Study

"Forced Displacement and Protection Needs produced by new forms of Violence and Criminality in Central America"

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List of Abbreviations

CIDEHUM International Centre for the Human Rights of Migrants

COMAR Mexican Commission for Aid to Refugees

CRM Regional Conference on Migration

DNPP National Directorate of the Preventive Police, Honduras

ICRC International Committee of the Red Cross and Red Crescent

IOM International Organization for Migration

OAS Organization of American States

OC Transnational Organized Crime

OCAM Central American Commission of Migration Directors

OHCHR Office of the United Nations High Commissioner for Human Rights

PNC National Civil Police, El Salvador and Guatemala

SICA Central American Integration System

UNDP United Nations Development Programme

UNFPA United Nations Population Fund

UNHCR United Nations High Commissioner for Refugees

UNODC United Nations Office on Drugs and Crime

WB World Bank

WFP World Food Programme

1. Executive Summary

The study "Forced Displacement and Protection Needs produced by new forms of Violence and Criminality in Central America" is part of a joint effort by the UNHCR and CIDEHUM to highlight the situation of victims of Organized Crime (OC) within their countries of origin and abroad, in countries of transit or destination. OC forms an organized and internally coordinated structure, which includes drug trafficking networks, gangs and criminal groups that operate from the local to the transnational level. This report aims to analyze the national and international protection needs of victims of OC and establish the possibilities of institutional attention (governmental, international and civil society) in these areas.

While the number of Central American refugees and asylum seekers (mainly from Guatemala, El Salvador and Honduras) has risen in recent years, it represents only a portion of the population that has been displaced and may be in need of international protection. This tendency could intensify because of problems of security and violence produced by the activities of OC, which leads to people being displaced internally or crossing borders in search of international protection in more and more countries. Although there is a lack of official figures on the number of people forcibly displaced by OC in the Central American region, an idea of the magnitude of this situation can be gleaned by reviewing the homicide rates in the countries concerned, identifying risk zones and zones in which forced displacement by OC has been reported, the figures for people deported and expelled from North American countries and of those seeking asylum because of persecution by OC. All these figures have risen in recent years. Traditionally those seeking international protection from Central American countries request refugee status in the United States of America, Canada or in other countries in the region (Mexico, Costa Rica and Panama). Some of these people, after being recognized as refugees by the host states, approach UNHCR asking for resettlement in the United States of America and Canada.

From the methodological point of view we went on to:

- Review and analysis of bibliographical data and statistics.
- Collection and analysis of non-systematized data and gathering of socio-geographical data: field visits in Mexico, Costa Rica, Guatemala, El Salvador, Honduras and Nicaragua; considering the following sources of information: Interior Ministries (Security, Police); Executive, Legislative and Judicial Power; Migration Boards; National Human Rights Commissions, Public Prosecutors, Ombudsmen, agencies of the United Nations System, Civil Society Organizations and qualified informants (organizations of the disappeared and victims). Semi-structured interviews and case studies were undertaken, along with observation in urban and rural areas and border posts; strategic geographical and territorial information gathering and mapping of the forced displacement phenomenon.
- Analysis of the information and planning of actions and strategies, definition of conclusions and recommendations to establish the different protection needs of people forcibly displaced by violence and organized crime in the Central American region, the role of States, the United Nations System and UNHCR, as well as International Organizations and Civil Society Organizations.

The main findings of this study are the following:

- In the Central American region people continue to migrate to other countries for various reasons. Economic/labour migration remains a constant because of the difficult socio-economic situation and the search for a better standard of living. For its part, the activities of OC generate forced displacement within and outside countries. This cause has been seen with greater intensity in the last three years in the Northern Triangle of Central America, a fact reflected in the rise in the levels of violence (homicides, criminality) precisely in the zones of impact and the zones of risk of OC activities.
- OC has increased its presence and negative effects in Central America, which can be seen through extortion, killings, forced recruitment, strategic control of territory, generalized fear among the population, the rise in violence levels (historically high in these countries) and collusion within and weakening of the States' structures. In the face of this situation, national protection is an incipient, inefficient and insufficient recourse, not for lack of political will on the part of the States, but because of the greater presence of organized crime and the violence generated by its activities.
- Both the victims (those forcibly displaced) and the at-risk population have suffered from ineffective **national** and **international** protection mechanisms, in the case of internal forced displacement and when people are forced across borders, respectivelly. Thus unprotected, this population hides, flees and emigrates in an irregular fashion, seeking to join and blend in with the population that migrates northwards for socio-economic reasons and, in general, does not directly request international protection as refugees for fear that OC or their related associates might identify them.
- The populations most vulnerable to OC activities are unaccompanied minors, as well as single women and women heads of household with young sons and daughters. Their protection needs are related to protecting their lives and personal integrity. There are important shortcomings with respect to:
 - Adequate information to obtain protection for victims and their families,
 - Effective protection when public denunciations are made,
 - The protection available in cases of internal displacement, and
 - The protection required when borders are crossed.

In turn, a series of needs are seen related to the traumatic condition of victims of multiple significant, material and emotional losses – for example, of a job, home or close family member. Foremost among these are fear, generalized mistrust and the difficulties of taking decisions about their immediate future and life plans. In these conditions they encounter difficulties in effectively requesting the corresponding protection.

• There are strategic territories controlled by a **functional**, **organic system of organized crime** at local, community, territorial and institutional level. In this study zones of risk and zones of expulsion of local population by OC activity in the Northern Triangle of Central America are identified and located. The highest levels of violence and criminality in these countries are found precisely in these zones. These zones form part of a regional flow of drugs, arms, contraband merchandise and people (shown in human trafficking and the illicit traffic in migrants). This flow forms part of a broader network that connects South America (from and

towards Colombia) with North America (from and towards Mexico and the United States of America). The forms of territorial control used by OC are different in each country but with a single end: the movement of drugs from south to north and the traffic of arms from north to south. For example, in Honduras the use of gangs to control strategic territories produces high levels of violence and day-to-day criminality; in some regions of El Salvador they have taken over institutional community control, replacing and buying officials and establishing their own procedures and "rules of the game" for community life; while in Costa Rica organized crime tends to control strategic territories to enable the free movement of people, merchandise, drugs and arms.

- On-site visits observed the lack of infrastructure and empowerment of local Migration and Police authorities as they try to control and protect victims and those vulnerable to being caught up in OC. In several of the countries visited, the Border Police feels "left out" by the centralization of decisions, giving them a sense of abandonment or neglect in their job of taking on organized crime.
- Special emphasis is placed on the cycle of forced displacement of victims at risk, in which lack of State protection and persecution by OC is expressed in different ways: people are forced to abandon their homes, leave in search of family members in other parts of the country, are forcibly displaced to other, more distant areas and often end up crossing an international border. A first protection mechanism is to choose internal forced displacement, which can have continuing effects in various places in the country as people are displaced from one place to another in search of protection. Many of those who cross an international border do so in an irregular fashion and therefore most are deported or expelled from the receiving countries. Unprotected and vulnerable, these people can be forcibly recruited by OC and victimized again. In consequence, people who leave the country because they lack protection from organized crime, once deported or expelled become even more vulnerable to OC activity, and can therefore again suffer the same violent situations that cause them to leave the country in the first place.
- The States, International Organizations and Civil Society Organizations have still not recognized **forced internal and external displacement** on the grounds of OC as a real and emergent situation, which requires responses from a humanitarian and human security perspective. Organized crime is treated as an issue of national and regional security but the humanitarian consequences and protection needs of victims are ignored, and in particular the forced displacement generated is not recognized and rendered invisible. This situation offers OC more opportunities to continue their impunity and keep generating insecurity in the face of the lack of public policies and national and regional legislation in accordance with the international instruments ratified by the Central American countries and which would respond adequately to the humanitarian needs of victims of forced displacement.
- The receiving States are diverting attention to the human rights crisis caused by OC into a question of administrative management of migration. In general, victims are presumed to be socio-economic migrants or fleeing situations caused by common crime. Despite this, it was possible to confirm that the authorities in the Northern Triangle countries recognize the need for international protection of their own citizens when they show their intention of leaving the country or cross international borders due to OC activity, and that many of the cases which seek

protection abroad are referred by their own consular authorities to the national bodies in charge of determining refugee status in receiving countries.

- In some claims for recognition of refugee status, the authorities of the receiving States do not consider OC as an agent of persecution but as an agent of common crime in the countries of origin. In other cases in which organized crime is considered as an agent of persecution, it is seen as national or local common crime, failing to recognize or obscuring its character as **Transnational Organized Crime**, which in turn affects efforts to tackle and eradicate it. Neither is the link between forced displacement, violence and human rights violations caused by OC activity understood clearly.
- The international protection needs of victims as refugees are not being assessed through the prism of applicable international instruments, obscuring more and more the forced displacement caused by OC and the situation of people needing international protection. International protection is provided for in the following instruments:
 - Convention relating to the Status of Refugees of 1951 and its Protocol of 1967,
 - Regional definition of refugees recommended by the Cartagena Declaration on Refugees of 1984 and incorporated in the internal standards of 15 Latin American countries (as is the case of Mexico and most of the Central American countries),
 - Guidance Note on Refugee Claims Relating to Victims of Organized Gangs and the United Nations Convention against Transnational Organized Crime.
- In general, in some States there are difficulties in establishing the causal link between the well-founded fear of being persecuted by OC activity and one of **grounds** of the refugee definition enshrined in the 1951 Convention (i.e. race, religion, nationality, membership of a particular social group or political opinion) or between threats to life, safety and freedom and one of the grounds established in the regional definition of refugee (generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order). The same happens with regard to the understanding of whether national protection exists or not and why this is not available or is not effective.
- While some positive precedents do exist in terms of regulation of complementary protection and humanitarian visas for people who do not qualify as refugees but who have protection needs under other human rights instruments (i.e. risk of torture or humanitarian considerations), these new normative dispositions (Mexico and Costa Rica) should not be used as a substitute or to the detriment of the recognition of the international protection needs of those who validly qualify as refugees, including in cases of victims of organized crime.
- National protection mechanisms are undeveloped and insufficient for a growing number of cases of people fleeing OC activity, in the face of a lack of human and financial resources and the fear that members or associates of gangs may have infiltrated national institutions. The political will exists to offer protection but the mechanisms are ineffective or the number of cases exceeds the institutional capacity to respond.

- Despite the protection needs of victims of organized crime inside the countries of origin and abroad in the receiving countries, in the Central American region currently no international mechanism exists to support States in the adoption of policies of attention and protection for victims of forced displacement caused by OC. This support could be offered by United Nations agencies and, in the case of international protection, by UNHCR, with a greater presence in the region.
- It is observed with concern that denunciations of governmental authorities from academia and some civil society organizations may help to weaken States' institutions still further if there is not greater coordination of actions to strengthen governance with a view to not condemning without making concrete proposals.

The recommendations arising from this study are the following:

At national level:

- It is urgent that the States of the Northern Triangle of Central America recognize forced displacement by OC within their borders and need to adopt institutional and standard mechanisms, as well as specific programmes for the attention and protection of victims. Currently no figures exist for the internally displaced or measurable variables that would allow internal forced displacement caused by OC activity to be made visible and quantified.
- Based on this recognition, the support of the international community could be sought, including
 the technical advice of UNHCR in countries of origin to mitigate internal forced displacement
 through specific programmes of attention and protection of displaced persons or those at risk of
 displacement and to assist in the strengthening of national protection mechanisms and the search
 for solutions.
- There should be more initiatives to strengthen national bodies for the protection of victims and witnesses, accompanied by adequate legislation and the allocation of sufficient financial resources. The Migration authorities, civil society organizations and churches should create shelters and houses of attention which would allow assistance and protection to be offered to victims of OC affected by internal and external forced displacement
- It is necessary to strengthen the community work of the different Police forces, and Migration and Army officials. It is important that citizens regain trust in their authorities and their forces of order, so that they feel safe in organizing and working with local authorities in establishing peace and security for the public. The State should re-establish its presence in communities, particularly in those located in zones of greatest risk of OC activity: border regions and neighbourhoods on the edge of the main urban centres.
- Public Prosecutors should be supported by the Legislative Power in bringing national laws into line with the international treaties ratified by the Central American countries with regard to fighting transnational organized crime and the integrated protection of victims and witnesses.

- States, agencies of the United Nations System and for international cooperation, civil society organizations and churches should incorporate into their agendas and programmes the humanitarian impact which organized crime is causing at national and regional level, since this has a direct effect on the establishment of initiatives for citizen participation, democratization, social justice, the environment and economic development (including the Megaprojects which incorporate mineral exploitation, concessions for large-scale exploitation of agriculture and tourism and major infrastructure projects throughout the Central American region). The subject must be tackled beyond its regional and internal security dimensions.
- Consulates must be reinforced to attend to and accompany their nationals who are victims of forced displacement caused by organized crime.

At regional and international level

- The OC phenomenon must be urgently repositioned and reconceptualised in the international political agenda. It must be understood that OC's activity and scope is transnational, which means responses must occur at binational, regional and international level and should not intervene as if it were only a question of domestic crime limited by a national sovereignty focus; this lack of visibility of the phenomenon could work to strengthen organized crime and its greater spread throughout the region.
- The creation of programmes by the International Community, such as previously CIREFCA y PRODERE, for the attention and protection of victims of internal and external forced displacement should form part of the lessons learned. The magnitude of the current phenomenon of at-risk populations as those directly affected by OC activity indicates the need for immediate support for work with forcibly displaced people, mainly in the countries forming part of the Northern Triangle of Central America.
- Programmes within the Central America Security Strategy should include initiatives that recognize and support those forcibly displaced by organized crime, in particular single women and women heads of household with young children, and vulnerable minors and adults. These initiatives, in addition to the focus on strengthening National Security and the fight against OC, should incorporate protection of the human rights of victims of organized crime and attention to their humanitarian needs for protection and assistance. A victim of forced displacement, threatened and persecuted, can easily become a victim of the crime of human trafficking.
- The SICA should recognize the phenomenon of forced displacement by OC and could set itself up as a promoter of regional policies for the adoption of support programmes to the affected population. States could implement these programmes in close coordination with UNHCR and in conjunction with social organizations, in inter-sectorial spaces, to work together on developing an integrated security strategy in the region, which would include security for citizens and the protection of the human rights of victims of organized crime.

2. General Outline

2.1 Causes, trends and patterns of violence

Guatemala, El Salvador, Honduras and Nicaragua have been characterized over the last three years as countries of origin, transit and destination of regular and irregular migrant workers¹. The causes of the exit of migrants from their communities of origin are multiple, such as extreme poverty, social exclusion, lack of work, scarce possibilities for settling, intra-family violence, abuse of power and gender violence, etc. The situation of these people with regular or irregular status in the destination countries depends on the new legislation that these countries have about migration. Unlike the situation in decades past, today it can be said that no receiving country for Central American migrants is accepting workers who are not highly qualified.

In the last three years the level of violence produced by OC in the countries of Central America's Northern Triangle and Mexico has increased. The patterns of exit or displacement of people have changed; now not only the previously mentioned traditional expulsion factors are present, but also forced displacement² within national territory for causes linked to violence and organized criminality has increased. Although the original socio-economic causes of exit towards the north in search of work or a better life persist, the current scenario in these countries is very different due to the high levels of violence produced by organized crime. However, the variables of internal and regional security do not take into account the human dimension of internal and external forced displacement. The change corresponds to the strengthening of a very significant **organized**, **functional structure** at the territorial and social level, which has cut across these countries from another perspective (movement of drugs, arms, migrants' smugglers and people traffickers) and affects the dynamic of human mobility, directly linked to violence and lack of security and protection³. Organized crime is concentrated in strategic areas, mainly in border areas and the urban centres of the main cities of the Central American region.

In this new scenario, OC weakens the structures of the States whose institutions have been disrupted and experience difficulties in offering effective protection to their own citizens. In this situation it is worth noting that none of the countries of Central America's Northern Triangle have accepted or publicly defined the existence of a population forcibly displaced internally or externally by organized crime activity. It is around the existence of the forcibly displaced population on one had and the population at risk from OC activity on the other that this study

¹ In addition to the countries mentioned, for the purposes of this study consultations were also carried out in Costa Rica and Mexico, and information was also collected from Canada and the United States of America about asylum-seekers and refugees.

² The concept of "forced displacement" refers to the forced movement of a person from their home or country due, in general, to armed conflicts or natural disasters (IOM, 2006, Glossary on Migration).

³ Recent studies by the UNDP, UNODC, OAS and World Bank during 2010 agree on a series of general data, referring to figures in the Central American region, of which the following are the most notable:

⁻ Homicide rate: 40 killings per day for the whole year (a figure three times higher than the world average).

⁻ Across the whole Central American region it is calculated that there are 920 gangs, with approximately 70,000 members.

⁻ It is estimated that 90% of the cocaine imported into the United States of America passes through Central American territory.

⁻ During 2007 alone it was officially reported that 560 tonnes of cocaine entered the United States of America and were transported through Central American territory.

⁻ Seizures of refined cocaine in Central America that was headed for the United States of America: 35,542 kg in 2005; 46,704 kg in 2006; 72,091 kg in 2007; 80,139 kg in 2008, and 84,832 kg in 2009.

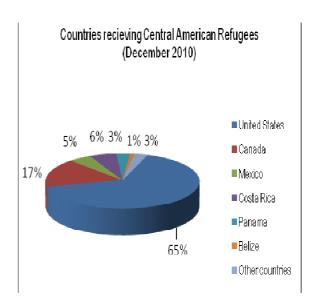
⁻ There are currently 4.5 million unregistered or illegal firearms in the Central American region, of which the vast majority are trafficked from North America.

develops its principal analysis with the aim of highlighting the protection needs of both groups. In the regional Central American framework, the States have incorporated the subject of security as one of their priorities, for example, in SICA Regional Security Strategy and recently in the Presidential Summit held in Guatemala. In turn the Inter-American Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights drew up a regional document on citizen security.

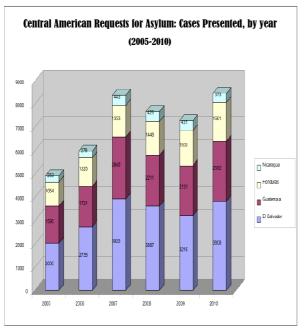
The World Bank, UNDP and UNODC have also conducted studies on the incidence of organized crime in the Central American region. However, these studies and strategies do not include a component on the forced displacement generated by OC and the protection needs of victims (IDPs and refugees).

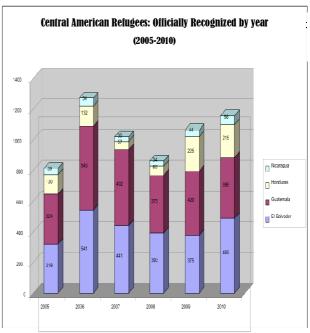
Violence and criminality have been generating more and more **human displacements** outside their countries of origin. Statistical reports by UNHCR show that there are approximately 17,000 refugees and asylum-seekers from Guatemala, Honduras, El Salvador and Nicaragua in the United States of America, Canada and other countries of Latin America and Europe.

Central American Refugees and Claimants for Refugee Status (December 2010)			
Country of Origin	Refugees (*)	Requests for Refugee Status (*) pending cases	
Guatemala	5,675	1,030	
El Salvador	4,976	1,549	
Honduras	1,302	813	
Nicaragua	1,431	157	
Total	13,384	3,549	
Source: UNHCR, Global Trends Report, 2010			



In 2010 alone, approximately 8,000 people requested refugee status in the countries of asylum mentioned above. This figure allows us to approximate to forced displacements in the region. However, there is evidence that only some of the people who have been forced to take the decision to abandon their communities of origin, request refugee status in the host countries. In addition, only a small proportion (between 10 and 15%) of these people in need of international protection is recognized as refugees by the authorities in the countries of asylum.





Source: ACNUR, Global Trends Report, 2010

Source: ACNUR, Global Trends Report, 2010

Despite this new regional problem, UNHCR has a presence in the Central American countries (Guatemala, El Salvador and Honduras as countries of asylum for a reduced number of refugees) mainly through its partner agencies in coordination with its Regional Office in Panama. Equally, it maintains national offices in Costa Rica and Mexico, coordinating attention to refugees with the state authorities in charge of determining refugee status.

In the face of the growing regional phenomenon of the activity of gangs as one of the organized crime groups which acts as an agent of persecution and generator of forced displacement, UNHCR has made efforts to raise awareness among countries of asylum about the new protection challenges related to the activity of gangs, which form part of organized crime⁴. The Government of El Salvador underlined the need and importance of counting on these guides on occasion of the Regional Conference on Migration (CRM).

2.2 OC, forced displacement and lack of protection

Research and studies, which have described the violence generated by OC, have not touched on nor gone into in depth the subject of national and international protection for victims of these new forms of forced displacement. In this study special emphasis is placed on making visible the protection needs of victims in the countries of Central America's Northern Triangle. The situation has been made more complex by the new forms of violence at the hands of organized crime, which has generalized fear and flight in search of protection in certain communities and regions of the countries, which will be detailed in the course of this study. It has been observed that organized crime is causing a weakening of State structures in the countries of Central America's Northern

⁴ See the Guidance Note on Refugee Claims Related to Victims of Organized Gangs (UNHCR, 2010).

Triangle, which has direct consequences for their capacity to offer protection to their own citizens who are victims of OC's criminality and violence.

OC's *modus operandi* is through actions such as extortion, the payment of periodic pay-offs (or "war taxes"), death threats, rapes, killings, torture, forced recruitment of youth, boys and girls, and kidnapping. This has an impact not only on the victims as individuals, but also on their families, since on many occasions the threats include the killing of family members (the killing of six members of a single family has been recorded) for refusal to pay protection or to participate in and support OC activities. In this way territorial control by OC, as well as disputes and internal struggles between different criminal groups, such as the local alliances with the big drug cartels, cause forced displacement of victims, who initially flee their communities of origin. Threats occur not only in these communities but mass killings of undocumented migrants, extortion, robbery, rape and forced recruitment of youths to carry out mass killings (massacres) in other countries⁵ have also been reported in migratory transit zones.

Fearing new abuses and violations of human rights, victims seek protection from various State institutions, such as the Public Ministry (public prosecutor), Foreign Ministry, Human Rights Ombudsmen, National Human Rights Commissions, NGOs and churches. Although it is the responsibility of Public Prosecutors to give protection to victims of this type of crimes, responses continue to be undeveloped and not very effective in the face of the growing number of cases and the scale of protection needs. Victim and witness protection programmes are not offering concrete results for more than a few people in the face of a threat from OC which seems to greatly exceed the capacity for protection and coverage of these national programmes and initiatives⁶, add to the fact that it is feared that OC has managed to infiltrate the State institutions responsible for implementing these limited programmes.

High-ranking officials of the Public Prosecutors of the countries of Central America's Northern Triangle reported that they currently do not have adequate legislation nor appropriate classification to mirror these crimes. While the States are parties to the United Nations Convention against Transnational Organized Crime, they have not brought their legislation into line with this instrument. This situation makes effectively tackling OC in the region difficult, allied with the lack of recognition by the States of internal forced displacement as a result of organized crime activity and its international component with the crossing of borders in search of international protection. Thus, no country in the Central American region has specific legislation on internal forced displacement in the light of these new forms of violence. Neither are there national institutions that deal with the attention of IDPs. Guatemala and El Salvador once had specific programmes for the attention of people uprooted by internal armed conflict, but this experience is different from forced displacement caused by the new forms of violence linked to organized crime activity and its impact on the population.

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⁵ As important examples, see the cases of the massacre of 72 migrants in San Fernando, Tamaulipas, in 2010; and the massacre of 27 peasants at La Finca Los Cocos, La Libertad, El Petén, Guatemala in 2011.

⁶ In the past, specific programmes have been developed at regional level for the attention of displaced people and refugees (for example, CIREFCA) and institutions such as FONAPAZ in Guatemala were created. With the implementation of the Peace Accords, these initiatives ceased to exist after the repatriation of refugees to Guatemala, El Salvador and Nicaragua. Currently FONAPAZ in Guatemala continues its work on programmes related to rural development and the strengthening of the social and economic infrastructure of various Guatemalan communities. The subject of violence generated by OC and the forced displacement generated by its activities does not form part of the current work of this institution.

Elsewhere, the sources consulted as well as the victims interviewed during the development of this study state that they do not denounce their cases before the corresponding bodies for fear of being publicly identified or of being victimized again by OC, which has a network of identification and following-up cases at regional level, all of which favours impunity. Equally, the fear exists that State structures or some of its sectors have been infiltrated by agents of organized crime or are associated with them.

The **lack of denunciation** is a finding repeated in each of the countries of Central America's Northern Triangle and constitutes one of the first links in a reality of impunity, in which regard other aspects stand out: impunity for the victimizers, disinformation and disorientation of victims, the presence of organized crime within some State institutions, cases of payments of pay-offs (war taxes) by public officials, killings, threats and extortion of prosecutors and other high public officials, mayors and migratory authorities. Likewise, information was discovered concerning members of the Army and Police who feel it is impossible to exercise their authority in the face of OC's *modus operandi*, mainly when it carries out the transportation of large quantities of drugs along the land and sea route that lead north. Equally, the cases were recorded of two members of the Army who were killed by organized crime after being assigned to investigate crimes in the communities in which they lived. In this way the **organized functional structure** of OC is configured and consolidated, mainly strategic territories in border areas and in marginal zones of the urban centres of Central American cities.

Forced displacement has taken place in the context of this circle of violence and impunity. Initially individual or family internal displacement occurs via the search for nearby support networks; thereafter there is an internal displacement to other areas more distant from the place of origin; and finally in some cases borders are crossed⁷. Throughout this dynamic characterized by three distinct moments or stages of forced displacement different protection mechanisms are observed by some victims of OC and the institutions consulted, such as:

- 1) Individual protection aiming to hide people under threat or the recourse to family circles,
- 2) Leaving their communities of origin as soon as possible so as not to be identified or victimized again.
- 3) Joining the regional migratory flow in search of job opportunities abroad.

These are some of the protection mechanisms that people and families use to try escape risk or damage and escape from organized crime activity.

Once forcibly displaced persons cross an international border they can choose to seek refugee status or try to merge into the traditional migratory flows characteristic of regular or irregular migration for socio-economic reasons. In the countries concerned in this study, procedures exist to determine refugee status along with specific legislation dealing with refugees. It is important to note that the international protection needs as refugees of some victims of forced displacement caused by organized crime have been duly recognized in Mexico and Costa Rica in the last two years. As well as regional legislation dealing with protection of refugees, from 2011 there have existed complementary protection mechanisms and humanitarian visas for those who do not qualify as refugees but who have other international protection needs under other human rights

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⁷ See the description in Appendix I of this report of representative cases in each of the countries.

instruments (i.e. risk of torture or for humanitarian reasons), granted by the State authorities in Mexico, Honduras, Nicaragua and Costa Rica, which could benefit victims of external forced displacement.

3. Effects and consequences of the new forms of violence

3.1 Risk zones generating forced displacement as a result of violence and OC in Central America

In this study risk zones generating forced displacement are defined as those spaces taken by organized crime, constituted as a system of intervention, appropriation and strategic management. In the Northern Triangle of Central America, zones can be seen which display particular attributes and conditions in the context of a region of high violence, where homicide rates are greater than the world average (40 killings a day). In Guatemala, El Salvador and Honduras victims of organized crime are displaced towards the peripheries of cities and even across borders (**cycle of forced displacement of victims at risk**).

OC, in turn, recruits people who live in or pass through these zones, strengthening its operating system, which in many cases leads to the revictimization of forcibly displaced populations. The risk zones generating forced displacement are not only apparent as an enumeration of physical spaces, but also as a network that links groups within that system. These relationships have been produced by the proximity of the population (under the *modus operandi*) and by confrontations between criminal groups and they are constituted and strengthened by virtue of the violence exercised, resistance, lack of control, clashes, the expulsion of population and the displacement caused by a fight for control over territories considered strategic.

3.2 Geo-referencing of risk and forced displacement

The social relationships in the territories allow us to visualize a map without local (urban and rural) and regional boundaries. It is not enough to define isolated risk zones, one must understand the flows that mobilize and render dynamic these spaces to observe graphically forcibly displaced persons' need for national and international protection. To understand the territorial analysis of forced displacement and the needs for protection produced by violence and OC in Central America, Risk Zones have been detected. They are determined by an approximate distance in kilometres according to the variables presented and the distance between the places (communities, towns, departments) mentioned by the actors being studied. This approximate distance (15km) is a flexible spatial representation according to the relativity of the territorial transformations and the *modus operandi* of organized crime. Additionally, the distance represented indicates the risk zones and the scope that OC has, through different forms of intervention, appropriation and operation in the territories, **mainly in border zones and marginal areas of urban centres.**

In Table 2 the key factors within the Risk Zones can be seen, as well as the factors to consider with respect to the Expelling Zones (generators of forced displacement).

Table 2 Northern Triangle of Central America: Key Factors in Risk Zones and OC Expelling Zones		
Risk Zones	Expelling Zones Generators of forced displacement	
 Immigration controls at authorized points. Non-functioning border points. Under reporting of forced migrants. Under reporting of OC-generated displacements. Illicit smuggling of migrants (drivers, money changers, coyotes). Ill-treatment of persons. Commercial sexual exploitation and forced labor of minors and women. Smuggling of merchandise, drugs and firearms. Extortion, robbery, homicide, threats, kidnapping, sexual assault, and recruitment of minors by OC (criminals, gangs, traffickers, smugglers). Victims seeking protection from national authorities that lack capacity to provide effective responses. Weakening of State institutions in the face of OC. Fear or withdrawal of denunciations due to corruption or impunity. Contraband trade in communities near authorized border crossings. Forced recruitment of girls and boys. OC control of natural, water, land and energy resources. OC control of information and work opportunities. Presence of mega-projects (agriculture, construction, raw material production) with private security linked to OC. 	 Violence Extortion, robbery, murder, threats, kidnapping, sexual assault, recruitment of minors by the OC (criminals, gang members, traffickers, smugglers) Control de community, organizational and information resources. Forced recruitment of girls and boys. Abandonment of communities by the local population and repopulation by individuals recruited by OC, their relatives and agents. Systematic persecution of forcibly displaced persons within and beyond their countries of origin: OC information channels and networks. Extortion by some corrupt officials on transportation routes and in points of destination. Victims seeking protection from national authorities that lack capacity to provide effective responses. Weakening of State institutions in the face of OC. Fear or withdrawal of denunciations due to corruption and impunity. Operation of logistical centers and residences of OC agents (city centres and suburbs) radiating out to marginal communities, neighborhoods and villages. Trafficking in persons. Commercial sexual exploitation and forced labor of young women and men. Main impact on marginal and poor communities (but beginning to extend to wealthier populations, professionals and small businesses). Drug trafficking. 	

Source: CIDEHUM, 2011

3.3 Northern Triangle of Central America: brief description by country

3.3.1 Guatemala

Guatemala has a population of 14,713,763 as of 2011⁸. Given the organized crime's territorial appropriation of some areas of the country, high levels of violence have been generated, as well as the forced displacement of people. The departments with the highest levels of violence in 2011, according to the National Civil Police, are Guatemala, Escuintla, Jutiapa, Quetzaltenango, Zacapa, Santa Rosa, Chiquimula, El Petén, Suchitepéquez, Huehuetenango, Chimaltenango, Izabal and San Marcos. A problem to note occurs in relation to the expropriation of lands that historically have been the property of the aborigine peoples and their communities. Sources consulted which specialize in the defence of human rights in Guatemala state that several private security companies that carry out evictions are related to organized crime structures, affecting the indigenous and ladino population. Some sources consulted refer to the existence of "narco territories" or "narco communities" which are strategically located in the zones of land expropriation, leading to forced displacement within and outside the country. OC forcibly recruits the population, mainly youths and minors, to form part of the criminal groups which operate within the aforementioned "narco territories or narco communities" and outside them in other areas of the country at high risk of violence and human rights violations⁹.

Recent studies in Guatemala¹⁰ state that the *Los Zetas* cartel is the main OC group that operates in the country. The sources describe the existence of franchises of the *Los Zetas* cartel; local criminal groups that work directly with them and many of whose members belong to armed groups with a major military formation (i.e. *Los Kaibiles*). The current perception of OC in Guatemala is very different from that of the home grown drug traffickers in that their violent way of operating and their direct effect on the general population, including that in the very communities in which they operate. Some governmental authorities are being controlled, threatened and killed by organized crime, mainly in the legal area: judges, prosecutors, ombudsmen and mayors.

It has been determined that the **pattern of forced displacement** in Guatemala occurs in the following manner: first, zones of origin of displacement appropriated by organized crime as "narco territories", affecting the population by means of two options: forced recruitment or leaving the territories; second, displacement to the interior of the country in search of new areas or territories, identification by OC agents of forcibly displaced persons, especially witnesses to crimes and those who have denounced organized crime to the appropriate public authorities; and third, external forced displacement, mainly to North America.

Interviews with State authorities showed the recognition of a climate of insecurity and infiltration by OC in some State institutions. It is recognised that the situation of insecurity and violence affects thousands of citizens and that there are territories that are unsafe even for the State authorities themselves. They recognize that the lack of denunciation or the withdrawal of there because of threats from OC lead to impunity and make access to national protection precarious.

⁹ Guatemala, annual homicide rate per 100,000 inhabitants (UNODC, Global Study on Homicide, 2011): 41

⁸ National Institute of Statistics (INE), Guatemala. Census Projections 2002.

¹⁰ International Crisis Group (2011). <u>Guatemala: Drug Trafficking and Violence.</u> Latin America Report No. 39 – 11 October 2011.

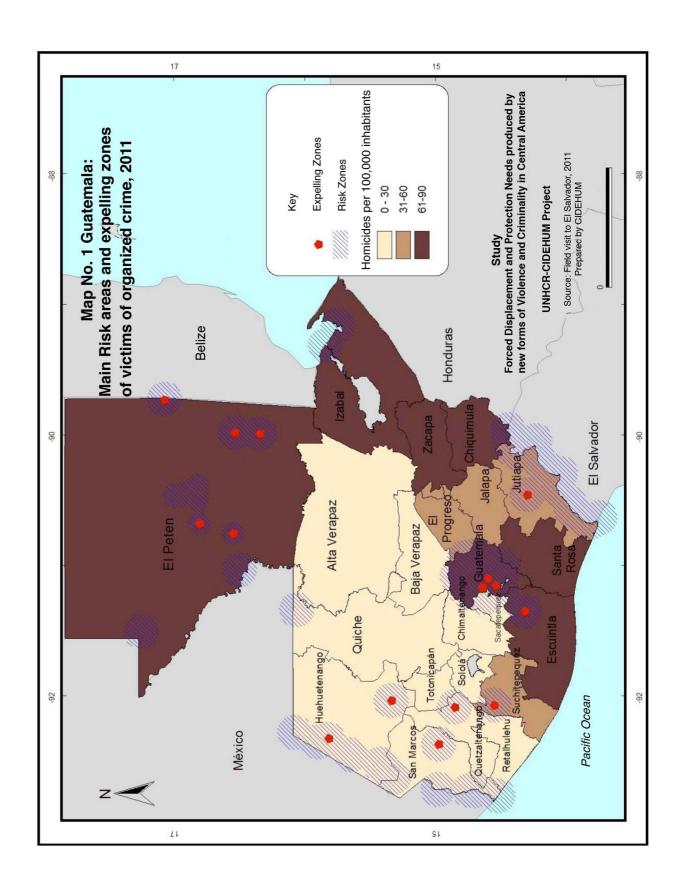
Table 3 Guatemala: Main Risk Zones and Zones of OC Expulsion				
Department	Population and homicide rates 2010 ¹¹	Risk zones of OC	Zones where OC has generated forcible displacements	Indicators of displacement
Guatemala	Population: 3.103.685 Homicides: 2.423 Homicides per 100,000 inhabitants: 78.1	Guatemala City (Zonas 1, 5, 6, 7, 12, 18), Fraijanes, Villa Canales, San Miguel Petapa, Amatitlán, Villanueva, Santa Catarina Pinula, Mixco, San José Pinula, Chinautla, Palencia, San Pedro Sacapetéquez, San José de Golfo, San Pedro Ayampuc, San Raimundo, San Juan Sacatepéquez, Churrancho.	Municipality of Guatemala, Municipality of Mixco: Carolingia community (Zone 6) Municipality of Villanueva: Ciudad del Sol.	Presence and control by the Mara 18 in the community of Carolingia, and the Mara Salvatrucha (MS-18) in Ciudad del Sol, Villanueva ¹² .
Escuintla	Population: 685.830 Homicides: 534 Homicides per 100,000 inhabitants: 77.9	Ixtapa, San José de Escuintla, La Democracia, Nueva Concepción, Escuintla.	Municipality of Escuintla.	High numbers of deportees from the US and Mexico ¹³ .
Chiquimula	Population: 362.826 Homicides: 282 Homicides per 100,000 inhabitants: 77.7	Chiquimula, Quetzaltepeque, Esquipulas.		
Zacapa	Population: 218.510 Homicides: 166 Homicides per 100,000 inhabitants: 76	Cabañas, Zacapa, La Unión.		
Izabal	Population: 403.256 Homicides: 258 Homicides per 100,000 inhabitants: 64	Livingstone, Morales, Puerto Barrios.		
El Petén	Population: 613.693 Homicides: 366 Homicides per 100,000 inhabitants: 59.6	La Libertad, Melchor de Mencos, Dolores, San Luis, Sayaxch, El Naranjo.	Municipalitiess: La Libertad, Sayaxch, Melchor de Mencos, Dolores, Poptún.	Executive Decree of State of Siege in El Petén ¹⁴ .
Jutiapa	Population: 428.462 Homicides: 233 Homicides per 100,000 inhabitants: 54.4	El Progreso, Jutiapa, Santa Catarina, Asunción, Aguablanca, Zapotitlán.	Municipality of Jutiapa.	High numbers of deportees from the USA and Mexico ¹⁶ .
Suchitepéquez	Population: 504.267 Homicides: 166 Homicides per 100,000 inhabitants: 32.9	Suchitepéquez	Municipality of Mazatenango	High numbers of deportees from the USA and Mexico ¹⁶ .
Quetzaltenango	Population: 771.674 Homicides: 180 Homicides per 100,000 inhabitants: 23.3	La Esperanza, Quetzaltenango, Coatepeque.	Municipality of Quetzaltenango, Municipality of Coatepeque.	High numbers of deportees from the USA and Mexico ¹⁶ .
San Marcos	Population: 995.742 Homicides: 165 Homicides per 100,000 inhabitants: 16.6	San Marcos	Municipality of Tacaná, MunicipioTajumulco y Municipality of Malacatán.	High numbers of deportees from the USA and Mexico ¹⁶ .
Huehuetenango	Population: 1.114.389 Homicides: 177 Homicides per 100,000 inhabitants: 15.9	Huehuetenango, Nentón.	Municipality of Huehuetenango, Municipality of Nentón, Municipality of Soloma, Municipality of La Democracia, Municipality of La Libertad	High numbers of deportees from the USA and Mexico ¹⁶ .

¹¹ Statistics referred to in reports of World Bank (2011), UNDP (2010) and UNODC (2009).

12 Castañón, Mariela (2008). *Pandillas en Guatemala, cáncer social.* Diario La Hora. 18 October 2008, Guatemala.

13 National Institute of Migration-Center for Migration Studies/ National Population Council/El Colegio de la Frontera Norte / Secretaría de Gobernación / Secretaría de Relaciones Exteriores / Secretaría del Trabajo y Previsión Social. (2011). *Encuesta sobre* migración en la Frontera Sur de México.

14 Mendoza, Carlos (2011). ¿Por qué El Petén y no el Departamento de Guatemala? Central American Business Intelligence.



3.3.2 El Salvador

El Salvador has a population of 7,329,898 as of 2011¹⁵. In this country violence generated by OC reaches high levels. Information from the PNC and the World Bank and UNDP reports show that the departments with the highest figures for violence are Sonsonate, La Libertad, San Salvador, Santa Ana, San Miguel and La Paz.

In El Salvador local criminality is being accentuated by the activities of maras or organized gangs. This is generating territorial struggles between the different groups, which in turn put the general population in danger and at high risk. The maras are operating inside the country in alliance with cartels that control daily life in many communities. Violence, the risk to the population and the forced displacements caused by the maras in El Salvador are becoming general across a large part of the national territory¹⁶, with the exception of some communities in the departments of Morazán, Chalatenango and Usulután, in which the learning and culture of community organization of decades past discourages expressions of local criminality. However, these areas with a strong culture of community organization do not represent a real possibility of protection for forcibly displaced populations.

The *maras* operate by charging a levy (extortion) on a large part of the population, threaten by means of lynching and killings, control local community organization and keep a thorough watch on the population to add to the extortions and threats. Forced recruitment of young people is particularly noticeable, especially those who are socially vulnerable. In this way the **pattern of forced displacement** in El Salvador generated by organized crime initially occurs in the country's interior, and in the second instance involves the crossing of borders. The threat from OC with the charging of levies and all that that implies in terms of reprisals in the case of refusal to pay up is being generalized across all social classes. Thus forced displacement of people outside the country is increased, on many occasions taking place in conditions of such urgency that it is decided to migrate in any way possible (crossing at unauthorised points or using illicit smuggling of migrants who make them stay in a transit or host country in conditions of high vulnerability to new human rights violations).

The interviews conducted with the Salvadorian authorities tell of the recognition of the situation of impunity, vulnerability and collective fear experienced in the country, the fear of denunciation and the weakness of the State institutions because of organized crime infiltration. It was possible to determine that in El Salvador difficulties exist in the way of strengthening the State's institutions and the governability of security for citizens. These elements strengthen impunity for crimes and human rights abuses and the increase in victims extorted or threatened by the *maras*, who, as in other countries of Central America's Northern Triangle, withdraw their denunciations to the Public Prosecutor for fear of reprisals. In this situation, some victims of organized crime decide to flee across a border in search of international protection.

¹⁵ General Directorate of Statistics and Censuses of El Salvador. Population projections for El Salvador to 2011.

Table 4 Table 4 El Salvador: Principal OC Risk Zones and OC Zones of Expulsions.				
				Departament
Sonsonate	Population: 458.559 Homicides: 403 Homicides per 100,000 inhabitants: 87.9	Acahutla, San Julián, Santa Catarina, Sonzacate, Sonsonate, Izalco, Armenia, San Antonio del Monte.		
La Libertad	Population: 724.656 Homicides: 579 Homicides per 100,000 inhabitants: 79.9	Ciudad Arce, San Matías, Villa Tzuchi, Quezaltepeque, Lourdes Colón, La Libertad, San José Villanú.	Municipality of La Libertad: Colonia Quetzal, Municipality of Ciudad Arce, Municipality of Sacacoyo: Villa Tzuchi, Municipality of Colón: Lourdes	Testimonies from registered cases ¹⁸ . High numbers of deportees from the USA and Mexico ¹⁹ .
San Salvador	Population: 1.732.702 Homicides: 1.351 Homicides per 100,000 inhabitants: 78	San Roque, Mexicanos, San Salvador, La Chacra, Lourdes, Bolívar, San Luis, Paraíso, Altos del Boulevar, Ferrocarrilera, La Iberia, Soyapango, San Marcos, Ilopango, Guazapa, Ayutuxtepeque, Apopa, San Martín, Aguilares.	Municipality of Soyapango: El Guaje, La Campanera; Municipalities: Mejicanos, Panchimalco, Ayuxtepeque: Comunidades Santísima Trinidad, Colonia Montreal, Municipality of Ilopango: San Bartolo, Alta Vista, Las Cimas.	Soyapango: Gang activity provokes forced displacement of local residents ²⁰ . High numbers of deportees from the USA and Mexico ²⁰ .
Santa Ana	Population: 560.398 Homicides: 392 Homicides per 100,000 inhabitants: 70	Coatepeque, El Porvenir, Metapán, Juilapa, Chiquimula, Guazacapán.		
San Miguel	Population: 470.176 Homicides: 290 Homicides per 100,000 inhabitants: 61.7	San Miguel, San Antonio, El Tránsito, Ciudad Barrios.	Municipality of San Miguel: Communities of Ciudad Pacífica, Milagro de la Paz (Curruncha), Colonia Las Águilas, Residencial San Francisco, La Presita, Satélite de Oriente; Municipalities: El Tránsito, Ciudad Barrios, Carolina.	San Miguel: Gang activity provokes forced displacement of local residents. ²¹ High numbers of deportees from the USA and Mexico ²⁰ .
La Paz	Population: 321.554 Homicides: 189 Homicides per 100,000 inhabitants: 58.8	San Luis de la Herradura, Santiago, San Luis, Olocuilta, Zacatecoluca, El Rosario.		
La Unión	Population: 259.083 Homicides: 122 Homicides per 100,000 inhabitants: 47.1	Colonia Bolívar, La Unión, Concepción Oriente.	Municipality of La Unión, Municipality of Conchagua, Municipality of Santa Rosa, Municipality of San Alejo, Municipality of Intipucá.	La Unión: Gang activity provokes forced displacement of local residents ²¹ .
Ahuachapán	Population: 326.523 Homicides: 151 Homicides per 100,000 inhabitants: 46.2	Jujutla, Ahuachapán.		
Usulután	Population: 357.769 Homicides: 139 Homicides per 100,000 inhabitants: 38.9	Jiquilisco, Santa María, Santiago de María.	Municipality of Jiquilisco, Municipality of Santa María, Municipality of Santiago de María.	Usulután: Gang activity provokes forced displacement of local residents ²² . High numbers of deportees from the USA and Mexico ²⁰ .

Source: CIDEHUM, 2011.

¹⁷ Statistics referred to in reports of World Bank (2011), UNDP (2010) and UNODC (2009).

18 See point 4.2 in this report, "Profile of the person forcibly displaced by violence and organized crime".

19 National Institute of Migration-Centre for Migration Studies/National Population Council/El Colegio de la Frontera Norte / Secretaría de Gobernación / Secretaría de Relaciones Exteriores / Secretaría del Trabajo y Previsión Social. (2011). Migration survey in the South Border of Mexico.

20 Beltrán, Jorge; Escalante, Diana (2011) El Diario de Hoy. Sucesos. Sunday, 4 December 2011, El Salvador.

21 Fuentes, Lilliana (2011). Laprensagrafica.com. Sunday, 4 December 2011, El Salvador.

3.3.3 Honduras

Honduras has a population of 8,215,313 as of 2011²². In this country high levels of violence in world terms occur which are directly related to the presence and activity of OC. Data from authorized sources agree that the departments which show the highest figures for violence and homicides are Atlántida, Cortés, Colón, Yoro, Copán and Francisco Morazán²³.

Currently Honduras occupies one of the top places in the world for its homicide rate. According to projections for 2011, the country will reach a rate of 86 homicides per 100,000 inhabitants²⁴. Organized crime produces high levels of violence and effects on the Honduran population (including forced displacement to the interior of the country and towards North America and Costa Rica)²⁵. In this country CO expresses itself significantly through the presence of drug cartels and *maras* or organized gangs.

In Honduras extortion (levies or war taxes) is rife, as are direct threats to the general population, homicides and kidnappings as the *modus operandi* of organized crime. This situation is not only affecting the civil population but also the governmental, military and police authorities. On interviewing the authorities concerned, it was observed that they recognized the capacity of OC to infiltrate some sectors of the State's institutions and sectors of the forces of order. Impunity of criminals working with organized crime was observed, based in the lack of denunciation, distrust and the fear of victimization.

The **pattern of forced displacement** in Honduras due to OC activity is not dissimilar to the case of Guatemala and El Salvador; and although it has territorial extensions similar to those of Guatemala, it is possible to state that it **offers very few options for internal forced displacement**, since organized crime has appropriated a great quantity of territories in the country. *Maras* or organized gangs are mainly present in the capital cities (Tegucigalpa, Comayagua) and the country's commercial capital (San Pedro Sula and nearby areas), while drug cartels operate in the east of the countries (departament of Gracias a Dios) and in some areas of the west and northwest (Atlántida, Cortés, Copán and Ocotepeque).

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²² National Statistics Institute, INE Honduras, Population projections for the population of Honduras 2001-2015.

²³ National Human Rights Commission (CONADEH), Observation of Violence, 2011.

²⁴ Proceso Digital, Honduran journalism, 2011.

²⁵ Honduras, annual homicide rate per 100,000 inhabitants (UNODC, Global Study of Homicide, 2011): 82

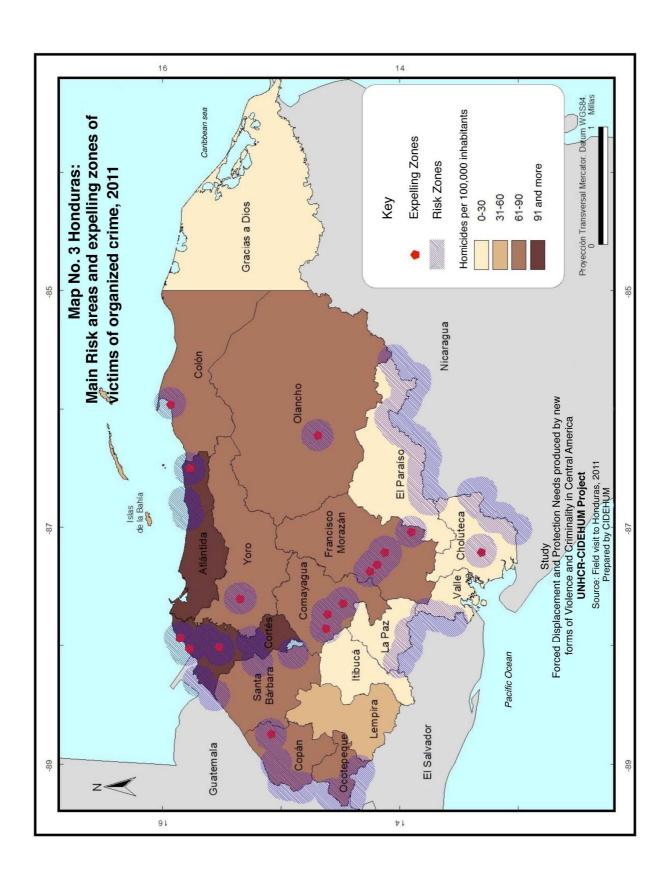
Table 5 Honduras: Principal OC Risk Zones and OC Expulsions of Victims				
Department	Population and Homicide Rates 2010 ²⁶	OC Risk Areas	Areas where OC has generated forced displacement	Indicators of displacement
Atlántida	Population: 407.551 Homicides: 535 Homicides per 100,000 inhabitants: 131.3	La Ceiba, El Porvenir, Jutiapa (Buenos Aires).	Municipality of Jutiapa: Buenos Aires, Municipality of La Ceiba.	Testimonies of recorded cases ²⁷ .
Cortés	Population: 1.570.291 Homicides: 1.774 Homicides per 100,000 inhabitants: 113	San Pedro Sula, Omoa, Puerto Cortés, Tegucigalpita, Potrerillos, La Planeta, Choloma.	Municipality of San Pedro Sula: Colonia Rivera Hernández, Municipality of Omoa, Municipality of Puerto Cortés, Municipality of Choloma, Municipality of Villanueva.	Persons expelled from the USA, January to August, 2011: 2,060 ²⁸ .
Colón	Population: 293.540 Homicides: 260 Homicides per 100,000 inhabitants: 88.6	Bajo Aguán.	Municipality of Trujillo: Bajo Aguán, Aldea La Concepción.	Testimonies of recorded cases ²⁷ .
Copán	Population: 362.226 Homicides: 309 Homicides per 100,000 inhabitants: 85.3	El Florido, El Paraíso, La Entrada.	Municipality of La Entrada, Municipality of Dulce Nombre.	Persons expelled from the USA, January to August, 2011: 775 ²⁸
Francisco Morazán	Population: 1.433.810 Homicides: 1.197 Homicides per 100,000 inhabitants: 83.5	Parque El Obelisco, Parque La Libertad, Mercado Las Américas, Barrio El Centavo, Callejón de la Muerte, Chiberito, Barrio Los Profesores, Barrio Bellavista, Barrio Las Crucitas, Barrio Zona Belén, Colonia 3 de Mayo, Torocagua, Colonia Polopaz, Colonia Divino Paraíso, Carrizal, La Ulloa, La Cuesta (1 y 2), Colonia Cruz Roja, Colonia La Joya, Aldea Tamara, Colonia Trinidad, El Cimarrón, Colonia Víctor F. Ardón, Colonia Alameda.	Municipality of Maraita: Aldea La Redonda. Central District: Colonia La Joya, Colonia Cruz Roja, El Cimarrón, Colonia Víctor F. Ardón, Colonia Villafranca, Colonia Trinidad, Aldea Azacualpa, Comayagüela (Colonia Arturo Quesada), Colonia Nueva Era, El Isopo.	Testimonies of confirmed cases ²⁴ . Persons expelled from the USA, January to August, 2011: 2,026 ²⁸
Santa Bárbara	Population: 402.367 Homicides: 309 Homicides per 100,000 inhabitants: 76.8	Concepción del Norte, Las Vegas, El Ocotal.		
Comayagua	Population: 442.251 Homicides: 319 Homicides per 100,000 inhabitants: 72.1	Comayagua, El Rosario, Siguatepeque.	Municipality of Comayagua: Comayagua, El Rosario, Siguatepeque; Municipality of San Juan de Opoa.	Testimonies of confirmed cases ²⁷ .
Yoro	Population: 552.100 Homicides: 473 Homicides per 100,000 inhabitants: 85.7	Municipality of de Morazán Yoro	Municipality of de Morazán.	Persons expelled from the USA, January to August, 2011: 1,766 ²⁸
Olancho	Population: 509.564 Homicides: 401 Homicides per 100,000 inhabitants: 78.7	Municipality of de Olancho	Municipality of de Juticalpa.	Persons expelled from the USA, January to August, 2011: 1,153 ²⁸
Choluteca	Population: 459.124 Homicides: 100 Homicides per 100,000 inhabitants: 21.8	Municipality of de Choluteca	Municipality of de Choluteca.	Persons expelled from the USA, January to August, 2011: 706 ²⁸

Source: CIDEHUM, 2011

²⁶ Statistics referenced in the reports of WB (2011), UNDP (2010) and UNODC (2009).

27 See point 4.2 in this report, "Profile of the person forcibly displaced by violence and organized crime".

28 Data registered in the Centre for Attention to Returned Migrants (CAMR), 2011. Movimiento de Population hondureña expulsada de EEUU que llega al Aeropuerto Toncontín, Tegucigalpa.



4. Gaps in protection and needs

4.1 Protection gaps

One of the main findings of this study is the **official non-recognition** by the States and other national and international actors **of the existence of forced displacement**, whether internal and external caused by new forms of violence generated by organized crime in the region. Stemming from this basic lack, public policies geared towards protecting victims of OC-generated forced displacement do not exist. It is worrying to note that, in addition to the situation in the States and their public institutions in the countries of Central America's Northern Triangle, **public non-recognition of forced displacement** has spread to other institutions, be they civil society or international cooperation agencies. All this makes it important to recognize the protection needs of victims and even to establish initiatives for prevention and attention to risks.

Victims of OC-generated violence in the Central American region are not finding responses and solutions for national and international protection. In countries such as Guatemala, El Salvador and Honduras, government agencies themselves (Prosecutors, National Police, Judicial Power) accept that there is a real difficulty in confronting OC and therefore in protecting its victims. Support from international bodies has been sought for this type of work, mainly when people indicate their wish to leave the country and cross international borders.

The official authorities interviewed in Mexico and Costa Rica explicitly called in countries such as Honduras, El Salvador and Guatemala "States should act with joint responsibility" to protect victims of organized crime, since the situation they have to face as countries of refuge of these populations is very complex and hard to solve. For their part, in the countries of origin, national mechanisms such as the Public Prosecutor's office report that they do not have adequate laws to offer effective protection to victims and witnesses, and if they have them they have not been regulated; they also report that their budget is inadequate. The programmes that exist, such as witness, are undeveloped and insufficient to cover the growing number of cases. On the other hand, victims fear that OC agents have infiltrated these programmes and that instead of offering protection they are being used to identify and locate people who have left their places of origin as an initial means of protection.

Owing to the proximity and territorial extension of the countries of the Northern Triangle, as well as the transnational activity of organized crime, victims who choose to seek international protection as refugees prefer to do so in North America and Costa Rica instead of considering alternatives in neighbouring Central American countries.

While the countries of the region are parties to the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol and the majority have incorporated the regional definition of refugee recommended by the 1984 Cartagena Declaration on Refugees, there are preconditions of admissibility to some internal standards which put obstacles in the path cases arriving directly at the bodies of eligibility. In general, it has been observed that administrative officials enjoy a broad discretion over whether or not to refer asylum-seekers to the corresponding eligibility authorities in each country as well as to UNHCR.

In the Central American countries (receivers and transit) the threat represented by organized crime leads some victims to consult the UNHCR implementing partners about the possibilities of international protection, hoping for an immediate response to their needs which very rarely meets their expectations since they are still in their countries of origin. This is because the most people who take this course hope to obtain international protection as refugees immediately in Canada, the United States of America or a European country, despite the fact that they have not yet left their countries of origin.

On the other hand, the foreign ministries of the countries of Central America's Northern Triangle have stressed the importance of strengthening international protection for displaced people who choose to cross an international border even though national policies or internal institutional structures to deal with victims of internal displacement do not exist. The starting point should be to recognize the phenomenon of internal forced displacement and the need to create national bodies for their attention and protection.

This situation lays bare a vicious circle in which victims go to national bodies to request international protection and do not obtain an adequate response, and the State bodies themselves are unable to refer them to national mechanisms or programmes for the attention and protection of internally displaced people. National mechanisms have still not been articulated to strengthen national protection and give an effective protection response to the internally displaced. Programmes are required to mitigate internal displacement and offer responses of protection and assistance for internally displaced people.

Once they cross an international border, victims go to the consulates of their own countries, which in principle are not the appropriate bodies, since international protection presupposes that the person does not have national protection and that neither can they take advantage of consular protection in their country of origin. In practice, faced with the recognition of the protection needs and the impossibility of national bodies in the countries of origin offering effective protection, the consular authorities refer cases to the bodies competent to determine refugee status in the receiving countries.

Finally, it is noteworthy that the existing programmes implemented by international organizations to reintegrate returned, expelled and deported populations to their communities of origin do not consider the real scale of forced displacement in the light of the new forms of OC-generated violence. The impact of these initiatives does not achieve the social reinsertion of some victims, who find themselves constantly needing to move on and flee real threats. In this situation, a new **cycle of forced displacement of victims at risk** is generated in which the non-denunciation to the appropriate national mechanisms is considered an adequate protection mechanism and irregular migration (in the case of crossing borders) reproduces the conditions of high vulnerability and risk (for example, in their contact with *coyotes* and migrant smugglers, who in turn are connected to organized crime).

4.2 Profile of people forcibly displaced by violence and OC

People forcibly displaced by OC are of urban (mainly from marginal urban areas) or rural origin that have been obliged to leave their home, community, lands and belongings because of real and direct threats in areas considered strategic. The victims are owners of houses or plots of land or of simple businesses (transport and commerce micro-businesses) in areas of OC influence or directly within the areas considered strategic in border areas and marginal areas of urban centres. It is notable that these people have suffered one or more significant losses, not only of material goods, but also of family members and emotionally important people (they are highly traumatized and vulnerable people). The fact of experiencing major losses and of living amid constant pressure (for example, of being recruited or their children being recruited by the *maras*) makes decision-making processes difficult. There are cases in El Salvador of people who in the period of one month have had to change department, municipality, town or village five times.

Victims do not make a denunciation for fear that their persecutors or extorters infiltrate the authority. On the other hand, the vast majority are unaware of the possibility of seeking refugee status if they have crossed an international border. Their psychological condition makes it difficult for them to seek the protection required in accordance with their humanitarian needs. In general, it can be stated that in the Central American region the population most vulnerable to OC activity are minors. These people emigrate in search of their parents to the north. Also important is the situation of single women or women heads of household with young daughters or sons, because of their sex.

The following is an approximation of the profle of people forcibly displaced by OC activity based on a graphic display of the cases consulted for this study. It should be noted that in the case of Guatemala it was not possible to include interviews with boys and girls.

Table 6				
Gua	Guatemala: Profile of victims forcibly displaced by OC (cases interviewed)			
Gender Main Age Groups Main Occupations Main causes of			Main causes of	
			displacement	
Female (40%)	18-35 years: 20%	Housewives, service sector	Extortion, land evictions,	
	36-60 years: 20%	employees	threats, commercial sexual	
			exploitation.	
Male (60%)	18-35 years: 50%	Agriculture, informal sector,	Extortion, forced enlistment,	
	36-60 years: 10%	journalists, prosecutors, mayors,	threats, kidnapping.	
		government employees		

Source: CIDEHUM, 2011

Table 7 El Salvador: Profile of victims forcibly displaced by OC (cases interviewed)			
Gender	Main Age Groups	Main Occupations	Main causes of displacement
Female (40%)	Under 18: 20% 18-35 years: 10% 35-60 years: 10%	Housewives, service sector employees, professionals, prosecutors, government employees	Extortion, threats, murder of relatives, kidnapping, commercial sexual exploitation, forced labor.
Male (60%)	Under 18: 25% 18-35 years: 25% 35-60 years: 10%	Informal sector, service sector, community leaders, journalists, government employees, law enforcement agents, prosecutors.	Extortion, threats, forced enlistment, murder of relatives, kidnapping

Source: CIDEHUM, 2011

Table 8 Honduras: Profile of victims forcibly displaced by OC (cases interviewed)			
Gender	Main Age Groups	Main Occupations	Main causes of displacement
Female (49%)	Under 18: 14% 18-35 years: 21% 36-60 years: 14%	Housewives, domestic workers, venders, informal sector, professionals, prosecutors, government employees, law enforcement agents.	Extortion, threats, murder of relatives, kidnapping, commercial sexual exploitation, forced labor.
Male (51%)	Under 18: 7% 18-35 years: 35% 36-60 years: 9%	Agriculture, informal sector, merchants, journalists, law enforcement agents, prosecutors, government employees.	Extortion, threats, forced enlistment, murder of relatives, kidnapping

Source: CIDEHUM, 2011

4.3 Violence by urban/rural context

A regional reading of the phenomenon of OC violence and forced displacement en Central America allows us to discern a pattern related to the strategic control of territories the length and breadth of the Central American land route between Colombia and Mexico. From this point of view of strategic control, territories and all everything developed and moved through them (resources, people) are controlled. Thus in the countries of Central America's Northern Triangle (the same pattern was found in Mexico) OC has a very clear presence and impact on two fundamental points: the trans-border zones (including official posts and unregulated crossings) and capital cities (including the peripheral areas of metropolitan zones); exercising strategic control of what happens within them and the access to rural areas which they consider important, especially those which facilitate communication with border areas.

Considering the above, it is possible to understand the expressions of OC violence by its urban and rural context, since in urban areas there is a special interest in controlling the civil population (which has a greater concentration in these areas), generating forced displacement through extortion, threats and forced recruitment. In rural areas there is also an interest in controlling natural resources and communications with border areas, to facilitate the passage of drugs and arms, as well the trade and trafficking of people.

In terms of people forcibly displaced by OC violence, in both urban and rural areas they are under threat, causing displacement to inside and outside the country. In this dynamic it is worth noting that it is not only inhabitants of the zones of impact who are affected by OC activity but also those migrant populations in transit towards the north and who use these routes as staging posts. To reiterate, OC activity in the three country's of Central America's Northern Triangle, as well as colluding with the State's structures, strategically appropriates certain territories with the ultimate aim of strengthening interconnected corridors throughout the region; some pass through urban and rural areas, adopting different strategies according to the location, but without losing sight of the ultimate aim: controlling strategic territories.

So for example, in the working-class suburb of Ciudad del Sol, Municipality of Villanueva (Guatemala City) *Mara Salvatrucha*, also known as *MS-18*, extorts owners of small businesses and small businessmen and kills or threatens with death those who do not pay their "war tax". This has allowed MS-18 to assume economic control in this place, with all the people needed to carry out tasks of investigation, searching, daily repression in a territory controlled by fear and threats. This is mirrored in the absence of police and lack of local development plans which represent alternative options for a decent life.

In Honduras, in the community of La Planeta, in the agricultural region of San Pedro Sula, OC control is exercised through the Maras. These have concentrated on the struggle for control of public transport routes to extort the travelling public (passengers). Added to this, there is currently competition between groups of maras, leading to an armed struggle which puts the civil peasant population at greater risk through the daily burning of buses and the elimination of and threats against other transport options such as taxis and charter vehicles. In this community the mara represents public order and authority.

5. Institutional Response to Displacement and Protection

5.1 International Protection and migration policies

The findings of this study indicate the OC's tendency to take on and/or exploit deported and expelled populations who come mainly from Mexico and the United States of America. The dynamic observed in situ is that the **cycle of forced displacement of victims at risk** increases the vulnerability of people deported or expelled, who by favouring irregular migration are a source of forced recruitment, exploitation, people trafficking and other related crimes²⁹. This vulnerability grows as deported people leave the country precisely because of OC activity and, in consequence, run a greater risk of being revictimized. The above is worrying in terms of the lack of protection at national and international level, which is reinforced for three reasons:

a) In some cases the eligibility processes for refugee status in countries of refuge for who claim to be victims of the activity of *maras* or criminal groups have not considered the magnitude and real dimension of OC's impact and the new forms of forced displacement. A person persecuted or threatened by *maras* and organized crime is not being examined as a particular phenomenon of transnational forced displacement, but as a question of national or regional security. In

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²⁹ Gómez y Johnson (2011) <u>Most illegal immigrants deported last year were criminals.</u> USA Today and U.S. Department of Homeland Security (2011) <u>Annual Flow Report.</u>

consequence, requests for international protection have often been rejected for fear of the presence of persecuting agents of organized crime in the host countries³⁰. It is true that as an attribute of **sovereignty** it is the State's responsibility to protect its citizens and attend to foreigners who do not take action against them, but it must be understood that organized crime is strengthening its transnational scope, affecting more and more people, while the States continue to concentrate their efforts on protecting themselves within their own borders.

In this way, the authorities concerned in the receiving States are not considering OC as an agent capable of generating well-founded fear of persecution or a threat to life, security and freedom through one of the protected grounds in the definitions of the pertinent international instruments. In other cases in which organized crime is considered as a persecuting agent, it is considered as common crime in the national sphere, obscuring it's character as **transnational organized crime**, which in turn is counterproductive for combating and eradicating OC. This analysis refers to the disjuncture that exists currently between persecution and threats from organized crime (threats, kidnappings, massacres, extortion, forced recruitment) as a violation of the human rights of citizens in the countries concerned and the protected reasons of the definition of refugee. The lack of protection is not being assessed through the prism of international instruments (the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1984 Cartagena Declaration on Refugees, the Guidance Note on Refugee Claims relating to victims of Organized Gangs and the United Nations Convention against Transnational Organized Crime), so that the humanitarian needs of the populations affected by forced displacement and international protection needs as refugees are being obscured.

Attention to a situation of human rights crisis caused by organized crime is being treated as a matter of migratory administration on the part of the receiving States, as if it were a question of people who formed part of the traditional socio-economic migratory movements. For their part, it is possible to state that the authorities in the countries of the Northern Triangle which are particular generators of expulsions see the need for international protection for their own citizens when they flee across borders and even refer their cases to the national bodies charged with determining refugee status in the receiving countries, but they have still not recognized the need to offer attention and protection to victims of internal forced displacement as well as the importance of strengthening national protection mechanisms.

b) There is **revictimization** of populations who flee from threats, extortion and other abuses. These people have crossed an international border, have been intercepted and interned in detention centres because of their irregular entry and are awaiting deportation or expulsion to their country of origin. It is a fact that has been investigated, denounced and registered in reports since 2001³¹. **It should be noted that many deportees left their countries of origin precisely because of OC activity, a situation which makes them even more vulnerable to being identified again and revictimized.** By reproducing the cycles of irregular migration, these populations become more and more vulnerable in the face of OC activity and the various violations of human rights.

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³⁰ U.S. Department of Homeland Security (2011) <u>Annual Flow Report.</u>

³¹ Report of the official visit to Mexico and the Mexico-United States of America border by the United Nations Special Rapporteur the Human Rights of Migrants, 2002. Report of the official visit to Mexico of the IACHR Rapporteur, August 2011.

c) It is important to analyze deeply the "return" programmes which have been adopted throughout the Central American region in a context of disinformation, lack of protection, disorientation and vulnerability in the case of victims of organized crime, particularly in the case of minors. The information supplied by the Public Prosecutors of Guatemala, El Salvador and Honduras indicated that national protection systems are infiltrated by OC, whether by the direct presence of OC agents in these structures, extortion and direct threats to officials or by infiltration of the systems of information and registry of people who have publicly denounced organized crime agents.

Official data provide figures for people from the countries of Central America's Northern Triangle returned³² from Canada, the United States of America and Mexico but do not give details of the reasons for their migration or initial exit. In referring to these populations, the historic socioeconomic or labour migration should be taken into account, but equally it is necessary to recognize the lack of protection for forcibly displaced persons who are victims of organized crime within these migratory movements, especially those who have been expelled, deported or returned to their countries of origin and who have not committed a crime.

Some facts to take into account:

- INM in Mexico, foreigners returned (January to September 2011):

Guatemala: 28,706 (2010) 24,334 to September 2011 El Salvador: 10,502 (2010) 7,105 to September 2011 Honduras: 23,580 (2010) 14,946 to September 2011³³

- Migration Refuge Zona 5, Guatemala, foreigners returned from the United States of America

January to September 2011: El Salvador 74; Honduras 50; Nicaragua 45

- Agua Caliente Border Post, Honduras (border with Guatemala), 2011:

Hondurans returned from Mexico: average of 175 people a week

- General Directorate of Migration and Aliens of Honduras, 2011:

Hondurans returned by air from the United States of America, registered at the Centre of Attention to the Returned Migrant, January to August 2011:

14,327 (877 women, 13.450 men)

 $^{^{32}}$ In the various registries, the category of "returned" indiscriminately includes migrants who are deported, expelled at the border or returned with their own consent.

³³ In the case of Honduras it is possible that the reduction in this figure is due to a new form of government treatment since 2011, in which a reduction in irregular migration can be seen.

5.2 Countries not included in the Northern Triangle of Central America

5.2.1 Mexico

In the city of Tapachula, in the state of Chiapas, can be found Guatemalans, Salvadorians and Hondurans who are victims of forced displacement, fleeing threats from OC and crimes suffered directly by their family. The presence was observed *in situ* of single Honduran and Salvadorian women with children who flee because their husbands had been killed, forcing them to leave the country. In most cases they say that the persecutors are members of *maras*, together with drugtrafficking groups such as *Los Zetas*.

During interviews with staff of the UNHCR office (in Tapachula and Mexico City) information was obtained relating to the way those seeking refugee status present themselves at their offices, having been referred by INM or COMAR officials or having been referred by some shelter for migrants in transit. OC-caused forced displacement of Guatemalans, Hondurans and Salvadorians is seen as a matter of common crime in their countries of origin rather than a question of transnational organized crime. Analyzing the report of the Human Rights Commissioner for the State of Chiapas³⁴ and the document of some NGOs, a strong criticism can be observed of the governmental authorities for not giving security and protection to transmigrants passing through Mexico who have fled their country of origin and are trying to distance themselves from the southern border.

Mexico has recently passed laws dealing with migration and the protection of refugees. The regulation of these laws is being discussed in the Government Secretariat although there is no consensus towards this regulation on the part of sectors of civil society. It is important to note that the law of protection for refugees provides for the migratory category of "complementary protection", which is a subsidiary protection offered to those who do not qualify as refugees but whose lives or security could be at risk, under other human rights instruments, in the case of being returned for fear of being subject to torture and inhuman, cruel and degrading treatment. This figure has been used to offer protection to victims of OC, who can remain in Mexico with a regular migratory status. However, it is important to note that victims of forced displacement by OC can qualify validly as refugees in those cases that fulfil the criteria foreseen by the 1951 Convention relating to the Status of Refugees and in the regional definition recommended by the 1984 Cartagena Declaration on Refugees.

As indicated earlier, an adequate interpretation of the criteria established in the applicable definitions of refugee, whether taken from the 1951 Convention and its 1967 Protocol, and the Cartagena Declaration, allows us to establish that a victim of OC-caused forced displacement can validly qualify and be recognized as a refugee. In this sense, it is a cause for concern that the countries of refuge do not recognize the international protection needs as refugees of some of the people fleeing organized crime. The situation of lack of protection in some of these cases is so evident in the countries of Central America's Northern Triangle that the consulates themselves refer and recommend cases of their own nationals to the competent authorities for determining refugee status in Mexico. This reference of recommended cases by consulates implicitly suggests a

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³⁴ Human Rights Commission (2011). <u>Informe sobre migrantes secuestrados en el Estado de Chiapas.</u> Human Rights Commission, State of Chiapas, Mexico.

recognition by consular authorities that the countries of origin cannot offer effective protection to their nationals or that the national protection mechanisms are insufficient.

5.2.2 Nicaragua

In recent decades Nicaragua has displayed a particular migratory dynamic which includes migration stemming from the era of armed conflict of the 1980s and the traditional labour migration mainly towards Costa Rica and the United States of America. During the *in situ* visit to Nicaragua (as well as that to El Salvador) it was possible to verify the existence of binational border communities (Nicaragua-El Salvador) in which small-scale smuggling and drug trafficking takes place (including people deported from El Salvador who have remained in those areas). Such is the case of the communities of El Aceituno, El Cusuco and Caserío Santa Clarita, in the Municipality of La Unión, El Salvador.

Information obtained through interviews with Nicaraguan authorities indicates that the Caribbean coast is being appropriated and utilized by organized crime through local and community intervention. So for example, researchers from the Institute of Strategic Studies and Public Policies state that OC has infiltrated the 23 extended communities in the RAAS and the RAAN (between San Juan de Nicaragua and the Department of Gracias a Dios in Honduras) to facilitate the production, transport and commercialization of drugs as well as traffic and trade in arms. This intervention by organized crime configures the corridor of transnational mobility of merchandise, which extends the length of the Central American region.

Currently no cases have been reported in Nicaragua of internal forced displacement as a result of organized crime. However, in some areas of the country (for example, in Bluefields and in Rivas) local groups linked to OC are formed, constituted as gangs for the local supply of drugs and hit men. Violence arises from the clash between local gangs seeking to serve organized crime, which affect the civil population.

Considering the analysis undertaken in this study with respect to the relationship between areas with high homicide rates as risk zones or zones which expel population as a result of OC activity in the countries of Central America's Northern Triangle, the figures for violence and criminality in Nicaragua are relatively low (national rate of 13.2 homicides per 100,000 inhabitants, the second-lowest figure in the whole region³⁵). This fact corresponds to the finding from the field visit to this country in which no register nor opinion of governmental authorities and civil society organizations was found which referred to the existence of internal forced displacement as a result of OC activity. It should also be noted that some people from Central America's Northern Triangle have requested international protection in Nicaragua and have been duly recognized as refugees.

An important factor related to the low levels of violence in Nicaragua is the existence of police forces and the Army which follow a public policy of social development, expressed through an active relationship with communities. In this sense, it was found that the intervention of Police is a long way from the "iron fist against the *maras*" (as seen in the countries of Central America's Northern Triangle), acting instead with a policy of working with young people who are members

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³⁵ LPG Datos, 2011.

of gangs, who are considered as young people at social risk who should be offered opportunities of settling down, inclusion and social integration.

5.2.3 Costa Rica

Costa Rica is historically a receiving country for migrant labour, asylum-seekers and refugees. Recently ECLAC referred to Costa Rica as one of the world's top 10 receiving countries for migrants. According to the census taken in 2011, there has been a reduction in the country's total population and although official figures for the foreign population are not available for 2011, figures from the 2000 census indicate that 8% of its population are foreign, migrant labourers (with regular status) and refugees.

Costa Rica 2010 migratory law includes a chapter on refugees, which is partially regulated. As Costa Rica is a receiving country the National Migration Council has been organically structured and includes representatives of civil society with full voting rights, there is also the Commission of Restricted Visas and Refuge and the Administrative Migratory Tribunal. There is also a UNHCR office, which implements programmes of attention to asylum-seekers and refugees and which participates actively in the intersectorial and international spaces related to its mandate of international protection and the search for durable solutions for refugees. The existence should also be noted of the National Coalition against the illicit traffic in migrants and trafficking, within the General Directorate of Migration and Aliens.

Within Costa Rica's Judicial Power a subcommission operates dealing with migrant and refugee populations, led by the President of the Constitutional Court and comprising magistrates, Police, the Public Prosecutor, UNHCR, IOM, civil society organizations, an expert adviser and representatives of migrants and refugees to guarantee vulnerable populations their access to justice, as evidenced by the Costa Rican government's adoption of the recommendations of the Brasilia Regulations of 2008³⁶.

In late 2011, the Attorney General of the Republic of Costa Rica published Circular 15-ADM 2011 "Outlines for the Distribution of the Causes of People Trafficking and Smuggling", which refers to the United Nations Convention on Transnational Organized Crime and the law of Protection of Victims, Witnesses and other Subject Involved in the Penal Process.

In the last 10 years most people who have been granted refugee status in Costa Rica have had Colombian nationality. However, in the last 10 years, it has been noted that people with Honduran and Mexican nationality have requested and obtained this status because of persecution by *maras* or OC. Initially there were difficulties on the part of the Costa Rican state in recognizing these cases for security reasons. However, in line with the growth in the number of requests, it has been necessary to provide a humanitarian response to offer them international protection as refugees.

Through field visits, interviews with authorities and local representatives it was possible to verify that in Costa Rica zones of drug and merchandise trafficking are clearly identified. There are clear signs that on the Caribbean coast and in southern parts of the country (Pérez Zeledón, San Vito

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³⁶ Ibero-American Judicial Summit. *Brasilia Regulations regarding access to justice for vulnerable persons*. XIV Ibero-American Judicial Summit. Permanent Secretariat. Brasilia, March 2008.

and Paso Canoas), OC is strengthening its routes through the presence in local communities, principally through control of their territorial resources (natural resources, sources of labour). In this way, it is possible to observe the configuration of a transnational corridor of organized crime in the Central American region.

5.3 National protection and regional and international actors supporting the States

5.3.1 National Protection

The existence and availability of national protection mechanisms are fundamental for attending to the humanitarian needs of victims of OC in Central America. In this study, we have noted that the political will exists for the States to provide effective protection to the population but we note with concern that national protection mechanisms are undeveloped and insufficient when set against the growing number of cases and the scale of the violence generated by organized crime. It has been found that the States only have the real capacity to protect a very reduced number of victims (a small minority manage to get on to witness protection programmes), added to the fear that they may be infiltrated by organized crime.

The regional legal framework, which includes instruments ratified in the last 20 years by the three countries mentioned, shows the States' political intention to harmonize national legislation with international instruments to which they are party. This would allow the States to fulfil their obligations to the international community, both at the United Nations level and at the level of the Inter-American System and subregional structures (SICA, OCAM, CRM, etc.).

The countries of the Central America's Northern Triangle, in turn have shown their concern about citizen insecurity and the desire to fight against organized crime in official spaces such as the Presidential Summit held in Guatemala in May 2011. It is evident that recognition exists on the part of the States of the problems generated in social and political peace by the presence and activity of an organized, functional OC structure for the traffic of drugs, arms, smuggling of migrants and human trafficking. In this sense, the SICA hopes that the support it has requested from the international community to strengthen the security of States against organized crime also includes solutions for humanitarian protection of victims. However, to date the only humanitarian response is this space is an allusion in one of its programmes to victims of human trafficking.

No effective national response has been found to attend to the growing protection needs of victims of forced displacement generated by OC. This is not for lack of political will on the part of the States but for the weakening and collusion of many of its networks within the institutions in charge of providing protection to citizens. OC's crossing of community and official structures makes victims vulnerable to being identified rapidly in neighbouring countries. The impunity existing in these countries gives the victims no sense of security, which makes them continually flee: fear or a sense of danger is a reality. We reiterate that it is necessary for the States and their public authorities to recognize through adequate mechanisms the existence of internal and external forced displacement caused by organized crime, as that would be a solid base for promoting public policies aimed at protecting victims in the national sphere and in turn to seek the support of competent authorities for the protection of victims in the international sphere.

In interviews with authorities of the Public Prosecutors (Victim and Witness Protection), it was recognized that while the availability and obligation to give national protection exists, that the lack of adequate measures stems from lack of confidence and what happened in cases of OC infiltration of these institutions, and lack the budget is insufficient to carry out protection work for victims and witnesses. This leaves the delivery of the system of national protection clearly weakened.

United Nations agencies and international cooperation organizations are called on to strengthen national protection mechanisms. Currently the subject of OC-generated internal displacement is not being dealt with by any agency of the United Nations System or of international cooperation. OC-generated external forced displacement is dealt with to the extent that people choose to request recognition of refugee status once they have crossed an international border. There are no humanitarian evacuation mechanisms and no specific cases are known of OC victims who have been duly recognized as refugees in their own country by accredited embassies in the countries of Central America's Northern Triangle (for example, through Canada's Source Country Programme).

There are OHCHR offices in the countries of Central America's Northern Triangle, which have produced excellent publications and research on evictions and violations of human rights in those countries. In Honduras WFP has programmes which include as part of their mandate activities with migrants and trans-border populations but do not work directly on protection initiatives. IOM is present in those three countries but its programmes centre on the strengthening of national legislation on migration and ordered and dignified migration procedures, the prevention and fight against human trafficking and smuggling of migrants. These programmes support governmental and State authorities in dealing with the identification and voluntary return of victims of human trafficking, with emphasis on the CRM, which includes the Consular Protection Network and the Network against Human Trafficking and Smuggling of Migrants.

5.3.2 International Protection

UNHCR has the mandate for international protection of refugees and to search for durable solutions and through its partner agencies provide technical support to **countries of asylum in the Central America's Northern Triangle** with respect to a small number of asylum-seekers and refugees. UNHCR does not have offices in Guatemala, El Salvador nor Honduras nor have these countries asked it for technical support to strengthen their national protection mechanisms for forced displacement generated as a result of OC violence. UNHCR participation in **countries of origin** to help States mitigate forced displacement and attend to internally displaced people presupposes a specific request from the governments concerned to the UN Secretary-General.

UNHCR only has a presence in the countries of Central America's Northern Triangle through partner agencies, tasked with implementing assistance and protection programmes for a small number of refugees. These agencies are not involved in strengthening the national protection mechanisms that UNHCR could conduct in the countries of origin (if it is expressly requested by the countries concerned) nor can they become involved in the protection of their nationals if they have not crossed an international border. Their emphasis is attention to and protection of foreign asylum-seekers or refugees in Guatemala, El Salvador and Honduras. The lack of an institutional presence of the UNHCR through its own offices in these countries is recognized by the agencies of

the United Nations System (UNICEF, UN Women, UNDP). New cases of refugee claims are consulted with the Regional Office in Panama. In these countries it is seen as a priority to strengthen the procedure for determining refugee status, seeking to build effective national protection systems. Therefore, in these countries there are no established programmes to process cases with resettlement needs. However, if resettlement needs are detected in a particular case, this will be channelled via one of the existing programmes in the region.

There is a major presence in the countries of Central America's Northern Triangle of international cooperation agencies from the United States of America, Canada and the European Union (such as the Spanish Agency for International Cooperation for Development – AECID – and the Open Society Institute in Guatemala). However, these agencies do not support specific programmes for OC victims nor do they deal with forced displacement generated by these new forms of violence.

The countries of Central America's Northern Triangle are part of the CRM, in which programmes to fight human trafficking and the smuggling of migrants are discussed and agreed, networks are formed for consular protection of citizens at risk because of their migratory situation and projects for the prevention of irregular migration are implemented. The networks within the framework of the CRM are not directly involved with the protection those forcibly displaced by OC (internal and external). However, the Government of El Salvador has always indicated the need to attend to this problem within the CRM agenda. Its interest led to UNHCR adopting the Guidance Note on refugee claims relating organized gangs (UNHCR, 2010).

6. Conclusions and Recommendations

6.1 Conclusions

Patterns of Violence and Forced Displacement

- The information obtained during this study shows that **forced displacement effectively exists** (inside and outside countries) because of OC activity in the countries of Central America's Northern Triangle: Guatemala, El Salvador and Honduras. This forced displacement is characterized by its invisibility and lack of recognition on the part of the different States in a context in which considerations of internal and regional security are privileged and the humanitarian needs of the victims are not recognized. Amid the lack of official registers of the number of people forcibly displaced by OC in the Central American region, the scale of this situation can be understood through a reading of the homicide figures for the countries concerned, the identification of zones of risk and zones in which forced displacement on the part of OC has been reported, as well as the figures on people deported and expelled from the receiving countries of North America and those seeking asylum as a result of OC-generated persecution. All these figures have been rising in recent years.
- Forced displacement is internal or external depending on the characteristics and immediate context of the victims. People who do not give in to the demands of gangs, maras or organized crime by paying levies or war taxes or through forced recruitment find themselves seriously affected by threats and violence. In general they have two possibilities: either collaborate and receive payments from organized crime, or flee from their communities of origin. This situation

causes internal displacement as a first defence mechanism and protection of the individuals and their families. With no effective national protection, victims are detected by OC through their information channels and are often forced to seek external displacement (crossing borders, in many cases in an irregular fashion). Because of their proximity, the territorial extension and the links existing between *maras* or gangs and organized crime in the countries of Central America's Northern Triangle, neighbouring countries are not seen as spaces of effective protection either.

- OC has increased its presence and negative effects in Central America as can be seen through the extortion, killings, forced recruitment, strategic control of territories, the generalized fear in the population, the rise in violence levels (historically high in these countries) and the collusion and weakening of the States' structures. Because of this situation, national protection remains an undeveloped, inefficient and insufficient resource. In general, this has not been for lack of political will, but because of the skill and capacity of organized crime and it's violent activities.
- Strategic territories are controlled by a **functional and organic system of organized crime** at the local, community, territorial and institutional level. This study identifies and locates zones of risk and zones that expel local people in the countries of Central America's Northern Triangle. The highest rates of violence and criminality in these countries are found precisely in these identified zones. These zones form part of a regional flow of drugs, arms, contraband and people. Human trafficking and the illicit smuggling of migrants were apparent. The flow is part of a broader network that connects to South America, to and from Colombia and North America, to and from Mexico and the United States of America. The forms of territorial control employed by OC are different but they have a single end: the transfer of drugs from the south to the north and the traffic of arms from the north to the south.
- By controlling strategic territories (border areas and urban centres) within the States of Central America's Northern Triangle, organized crime threatens, extorts, kills, forcibly recruits and kidnaps the civil population, infiltrates State institutions and those of the forces of order. It is alleged that OC also controls "narco communities" or "narco territories" where they skim off large sums of money from the local civilian population with the aim of strengthening their operational structure.
- The analysis of the information obtained through a visit to the south of Mexico and Costa Rica allows us to show that the number of cases of victims of organized crime who require international protection will rise during the coming years. Some victims have been duly recognized as refugees in these countries and others in the region.

Forced Displacement and Protection Gaps

• Because of OC activity both the victims (the forcibly displaced) and the population at risk have suffered from the lack of **national** (in the case of internal forced displacement) and **international** protection mechanisms. Faced with this lack of protection this population hides, flees, emigrates in an irregular fashion, seeks to join and blend in with the population that traditionally migrates northwards for socio-economic reasons and, in general, does not directly request protection for fear that they will be identified by organized crime.

- The States concerned have not recognized **internal displacement** normatively and institutionally. Few victims are accessing national protection, whose protection mechanisms are undeveloped, inefficient and insufficient. In some cases it is alleged that agents of organized crime have infiltrated them. **External displacement** is occurring with a growing number of victims of OC, an aspect whose **scope and transnational dynamic** is still not being recognized. The humanitarian needs are not known to be able to provide a protection response.
- The States' policies and initiatives against organized crime centre on strengthening national and regional security in terms of infrastructure, training and equipment, not on citizen security itself or attention to the protection needs of victims. This study recognizes that States are fighting against OC but there is still much ground to cover in terms of strengthening Support Programmes to the Security Strategy through technology, armaments, professionalization and strengthening of the Police and Armies, strengthening contacts with local communities, empowerment of local and regional authorities, as well as clear initiatives for the protection of victims which match the scale of the current problem of human rights violations by organized crime.
- The field visits observed a lack of infrastructure and empowerment of local migration and police authorities in their work to control and protect victims and those at risk by being recruited by OC. In several of the countries visited, the Border Police is considered "left out" by the centralization of decisions, which gives them a feeling abandonment or lack of concern about the task they face.
- The population most vulnerable to OC activity are unaccompanied minors, as well as single women and women heads of household with small sons and daughters. Their protection needs are related to protecting their lives and personal integrity. Major gaps exist with respect to adequate information to obtain protection for victims and their families, including effective protection in the case of making public allegations, protection available in the case of internal displacement and protection required in the case of the crossing of borders. Likewise a series of needs are evident related to the traumatic condition in which victims find themselves because of multiple major material and emotional losses, for example jobs, homes or close family members. Fear, generalized distrust and difficulties in taking decisions about their immediate future and life plans are prominent. In these conditions they have difficulty in effectively requesting the appropriate protection.
- In some requests for refugee status the authorities of the receiving States do not consider OC as an agent of persecution, but as an agent of common crime that operates in the countries of origin. In other cases in which OC is considered an agent of persecution, it is also seen as national or local common crime, obscuring and failing to recognize its character as **Transnational Organized Crime**, which in turn has consequences for combatting and eradicating it. Neither is link between forced displacement, violence and human rights violations produced by OC activity clearly understood.
- The international protection needs of victims are not being assessed through the prism of applicable international refugee instruments. In this way OC-generated forced displacement and the situation of people needing international protection is more and more obscured. International protection is provided for in the following instruments:

- 1951 Convention relating to the Status of Refugees and its 1967 Protocol,
- Regional definition of refugee recommended by the 1984 Cartagena Declaration on Refugees and incorporated in the internal norms of 15 Latin American countries (including Mexico and most of the Central American countries),
- Guidance Note relating to refugee claims of victims of organized gangs and the United Nations Convention against Transnational Organized Crime.
- In general, in some States there are difficulties in establishing the link between the well-founded fear of persecution by organized crime and one of the **grounds** in the definition of refugee enshrined in the 1951 Convention (i.e. race, religion, nationality, membership of a particular social group or political opinion) or between the threat to life, security and freedom and one of the grounds in the regional definition of refugee (generalized violence, foreign aggression, internal conflicts, massive human rights violations or circumstances which have seriously disturbed public order). The same happens with respect to the understanding of whether or not national protection exists or why it is not available or not effective.
- While some positive precedents exist with respect to the regulation of complementary protection and humanitarian visas for people who do not qualify as refugees but have protection needs under other human rights instruments (i.e. risk of torture or humanitarian considerations), these new normative dispositions (Mexico and Costa Rica) should not be used as a substitute for or to the detriment of the recognition of the international protection needs of those who qualify validly as refugees, including when they victims of organized crime.
- National protection mechanisms remain undeveloped and insufficient for a growing number of
 cases of people fleeing organized crime because of a lack of human and material resources and
 the fear that members or associates of OC may have infiltrated them. The political will exists to
 provide protection but the mechanism are inefficient or the number of cases exceeds the
 institutional capacity to respond.
- Despite the protection needs, in the countries of origin and abroad in the receiving countries, in the Central American region there is currently no international mechanism which support States in the adoption of policies of attention and protection for victims of OC-generated forced displacement. This support could be provided by agencies of the United Nations, and in the case of international protection by UNHCR, with a greater presence in the region.
- The receiving States is diverting attention to the situation of human rights crisis caused by organized crime into a question of migratory administration. It could equally be stated that the authorities of the countries of Central America's Northern Triangle recognize the need for international protection of their own citizens when they express their intention to leave the country and cross an international border because of OC activity.
- It was observed that there has been a reinforcement and presence of Consulates in strategic places to provide support to their nationals in receiving countries. These have not hesitated to refer and recommend cases to the national authorities competent to determine refugee status.

6.2 Recommendations

At national level

- The States of Central America's Northern Triangle must urgently recognize the existence of
 internal OC-forced displacement. It is necessary to adopt institutional and normative
 mechanisms, as well as specific programmes for the attention and protection of victims.
 Currently there are no registers of internally displaced persons or variables that would enable
 internal forced displacement caused by organized crime to be made visible and quantified.
- On the basis of this recognition support could be sought from the international community, including technical advice from UNHCR in the countries of origin, to mitigate internal forced displacement. It is important to attend to and protect the displaced population or at risk of displacement through specific programmes to strengthen national protection measures and the search for solutions.
- The Public Prosecutors of the Central American countries should have support from the Legislative Power to bring national laws into line with international treaties ratified by the Central American countries in the area of struggle against transnational organized crime and the integrated protection of victims and witnesses.
- There must be more initiatives of capacity building for victim and witness protection, accompanied by legislation and the allocation of adequate financial resources. The General Directorates of Migration and Aliens, civil society organizations and churches should create shelters and houses of attention to enable assistance and protection to be provided to victims of organized crime affected by internal and external forced displacement.
- It is recommended that clearly defined public policies be established to combat the corruption of officials and authorities. This is a fundamental step to prevent official structures from being infiltrated by organized crime.
- It is important that citizens regain confidence in their authorities and their forces of order so that they feel safe to organize and work with local authorities in establishing peace and citizen security. The State should go back to having a presence in communities, particularly in those located in zones of greatest risk from OC activity: borders regions and marginal neighbourhoods of the principal urban centres. It is necessary to strengthen the work of community projection of Police forces, Migration officials and the Army. In particular the work of the different forces of order should be strengthened conceptually and operatively in zones of risk, such as the borders, marginal urban communities and rural zones where there is an OC presence.
- The States, the United Nations System, international cooperation, civil society organizations and the churches should incorporate into their agendas and programmes the humanitarian impact that organized crime is causing at national and regional level, since this directly impacts on the establishment of initiatives for citizen participation, democratization, social justice, the environment and economic development (including Megaprojects which incorporate mineral exploitation, large-scale agricultural and tourist concessions and major infrastructure projects

throughout the Central American region). The subject must be tackled beyond its internal and regional security dimension.

• There should be a reinforcement of the Consulates for attention to and accompaniment of their nationals who are victims of OC-generated forced displacement.

At regional and international levels

- The organized crime phenomenon needs to be urgently repositioned and conceptualized in the international political agenda. It should be understood that OC's activity and scope is transnational and therefore responses must be made at binational, regional and international level and intervention should not be on the basis of dealing with a problem of crime limited to one country with a focus on national sovereignty; this lack of visibility of the phenomenon could help strengthen organized crime and its greater dissemination and impunity in the region.
- The creation of programmes by the international community, such as previously CIREFCA and PRODERE, for the attention and protection of internal and external forced displacement should form part of the lessons learned. The magnitude of the current phenomenon of populations at risk as well as those directly affected by OC activity implies the need for immediate support for the work with the forcibly displaced population, mainly in the Northern Triangle of Central America.
- Programmes within the Central American Security Strategy should include initiatives which recognize and support those forcibly displaced by OC, particularly single women and women heads of household with young children, minors and vulnerable older people. These initiatives, as well as focusing on strengthening National Security and the struggle against organized crime, should incorporate human rights protection for victims of OC and attention to their humanitarian needs for protection and assistance. A forcibly displaced person, threatened and persecuted can easily become a victim of trafficking.
- The SICA should recognize the phenomenon of forced displacement by OC and could promote regional policies for the adoption of support programmes for the affected population. These programmes could be implemented by the States, in close coordination with UNHCR and together with the Social Organizations. This work should be promoted in intersectorial spaces to work together in developing an integrated strategy of security in the region, which includes citizen security and human rights protection for organized crime victims.
- On analyzing the dynamic of organized crime and its impact in the Central American region it becomes evident that UNHCR could play a vital role. UNHCR's support for States should be strengthened to have a positive impact on the recognition of international protection for victims of organized crime and the definition of OC as a transnational agent of persecution that causes forced displacement and systematic violations of human rights.
- It is important that programmes of return and reintegration should be aware if they are dealing with people who fled their countries of origin because of OC-generated violence, so that the risk of them being again identified by organized crime and becoming victimized again is reduced.

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APPENDIX 1

Representative Cases (names have been changed to protect identities).

"Plinio": 46 years old. Honduran journalist. Two sons (10 and 15 years old). Free union (second marriage). Refugee on the grounds of persecution by OC

Plinio left Tegucigalpa (Honduras) because of direct threats from the *maras*. Initially his younger was kidnapped and then his first wife was killed. In his journalist work he called young people to not join the *maras*, which disturbed OC in general. Because of the threats and the killing of his wife, Plinio made an allegation to the Honduran attorney general's office. In his opinion organized crime is growing in Honduras, with structures of lawyers, accountants, offices, "independent" *maras* as well as the M-18 and the M-S, all of them in contact with *Los Zetas*. The most common activity is the collection of "war taxes" by the *maras*.

According to Plinio, in Honduras there is nobody to trust. Distrust and shame extends from the government itself down to families. As for the government's role, he believes that what an administration can achieve is negated by the following: the previous government had a clear policy towards high-calibre firearms (e.g. AK-47), paying their owners to hand them in, but the current government "handed them over on a plate" to OC. As he says, in Honduras very few victims are able to request protection or make allegations (little access to the internet, communications, telephone). In addition, there is a generalized situation in which nobody expresses solidarity for fear of OC: "nobody wants to know about other victims". For him, what is needed is to increase the presence of UNHCR offices in Central America: "if there were more organizations like you, there would be nobody left in Honduras, the mara members would have it to themselves". Currently he is in another country as a refugee (after his arrival he was able to bring his second wife and his two sons); but he says that there too he feels insecure as he is aware that OC has a presence throughout Central America.

"Alba", 30 years old, Honduran. 1 son (7 years old). Refugee on the grounds of persecution by OC

Alba lived in Tegucigalpa with her husband, her son, her mother-in-law, a brother-in-law and a sister-in-law. In her community the *maras* began to charge an obligatory levy. When her family refused to pay this levy (since they had no money) the problems began. Most of the families in the community did not have money to pay the levy so within two weeks the *maras* began killing people, house by house. Before her family were attacked the *maras* shot up other neighbouring houses, which began to increase the atmosphere of fear.

On one occasion, Alba heard knocking at the door of her house. Previously when this happened she would wait while the knocking continued and would not respond until the knocking stopped. But on this occasion the knocking continued until the door of the house was riddled with bullets. Her husband asked Alba to take the boy to the furthest room. The *mara* members entered the house and killed the husband, the brother-in-law and sister-in-law and leaving the mother-in-law seriously wounded. This situation made Alba leave the community with her son, in the first instance to her sister's house. There she received threats from the *maras*, forcing her to leave the country. Alba left the country with her son. After emigrating with the help of a *coyote*, she experienced other problems when she crossed the border and asked for protection from Migration agents; she was taken to another place and did not know whether the official was going to take her to a shelter or was going to hand her over to *Los Zetas*. When she requested protection from the *maras*' persecution, they told her that she must pay \$400 to stay in a shelter (because she was going with a minor) while she awaited the resolution of the national body for determining refugee status.

She requested the appropriate protection and had to wait about a month in the shelter while her case was resolved. Her main worry was the safety and health of her son, and she felt that it was dangerous to be living with other migrants who said that it was a bad decision to have requested refugee status because of the length of time she would have to wait and the possible identification of her case by OC. Eventually her request for refugee status was approved (and that of her son) and is receiving support from UNHCR.

"Malena", 28 years old. Guatemalan trader. Single mother of a 10-year old girl and a four-year old boy. Deported from two North American countries. Victim of extortion.

Malena comes from a community where the *maras* control the territory. She believes that the struggles between *maras* in her community force the people to leave for other areas of the country. There are cases of neighbours who are threatened for being witnesses to criminal acts, others who are threatened for having made allegations about the *maras* and others (as in her case) who had a certain amount of capital as traders are forced to leave because they are extorted for ever greater obligatory levies. She was already paying the *maras*' obligatory levy. Being unable to increase the amounts, Malena left the country to seek work abroad (leaving her children with their grandmother). The first time she emigrated in an irregular fashion, paying two *coyotes* to cross the border. She spent two months in that country and was deported. When she returned to Guatemala she noted that more people were subject to extortion and that the violence was even higher. In her community and in her own family there was the idea that "as you're coming from abroad, you're bringing money, so at any moment they could come for you, better leave before they come and get you."

This made Malena leave for a second time. On this occasion she went through a blind spot. Her plan was to head north. On the way, she and three other people she was travelling with were intercepted by a pickup truck. At first they thought that those who had intercepted them were from Migration, later they realized that they were *Zetas*. They went in a pickup truck and at one stage, in the middle of the night, they noticed that the vehicle had stopped and that the drivers were waiting for other people. It was at this moment that Malena was able to escape. She says she ran as far as she could and hid herself in a cellar. These were moments of high tension for Malena. She knew that at any moment they were going to find and kill her. In the morning she noticed that she could continue to flee. It was there that she was intercepted by police and deported. At the time of the interview she was in a shelter waiting to be transferred to her community or to go back home on her own account. She says that she doesn't know what to do but that if anything is clear it is that she does not want to go back to Guatemala because it is very dangerous to emigrate in irregular fashion: "better to be killed here, near my home, with my family, than that they butcher me abroad and my body never turns up."

"Carmen", 38 years old. Salvadorian. Married (1 son). Victim of extortion and forced displacement.

Resident for 10 years in the department of La Libertad, Carmen and her family (husband and 1 son) faced a case of extortion and persecution. They owned a dental clinic in the same place that her uncle had a pharmacy. Here in this city Carmen's family recognized the presence of gangs and their method of operating through extortion. However, they were never affected during 10 years. In June 2011 two men appeared at her uncle's pharmacy threatening to impose a \$500 levy that he had to pay that week. The uncle decided to pay and told them to come by the following week to pick up the money. The day they arrived he did not have the full amount. This provoked a violent reaction from the gang members and they reminded him of the case of a neighbour who had been killed with 8 bullets for not having paid up on time and they left. At the same time the gangsters let the uncle know that his niece also had to pay them the protection money otherwise they would kill her. That same night the pharmacy was attacked with high-calibre weapons, destroying everything inside.

The following day Carmen, in company with her husband and her uncle, went to the pharmacy, finding everything destroyed and inside a threat written on a piece of paper which said they were going to kill the doctor and her family. They called the National Police to file the complaint but they did not arrive until the following day. They decided then to move out of their community to the house of friends in another department where they stayed for one month and were detected again by the *maras* despite having change their names. That same month the husband received a statement from the mayor confirming that they had been the victims of extortion in this place and just as he left the municipal building he was threatened by some individuals in a motorcycle who let him know that they were already aware that they lived in the new place and that they would kill them in the next few days.

Carmen returned home and moved to another community in the same department where some of their families live. Her husband left the country. Currently they are waiting to be reunited in the country where he is to request refugee status. Carmen and her family claim that in their region of origin gang agents have a presence.

"Jairo". 26 years old, Salvadorian community leader. Victim of extortion and forced displacement.

Jairo is a community leader who worked helping young people through sporting programmes. A group of gangsters in his community wanted to recruit him. They offered him three options: join the gangs, the Army or the Police. He initially refused. In response, his younger sister was raped, they cut open her throat and stomach and then dragged her through the community behind a motorcycle. After various threats and beatings as he and his nephew of 11 years tried to avoid recruitment, he joined the Army under the supervision of a Sergeant, who according to him was part of the *mara*. Jairo was given the job of taking the inventories of the arms dumps. On one occasion he received an order to take the weapons out of the stores, modifying the inventories. He refused and was arrested. In response he presented a denunciation to the competent authority. However, they did not believe him and indicated that he would do better to drop his allegation since it would not get any support. Jairo continued to denounce killings to which he had been witness. His family began to receive threats. He was the subject of an arrest warrant for having arms and information about Police plans.

He says: "that's why I went running through all the departments of El Salvador." He had to flee from El Salvador because "the scandal got very big." He crossed at a blind spot on the border, near Santa Ana. There he began to work and sent money to his family, which led to the *maras* finding out where he was living. He continued to flee northwards, one day a car stopped him and the men inside told him they were going to kill him. At a Migration Post Jairo requested asylum but the authorities refused to interview him and he was taken to a migratory station where he spent three years while they resolved his case. In that time nobody wanted to take on his case, "the NGOs didn't do it because it was a very tough case." Only a church organization took up his case. After three years a judge refused his asylum petition. Jairo says: "the case was rejected because these people are infiltrated in the State and also in the institutions and they are the same gangsters, that's why they turn down asylum requests." He was deported to El Salvador. Currently he is fleeing his persecutors and moving around inside the country. He says that very soon they will kill him since there is no sort of security to protect him. His family is paying rent (\$200) and his uncle was killed. His 11-year-old nephew is still being pursued to be recruited. In the community where he used to live families have to pay levies so that their children can carry on studying and belonging to sport committees, the women are sexually exploited and to transport drugs, and the children are recruited to work as gangs messengers.

"Renzo", 54 years old, Guatemalan trucker. Deported from North America.

Renzo had migrated at the age of 25 towards North America where one of his sisters lives. There he got to know a migrant woman from Nicaragua whom he married and together they had a son. When the child was born she left them saying she was going back to Nicaragua to spend time with her family and that she couldn't take the child because of the danger on the road. The child was raised by Renzo's sister and her husband since he had to work as the driver of a vegetable truck: "I can tell you from personal experience the dangers that people run who head north. People risk their lives, some to improve their economic conditions, others to flee violence. On the road it is very hard. I've been up and down many times, my whole life since I was 25. Before you used to be able to go across by the blind spots with no problem but now if you go that way you're risking your life." Renzo says that the road north is littered with violent cases of migrants from Guatemala, El Salvador and Honduras who are direct victims of *maras* and suffer big violations. He says that it is not the gangs who only extort and commit violence against migrants but also migratory authorities and the Police.

Renzo says he has witnessed violent cases on the part of the border police. "The last time I came up, which was about a month ago, I saw two couples being extorted and subjected to violence in a roadside hotel on the route which takes people north. There I remember that with one companion we went into the hotel to spend the night. I had some money on me and I ask the person in charge of the hotel not to say anything about us if the 'migra' came and that I would tip him. At a certain time of night the 'migra' arrived. I had seen that also in the side of the room where we were two couples had arrived. The police broke open the doors of the hotel rooms except for ours. And then something happened that I'd never seen before. They took the men out of the room, robbed their belongings and the documents they were carrying, hit them and left them naked and shoeless, closed the door and raped the women and took them away while the men hid unable to do anything."

"Doris", 56 years old, internally displaced in El Salvador. Victim of extortion and threats.

Doris has a 26-year-old daughter ("Alejandra") who is married to a 30-year-old man; together they have a daughter of 8. Alejandra's husband emigrated abroad for economic reasons. Doris, her daughter and granddaughter received a remittance every month from Alejandra's husband while they lived in a community in the department of La Libertad. One day Alejandra was contacted by members of the *mara* who told her that they had been informed that she received money monthly from abroad and she had to pay a levy of \$1,000 a month to be able to live where she was living.

Alejandra fled her community to join her husband, work and send money to cover her mother and her daughter's rent and other expenses. Two months later Doris received threats from the *mara* that they would kidnap her granddaughter if she didn't pay them \$5,000. Alejandra and her husband therefore collected money to send the girl by land and join them. They hired a female *coyote* who they paid for up front in El Salvador. However, the girl was abandoned by the *coyote* and was picked up by the Border Police who handed her over to an aunt who had regular migratory status in another country.

Doris continued to be persecuted, receiving threatening phone calls and violent attacks, leading her to spend no more than two nights a week at home. She has to move around different houses of friends and family. She fears to live in El Salvador, she feels totally unsafe and says she has no freedom of expression nor protection. Currently Alejandra and her daughter are reunited and have requested refugee status. Doris hopes to go to that country as soon as possible although she has a great fear of being pursued on the road north.

"Marlon", 25 years old Honduran. Refugee on the grounds of OC persecution.

Marlon lived a community in San Pedro Sula with his parents, brothers and partner. One of his brothers was picked up, when he travelling in a public bus, by a group of men who were travelling in a black pickup truck. He was brutally beaten and disappeared for two days until he appeared dead in the street near his home together with other people who had been killed. All the family members of the people killed were threatened with being killed if they did not leave their community of origin. For that reason, Marlon and his family moved to his grandparents' house in another community of San Pedro Sula. In this new place they noticed the presence of black pickup trucks with armed people who patrolled the streets at every hour of the day and night. Marlon's father, who had identified the body of his dead son, made a complaint to the Police: "after I made the complaint things got worse, the matter got worse. We had already noticed that they were spying on us round the clock and that was very uncomfortable because we felt unsafe all the time. You thought it was just a question of time before you or one of the family was found butchered."

Every week dead bodies appeared belonging to families they knew (friends or people known within the community). For this reason the eight members of the family decided to emigrate. Marlon's father knew of the possibility of support from UNHCR in another country, so they travelled with identity documents and documents supporting their condition to seek international protection: "we spent the first two months in a very bad way, going round and round, trying to find somewhere to live and a job. It was impossible to support ourselves because there were eight of us." Faced with the difficulty of supporting themselves in that country the family decided to return to Honduras, this time to Tegucigalpa, while Marlon decided to remain to take advantage of the support he received from UNHCR and so finish his studies and get work. This enabled him to support his partner (and his son, who was born when they were in that country) and decide if she would return with him.

Currently Marlon is sticking to his plan of finishing his studies, is finishing a technical course as a mechanic and has already spoken with the owner of a workshop about a job once he obtains his certificate (currently he does a few hours as an assistant). As he says, although his life has been difficult ("in Honduras the violent situation is worse, it's a sin to be young because the maras force you to work with them or they kill you and because of the policy of the iron fist against the maras they assume that if you're young you're a gang member") and the possibilities for foreigners in his condition are scarce, he hopes to finish his personal plan, get trained and so have greater options, including even going back to bring his family from Honduras.

"Hermidio", 45 years old, Salvadorian community leader. Victim of extortion, violence and threats.

Hermidio was resident in a community of San Salvador. He has two sons, aged 16 and 26. The *maras* killed his wife, who was also a community leader involved in public security and community development. Although he knows for certain who shot his wife, Hermidio says he has decided not to make a complaint. "In El Salvador making a complaint against the maras gets you into trouble because most of the police don't cooperate out of fear and the rest are bought by the maras. In the prosecutor's office they tell you that they've opened the case but that it's not convenient to make it public in the short term."

The main worry expressed by Hermidio is related to the control of spaces by the *maras* who daily extort through an obligatory levy, are infiltrated in the executive committees of associations related to community development and have even created NGOs so as to be externally financed. He states that the *maras* organize daily public lynchings to show every member of the community that they are in charge. Another of Hermidio's worries was related to the constant pressure of the *mara* on his younger son to be forcibly recruited. For this reason the family has sought information about the possibility of seeking refugee status abroad (the Embassy has supported them with information). However, two immediate difficulties exist: first, the economic difficulty in travelling there; and second, the fact that his older son has a year to go to finish his university studies: "leaving right now is the same as throwing his studies in the bin. As he's only got a little more than a year to finish his studies this would be a great loss for him. I don't want him to suffer further losses. Currently the plan is for to go with my younger son. When the older one finishes his studies we'll see about the possibility of him going too".

While it is true that the *maras* dominate community spaces and the taking of communal decisions, there are people who still have not been infiltrated and who in some way resist their pressure and threats: "we have many community leaders, those of us who are still alive, who still do our work to support mainly children with sports programmes. There are only a few of us left and we keep on working although it hurts that almost everything that we have worked for has been corrupted. The Police Post has been maintained. Sometimes they help. The policemen haven't been bought off at all but although they can move we know that they're limited. If they do too much the maras will get at them."

"Aneta", 42 years old, Salvadorian trader. Refugee on the grounds of OC persecution.

Aneta is a single mother and head of a family household of seven members. She comes from San Miguel. She worked in a tax free zone and then decided to set up her own business making clothes as a family firm. The family's efforts were producing good results until her older son began to receive telephone calls telling him to pay an obligatory levy along with threats if he refused to pay: "Look, there you don't know who's who. In El Salvador anybody can threaten and charge rent. My older son began to receive calls to pay the rent. To start with he didn't pay any attention. A few days later he received another call and they began to tell him all the information about our family, with all the details. Right there they threatened him and told him that if he didn't pay they would kill him ... The following day my older son didn't come home and we began to worry. It was getting late and that night they called us from the hospital and told that he was there, that the maras had given him a beating."

On the recommendation of the doctors at the hospital, Aneta decided to make a complaint and leave immediately with her family and relocate initially to a coastal area. In the prosecutor's office Aneta was told that making a complaint had been a mistake: "imagine that at the prosecutor's they told me you should have waited, as you made the complaint now everything depends on you, it's your problem ... wait for what?" Since she made the complaint Aneta and her family had to move to different accommodation within the country and everywhere they received threatening calls. She perceives that transnational crime in El Salvador is very well organized and that it has a great capacity, information and territorial control. For this reason, they decided to leave the country and seek international protection. They prepared their journey in the best way, that is, acquiring all the necessary documents (identification, denunciations, supporting documentation) and informed themselves adequately of the necessary requirements to seek refugee status. Eight months after making the request, the family obtained refugee status in a host country.

APPENDIX 2

Description of the Methodology of this Study

The central axis of this study is the definition of the causes and particularities of forced displacement in Central America as a result of violence generated by organized crime. Likewise, the definition of the profile of people forcibly displaced in the region and their protection needs in the zones of origin, transit and destination. During the study three basic stages were developed:

Stage 1: Revision and analysis of existing data

Revision and analysis of bibliographical data and statistics, in the face of underreporting or non-existence of data, with respect to figures and statistics that reflect internal and external forced displacement in the country's of Central America's Northern Triangle. First approximation to:

- The dynamic of forced displacement in the region.
- The impact of OC-generated violence in Central America and the south of Mexico.
- National and international protection mechanisms.
- The profile of people displaced by violence and organized crime.
- The response of the States (SICA).
- The response of international and civil society organizations.
- The formulation of a hypothesis on the causes of displacements.

Stage 2: Collection and analysis of non-systematized data and gathering of socio-geographic data

Collection of non-systematized data from field visits to Mexico, Costa Rica, Guatemala, El Salvador, Honduras and Nicaragua with the aim of deepening knowledge of:

- The dynamic of forced displacement due to violence and organized crime at national, regional and trans-border level.
- The protection needs of displaced persons and national protection mechanisms.

It was proposed to work in each country on the following sources of information:

- Agencies of the United Nations System, IOM, OAS and other international organizations.
- Governmental authorities: Foreign Ministries (Services, Consulates, Embassies); Interior Ministries (Security, Police); Executive, Legislative and Judicial Power; Directorates of Migration (detention centres, shelters for victims of illicit smuggling of migrants and human trafficking); National Human Rights Commissions; Public Prosecutors, and Ombudsmen.
- Civil society, NGOs, churches, migrants' houses, national round tables, forums, coalitions and networks.
- Qualified informants, representatives of organizations of the disappeared and victims.

Semi-structured interviews and case studies were used, along with observation in urban and rural areas and border posts; as well as gathering geographical and strategic territorial information. The detail of the interviews is the following:

<u>Guide for the application form for agencies of the United Nations System, Government Bodies and NGOs</u>

- 1. (Only for agencies of the system:) What is the current situation in your country in terms of displacement of people and other effects of OC? (Only for governmental bodies:) In the recent Central American summit the region requested help from the international community to strengthen security in the face of the threats currently posed by OC. What is your institutional policy on this subject? (Only for NGOs:) What is the current situation in your country with regard to displacement of people and other effect of OC?
- 2. It is known that the number of people in Central America who are displaced as a result of OC-generated violence is growing. Do you have data and statistics in relation to victims of OC? (Kidnappings, threats, emigrants, internally displaced people, people in transit, deportees, killings, illicit smuggling of migrants and human trafficking)
- 3. What are the geographical point, routes and/or critical zones that have been found to be most important in the country? (General working map/point, airlines)
- 4. What characteristics stand out in the zones of origin?
- 5. What characteristics stand out in the zones of transit?
- 6. What do you consider are the population groups most vulnerable to OC (age, sex, ethnic group, origin by country, region, socio-economic group; whether they are from outside the continent, etc.)?
- 7. Of the groups mentioned, what are the protection needs that you identify?
- 8. What are the particularities of OC activity in terms of its effects on people and communities?
- 9. (Only for agencies of the UN System:) How do you coordinate your work in the national level and with the international community? (Only for governmental bodies and NGOs:) In which authorities (prosecutors, police, Ombudsmen and national human rights coalitions) do you participate at the level of national, binational and regional coalitions to prevent and attend to victims of transnational OC?
- 10. Your country has ratified international instruments for humanitarian protection such as: the Refugees Convention, the UN Convention, the OAS System, the Convention on the Rights of Children, the CEDAW Convention, Protection for migrant workers and their families (see situation by country). Do you consider that the obligation to bring national law into line with such obligations has been accomplished?
- 11. Apart from prosecutor's office, what national protection bodies exist for forcibly displaced people and OC victims in your country? Make a brief reference to the work of these bodies.
- 12. (Only for agencies of the UN System and NGOs:) How do you define when a person qualifies as a victim? (Only for governmental bodies:) Is there any classification to differentiate OC victims?
- 13. Considering the possibility of requesting refugee status and the protection of the judicial system: why do you believe that some people do not seek refugee status or the protection of the system?
- 14. Considering the possibility of requesting refugee status and protection of the protection system: Why do you believe that some people do not wait for the resolution of their request?
- 15. Considering the possibility of requesting refugee status and protection of the protection system: In your experience, where do people who are displaced to other areas or countries go?
- 16. What type of protection do victims detected by you receive?
- 17. Some people withdraw their claims. Why do you think this happens?
- 18. (Only for agencies of the system and governmental bodies:) What type of protection do people awaiting resolution of their case receive from the State? (Only for NGOs:) What sort of national and international protection do you believe is needed by people who have been forcibly displaced by organized crime?

- 19. What do you think are the scope and limitations of current actions for the protection of forcibly displaced people?
- 20. Do you think that a particular case could exemplify this situation?

Guide for the application form for Migrants, Victims and families of victims

- 1. Tell us about your experience: origin, transit (route, important points). Reference to time spent in points passed through, with whom were you displaced?
- 2. Brief reference to living conditions in the place of origin.
- 3. Reasons for migrating.
- 4. Contacts that played a part in the migratory experience: characteristics, particularities, form of work.
- 5. Situations in which human rights were affected during the displacement.
- 6. Tell us about the official and unofficial mechanisms with which you had contact.
- 7. Suggestions for other migrants, for NGOs, for State institutions, for international organizations.
- 8. Future plans (personal, family, etc.)

During this stage specialization of the phenomenon of forced displacement was carried out by gathering data *in situ* with the use of a Global Positioning System (GPS) and Geographical Information Systems to process the information collected and the later cartographic elaboration. For this the Transversal Mercator projection, Datum WGS84, was used. In this way, the information that is presented visually in the maps incorporates the gathering *in situ* of information from the sources interviewed in the countries visited and the information from qualified informants. The summary of people interviewed in the countries visited is detailed in the following table:

"Study: Forced displacement and protection needs produced by new forms of violence and criminality in Central America" Sources consulted and reported cases, by country												
Interviews Conducted	24	22	16	22	19	19	122					
Government officials	8	9	7	11	15	12						
Officials from International Organizations	8	5	6	5	2	3						
Officials from NGOs and Churches	8	8	3	6	2	4						
Case Interviews	20	8	8	9	22	9	76					
Individual Cases	15	7	8	9	20	9						
Family Cases	5	1	-	-	2	-						
Cases of OC-related forced displacements	11 (55%)	4 (50%)	4 (50%)	5 (55%)	15 (68%)	3 (33%)	42*					
Disaggregated by Gender												
Male	21	7	6	5	22	3						
Female	13	8	2	4	19	6						
Minors (under 18 years of age)												

Male	9	2	-	-	4	-	
Female	4	4	-	-	6	-	
Total interviews conducted	44	30	24	31	41	28	198

^{*} Nota: This number represents only the direct cases of displaced victims forced by organized crime. You should consider each case is part of a direct family and close social group, so indirectly affected population is higher.

Stage 3: Interpretation and proposals for actions and strategies

In this stage a compilation was made of all the information requested beforehand (initial bibliography) and the information obtained in visits to the countries. Advance versions were produced prior to the final report so that UNHCR could provide feedback and evaluate the achievement of objectives. From this periodic feedback new requests for bibliographical and statistical information were made, both from official sources of information and from new sources resulting from the in-country visits; mainly for evidence of OC-caused forced displacement in the countries of Central America's Northern Triangle.

Specifically emphasis was placed on showing with facts and figures forced displacement in the countries of interest, expressed in:

- The definition of zones of risk stemming from OC activity,
- The definition of expelling zones of (internal and external) displaced persons; and
- Possible receiving zones.

These last two variables suffer from the difficulty that the existing official registers on asylum-seekers, deportees, expellees and returnees (from the receiving countries) only refer to the country of origin of a migrant and not to their specific place of origin (department, municipality, community). On analyzing the information obtained it was shown that receiving zones for OC victims as such do not exist, only zones of transit or temporary stay for victims, as they await some form of protection or to cross borders. Faced with this difficulty, a statistical approach was settled on through the use of recent figures for homicides by country and department (absolute numbers of victims and rates per 100,000 inhabitants according to the different official statistics and police bodies by country), cross-referencing these variables with other data such as:

- Reports of reception of returnees (deportees and expellees),
- Studies of deportees from the USA and Mexico,
- Media reports, and
- The information obtained from the qualified informants in this study.

By making this grid of variables it was shown that of the total number of departments at risk, may contained municipalities and zones such as villages and hamlets in which local people are currently being forcibly expelled (individual cases and family members). In turn these zones record very high homicide figures (in absolute numbers and rates per 100,000 inhabitants), above the national, Central American and world levels; which is probably an indicator of the effects of OC activity in those zones. All this information provided feedback for the analysis carried out, as well as the final mapping of the countries of the Northern Triangle that shows the following superposition of layers:

- Zones of Expulsion for people forcibly displaced by OC activity,
- Zones of Risk from OC activity, and

- Homicide rates per 100,000 inhabitants by department.

Once the collection, analysis and interpretation of the information was completed, we proceeded to define recommendations and action strategies that would enable the establishment of different protection needs of people forcibly displaced by violence and organized violence in the Central American region, considering its functions and particularities, the role of the States, the role of UNHCR, international organizations and Civil Society Organizations.

Sources consulted by country

Mexico

- Ana Silvia Alfonzo, Field Assistant/Protection, Gema Jiménez, Protection Assistant and Max Verdult (intern), UNHCR Regional Office, Tapachula
- Luis Flores, Project Coordinator, IOM Regional Tapachula
- Fermina Rodríguez, Coordinator Fray Matías Shelter
- Luis Perdomo, Vice-consul. Consulate of El Salvador, Tapachula Office
- Irmi Schroeder, Administrator Belén Migrants Shelter (Father Flor María Riggioni)
- Olga Sánchez, Director El Buen Pastor Migrants Shelter
- Héctor Pérez, General Coordinator National Human Rights Commission, Chiapas
- Carlos Velasco, Delegate in Tapachula Mexican Commission for Aid to Refugees (COMAR)
- Pamela Lara, Alejandro Martil y Sergio Melchor, Legal Team, Siglo XXI Migration Station, INM
- Fernando Protti, Head of Mission and Alejandra Carrillo, Protection Official. UNHCR, Mexico City
- Carolina Carreño, subcoordinator psychosocial accompaniment, Sin Fronteras, NGO.
- Arturo Rábago, Director of Migratory Resolutions, National Migration Institute.
- Leticia Murrieta, Coordination of Migratory Regulation, Director of Migratory Attention and Diffusion, INM.
- Padre Alejandro Solalinde, Pastoral Coordinator for Human Mobility.
- Bárbara Pérez, Director of Protection, Mexican Commission for Aid to Refugees (COMAR)
- José Luis Loera, Project Head La Casita Shelter, Amnesty International
- Jeremy MacGillivray, Coordinator of Development Projects, OIM.
- Manuel Ángel Castillo, Researcher Colegio de México.
- Liselot Petry, Coordinator of Refuge, Migration and Economic Justice Programmes, Casa de los Amigos.
- Arturo Montoya, Administrator of the Episcopal Conference's Refuge, Lechería.

Qualified cases:

Woman aged 38, Honduran

Man aged 42, Salvadorian.

Man, woman and two children, Salvadorian

Honduran woman and man, 2 Mexican children

Woman aged 37, Honduran.

Man aged 45, Nigerian

Man aged 30, son aged 7, Hondurans

Man aged 20, Nicaraguan

Man aged 28, Salvadorian

Man aged 24, Salvadorian

Man aged 30, Guatemalan

Man aged 20, Honduran

Man aged 20, Honduran

Man aged 20, Honduran

Man aged 20, Honduran

Woman aged 28, Guatemalan, 2 US children, aged 9 and

13

Father, Mother, 6 children: 4 girls and 2 boys, Salvadorian. The youngest daughter is Mexican

Border visit: Southwest border: Mexico (Ciudad Hidalgo) with Guatemala (Tecún Umán), Río Suchiate.

Guatemala

- Ángela Cobar, UNHCR Refugee Programme Coordinator, Human Mobility Pastoral, Migrants' House/UNHCR Implementing Agency in Guatemala.

Woman aged 26, Honduran

- Enrique Degenhart, Intervening Director, General Directorate of Migration.
- Mauro Verzeletti, Coordinator and Karol Girón, Project Head, Human Mobility Pastoral.
- Francisco Baldizón Barquín, Coordinator Subdirectorate of Migratory Control and José Antonio Zaldaño, Head of Refuge Operatives Division General Migration Directorate, Zone 5.
- Claudia de la Fuente, Coordinator of Security and Justice Unit, OHCHR.
- Diego Llorente, Coordinator Programme of Forced Uprooting, Project Counselling.
- Dunia de Leal, Sub-Procurator, Human Rights Procurator's Office.
- Ana Grace Cabrera, MGDF Coordinator and Anabella Cerezo, Safe Cities Programme, UN Women.

- Aníbal Gutiérrez, Political Counsellor and Carolina Pimentel, Legal Office Office of the Commissioner, International Commission against Impunity in Guatemala.
- Arturo Aguilar, Coordinator of International Affairs and Cooperation, Public Prosecutor, Attorney General of the Republic.
- Delbert Field, Head of Mission, IOM Mission Guatemala.
- Office of Vice-Minister Erick Maldonado; José Arturo Rodríguez, Director of Migratory Affairs and Alondra Morales, Head of People Trafficking, Eligibility Commission (Refuge), Ministry of Foreign Relations, General Directorate of Migratory and Consular Affairs.
- Maynor Alvarado Galeano, Director of Legal Area Mutual Support Group (GAM).

Qualified cases:

Man aged 47, GuatemalaMan aged 27, NicaraguanMan aged 34, GuatemalanMan aged 27, HonduranMan aged 28, GuatemalanWoman aged 28, GuatemalanWoman aged 42, CubanMan aged 49, Ethiopian

Border visit: Southwest border, Las Chinamas Frontier Post.

El Salvador

- Kiriam Nuila, head of the Anglican Church refugee programme, UNHCR Implementing Agency in El Salvador.
- César Salazar, Legal Adviser to the General Secretary, Central American Integration System (SICA)
- Sara Coto, Administrative Director of Refuge. Migration Shelter, Casa la Concordia.
- María Luisa Delgado, UNICEF official.
- Diana Ruiz, Official in charge Cecilia Ramírez, Coordinator Migration and Human Trafficking Project, International Organization for Migrations (IOM)
- Antonio Baños, Director General and Dagoberto Cabrera, Coordinator Migratory Area Cáritas El Salvador.
- Doris Rivas, Director of Migratory Policies; Ricardo Herrera, Lilliana Santamaría, Wendy Orellana, Armando Ortiz and Ludmila Aguerre. Ministry of Foreign Relations.
- Gilma Pérez, Director Migration and Human Rights Programme (IDHUCA)
- Xenia Díaz, Area of Citizen Governability and Democratic Protection, UNDP.
- Martín Barahona, Bishop of IAES, Anglican Church.
- Walter Alegría and William Espino, Attorney general's sub-office for the Defence of Civil and Individual Rights. Attorney general for the Defence of Human Rights (PDDH)
- Aníbal Moran, Head of Legal Directorate; María Lourdes Arias and Hellen Flamenco, Legal Directorate. Legal Directorate of Migration and Aliens (DGME)

Qualified cases:

Man aged 30, Nicaraguan
Woman aged 39, Guatemalan
Woman aged 42, Guatemalan
Man aged 25, Honduran
Woman aged 18, Salvadorian
Woman aged 45, Salvadorian
Woman aged 56, Salvadorian

Border visits: Northwest border. Areas of: Metapán, Anguiatú Border Post, Colonia La Barra, Ostúa, San Jerónimo, La Joya y El Trifinio. Visit to the southeast border. Visit to the areas of: El Amatillo Border Post - El Salvador, El Amatillo Border Post- Honduras, Río Goascorán and unauthorized border crossings (La Antena, El Naranjo, Santa Clarita, El Cusuco, El Aceituno).

Honduras

- Sor Valdette Willeman, Coordinator, Centre of Attention for Returning Migrants (CAMR)
- Carlos Amilcar Sánchez, Director of International Migrations, National Directorate of Migration and Aliens.
- Karen Valladares, head of the Executive Secretariat, National Forum on Migrations (FONAMIH)
- Mariko Kagoshima, Assistant Representative and Marta Obando, Protection Official, UNICEF.

- Edgardo Cháves, Sub Director of Consular Affairs, Foreign Relations Secretariat.
- Ramón Custodio López, National Human Rights Commission.
- Lolis María Salas Montes, State Sub-Secretaria in the Office of Justice, State Secretariat in the Offices of Justice and Human Rights.
- Sandra Ponce, Special Prosecutor, Attorney General's office, Public Prosecutor.
- Juan Ramón Rivera, Official in Charge, IOM.
- Nora Urbina, Special Prosecutor for Children and Adolescents, Public Prosecutor's Office.
- Office of General Venancio Cervantes, Director General of Migration and Aliens
- Wilfredo Méndez, Director Centre for Research and Promotion of Human Rights (CIPRODEH)
- Eliú Cáceres, Inspector of Migration, Guasaule Border Post.
- Marco Antonio Midence Serrato, Inspector of Migration, Corinto Border Post.
- Sub-Oficial Héctor Orellana, Border Police, Corinto.
- Primero González, Preventive Police, Special Investigation Services, Agua Caliente Border Post.
- Jorge Vásquez, Inspector Migration, Agua Caliente Border Post.
- Hermano Genaro, Coordinator of the Migrants' House San José, Ocotepeque.
- Gerson Escobar, Inspector of Migration, Las Manos Border Post.
- Joaquín Antonio Flores Maradiaga, Police Subcommissariat, Special Investigation Services.
- Norma Jeanette Merlo, Human Rights Commissioner in the department of El Paraíso.

Qualified cases:

Man aged 28, Honduran Man aged 32, Honduran Man aged 52, Honduran Man aged 17, Honduran Man aged 16, Honduran Man aged 30, Honduran Man aged 41, Honduran Man aged 26, Honduran Man aged 23, Honduran Man aged 23, Honduran Man aged 26, Honduran Man aged 24, Honduran Woman aged 40, Honduran Man aged 18, Honduran Man aged 26, Honduran Woman aged 38, Honduran Woman aged 50 and daughter aged 6, Honduran Woman aged 26, Honduran Woman aged 28, Honduran Woman aged 31, Honduran

Family group of 15 people, 10 women and 5 men

Family group of five, three men and two women,

Honduran

Border visits: Northeastern border, frontier with Guatemala: Corinto Border Post, Puerto Cortés.

- Northeastern Border, frontier with Guatemala: Agua Caliente Border Post. Unofficial posts Piedras Bonitas y La Brea.
- Central-western border: El Poy Border Post.
- Southwestern border: Guasaule border post and Las Manos border post.

Nicaragua

- Yahoska López Muñoz, Pastoral Coordinator of Human Mobility.
- Filiberto Rodríguez, Vice-President Commission for Peace, Defence, Government and Human Rights, National Assembly.
- Marlin Sierra, Executive Director, Nicaraguan Centre for Human Rights (CENIDH)
- Javier Morazán Chavarría, Director Prosecutor, Specialized Anti-Corruption and Anti-Organized Crime Unit.
- Brenda A. de Trinidad, Project Coordinator for Vulnerable Migrant Populations, IOM.
- Agustín Jarquín Anaya, President of Commission on Population, Development and Municipalities, National Assembly.
- Sixto Ulloa, Special Prosecutor for Citizen Participation and Head of the Area of Migrants and Refugees.
- Roberto Orozco, Expert Researcher in Democratic Security. Institute for Strategic Studies and Public Policies (IEEPS)
- Marta Cranshaw, Coordinator of Nica Migrant Network.
- Teniente Dennis Pineda, Sub-Lieutenant Inspector Walter Mairena. Guasaule Border Post.
- José Luis Rocha, Director Jesuit Service for Migrants (SJM).

- Jorge Estrada, Coordinator of Nicaraguan Civil Society Network for Migration.
- Ricardo Changala, Human Rights Adviser, UNDP.
- Luis Emilio Rivas, Head of Peñas Blancas Border Post.
- Fernando Borges, Public Relations Spokesman, National Police.
- Estela Berríos, Sub-Commissioner for Violence Against Women, National Police.
- María Lily Rodríguez, Coordinator of Children, Repatriation and Human Traffic, Ministry of the Family.
- Wilfredo Moncada, Sub-Director of Borders, and Pedro Cubillo, Head of Migratory Control, Representative of the DGME in the Anti-Human Smuggling Coalition, General Directorate of Migration and Aliens.

Qualified cases:

Woman aged 25, Nicaraguan
Woman aged 43, Nicaraguan
Man aged 21, Nicaraguan
Man aged 47, Nicaraguan
Woman aged 48, Nicaraguan
Woman aged 48, Nicaraguan
Woman aged 53, Nicaraguan

Border visits: Northwestern border, frontier with Honduras. El Guasaule Border Post.

- Southwestern Border, frontier with Costa Rica, Peñas Blancas Border Post.

Costa Rica

- Jozef Merkx, Head of Mission and Vanessa Leandro, Legal Official, UNHCR Mission Costa Rica.
- Freddy Montero, Sub-Director, General Directorate of Migration and Aliens.
- Enrique de la O, Trade Unionist. Costa Rican Lutheran Church.
- René García Miranda, Trade Unionist. Banana Union SITRACHIRI.
- Ini Coto, Director of Social Pastoral Care Diocese of Limón and Yarine Quirós, Migratorial Social Pastoral Area Cáritas, Atlantic Region.
- Sandra Vargas, Síndica, Municipality of Talamanca.
- Juan Luis Céspedes, Head of Regional Delegation Limón, General Directorate of Migration and Aliens.
- Luis Calderón, Coordinator of Civic Committee of the Caribbean, JAPDEVA trade union.
- Albertina Pauletti, Coordinator, Pastoral Social Cáritas Costa Rica.
- Julio Aragón, Directorate of Integration and Human Development. General Directorate of Migration and Aliens.
- Carlos León, Director of Regional Offices, Ombudsman.
- Andrea Hidalgo, Director of Special Protection, Ombudsman.
- Lidiette Jiménez, Judge President of the Migratory Administrative Tribunal, General Directorate of Migration and Aliens
- Gloria Makluff, Director Association of Legal Advisers and Counsellors. UNHCR's implementing office.
- Carlos Vargas, Legal Director, Foreign Ministry.
- Kathia Rodríguez, Director, General Directorate of Migration and Aliens.
- Robert Paiva, Head of Mission; Águeda Marín and Salvador Gutiérrez, Human and Migrant Trafficking Advisers, IOM Mission Costa Rica.
- Rosita Acosta, Director, Association of Domestic Workers (ASTRADOMES)
- Yancy Mora, Coordinator of Southern Regional Office, Ombudsman.
- Xinia Pereira Cortés, UNHCR Liaison Official Ombudsman.
- Carlos Viales, Head of Migration Department, Paso Canoas, General Directorate of Migration and Aliens.

Qualified cases:

Woman aged 37 (2 sons and 4 daughters), Panamanian
Man aged 50, Nicaraguan
Man aged 25, Nicaraguan
Man aged 46, Nicaraguan
Woman aged 48, Salvadorian
Woman aged 42, Salvadorian
Man aged 40, Cuban

Border visits: South Atlantic Border (Costa Rica: Sixaola – Panamá: Changuinola).

Southern Border Paso Canoas (Costa Rica) – Chiriquí (Panamá). Cross-border zone and blind spots in La Cuesta (Calle La Palma), Cuervito, Barrio San Jorge (Calle Matías), Barrio Darisara.