to an abandoned field where they poured bottles of water into his mouth and nose so that he felt he was drowning, stuck his head in a puddle and stuffed sand into his mouth. They jumped on his stomach, kicked and punched him, wrapped a jacket around his neck so he could not breathe and threatened to kill him unless he confessed and told them where the guns and gang members were hidden. Eventually, in the afternoon, Andres was taken to the police station.

During this time, Claudia had called a lawyer from a local human rights organization, who accompanied her to the police station to demand information on the whereabouts of Andres and attempted to communicate by phone with officers higher up the chain of command. Police officers ignored her calls and intimidated them in order to stop their quest to look for Andres. After many hours, the police eventually told them he was being held at another police station roughly an hour away, where he was detained for two days.

Andres was then transferred to the Salvadoran Institute for Youth and Adolescence (ISNA), the national institution in charge of children in conflict with the law, where Claudia and the lawyer were allowed to pick him up. Three days later, Andres and Claudia filed an official complaint with the Human Rights Ombudsman's Office and the Attorney General's office. The NGO lawyer also arranged for Andres to be examined by a private practice doctor who reported that he showed signs of “multiple traumas on his body”, “conjunctival haemorrhages” in his eye, lesions on his wrists and neck, and the doctor also recommended treatment for post-traumatic stress.

Andres has not returned home since. He said the investigators he spoke with recommended not to return to the community for his safety but did not offer him any form of protection. Claudia reported receiving phone calls from men who identified themselves as police representatives and tried to get information about what she had told the investigators, according to the lawyer. Amnesty International spoke with Andres less than a week after the episode when he was living alone in hiding and separated from his family. He did not dare to venture outside. He said that, “because we are poor, even if we file a report, no one ever listens.” The family is hoping to reunite and leave the country and ask for asylum elsewhere but as of publication of this report had not yet been able to leave because they are waiting to participate in the investigation against the security officers. It would be “hard to leave the place where one lives, was born and grew up,” Claudia told Amnesty International in May. “But I want to be reunited with [Andres] because this separation has been hard for us... Many people are leaving now... I feel there can be no future here.”

⁶¹ All names changed to protect identities. Interview in San Salvador, El Salvador, May 2016.

WHEN SEEKING JUSTICE FOR MURDER
BECOMES A DEATH SENTENCE

“If I stay here they are going to kill me, so even if the journey is very dangerous, it’s the same thing”



*Yomara, a 30-year-old woman threatened with death after witnessing a murder by gang members in Honduras, 7 July 2016
© Amnesty International / Encarni Pindado*

When Amnesty International first met with Yomara, aged 30, she was sleeping in a different home every night in Tegucigalpa, Honduras, and sorely missing her four children whom she had left in the care of her mother. Yomara’s life began to unravel in July 2013, when she witnessed the beating to death of a boy by local gang members on a street in her neighbourhood. While at first she said nothing, her indignation that no one had been apprehended 10 months later, let her to co-operate with prosecutors as a protected witness.

The same week as two men were charged and arrested for the crime in an unrelated case, her sixteen-year-old brother was abducted while he was working collecting fares on the buses known as rapiditos in May 2014. He was later found shot dead. When the investigation into his death did not advance, Yomara decided she would look into the murder herself. After months of dogged and dangerous investigations, Yomara said she knew who was responsible for the murder of her brother. She had identified the hitman who carried out the killing, the price for her brother’s head (2,000 Lempiras or roughly US\$90), and a possible motive: her brother was (falsely, she alleges) suspected of having stolen the extortion money the bus line was to pay to the gangs. She did not go to the authorities with this information due to fear.

Nonetheless, Yomara continued to co-operate with the other investigation into the murdered boy, hoping that her status as a protected witness would keep her safe. Even though she heard the defence’s lawyer was making inquiries in the neighbourhood as to the identity of the secret witness, she testified in January 2016 against the men, who were ultimately convicted. Shortly after, she began being harassed in the street, people were hissing “snitch” when she passed by and threatened to kill her. One night in May 2016, unidentified men threw a firebomb at her house in the middle of the night, she told Amnesty International. Yomara did not file a police report for any of these incidents. She sought help from the local non-governmental organization that assists state prosecutors with criminal investigations and that had organized her participation as a witness. She said the organization offered her a small amount of money and told her to leave Tegucigalpa for her safety but that they could not do anything more for her because the case had been resolved and closed after the convictions.

Yomara expressed her disappointment as a protected witness in an investigation, of which she said “it’s not worth it. In Honduras, for poor people there is no law... The only work the government does is collect the corpses and deliver them to their families, nothing more. One more case closed. One more case of impunity.” She told Amnesty International she planned to leave for the United States in three days’ time to seek asylum even though she knew the journey was dangerous and uncertain. “I have nowhere to go. I have no stability... if I stay here they are going to kill me, so even if the journey is very dangerous, it’s the same thing, because in Honduras, I am not safe.”

Ten days later, Amnesty International met Yomara in a migrants’ shelter in Mexico. She had left Honduras in a frenzy one day earlier than planned and in the unexpected company of her adolescent nephew, who had also found himself in grave danger due to gangs trying to recruit him. After having spent almost all her money on bribes in Guatemala, she decided to cut her losses, her journey and her “American dream” and started asylum proceedings in Mexico. She is currently waiting for the decision about her asylum request.

⁶² Name changed to protect identity. Interviews in Tegucigalpa, Honduras, and Tapachula, Mexico, July 2016.

Most of the cases documented by Amnesty International involved some form of internal displacement within the home country before people decided to migrate, which can serve as a clear precursor of an imminent forced migration. Many local and international civil society groups have documented spiking levels of internal displacement in the Northern Triangle countries due to violence, but only the government of Honduras has officially made the link. In late 2013, Honduras created a special commission to study and promote public policies to address the issue, resulting in the publication of a report in 2015.⁶³ The Commission, however, is not fully functional as it lacks implementing regulations and budget, Honduran authorities told Amnesty International.

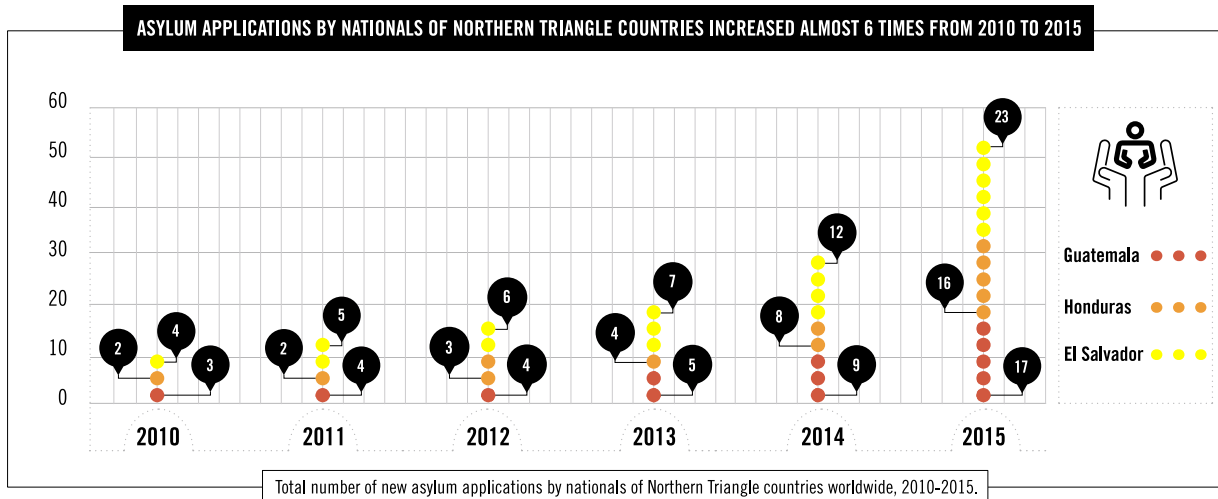
2.7 RUNNING FOR THEIR LIVES: FORCED MIGRATION IN A NEW ERA

In this context of rampant violence and fear, it is not hard to imagine why people would choose to flee their countries of origin. The surge in asylum applications by people from Honduras, Guatemala and El Salvador –at levels not seen since the era of the region’s armed conflicts– quantifies the magnitude of people fleeing the Northern Triangle countries and seeking protection.

The number of refugees and asylum-seekers that presented new applications from El Salvador, Guatemala and Honduras increased from 8,052 persons in 2010 to 56,097 persons in 2015, an increase of 597% over five years.

Of the asylum-seekers who presented new applications in 2015, the majority (22,917 cases) were from El Salvador, the smallest of the three countries with roughly six million citizens. The numbers, a 96% increase from the previous year, represented the extent of the crisis wrought by the truce breakdown. 16,473 applications were from Hondurans, a 106% percent increase from 2014. 16,707 Guatemalans applied for asylum, an 81% increase. While the majority of those claims were made in the United States, UNHCR reported a tenfold increase in applications presented in Belize, a 65% percent increase in Mexico, a 16% percent increase in Costa Rica (176% per cent increase from 2013) as well as significant increases in Panama and Nicaragua. The influx social malaises– suggests that while the lure of the “American dream” may still be alive, basic survival needs are leading the citizens of the Northern Triangle countries to seek refuge wherever they can find it.

Recent studies and surveys of people from the Northern Triangle who have migrated to other countries appear to confirm the link between the rising violence and new communities of people on the move. A Vanderbilt University study in 2014 found a significant link between first-hand experience of crime and intentions to migrate.⁶⁷



⁶³ Comisión Interinstitucional para la Protección de las Personas Desplazadas por la Violencia, Caracterización del desplazamiento interno en Honduras, November 2015, available at www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2015/10242

⁶⁴ UNHCR, Population Statistics, Asylum-Seekers, available at popstats.unhcr.org/en/asylum_seekers

⁶⁵ UNHCR, Population Statistics, Asylum-Seekers.

⁶⁶ UNHCR, UNHCR calls for urgent action as Central America asylum claims soar, 5 April 2016, available at www.unhcr.org/news/latest/2016/4/5703ab396/unhcr-calls-urgent-action-central-america-asylum-claims-soar.html

⁶⁷ J. Hiskey et al, “Violence and Migration in Central America”, in Americas Barometer Insights: 2014, no. 101, available at www.vanderbilt.edu/lapop/insights/I0901en.pdf

In a statement from April 2016, UNHCR considered the current situation in the Northern Triangle to be a protection crisis: “We are particularly concerned about the rising numbers of unaccompanied children and women on the run who face forced recruitment into criminal gangs, sexual and gender-based violence and murder”.⁶⁸

UNHCR advice states that asylum-seekers from El Salvador or Honduras are falling within certain “risk profiles”: these are persons perceived by a gang as contravening its rules or resisting its authority; persons in professions or positions susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate; women and girls in areas where gangs operate; and LGBTI people. UNHCR advises that all these groups may be in need of international protection under the 1951 Refugee Convention.⁶⁹

2.8 MINIMIZING THE IMPORTANCE OF VIOLENCE AS A PUSH FACTOR

The lack of recognition of internal displacement is unsurprising when viewed in the wider context of some of these Central American governments’ insistence on minimizing the importance of violence as a push factor for migration. Instead they choose to insist that, as in previous decades, most people choose to leave in search of better economic opportunities or to reunite with family members who had previously migrated. Over the course of nearly a dozen meetings with various government officials of the three countries, not one would fully admit to Amnesty International that violence or insecurity was driving the increase in migration and asylum applications. While it is impossible to establish definitively whether violence is the number one reason why people leave their countries, Amnesty International’s research has found that violence is identified, increasingly as a motivating factor in the forced migration of tens of thousands of people in these countries.

Additionally, what government officials and the short survey questions posed to people on the move often leave out is the multi-causality of migration and the inherent interconnectedness of its push factors. Inability to meet economic demands caused by extortion, for example, can result in direct violence. People who Amnesty International spoke to, such as 19-year-old Salvadoran Yolanda* (see above), and others whose stories are featured in this report have confirmed this. Yolanda is seeking reunification with her mother in the United States, not out of a desire to be reunited, but because she fears for her life after witnessing a murder. Yomara (see above) cannot afford to support her four children if she moves to another city without a job, but she feels compelled to leave Tegucigalpa because she is afraid gang members will kill her after she served as a protected witness in a murder case. Conditions that in isolation may be considered “economic reasons” for migration are often rooted in and even directly caused by the targeted violence that many face in Guatemala, El Salvador and Honduras.

In Honduras, President Juan Orlando Hernández has declared that he is working on making the country safer.⁷⁰ However, the rhetoric from all government ministries is clear: now that murder rates are down, violence is no longer the foremost reason for people to leave the country. However, murder rates are an incomplete indicator of safety in contexts in which violence can express itself in many different forms. In these environments, the inability to meet an extortion demand or the threat of losing one’s child to the gangs for criminal or sexual exploitation or abuse are equally compelling reasons to flee. And while internal displacement is prevalent, it may only serve as a precursor to a forced migration, as domestic relocation is not always a viable alternative in nations that are geographically small and permeated by organized gangs.

The five provinces with the highest murder rates in Honduras in 2015 were: Cortés, Atlántida Yoro, Francisco Morazán, and Colón.⁷¹ Four of these were also amongst the top five provinces of origin for deported Hondurans,⁷² suggesting some overlap between those who flee the country and those who are living in highly violent areas.

⁶⁸ UNHCR, UNHCR calls for urgent action as Central America asylum claims soar, 5 April 2016, available at www.unhcr.org/news/latest/2016/4/5703ab396/unhcr-calls-urgent-action-central-america-asylum-claims-soar.html

⁶⁹ UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador, 15 March 2016, available at www.refworld.org/docid/56e706e94.html, and UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras, 27 July 2016, available at www.refworld.org/docid/579767434.html

⁷⁰ Proceso Digital, Hernández lamenta que algunos hondureños se empeñen a denigrar a su país, 14 July 2016, available at proceso.hn/actualidad/item/127854-hernandez-lamenta-que-algunos-hondurenos-se-empenen-en-denigrar-al-pais-en-eeuu.html

⁷¹ Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 40 sobre Mortalidad y Otros, p. 4.

⁷² Centro Nacional de Información del Sector Social, Mapa de migrantes de Honduras por departamento, 2015, available at ceniss.gob.hn/mapamigran-teshondurasdepartamento.html

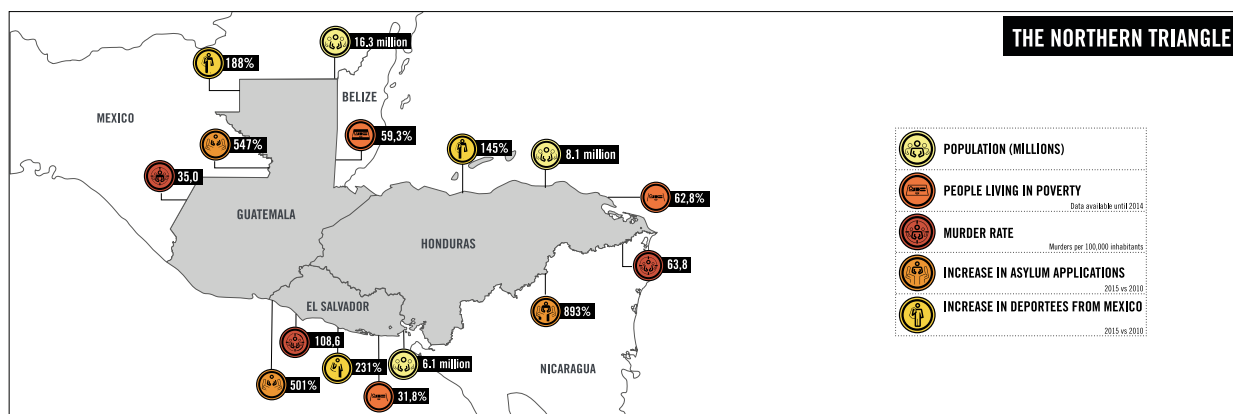
Poverty, lack of employment and separated families are not new in El Salvador. The title of “most dangerous country in the world” is.

In El Salvador, the denial of violence as a push factor is all the more striking because the government has repeatedly declared that the increase in gang violence represents the greatest threat the country has faced in decades and has created new legal, military and law enforcement frameworks to confront that threat. Poverty, lack of employment and separated families are not a new phenomenon new in El Salvador. What is new is having the highest murder rate per capita outside of warzone, at 108 per 100,000 inhabitants. The spike in migration and asylum claims is directly connected to this violence. The Salvadoran government has refused to make such connection, instead it is engaging in doublespeak when it comes to the security threats it alleges the country is facing.

According to an academic study from the Salvadoran Universidad Tecnológica (UTEC), in a survey of 747 Salvadoran adults who had migrated abroad and were then deported back, the greatest factors for migration were directly related to insecurity and violence, with 42% of respondents saying they fled because of threats, crime, danger and extortion. This was nearly double the figure for the second biggest motivation related to economic factors, with 22.9% saying they migrated because of the lack of employment, opportunity or low salaries.⁷³

Despite the undeniable collapse of public security and the documented rise in violence, officials from several government migration entities in El Salvador suggested to Amnesty International that the rise in asylum claims was merely the product of clever “coyotes” who knew how to coach their clients and manipulate the system. One official at the Ministry of Foreign Affairs told Amnesty International that often those who claim they left due to violence cite “collective fears,” rather than being the victim of a specific crime. “Something happened to your neighbour,” the official proposed as an example, “you have a business and something happens nearby. You become anxious... but not because something necessarily happened to you... [maybe] you are afraid your son could be recruited by the gangs, or are worried that something might happen to you, because you have a business and there are a lot of gangs. But no actual criminal act is established.”

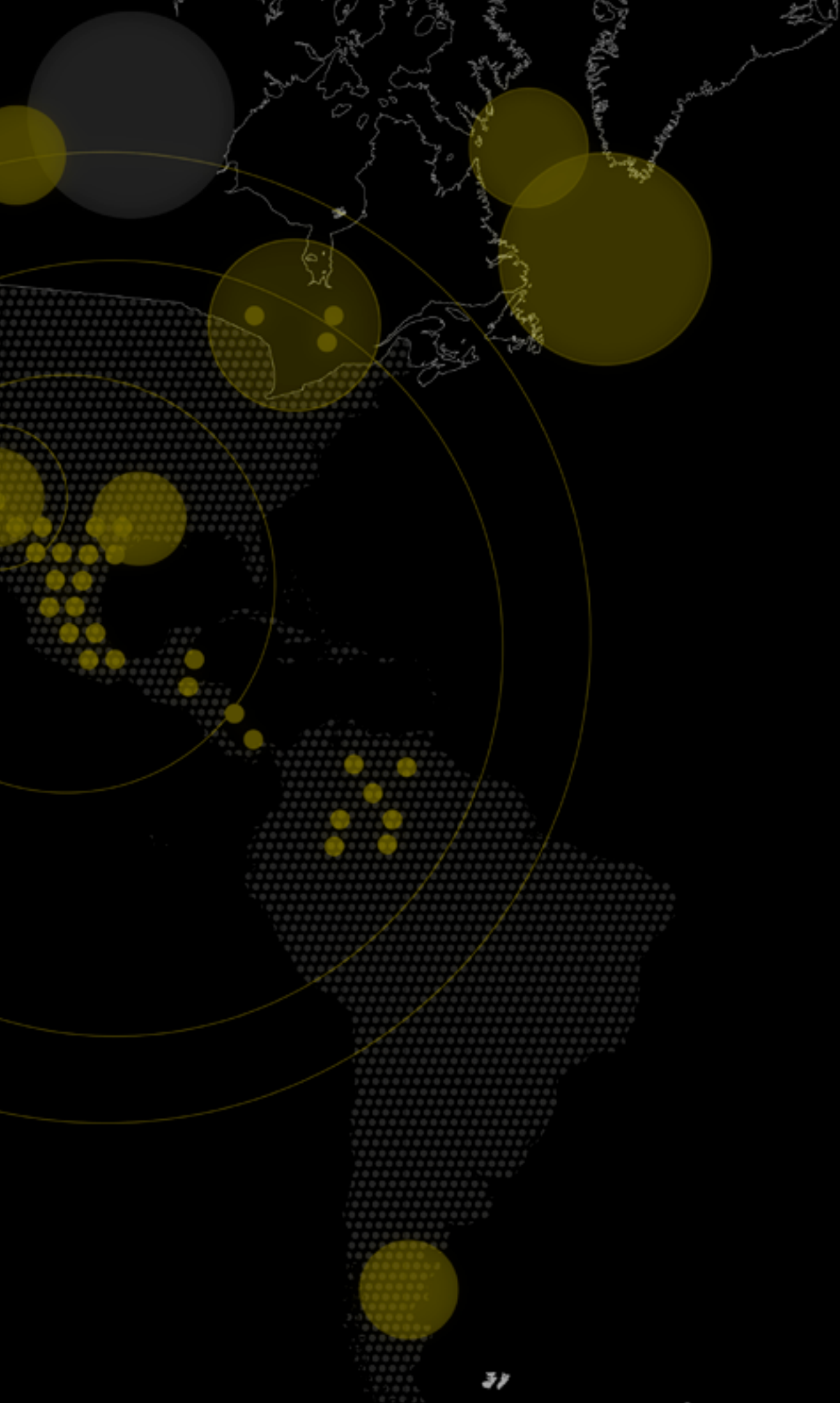
The response of one director of a local civil society organization to this line of reasoning was: “...so the government has declared a war, but a war without victims?” Safety, not just semantics, is at stake. Official recognition, at the highest levels of government, of the violence-induced exodus of Salvadorans is necessary in order to ensure the public policy priorities and resources required to confront the crisis. In the July 2016 “Call to Action: Protection Needs in the Northern Triangle of Central America. San José Action Statement” that was published after the summit between the countries of the region convened by UNHCR, El Salvador was the only country of the Northern Triangle that did not promise to fulfil specific, additional commitments.⁷⁴



⁷³ E. Ramos, Desplazamiento interno forzado y su relación con la migración internacional, 2016, pp. 29-30, available at www.utec.edu.sv/media/publicaciones/flips/coleccionInvestigaciones/2016/desplazamiento_interno_forzado/index.html

⁷⁴ UNHCR, San Jose Action Statement, available at acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/BDL/2016/10693#_ga=1.24074528.217693451.1465938386

⁷⁵ Comment by immigration official at the deportation centre in Tecún Umán, Guatemala, to Amnesty International on 18 April 2016.



3. “OUR RESPONSIBILITY ENDS AT THAT DOOR”⁷⁵

3.1 THE FORCED RETURN: THE RISE IN DEPORTATIONS AND A NEW REALITY

The Northern Triangle governments’ unwillingness to acknowledge how significantly violence has changed migration has a serious impact on what has increasingly become part of the migrant’s journey: the forced return.

Though deportations to the Northern Triangle have been a reality for as long as there has been migration in the region, changing political approaches to immigration in the US and Mexico have had severe implications for the countries of origin. Data shows that the phenomenon of unaccompanied migrant children began many years before the crisis that unfolded on the US southern border in the summer of 2014. However, those events, in which the US border patrol apprehended 68,541 unaccompanied children at the US-Mexico border in the 2014 fiscal year (October 2013-September 2014), drastically changed the region’s approach to migration.⁷⁶

The ensuing change in immigration enforcement policies and public campaigns in the United States and Mexico resulted in dropping levels of apprehensions in the United States in late 2014 and early 2015 (for the 2015 fiscal year apprehensions of unaccompanied children at the US southwest border had dropped by nearly half to 39,970). By 2016, however, it was clear that those numbers represented a brief lull rather than a long-term adjustment. As of August 2016, 54,052 unaccompanied children had been apprehended at the southwest border, a 52% increase from the same period the previous year.⁷⁷ The surge was even more apparent for family units, of which 68,080 had been apprehended, a 97% increase in comparison to the same period in 2015.⁷⁸ Of those 68,080, the majority were Salvadoran (23,897), followed by Guatemalan (20,070), Honduran (17,608) and Mexican (3,145). Of the unaccompanied children the majority were Guatemalan (17,113), followed by Salvadoran (15,987), Mexican (10,854) and Honduran (9,305). As a note of reference, Guatemala has a population of roughly 16.3 million people compared to 6.1 million in El Salvador (Honduras population is roughly eight million). In 2010, before the crisis, 18,411 unaccompanied children had been apprehended.

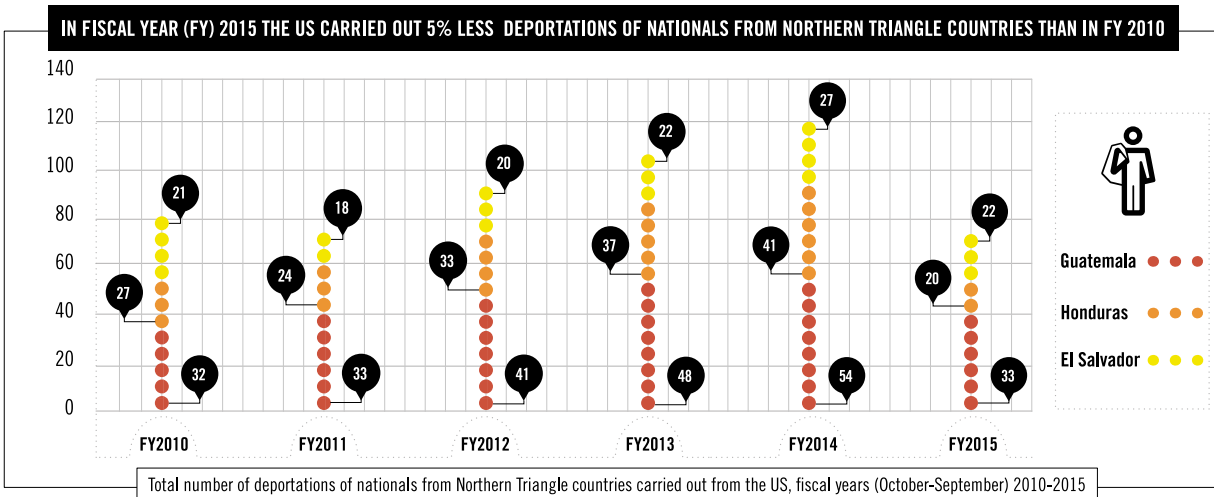
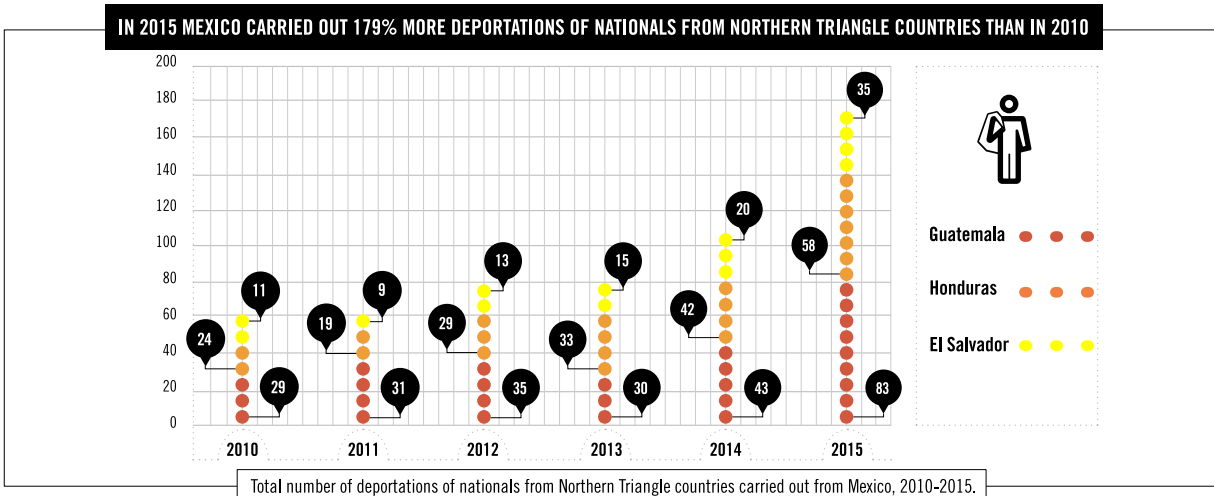
⁷⁶ US Customs and Border Protection, Southwest Border Unaccompanied Alien Children FY 2014, available at www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014

⁷⁷ US Customs and Border Protection, United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016, available at www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016

⁷⁸ US Customs and Border Protection, United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016.

The region's principal deporter of Central Americans is no longer the US, but Mexico.

But the fluctuating numbers of apprehensions in the US does not reflect the most dramatic change in regional migration: the tens of thousands of migrants who are increasingly being deported from Mexico before reaching the US border as part of the newly implemented Southern Border Plan.⁷⁹



⁷⁹ A. Isacson et al, "Increased Enforcement at Mexico's Southern Border: An Update on Security, Migration and US Assistance", in Washington Office on Latin America, November 2015, available at www.wola.org/files/WOLA_Increased_Enforcement_at_Mexico's_Southern_Border_Nov2015.pdf

In 2015, 3,137 Northern Triangle country citizens applied for asylum in Mexico, up from 1,238 in 2014, suggesting more people from the Northern Triangle are choosing to stay in Mexico as well.⁸⁰ It is important to note that despite the fact that the UN Refugee Agency and many civil society organizations have called for urgent action in relation to people fleeing violence from the Northern Triangle,⁸¹ screening for possible asylum claims is inadequate from both the US and Mexican governments. In the US, the use of expedited removal procedures by border authorities without adequate training and guidance can lead to what is, in effect, summary deportation of people who may have protection claims. In Mexico, Central Americans are routinely deported without being properly informed of their rights to seek international protection: less than 1% of Central Americans formally seek asylum⁸² and the Commission on Refugees granted refugee status to approximately 40% of applicants who completed the application process in 2015. In the first four months of 2016 this rate rose to 53%.⁸³

The policies of the US and Mexico are in theory designed to protect people seeking safety yet in practice can serve as fast-track approaches to apprehend and deport foreigners entering the country. Both countries are falling short of their international obligations to those persons who may have claims for international protection.

The Mexican government in particular is failing to comply with its own national law which adheres to regional standards such as the Cartagena Declaration of 1984, an international instrument generally accepted by bodies such as UNHCR and that calls for refugee status for those persons fleeing generalized violence in their countries, such as those from Central America's Northern Triangle.⁸⁴ As stated earlier, Mexico's own failure towards protecting asylum-seekers from the Northern Triangle will be the subject of a future investigation by Amnesty International.

The increase in deportations clearly illustrates that in the last few years the countries of the Northern Triangle, already saddled with numerous other problems, now had to confront the arrival of a population of deportees on a previously unseen scale, many of them with acute protection needs. Between 2010 and 2015, deportees from Mexico to El Salvador rose 231%, to Guatemala 188% and to Honduras 145%.⁸⁵

⁸⁰ UNHCR, Population Statistics, Asylum-Seekers.

⁸¹ UNHCR, UNHCR calls for urgent action as Central America asylum claims soar, 5 April 2016, available at www.unhcr.org/news/latest/2016/4/5703ab396/unhcr-calls-urgent-action-central-america-asylum-claims-soar.html

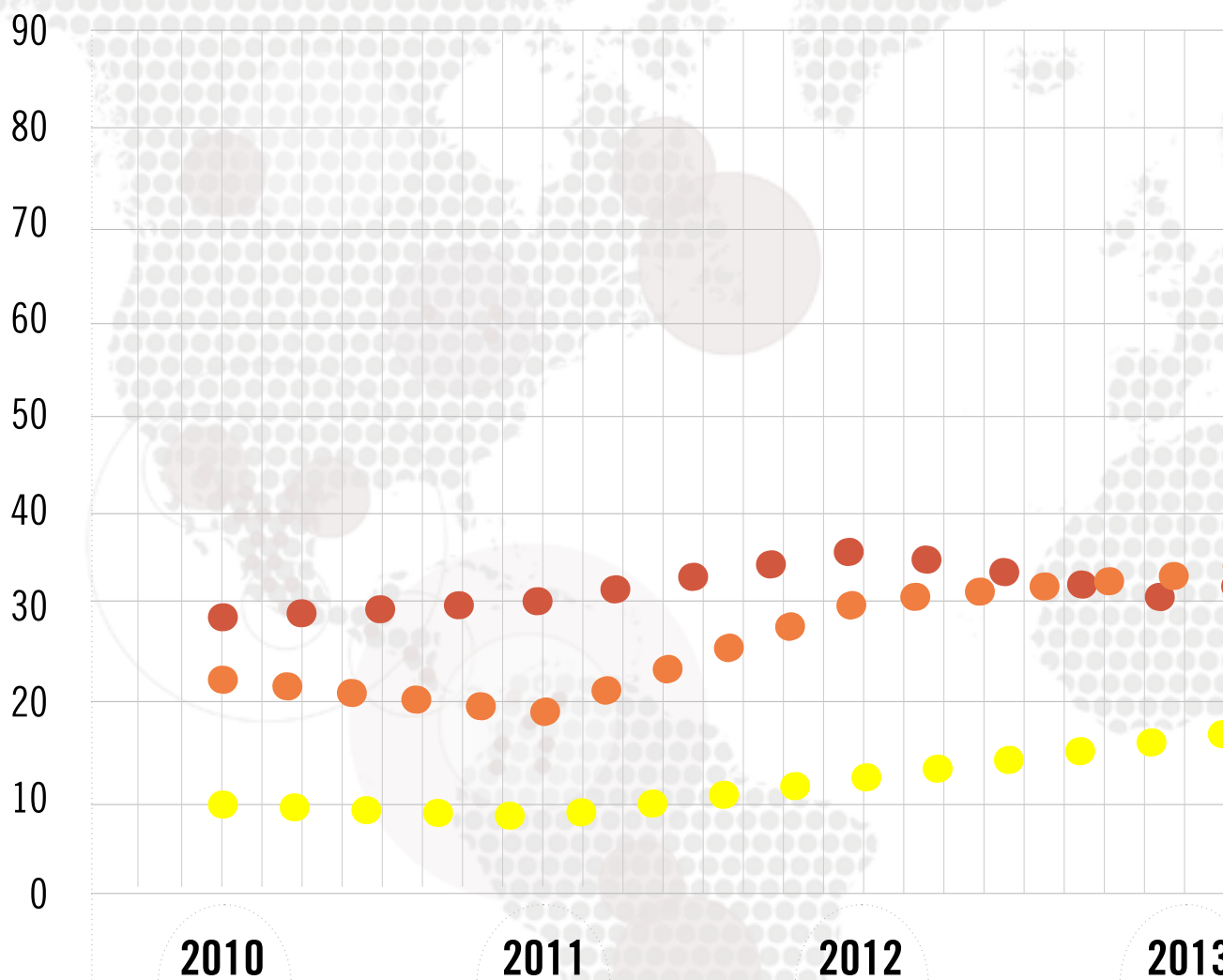
⁸² UNHCR, Mexico, Ficha de Datos, July 2016, available at www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Mexico/Mexico_hoja_informativa_Julio_2016_ESP.pdf?view=1

⁸³ Comisión Mexicana de Ayuda a Refugiados, Estadísticas 2013-2016, available at www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013_A_04-2016_act.pdf

⁸⁴ See for example: UNHCR, Reunión de expertos: Interpretación de la definición ampliada de refugiado contenida en la Declaración de Cartagena sobre Refugiados de 1984, 15-16 October 2016, available at www.acnur.org/t3/fileadmin/Documentos/BDL/2014/9651.pdf?view=1

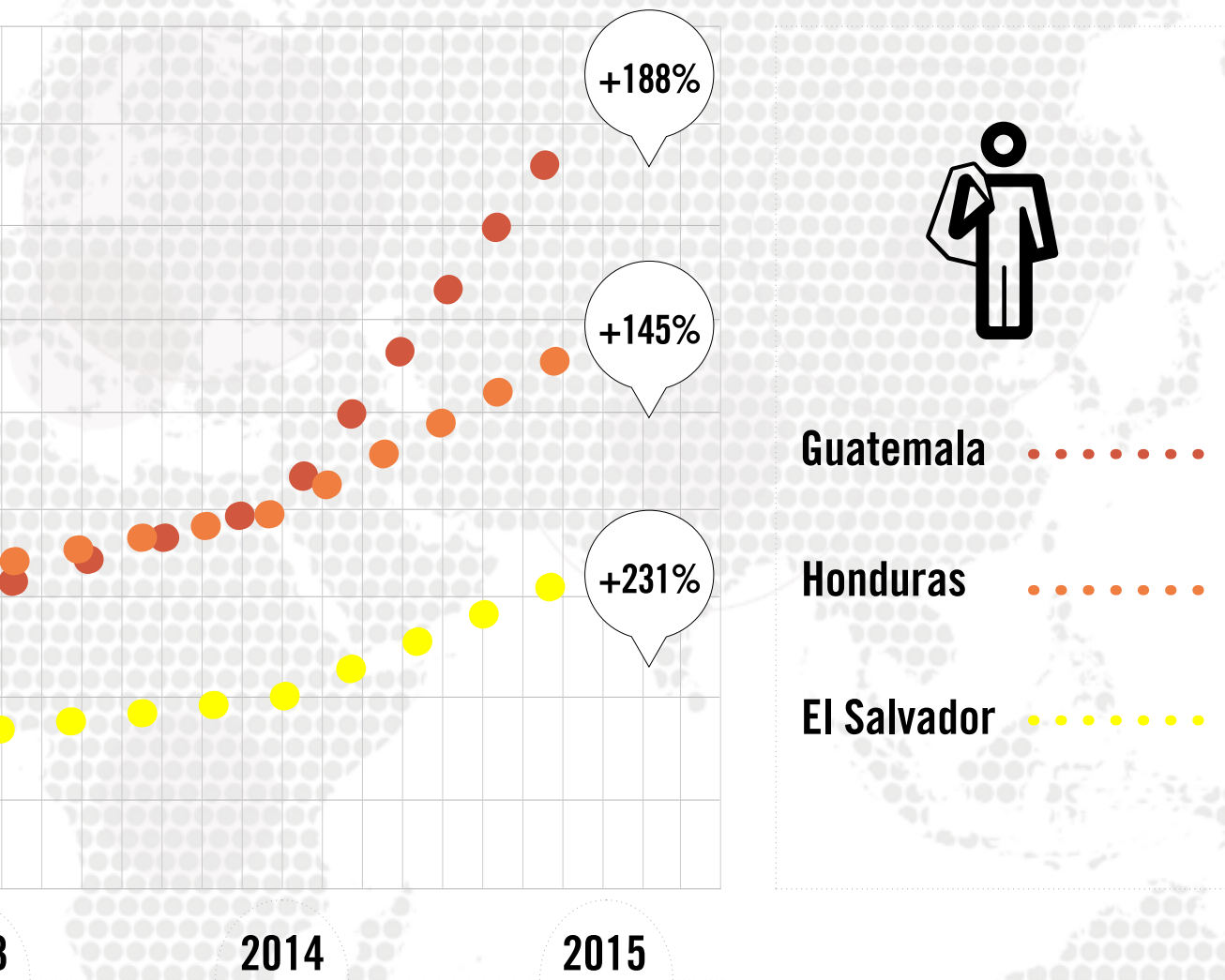
⁸⁵ Secretaría de Gobernación, Unidad de Política Migratoria, Boletines Estadísticos, US Department of Homeland Security, Yearbook of Immigration Statistics, available at www.dhs.gov/yearbook-immigration-statistics, and US Immigration and Customs Enforcement, FY 2015 ICE Immigration Removals, available at www.ice.gov/removal-statistics

FROM 2010 TO 2015 DEPORTATIONS FROM MEXICO TO NORTH



Total number of deportations of nationals from Northern Triangle countries carried out to each Northern Triangle country from 2010 to 2015.

NORTHERN TRIANGLE COUNTRIES INCREASED CONSIDERABLY



Deportations from Mexico, 2010-2015. Percentages show the increase in deportations from Mexico

To the governments' credit, after initially scrambling, Guatemala, Honduras and El Salvador worked to create new legal and policy frameworks and the establishment of new institutions to address the rising influx of deportees. This shows the increasing pressure on services for deportees that the Northern Triangle is facing, particularly services for deported women and children. For example, in 2015, 38% of deportees from Mexico were women and children, as opposed to 18% in 2010.⁸⁶

In Honduras, the 2014 Protection Law for Honduran Migrants and their Families⁸⁷ was enacted with the aim of providing better assistance and protection to Hondurans outside the country. This included improving consular services (after public outcry about the poor treatment of Hondurans, consulates now come equipped with video cameras that provide a live feed to the Foreign Relations Ministry in Tegucigalpa) and creating a National Council for the Protection of the Honduran Migrant (El Consejo Nacional para la Protección al Hondureño Migrante, CONAPROHM). The Council, made up of representatives from several key ministries, was tasked with studying issues around migration and proposing public policies. In addition, the Honduran Migrant Solidarity Fund (Fondo de Solidaridad con el Migrante Hondureño, FOSMIH) was set up with a budget of US\$5 million to assume the costs of Hondurans abroad who experienced "calamities" and needed to be "repatriated", including those who had died and whose families could not afford to send for their remains.

The government also established the Inter-Agency Commission for the Protection of Persons Displaced by Violence (Comisión Interinstitucional para la Protección de Personas Desplazadas por la Violencia) and created a website with detailed, publicly available statistics and information on migration.⁸⁸ Lastly, the former General Office of Migration (Dirección General de Migración y Extranjería) was replaced with a new National Institute of Migration (Instituto Nacional de Migración, INM). A human rights officer at the INM told Amnesty International⁸⁹ that her office now handled issues related to foreign migrants within Honduras, and that all policies related to Honduran migrants – both abroad and deported – had been streamlined under the office of Ministry of Foreign Affairs.

In Guatemala, a 2007 law, reformed in 2008, established the National Council for Attention to the Guatemalan Migrant (Consejo Nacional de Atención al Migrante de Guatemala, CONAMIGUA), which was created to "coordinate, define, supervise, and monitor the actions and activities of the state bodies designed to protect, attend, assist and help Guatemalan migrants and their families as well as migrants in Guatemala."⁹⁰ An official with CONAMIGUA told Amnesty International that a comprehensive migration public policy document that her office had helped work on for five years was under executive branch review.⁹¹ Officials and civil society organizations also told Amnesty International that a new migration code with an enhanced human rights perspective was being debated in Congress to replace the existing, outdated migration law.

El Salvador's 2011 Special Law for the Protection and Development of Salvadoran Migrants and their Families⁹² created the National Council for the Protection and Development of the Salvadoran Migrant and their Family (CONMIGRANTES), an interinstitutional body with civil society participation that designs, proposes, studies and analyses the success of migrant public policies. The law also includes specific measures on the need for protection of marginalized groups and a programme to create reintegration work projects for returned migrants.⁹³

In response to the crisis of unaccompanied children that unfolded in the US during 2014, Guatemala created the Commission for Comprehensive Attention to Child and Adolescent Migrants (Comisión para la Atención Integral de la Niñez y Adolescencia Migrante), which brings together various ministries working on youth and

⁸⁶ Secretaría de Gobernación, Unidad de Política Migratoria, Boletines Estadísticos.

⁸⁷ Ley de Protección de los Hondureños Migrantes y Sus Familiares, Decreto no. 106-2013, available at www.sre.gob.hn/inicio/2014/marzo/leyes/LEY%20DEL%20MIGRANTE%2020140001.pdf

⁸⁸ Observatorio Consular y Migratorio de Honduras, available at conmigho.wixsite.com/subscym-conmigho

⁸⁹ Interview with Amnesty International in Tegucigalpa, Honduras, July 2016.

⁹⁰ Ley del Consejo Nacional de Atención al Migrante de Guatemala, Decreto 46-2007, available at <http://www.minex.gob.gt/userfiles/LeydelCONAMIGUA.pdf>

⁹¹ Interview with Amnesty International in Guatemala City, Guatemala, April 2016.

⁹² Ley Especial para la Protección y Desarrollo de la Persona Migrante Salvadoreña y su Familia, Decreto 655, available at www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-especial-para-la-proteccion-y-desarrollo-dela-persona-migrante-salvadorena-y-su-familia

⁹³ Throughout the region, deportees are somewhat euphemistically referred to in Spanish as "returned migrants".

migration issues. President Juan Orlando Hernández of Honduras announced the formation of a special task force (fuerza de tarea del niño migrante) made up of representatives from various ministries and presided over by the First Lady to co-ordinate all efforts to address the issue. El Salvador created two pilot projects known as the Centres for Attention to Children, Adolescents and Family (Centros de atención a niñez, adolescencia y familia, CANAF) that seek to reintegrate unaccompanied children who were deported back to the country.

In meetings with Amnesty International, many officials in the various agencies working on migration expressed how the new policies were designed to address the issue from a “comprehensive” angle, incorporating representatives from the Foreign Affairs ministries, agencies working with children and adolescents, and labour, health and education ministries. Yet many civil society organizations in all three countries told Amnesty International they thought co-ordination between the various agencies was poor and inefficient. Government officials have also criticized the poor development of these new institutions. In Guatemala, representatives from the General Directorate of Migration (Dirección General de Migración, DGM) and the Secretariat for Social Well-being, which works with children and adolescents, strongly questioned CONAMIGUA’s track record. Responding to the criticism, a CONAMIGUA official told Amnesty International, “I think it is institutional rivalry,” and complained that many believed the office to have a far bigger budget than it truly has.

Resources are undoubtedly an issue in all three countries where state coffers are challenged by low tax collection and high levels of corruption. Not even the Guatemalan General Directorate of Migration was left unscathed by the International Commission against Impunity in Guatemala’s trailblazing corruption investigation, which accused the DGM of having accepted a bribe in exchange for the awarding of a contract to modernize the office’s computer systems.

With assistance from the international community and, in the case of Honduras, the Solidarity Fund, however, all three countries have made clear improvements to the systems in place to receive deported migrants. In the newly renovated centre for returned unaccompanied minor migrants in San Pedro Sula, Honduras, now renamed as “El Edén”, an official from the Foreign Affairs Ministry described to Amnesty International how the facilities used to be infested with rats. Adult Hondurans deported from Mexico used to disembark from their 20-hour bus ride in the sweltering Cortés department to find only a small Red Cross station on a deserted road to greet them. As of September 2015, they are welcomed to a multi-building complex on what was once the seaside property of people involved in drug trafficking. Since being impounded by the government, the estate has been remodelled into the Attention Centre for Returned Migrants, Omoa, which includes dormitories with capacity for more than 100 people and provides transportation to the San Pedro Sula bus station (and often bus tickets home from there). Similar new buildings have been constructed and renovated in Guatemala and El Salvador with separate locations in most cases for those returned by land and by air and for adults and children. In these places, which Amnesty International visited, no effort is spared – from making sure the first meal is a local delicacy to providing encouraging pep talks upon arrival – to make the deported migrant feel welcome. But what happens to people who have fled their country fearing for their lives when they walk out the door and back into their old life?

3.2 IN DANGER AND NOWHERE TO TURN

In its research in all three countries, Amnesty International found that states’ efforts to protect their returned citizens appeared to end the moment they walked out the doors of the reception centres and that no effective protection mechanisms were in place. In many countries, authorities relied on civil society organizations to fill the void and provide the most crucial services to follow up with deportees with protection needs.

As meaningful statistics on irregular migration are non-existent, reception centres have become a crucial place to gather information and statistics on migration demographics. They are also the place in which to identify any person who may be at risk of serious human rights violations or abuses. The interviews to collect this information often represent a real challenge, however, for migrants who may be too afraid to disclose much in what is at times only a five or ten-minute initial interview.

⁹⁴ M. Hernández, ‘Directora de Migración renuncia por motivos personales’, in Prensa Libre, 20 July 2016, available at www.prensalibre.com/guatemala/politica/directora-de-migracion-renuncia-por-motivos-personales

All three countries have developed specific programmes in partnership with UNHCR and the International Organization of Migration (IOM), and in the case of children, UNICEF, to better train migration officials to identify cases in need of protection and projects are underway to develop programmes to attend to those who do. Most of the reception centres followed a process in which a short initial interview could give way to a second more in-depth one, often with a trained psychologist, social worker or human rights officer, if the need was established. But in none of the cases documented by Amnesty International did deportees express that the authorities had fully or adequately inquired about or followed up on their protection needs.

Officials in all three countries told Amnesty International that, while the immediate need in the wake of the 2014 crisis that saw thousands of unaccompanied children being returned to their countries of origin was to improve the reception process, the next step was to tackle reintegration with the aim of discouraging further such migration. All three countries have begun various pilot projects that include job assistance, technical training and education programmes. But no official in these countries could point to a comprehensive protection plan for at-risk migrants that was already being implemented. An official at the Honduran Ministry of Foreign Affairs acknowledged the problem and told Amnesty International the government was “defining different protection mechanisms” with the assistance of UNHCR and was working to refine their protection protocol with the Red Cross but did not provide any more details.

Among the changes Honduran officials mentioned was the design of the initial interview conducted at the reception centre. While UNHCR had previously criticized the interview questions for being too short and perfunctory to establish protection needs,⁹⁵ the new interview questions were deemed to be too long and exhaustive for a first interview after an internal review by local authorities. An official provided Amnesty International with a copy of the interview questions and protocol used to identify those at risk, which were indeed extensive, but included no instructions on actions after the need for protection had been identified. No official could tell Amnesty International when the drafting of the new protocol would be completed or when its implementation would begin. For the time being, adult migrants deemed to be at serious risk in their communities are allowed to stay up to seven days in the dormitories at the new reception centre managed by the Red Cross in Omoa, but no firm protocol is in place for when they leave.

“We would like for the government to implement concrete actions,” an official with the Honduran National Human Rights Commission (CONADEH) told Amnesty International. “I think if we recognized more openly that violence and insecurity are among the principle causes of migration, maybe the commission on displacement would have its funding already and maybe we would have a centre by now for [those with protection needs] and have executed some concrete actions to look for a solution to this problem.”⁹⁶

When asked about the protection protocol in place for adults in El Salvador, an official with the office for the Reinsertion of Returned People at the Ministry of Foreign Relations told Amnesty International that usually these situations were identified prior to deportation by the consulates and that they tried to co-ordinate with other institutions and NGOs to address the problem, without mentioning specifics. Despite the record levels of violence documented in 2015, the official insisted that, “It has to be said that people will first say they have left because of violence, but later you realize that really that’s not it, and finally they will tell you so themselves... that it was for other reasons.”⁹⁷

In the case of children, however, a more detailed protection protocol is being implemented. El Salvador has put in place an advanced system, which, in theory, begins with a detailed interview with consular representatives before deportation so that authorities in El Salvador can be notified of any child with protection needs, including threats of violence by gangs, before he or she returns. It is important to note, once again, that these children should have received international protection in the country to which they fled (often Mexico or the US). Their refoulement (expulsion) is a violation of international law.

⁹⁵ UNHCR, *Diagnóstico sobre la caracterización de la Población Hondureña retornada con Necesidades de Protección*, 2015, p. 15, available at www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2015/10027

⁹⁶ Interview in Tegucigalpa, Honduras, July 2016.

⁹⁷ Interview in San Salvador, El Salvador, May 2015.

Upon arrival at the reception centre, the child is briefly interviewed by the National Council on Children and Adolescents (CONNA). From there, if the need is established, the child is sent to the Salvadoran Institute for Youth and Adolescence (ISNA) for a more in-depth interview. The Centre for Attention to Migrants in San Salvador has a shelter for children on its premises, but when Amnesty International visited the site it appeared to not yet be in use and was empty, with plastic wrapping still covering some of the beds. Afterwards, if needed, the child can be referred to one of two Centres for Attention to Children, Adolescents and Family (CANAF) pilot projects for the reintegration of unaccompanied children with protection needs. If successful, the programme could serve as a regional model. But while the social, economic and educational reinsertion programmes seem to be in place, the operational details on the protocol to protect children in serious danger were still unclear.

In Honduras, children with protection needs are referred from the Office for Children, Adolescents and Families (DINAF) to the civil society organization Casa Alianza to either be housed in its shelter in Tegucigalpa or sent for psychological follow-up care from their homes and participation in various social and educational activities. Despite several requests, Amnesty International was unable to secure a meeting with any representative from DINAF while in Honduras to hear more about their efforts to protect at-risk children. In an evaluation form provided to Amnesty International of the various efforts of the working group on child migration, the National Human Rights Commission (CONADEH) wrote that, "CONADEH is worried that the boys, girls and adolescents who deserve special protection are not being offered it according to the parameters established by UNHCR."⁹⁸ An official at the Ministry of Foreign Affairs told Amnesty International that DINAF was hoping to open a shelter for deported families and children with protection needs with the assistance of UNHCR and the Norwegian Council for Refugees by the end of 2016, but in an email message to Amnesty in late August 2016, a representative for DINAF said that problems securing the physical space for the shelter had delayed the project indefinitely.

Casa Alianza is widely lauded for its excellent services, but other civil society organizations criticized what it said was DINAF's poor coordination and general outsourcing of its functions to civil society. As one of the Catholic priests running the Human Mobility Pastoral group said when discussing the church's efforts in creating the protocols for returned migrants in Guatemala, "If it wasn't for us, there wouldn't be anything... it's time for the state to start assuming its responsibilities."⁹⁹ Organizations like Kids in Need of Defense (KIND) and the Community Studies and Psychosocial Action Team (Equipo de Estudios Comunitarios y Acción Psicosocial, ECAP) also do critical work helping to reintegrate returned unaccompanied children in Guatemala who often come from some of the poorest and most remote parts of the country and lack any government assistance.

3.3 DEPORTED BACK TO HELL

Even if Central American governments from the Northern Triangle have not fully recognized the scale of the problem, there is an emerging consensus that migrants who are forcibly returned to their home countries after fleeing violence are at great risk. In May 2016, the Inter-American Commission on Human Rights issued protection measures that called on the United States to halt efforts to deport a Salvadoran woman and her daughter, alleging it would put their lives and personal integrity at risk.¹⁰⁰

No official statistics exist to document the number of deported migrants who are subsequently murdered, but anecdotal information and news coverage suggests it is not uncommon. An upcoming study by social scientist Elizabeth Kennedy, cited by the newspaper *The Guardian*, said that a review of local news reports since 2014 showed 83 Central Americans were murdered after being deported from the United States.¹⁰¹ The numbers of those killed after being deported from Mexico are likely far higher, considering the sustained increase in deportations from this country.

⁹⁸ Internal CONADEH document provided to Amnesty International.

⁹⁹ Interview with Amnesty International in Guatemala City, April 2016.

¹⁰⁰ Inter-American Commission on Human Rights, Resolution 30/2016, Precautionary Measure no. 297-16, Matter of E.G.S. and A.E.S.G., regarding the United States of America, 11 May 2016, www.oas.org/es/cidh/decisiones/pdf/2016/MC297-16-Es.pdf

¹⁰¹ S. Brodzinsky, E. Pilkington, "US government deporting Central American migrants to their deaths", in *The Guardian*, www.theguardian.com/us-news/2015/oct/12/obama-immigration-deportations-central-america



“I’m always uneasy... I feel like something is going to happen again, maybe to me”



Saul, a 35-year-old father of five, killed by gang members in Honduras after being denied refugee status in Mexico, 7 July 2016
© Amnesty International / Encarni Pindado

Saul’s journey began in 2012. Then aged 31, he left Honduras and made his way through Mexico, hoping to get to the United States, so he could earn enough money to build a home for his wife Ana¹⁰³ and their five children, he told Amnesty International in an interview in his home in Tegucigalpa in July 2016. While he was riding a freight train travelling towards the US border - a train known as “The Beast” because of the dangers they hold for migrants - armed men attacked him. Saul tried to escape and lost his left foot when he fell from the train. After receiving medical care, he said he was held for five days in a detention centre in Mexico City and then sent back to Honduras by bus, his injury still healing. By the time he arrived in Honduras, he had a severe infection.

Saul said he received no assistance from the Honduran government but decided to stay in the country working as a driver on the buses known as rapiditos. According to Saul’s testimony, a few years later, in November 2015, he was walking with two of his sons when shots were fired at them. Saul was unharmed but his sons, aged seven and 14, were seriously wounded and spent weeks recovering in hospital.

Working in the transportation industry in Honduras is extremely dangerous, but many have no choice. Saul said he had never received any direct threats or had any problems and could not understand why he had been attacked. Fearing for his life, he was forced to leave for Mexico again and this time he applied for asylum in February 2016. His asylum request was not successful, and a few months later he returned to Honduras.

When Amnesty International met him and his family in his home in July 2016, he had been in the country for under three weeks. A few days prior, gunshots fired outside his home had left several bullet holes in the walls of his small wooden house. He said he didn’t know if the shots were meant for him. That same week, local men had asked his daughter’s boyfriend if he had returned to Honduras, and then beat up the boyfriend, he said. Fearful for his life, he and his family avoided leaving their home. He hoped to travel again to Mexico to ask for asylum for the whole family, but didn’t have the financial resources to make the journey. Saul expressed his fears several times during the interview: “I’m always uneasy... I feel like something is going to happen again, maybe to me”. Three days after Amnesty International spoke to him, Saul was shot dead under unclear circumstances. His murder is an example of the inescapable violence thousands seek to flee, but after a forced return, are unable to escape. At the time of publication of this report, Ana and her children are still living in Honduras, but terrified of what might come next.

¹⁰² Name changed to protect identity.

¹⁰³ Name changed to protect identity.

¹⁰⁴ The White House, FACT SHEET: The United States and Central America: Honoring Our Commitments, 14 January 2016, available at www.whitehouse.gov/the-press-office/2016/01/15/fact-sheet-united-states-and-central-

Amnesty International asked several officials in the three countries if they expected any of the over US\$750 million that are supposed to be spent in the region as part of the US-backed Plan of the Alliance for Prosperity¹⁰⁴ to be earmarked for protection measures for at-risk deportees once they return to their home country. Though the details of the plan are still unclear, no one indicated that some of the money would be spent on at-risk deportees. The plan, whose stated goal is to attack the root causes of migration as a means to stem the migrant flow, is mostly designed to boost economic growth as well as halt organized crime. Funds seem more likely to go to the kind of economic reinsertion programmes the governments like to promote alongside their advertising campaigns “Stay here” (Quédate) in Guatemala and “With Work You Live Better” (Con Chamba Vivís Mejor) in Honduras. But any plan that does not address the grave international protection needs of tens of thousands of Central Americans is unlikely to seriously discourage migration or provide any meaningful protection for those facing violence.



JANETTE ¹⁰⁵

AFTER DEPORTATION, UNABLE TO ESCAPE HER RAPISTS

“I never have liked to be far from my country... But if the circumstances are such that I have to go, I’m going to go”

Janette, a 15-year-old girl who was forced to flee Honduras after being raped. She tried to apply for asylum in Mexico but decided to return after being informed that she would have to remain in detention for two months pending a decision on her case, 4 July 2016

© Amnesty International / Encarni Pindado

Janette, aged 15, lives in one of the most dangerous neighbourhoods in San Pedro Sula, Honduras. In 2013, when she was 13-years-old, she reported to school authorities that two girls in her class were bullying her. The girls took their revenge by having their boyfriends, gang members, rape her on school property. Janette became pregnant by the attack, but ultimately miscarried six months into the term. Janette and her mother fled and lived with relatives in several other parts of the city and country, but when they returned to her neighbourhood, one of the attackers continued to harass Janette. She and her mother attempted to seek asylum in Mexico, but when they were told they would be detained for two months before a decision was reached, they returned instead to Honduras.

Janette did not file a report with the Honduran police about her attack out of fear and distrust. Immigration authorities did not seem particularly interested in her testimony when she returned from Mexico either, she said, but put her in touch with the NGO Casa Alianza.

Janette has not been able to return to school, and instead is taking classes in cooking and beauty with Casa Alianza. But in interviews in March and July 2016, she described to Amnesty International an escalating pattern of harassment by one of her attackers. On one occasion, he entered her home when she was alone and harassed her until a friend arrived and chased him away. Janette beamed as she described her vision of the future – a high school graduate with a degree in cooking and her own salon. But she acknowledged that to truly be safe she might have to flee the country again: “I never have liked to be far from my country. I was born here; I will die here. But if the circumstances are such that I have to go, I’m going to go.”

¹⁰⁵ Name changed to protect identity. Interviews in Honduras, March and July 2016.



4. THE GOVERNMENTS: FAILING AT HOME AND FAILING ABROAD

Beyond their failings to protect their citizens at home, the Northern Triangle governments have proven repeatedly to be poor advocates for the rights of their citizens abroad. Noted changes have been made to improve consular protection mechanisms in the past few years, but people who have been recently deported do not report having received increased assistance from consular representatives abroad.

The most egregious examples of poor treatment come from the family members of migrants who were killed or disappeared while making the dangerous journey through Mexico. When relatives in these cases have sought assistance from consular representatives in Mexico, they have provided no or only the most minimal assistance. While the main responsibility for these human rights violations lies with Mexican authorities, who have failed to provide justice and reparations for the victims and their families, Central American authorities chose to exert no pressure on the authorities to ensure the rights of the victims. Likewise, they provided barely any assistance to the families, most of whom were emotionally devastated and had limited resources. In many cases, the families have been attempting to find out what happened to their loved ones from a distance. In this vacuum, relatives of those who are missing or who have been disappeared have come together in many countries in the region to form special committees and undertake annual group journeys to Mexico to search for their family members. All of the relatives who spoke with Amnesty International described serious trauma and stress in the wake of these tragedies, but said that authorities both in Mexico and in their countries of origin have provided very limited or no psychological or logistical assistance at all, which they have mainly been able to receive from civil society groups.

4.1 SEARCHING FOR JUSTICE IN AN AGE OF GLOBAL MIGRATION

The three massacres of migrants that occurred in Mexico in 2010, 2011 and 2012, respectively,¹⁰⁶ are a tragic illustration of the grave human rights violations migrants suffer in transit when crossing Mexico on their way to the US. The main responsibilities for these human rights violations rest with the countries where the crimes were committed. Nevertheless, because in these cases the victims –both those killed and their relatives– are migrants and/or people living outside the country where the abuses took place, it becomes necessary to think of new approaches to guarantee the right to truth and justice that these victims are entitled to.

¹⁰⁶ The first massacre refers to the assassination of 72 migrants in San Fernando, Tamaulipas, in August 2010. The second massacre also occurred in San Fernando, Tamaulipas. On that occasion, 193 bodies were found in various clandestine mass graves. Many of the victims are believed to be migrants. The third massacre occurred in Cadereyta, Nuevo León, in May 2012, where 49 torsos were found near a highway.

In its report on human mobility in Mexico, the Inter-American Commission on Human Rights noted, “that Central American families have greater difficulty in accessing the justice system, because there are no regional coordination mechanisms to keep families informed, involve them in the investigation process and provide them the assistance they need”.¹⁰⁷ To this effect, regional jurisprudence from the Inter-American Human Rights Court calls for all states involved to fully co-operate and adopt public policies¹⁰⁸ to facilitate access to justice –such as the right to consular assistance and the removal of material and economic obstacles to access to justice– and prevent impunity for human rights violations. The challenge of guaranteeing access to justice for families of migrants who have been killed or disappeared in another country can only be overcome through innovative mechanisms that recognize and adapt to these challenges. All states involved, including the countries of origin, transit and destination, should co-ordinate effectively to provide victims with the opportunity to access justice transnationally.

SEARCHING FOR THE MISSING



JUANA LÓPEZ GÓMEZ¹⁰⁹

WAITING FOR THE SON WHO NEVER
CAME HOME



Juana López Gómez, whose 20-year-old son disappeared in 2011 in Mexico, 20 April 2016
© Amnesty International / Encarni Pindado

Juana and her husband Jesús live off the crops they plant on farmland in the province of Quetzaltenango, Guatemala. Their then 20-year-old son, Moisés Isaac Fuentes López, left to travel north in July 2011. He said he wanted to help his 16-year-old brother Jesús, who was being detained by US immigration authorities in Arizona after having attempted to make the journey earlier that year. After taking out a loan of roughly US\$6,000, Moisés took off and five days later called his parents to tell them he had made it to the northern border of Mexico in Reynosa (Tamaulipas State) and soon would be crossing the Rio Bravo. The next news they received was from a man who called them and said Moisés had drowned in the river. Without any evidence, Juana and Jesús did not believe their son was dead and a year later, when a relative thought she saw a picture of Moisés in a hospital in Mexico on the internet, they went to file a report in Guatemala. They went first to the Foreign Affairs Ministry where they handed in DNA samples. Officials said they would call them but never did, according to Juana. They also went twice to and filed a report at the Attorney General’s office (Ministerio Público), leaving the picture they found in the internet of the man they believed to be their son. Juana said she was told by the authorities not to waste her money on further trips, and that she should just call in the future. She called once, but has not been able to get any information. Juana feels desperate and does not know where else to seek assistance. Her 17-year-old son Jaime is now speaking of making the journey north as well but says that his mother won’t let him go. Moises remains missing.

¹⁰⁷ Inter-American Commission on Human Rights, Human Rights of Migrants and other persons in the context of human mobility in Mexico, 2013, p. 75, available at www.oas.org/en/iachr/migrants/docs/pdf/Report-Migrants-Mexico-2013.pdf

¹⁰⁸ Regional jurisprudence has signaled the need to create public policies to address serious human rights issues. See Inter-American Court on Human Rights, *Caso González y otras (“Campo Algodonero”) vs. Mexico*, 2009, para. 282, and Inter-American Court on Human Rights, *Luna Lopez v. Honduras*, 2013, para. 243.

¹⁰⁹ Interview in Quetzaltenango, Guatemala, April 2016.

NEGLECTING THE FAMILIES OF VICTIMS OF HUMAN RIGHTS VIOLATIONS



THE VICTIMS OF THE CADEREYTA MASSACRE ¹¹⁰

LEFT ALONE IN THE FACE OF
UNSPEAKABLE HORROR

“The government doesn’t provide any help for
all the people who have died... They do nothing”



*Norma Marina Suazo, mother of one of the 49 victims of
the massacre of Cadereyta, 16 March 2016
© Amnesty International / Encarni Pindado*

In May 2012, dismembered torsos of 49 people believed to be undocumented migrants were found in the city of Cadereyta, in the northern Mexican State of Nuevo León. Of those victims, at least 10 were identified as Honduran by the Forensic Commission. A group of mothers, sisters, aunts and wives of the victims said that the Honduran authorities barely assisted them as they waited for over two years to have the remains of their loved ones identified and returned from Mexico. The remains were repatriated in July 2014 but family members believed Honduran authorities sought to impose obstacles to accessing the funds distributed by the Honduran Migrant Solidarity Fund (FOSMIH) by imposing requirements such as sending photos of their houses as a condition to receive assistance.¹¹¹ The family members described lives destroyed in the aftermath of the tragedy: children left without a parent, parents devastated by the loss of a child, illnesses, depression, and immense financial hardship. “This killed us all”, one woman repeated several times during an interview. Besides a sum of 3,000 lempiras (US\$134) per family, the relatives said they had received no assistance from Honduran authorities – not financial, psychological or otherwise. Our children “send all those remittances,” one mother said, which prop up the Honduran economy, but the “government doesn’t provide any help for all the people who have died” trying to make the journey. “They do nothing”, she said.

¹¹⁰ Interview in Honduras, March 2016.

¹¹¹ Officials from the Ministry of Foreign Affairs confirmed this practice to Amnesty International and said it was necessary to verify the families met financial-need requirements to qualify for the fund.

CENTRAL AMERICAN GOVERNMENTS: ACCOMPLICES TO A MEXICAN FAILURE OF JUSTICE



THE CASE OF MIRNA CARMEN SOLÓRZANO ¹¹²

THE HORROR OF THE UNKNOWN CORPSE

“My uncertainty is unbearable... to be living, to be thinking is it or is it not my daughter?”



*Mirna Carmen Solórzano, whose 23-year-old daughter disappeared in 2010 in Mexico, 14 May 2016
© Amnesty International / Encarni Pindado*

Mirna's 23-year-old daughter Glenda left her home in San Vicente, El Salvador, on 10 August 2010. Glenda wanted to be reunited with her father who had left for the United States when she was a girl to help her family who could barely scrape together enough money from her mother's stand selling coffee and bread.¹¹³ Mirna spoke with her daughter by telephone four days after her departure and then never heard from her again. Later that month, officials from the Salvadoran Ministry of Foreign Affairs came to her house and told her the identification card of her daughter had been found among the 72 victims of the notorious and gruesome massacre of migrants in the Mexican town of San Fernando, in the northern state of Tamaulipas, on 22 August 2010.

On 1 September, they took her to the capital to take a DNA sample and a few hours later, according to Mirna, officials from the Ministry of Foreign Affairs told her the remains had been positively identified as those of her daughter. Mirna said she was immediately suspicious by the speed with which the results were obtained, the fact that she never received a copy of the DNA results and that she never was given any documentation or evidence other than her daughter's identification card. On 5 September 2010, authorities delivered what they said were her daughter's repatriated remains, but when Mirna opened the coffin, she saw a cadaver that no longer had any hair or clothing remaining and was impossible to identify as having belonged to her daughter. The body was buried the next day but her suspicions grew. She is now asking, with the help of the Mexican organization Foundation for Justice and the Democratic Rule of Law, that the Salvadoran government exhume the corpse and that new, independent DNA tests be corroborated by the Argentine Forensic Anthropology team.

Mirna is seeking truth, justice and reparations from the Mexican authorities but also says that, “El Salvador has not wanted to hear us.” She said the uncertainty was unbearable, “to be living, to be thinking is it or is it not my daughter?”

¹¹² Interview in El Salvador, May 2016.

¹¹³ J. Salomón, “Mexico's journey of death: ‘I opened the coffin and I knew it was not my daughter’”, in Amnesty International, 10 September 2015, available at www.amnesty.org/en/latest/news/2015/09/mexicos-journey-of-death-i-opened-the-coffin-and-i-knew-it-was-not-my-daughter/

5. CONCLUSIONS AND RECOMMENDATIONS

North and Central America are facing the most acute crisis of people on the move that the region has seen in decades. Future research by Amnesty International will examine the dangers of the migrant journey through Mexico and the failings of the regional response to the surge in refugee protection needs. But an inherent part of the dilemma resides with the countries of origin, where the governments of the Northern Triangle (Guatemala, Honduras and El Salvador) are routinely failing in their obligations to protect the people under their jurisdiction when they flee to other countries due to violence and when they are then returned as deportees to the same unsafe conditions.

The gangs' control of broad swaths of territory affects all of society and has different impacts on different groups, such as sexual violence against women and girls, specific targeting of LGBTI people and forced recruitment of children, especially boys. Unable to seek protection or justice from law enforcement and criminal justice systems that are both ineffective and often corrupt, citizens of these countries are fleeing their homes as the only way to escape violence.

As a new regional paradigm of immigration enforcement has taken shape, these countries now face an influx of returned deportees, many of whom are being sent back from other countries – mainly from Mexico and the United States – in violation of international law that protects them as refugees. UNHCR has indicated that asylum-seekers from the Northern Triangle countries fall within a certain risk profile: individuals or groups persecuted by a gang due to the gang's perception that they do not comply with the gang's authority; persons dedicated to specific economic activities highly susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate and control territory; women and girls in areas where gangs operate; and LGBTI people. Members of all these groups may be in need of international protection under the 1951 Refugee Convention. In addition, regional instruments such as the Cartagena Declaration clearly calls for refugee status for those persons fleeing generalized violence in their countries, such as those from Central America's Northern Triangle.

While the immediate reception and needs of those who have been forcibly returned have improved and social and economic reintegration programmes are taking shape, the governments of the three countries have no comprehensive protection protocols or mechanisms in place for the thousands of people who are being deported back to the same conditions of violence from which they fled. The Plan of the Alliance for Prosperity is considered by most government officials interviewed by Amnesty International as the main strategy to address root causes of migration with the aim of increasing economic growth and reducing organized crime. However, it is unclear how the needs of people deported who are returned to dangerous situations are taken into consideration or that this will help offer any real protection to those facing violence.

The remittances that migrants living abroad send back to their home countries are important contributions to the economies of Northern Triangle countries. Yet the states appear largely indifferent to the suffering of the families of migrants who have gone missing during their journeys or have been the victims of grave human rights violations in Mexico in their efforts to reach the United States, including enforced disappearances and gruesome massacres. Northern Triangle states have provided minimal assistance in their search for truth, justice and reparations.

The states of the Northern Triangle must take immediate measures to ensure the safety of thousands of people whose lives are in great danger and must be prepared to contend with deportation numbers that are unlikely to drop substantially anytime soon. As funds from major new development plans such as the Plan of the Alliance for Prosperity arrive that seek to stem the revolving door of the migrant flow, concrete measures to address the protection needs of this population, particularly those of deportees, must be made a priority.

RECOMMENDATIONS TO GOVERNMENTS

To the Governments of El Salvador, Honduras and Guatemala:

- Design interview questions for consular services and reception centres to be able to identify if deportees are in danger in their communities of origin.
- Improve coordination between consular services abroad and national reception centres to identify cases of deported people in need of protection.
- Identify and design, together with host countries, mechanisms for re-admission of deportees who were victims of a violation of the principle of non-refoulement.
- Provide psychological support to deportees when needed.
- If needed, relocate deportees in danger to different communities and provide them with housing, education and work possibilities in the new communities.
- Assume central responsibility for the protection of deportees using the resources required given the demand caused by the increase in numbers of deportees.
- Ensure that all reception, reintegration and protection programmes for deported migrants take into consideration the rights and specific protection issues relating to groups such as women, indigenous people, LGBTI people and unaccompanied children.
- Streamline co-ordination of services as well as compilation of statistics between various ministries, agencies and task forces working on migration issues for both adults and children.
- Create protocols to lend improved and continued assistance to the relatives of migrants who have been the victims of crime or human rights violations abroad. This includes more active advocacy on their behalf with foreign authorities, the development and strengthening of transnational justice mechanisms, keeping families informed of ongoing investigations and providing psychological assistance when necessary.

To the Government of the United States:

- Guarantee the US-backed Plan of the Alliance for Prosperity be earmarked for protection measures for at-risk deportees. Economic aid for the countries of origin should be channelled to support the design and implementation of protection mechanisms for at risk population before and after migration occurs.



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HOME SWEET HOME?

HONDURAS, GUATEMALA AND EL SALVADOR'S ROLE IN A DEEPENING REFUGEE CRISIS

Gangs (known as maras) and organized crime have made the so-called Northern Triangle (El Salvador, Honduras and Guatemala) one of the most dangerous regions in the world in the past decade. This “new reality” has created an important shift in the push factors affecting migration flows in the Central America-Mexico-US migration corridor: soaring violence has caused rising numbers of people to run north to save their lives.

The Northern Triangle governments are often unwilling to acknowledge how significantly the increasing violence has changed migration. This has a serious impact on what has increasingly become part of the migrant's journey: the forced return.

In its research in all three countries, Amnesty International found that Northern Triangle governments have not fully recognized the scale of the problem and are doubly failing to protect their citizens: socioeconomic conditions remain poor and an increasingly violent environment permeates every corner of their countries, which causes people to flee in record numbers, but governments are failing to provide protection to those who are deported back to the same dangerous climates from which they ran.