



## **ASYLUM ACCESS FOR SALVADORANS, HONDURANS AND GUATEMALANS**

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## **About the DePaul Migration Collaborative**

The DePaul Migration Collaborative (DMC) is born from DePaul University's commitment to immigrant communities. In 1996, the College of Law founded its nationally recognized Asylum & Immigration Law Clinic. In 2015, the College of Liberal Arts and Social Sciences introduced the first U.S. graduate program in Refugee & Forced Migration Studies. The DMC, a joint venture of the College of Law and the College of Liberal Arts and Sciences, embodies DePaul's continued dedication to interdisciplinary research and advocacy in migration and human rights, seeking systemic change through education and collective action, reinforcing DePaul's legacy as an immigrant-serving institution.

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### About Elizabeth Kennedy, Ph.D

I, Elizabeth G. Kennedy, Ph.D. am a 2023-2024 DePaul Migration Collaborative practitioner in residence, 2023-2024 Fulbright Scholar to El Salvador and LAPOP's 2023-2024 Honduras expert. I teach a seminar on violence to the Ph.D. program in Central American Studies at the Universidad de Costa Rica. I am a social scientist researching human rights, gender, violence and migration primarily based in Honduras, El Salvador, Guatemala or the US-Mexico border since 2011. In this time, I have led widely cited, collaborative research with gendered analyses on complex humanitarian crises examining overlapping impunity, inequality, violence, climate change and other factors. Qualitatively, I have interviewed over 1,700 Central American migrants and 250 officials and service providers in the aforementioned nations, in addition to compiling innovative and substantial quantitative databases to triangulate the information collected in these interviews. In July 2023, I concluded work as the Central America Monitor research director for the Washington Office on Latin America (WOLA) but continue to collaborate with regional partners in El Salvador, Guatemala and Honduras. I have authored or co-authored peer-reviewed articles in high-impact academic journals, policy reports, book chapters, media articles, internal reports and blog entries. I further disseminated this research through frequent presentations to legal, medical and social service providers, government officials, immigration courts and print, radio and television outlets in various countries.

### Introduction

1. From September 2023 to March 2024, I was an inaugural Practitioner-in-Residence with DePaul University's Migration Collaborative (DMC). In this period, at DePaul University, I gave guest lectures in various disciplines, participated in university-wide events and the DMC conference, brought to campus four of my research collaborators, regularly met in person with professors and students and worked with student Research Assistant Gigi Lara. I additionally met in person with graduate students, professors and practitioners at Chicago organizations or institutions separate from DePaul University, including a virtual training on 25 January 2024 to faculty at DePaul University, Loyola University and Notre Dame University on the role of country conditions experts and how to translate academic research into asylum testimony. Likewise, with DePaul University's Asylum & Immigration Law Clinic, I conducted three trainings for immigrant-serving organizations – one on each country: El Salvador on Thursday, 26 October 2023; Honduras on Monday, 5 February 2024; and Guatemala on Thursday, 29 February 2024. Beyond this, I produced three country conditions reports for El Salvador, three country conditions reports for Honduras and one country condition report for Guatemala. I am working with the Center for Gender

and Refugee Studies to make the Salvadoran LGBTQI+ report, Honduran girls and women report and Guatemalan girls and women reports consistent with their standards and then available to all who access their resources. Furthermore, I provided 11 tailored reports and a more general Garifuna report to a non-profit attorney serving multiple children and families and revised five previously submitted reports. Then, I was on call to testify in 24 cases, had phone conversations with immigration attorneys on 12 cases and provided resource recommendations to attorneys on 83 cases in 18 states and several other countries.

2. Through the aforementioned activities, I got to deeply reflect on the perhaps least understood, but most important findings of my research over the past decade and how they apply to asylum adjudication. I am forever grateful to everyone who participated in and facilitated this. The subsequent sections summarize the four key points I believe critical for best representing Salvadorans, Hondurans and Guatemalans. First, citizens of these countries frequently – and reasonably – see and experience their authorities as persecutors rather than protectors. Second, related to this and other factors, all crimes are severely underreported but especially those involving sexual violence or the authorities as perpetrators. Third, violence in these nations is not “generalized crime,” as it has so often been described; rather, it is highly targeted for reasons well documented according to various characteristics. Fourth, and finally, violence itself is often gendered in the region, with females particularly experiencing sexual violence and males disproportionately being victims of homicide. This report addresses each in broad strokes, but the country conditions reports provide more detail on each, as it applies to that group and country.

### **State Actors as Persecutors**

3. Abysmal conviction rates year-after-year demonstrate both the inability and unwillingness of Salvadoran, Guatemalan and Honduran authorities to protect its populations. Corruption is entrenched and rampant, demonstrating that the State is unwilling to protect large segments of its population, especially the majority who are poor. However, the bigger problem than an unable and unwilling State is that – historically and presently – the State is a persecutor rather than a protector.
4. During civil wars in El Salvador (1979-1992) and Guatemala (1960-1996), state security forces, including affiliated death squads and paramilitary groups, committed over 85 percent of all crimes investigated by the Truth Commissions.<sup>1</sup> These included genocide, massacres, killings, disappearances, mass rapes and other torture in the tens of thousands. While Honduras did not have a civil war, throughout the 1980s, US-trained and funded state security forces, like the *Batallón 316*, operated as a death squad to torture and disappear or kill active or perceived members of labor organizing, university, progressive Catholic and leftist groups, among others.<sup>2</sup> Across these nations, authorities justified their

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<sup>1</sup> Comisión de la Verdad para El Salvador. 1992. *De la locura a la esperanza: la Guerra de 12 años en El Salvador*. New York: Naciones Unidas <<https://digitallibrary.un.org/record/183599?ln=en>> and Comisión para el Esclarecimiento Histórico. 1999. *Guatemala: Memoria del Silencio*. Oficina de Servicios para Proyectos de las Naciones Unidas (UNOPS) <<https://www.centrodehistoriahistorica.gov.co/descargas/guatemala-memoria-silencio/guatemala-memoria-del-silencio.pdf>>.

<sup>2</sup> Amnesty International. 2003. *Zero Tolerance ... for impunity: Extrajudicial Executions of Children and Youth since 1998*. London: Amnesty International; Samayoa, C. 2011. *Ejecuciones extrajudiciales de jóvenes estigmatizados en Centroamérica: Estudio de situación de Guatemala, El Salvador y Honduras 2009*. Guatemala; Rivera, L. 2015.

abuses by painting victims as communists, guerrillas and terrorists, and through association, guerrilla and terrorist supporters or collaborators.

5. The Legislative Assemblies of all three countries declared universal amnesties for these crimes in the 1990s, such that hardly any were investigated or brought to justice.
6. In the late-1990s and early-2000s, all three nations instituted zero tolerance policies – which deployed military units alongside police in public security operations – to allegedly attack increased crime that authorities primarily blamed on gangs. Newspapers daily published on their front pages images of tortured corpses to feed perception that poor children and youth are dangerous and causes of high levels of violence. Since these zero tolerance policies took effect to present day, authorities frequently portray child and youth homicide victims as gang members and terrorists. Authorities likewise paint their loved ones and friends as terrorist supporters or collaborators. In this way, governments’ framing of gangs as the nation’s common enemy has led to security policies that criminalize poverty and create inescapable stereotypes for youth living in neighborhoods with gang activity. In those with historically strong gang presence, which are the most economically disadvantaged, all residents faced inescapable stigma “as either gang members, collaborators ... or those with personal relationships to gangs.”<sup>3</sup> Authorities associate residents of these neighborhoods as gang-linked, even if they are not gang-involved, and see them as deserving of the worst abuses.<sup>4</sup>
7. Not surprisingly then, these policies have gone hand-in-hand with abuses and crimes by authorities and death squads that specifically target youth and the poor. Extremely high impunity rates limit knowledge on who commits them, but substantial evidence exists that authorities have committed hundreds of killings in all three countries.
  - In Honduras, the non-profit Casa Alianza monitored the press from 1998 to 2002 and documented over 1,500 extrajudicial killings of boys, girls and youth, with strong suspicion of authorities’ involvement in most.<sup>5</sup> From 2014 to 2022, according to the Central America Monitor, the Honduran Public Ministry received reports of 143 homicides committed by State security forces. The National Violence Observatory [*Observatorio de Violencia Nacional*] at the University Institute in Democracy, Peace and Security [*Instituto Universitario en Democracia, Paz y Seguridad*] of the National Autonomous University of Honduras [*Universidad Nacional Autónoma de Honduras*] (ONV-IUDPAS-UNAH), however, recorded 356 killings by police from just 2014 to

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Security and Remilitarization in the Name of Democracy: The Impact of Global Crime Control Policies in Honduras. *CMI Working Paper*, Volume 10; Chayes, S. 2017. *When Corruption is the Operating System: The Case of Honduras*. Washington, DC: Carnegie Endowment for International Peace; and Pine, A. 2018. Serving Time in Honduras. *NACLA* 19 March

<sup>3</sup> Kennedy, E. and Parker, A. 2020. *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*. Human Rights Watch <<https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>>.

<sup>4</sup> Kennedy, Elizabeth. 2023. El Salvador’s Misogynistic Security State. *NACLA* 55(4): 377-383.

<sup>5</sup> Amnesty International. 2003. *Zero Tolerance ... for impunity: Extrajudicial Executions of Children and Youth since 1998*. London: Amnesty International.

2021, according to only police's records.<sup>6</sup> In systematic news searches that Marna Shorack and I have done, substantial percentages of victims were killed in a way consistent with death squads: three of nine in Flor del Campo neighborhood of Tegucigalpa in 2018, and almost all in El Negrito municipality for multiple years, for instance.

- In Guatemala, the Unit of Protection to Human Rights Defenders in Guatemala [*Unidad de Protección a Defensores de los Derechos Humanos en Guatemala*, UDEFEGUA] monitored the press from 2004 to 2008 and documented 2,125 extrajudicial killings by authorities of youth. From 2014 to 2022, according to the Central America Monitor, the Guatemalan Public Ministry received reports of 270 homicides committed by State security forces.
- In El Salvador, the Lethal Force Monitor reported that Salvadoran police and soldiers killed 1,626 people from 2011 through 2017, including 48 boys, four women and 355 men in 2017.<sup>7</sup> In 2011, State security forces killed just 0.7 percent of homicide victims, but in 2015, 2016 and 2017, they killed 5.7, 11.7 and 10.3 percent of victims.<sup>8</sup> This was even higher in some places: in 2016, in the Esperanza neighborhood of Olocuilta, for example, authorities were responsible for shooting dead at least 56 percent of the neighborhood's homicide victims.<sup>9</sup> The *Servicio Social Pasionista* (SSPAS) found that police and soldiers killed 7.9 percent of homicide victims from 2020 to 2022, including 18.5 percent of victims in 2022.<sup>10</sup> Indeed, since Bukele's *Plan Control Territorial* went into effect, the Universidad Centroamericana (UCA)'s Institute of Human Rights (IDHUCA) reported places where only the State had committed killings.<sup>11</sup> In May 2023, state security agents killed six of the 23 homicide victims (26%) nationwide, although some were not included in official counts, because authorities classified them

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<sup>6</sup> The National Violence Observatory [*Observatorio de Violencia Nacional*] at the University Institute in Democracy, Peace and Security [*Instituto Universitario en Democracia, Paz y Seguridad*] of the National Autonomous University of Honduras [*Universidad Nacional Autónoma de Honduras*] (ONV-IUDPAS-UNAH) obtained its statistics on "sexual crimes [*delitos sexuales*]" and "injuries [*lesiones*]" from the *Dirección General de Medicina Forense* (DGMF) every year. From 2007 to 2012, it obtained its homicide statistics from three different police bodies: *Dirección General de Investigación Criminal* in 2007, the *Policía Preventiva* from 2008 to 2010, and the *Dirección de Estadística Policía Nacional* in 2011 and 2012. From 2013 to 2017, it used three sources of data for the homicide statistics: DGMF, the *Policía Nacional* and IUDPAS press searches and local observatories. From 2008 to 2010, DGMF disaggregated injuries and sexual crimes committed by police and by other "security agents [*agentes de seguridad*]." In 2009, 2011 and 2013, authorities killed two, one and four, respectively, at protests [*manifestaciones*]. ONV-IUDPAS-UNAH annually publishes reports on various crimes in the nation that are available at its website: <http://www.iudpas.org/boletines> .

<sup>7</sup> Bergmann, A. 2019. "El Salvador," pp. 80-95 in *Monitor del uso de la fuerza letal en América Latina: Un estudio comparativo de Brasil, Colombia, El Salvador, México y Venezuela*.

<sup>8</sup> *Ibid.*

<sup>9</sup> Kennedy, E. and Parker, A. 2020. *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*. Human Rights Watch <<https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>>.

<sup>10</sup> Servicio Social Pasionista (SSPAS). 2024. *Monitor del uso de la fuerza letal en América Latina y El Caribe. El Salvador 2024*.

<sup>11</sup> Amaya, Alba. 2020. El Salvador: ¿Policías y soldados violan derechos humanos? *DW* 14 September <<https://www.dw.com/es/el-salvador-polic%C3%ADas-y-soldados-violan-los-derechos-humanos/a-54927060>>.



as gang members in alleged confrontations.<sup>12</sup> At the same time, in seven municipalities of La Paz and San Vicente departments in 2018 and 2019, the National Prosecutor's Office of the Republic [*Fiscalía General de la Republica, FGR*] linked death squads to the majority of homicides there,<sup>13</sup> and I found for Human Rights Watch in 2020 that extermination groups committed between 15 and 33 percent of homicides in some neighborhoods throughout the 2010's.<sup>14</sup>

8. While authorities' killings are the best documented crimes they commit, their abuses are numerous and additionally include arbitrary arrest, assault, beatings, collusion with organized crime, death threats, disappearance, discrimination, evidence-planting, extortion, false charges of illicit association or gun ownership, harassment, indiscriminate fire, kidnapping, rape and torture, among others.

- From 2014 to 2022, according to the Central America Monitor, the Guatemalan Public Ministry received reports of 12,398 total crimes besides homicides committed by State security forces, including 97 extortions, 93 sexual assaults and 158 rapes.
- From 2014 to 2022, according to the Central America Monitor, the Honduran Public Ministry received reports of 6,144 total crimes besides homicides committed by State security forces, including 17 extortions, 21 sexual assaults and 103 rapes.
- According to annual public opinion polls by the University Institute of Public Opinion [*Instituto Universitario de Opinión Pública, IUDOP*] at the UCA, the rates of state authorities' abuses reported by respondents in El Salvador from 2014 to 2022 would extrapolate to between 39,000 and 1.2 million cases a year.<sup>15</sup> The real rates may be even higher: respondents reported witnessing authorities' abuses at between four and 13 times greater frequency than they reported being victims themselves.<sup>16</sup> The Salvadoran Ombudsperson for the Defense of Human Rights [*Procuraduría para la Defensa de los Derechos Humanos, PDDH*] found that 30 percent of authorities' homicide victims' bodies showed signs of torture, including sexual assault.<sup>17</sup>

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<sup>12</sup> Cornejo, Iliana. 2023. Más de 20 homicidios fueron cometidos en mayo. *El Mundo* 1 June <<https://diario.elmundo.sv/nacionales/mas-de-20-homicidios-fueron-cometidos-en-mayo>>.

<sup>13</sup> 2019. PNC y soldados investigados por sicariato. *La Prensa Grafica* 27 March <<https://www.laprensagrafica.com/elsalvador/PNC-y-soldados-investigados-por-sicariato-20190326-0427.html>>.

<sup>14</sup> Kennedy, E. and Parker, A. 2020. *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*. Human Rights Watch <<https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>>.

<sup>15</sup> The Instituto Universitario de Opinión Pública (IUDOP) annually publishes public opinion survey results with a representative sample of the population that are available at this site: <https://uca.edu.sv/iudop/encuestas-de-opinion/2024/>.

<sup>16</sup> *Ibid.*

<sup>17</sup> Aguilar, J. 2018. *Informe Especial de la Senora Procuradora para la Defensa de los Derechos Humanos, Licenciada Raquel Caballero de Guevara, Sobre las Ejecuciones Extralegales Atribuidas a la Policia Nacional Civil, en El Salvador, Periodo 2014-2018*. San Salvador, El Salvador: Procuraduria para la Defensa de los Derechos Humanos (PDDH).

In all three countries, hardly any of this violence is reported to the authorities: for example, in El Salvador, less than 3,000 cases per year to the PDDH and only hundreds to the FGR that could prosecute the crimes, according to annual human rights reports by SSPAS.<sup>18</sup> In other words, even fewer crimes committed by authorities than others are reported to authorities, with underreporting almost complete and total.

9. This is especially the case for authorities' sexual abuses. Men disproportionately fill state security ranks, constituting over 92 percent of all three countries' militaries and over 83 percent of all countries' police forces, according to the Central America Monitor.<sup>19</sup> These men are part of a misogynistic and patriarchal society who abuse and harass even the women who are their colleagues, neighbors and loved ones.<sup>20</sup> This context puts girls and women at risk of sexual violence by authorities in various ways. One is that police and soldiers know that they can commit crimes with impunity in organized crime-controlled areas, because they can blame crime on organized crime instead. Relatedly, authorities themselves may be involved with organized crime and abuse freely in both roles. Then, authorities want to mark their territorial control through the bodies of girls and women. With blind institutional backing, state agents rarely face repercussions for their actions. As one young woman in El Salvador stated, authorities think "*podemos hacer lo que queremos y no nos van a decir nada*. We can do what we want, and no one will say anything."<sup>21</sup> Silvia Juarez of the Organization of Salvadoran Women for Peace [*Organización de Mujeres Salvadoreñas por la Paz, ORMUSA*] believes that it is therefore impossible to know how much of sexual violence is committed by state authorities because of "an imposition of silence" carried over from the civil war, when many girls and women were raped by state forces, but no one was held accountable.<sup>22</sup>
10. Regardless of the abuse type, State authorities' abuses disproportionately affect certain populations: residents of low-income neighborhoods, youth, the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex (LGBTQI+) population and ex-gang members.
  - In years that IUDOP disaggregated responses by economic quintile in El Salvador, for example, those in the lowest quintile reported abuse rates between two and four times higher than the average.
  - A 2018 United Nations Development Program (UNDP) report found that youth of both genders aged 15 to 29 in El Salvador reported higher rates of sexual and physical aggression toward them by the authorities than by gangs.<sup>23</sup> The adolescents and youth

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<sup>18</sup> SSPAS's annual human rights reports are available at this link: <https://sspas.org/sv/sspas/informes/>.

<sup>19</sup> Kennedy, Elizabeth. 2023. El Salvador's Misogynistic Security State. *NACLA* 55(4): 377-383.

<sup>20</sup> *Ibid.*

<sup>21</sup> SSPAS. 2017. *Inseguridad y violencia en El Salvador: El impacto en los derechos humanos de adolescentes y jóvenes del municipio de Mejicanos*. Mejicanos: SSPAS.

<sup>22</sup> Alvarado, M. 2017. Agresores sexuales que visten de policías. *La Prensa Grafica* <<https://7s.laprensagrafica.com/en/agresores-sexuales-visten-policias/>>.

<sup>23</sup> United Nations Development Programme (PNUD). 2018. *Informe sobre Desarrollo Humano El Salvador 2018 ¡SOY JOVEN! ¿Y ahora qué?* El Salvador: PNUD <<http://staging-americalatinagenera.kinsta.cloud/wp-content/uploads/2018/10/IDHES-2018-WEB.pdf>>.



interviewed for the same report described gendered experiences: authorities beat boys and men but sexually harassed girls and women.

- + Principal among poor male youths’ abusers are the authorities, who view them as gang members, fail to investigate crimes against them and persecute them in numerous ways, including torture, disappearance and murder.
  - + Principal among poor girls’ and women’s abusers are likewise the authorities, who ridicule them, fail to investigate crimes against them and persecute them in numerous ways, including sexual assault, torture and murder. They not only reinforce the invisibility of sexual crimes that most impact all girls and women, they also seek to “possess” these girls and women through especially sexualized violence.<sup>24</sup> In 2020, SSPAS interviewed 28 adolescent girls and young women in low-income neighborhoods and found that 20 (71%) had experienced violence – from harassment, to threats, to beatings – at the hands of police and soldiers.<sup>25</sup> An ORMUSA study found that if the girls refused their advances, security forces insinuated that they did so because they were partnered with gang members. In the news articles compiled by ORMUSA, authorities used suspicions of gang membership to justify strip searches, imprisonment, torture and rape against girls and women.<sup>26</sup>
- Multiple studies have found that state security forces themselves are LGBTQI+ persons’ most common persecutors in El Salvador, Guatemala and Honduras, with anywhere from 25 to 70 percent of LGBTQI+ persons impacted in a year.<sup>27</sup>
  - All of the deported ex-gang members I have interviewed were beaten and tortured by authorities, some of whom were subsequently disappeared or executed.

11. According to the Central America Monitor, the judicial system has especially failed to hold State perpetrators accountable, with conviction rates even lower for them than for the general population in all three nations.

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<sup>24</sup> Kennedy, Elizabeth. 2023. El Salvador’s Misogynistic Security State. *NACLA* 55(4): 377-383.

<sup>25</sup> SSPAS. 2020. *Mujeres Jóvenes en Mejicanos: Desafíos para una vida libre de violencia*. Mejicanos: SSPAS <<https://sspas.org.sv/sspas/wp-content/uploads/2021/01/Avance-Mujeres-jovenes-en-mejicanos-desafios.pdf>>.

<sup>26</sup> Kennedy, Elizabeth. 2023. El Salvador’s Misogynistic Security State. *NACLA* 55(4): 377-383.

<sup>27</sup> Inter-American Commission on Human Rights (IACHR). 2015. *Violence against LGBTI Persons*. Washington, DC: IACHR; PDDH, Plan International and UNDP. 2015. *Informe sobre la situación de los derechos humanos de las mujeres trans en El Salvador*. San Salvador: UNDP; UNHCR. 2016. *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador*. Washington, DC: UNHCR; Amnesty International. 2016. *Home Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis*. London: Amnesty International; Amnesty International. 2017. *No Safe Place: Salvadorans, Guatemalans and Hondurans Seeking Asylum in Mexico Based on Their Sexual Orientation and/or Gender Identity*. London: Amnesty International; Dotson, Rachel and Frydman, Lisa. 2017. *Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala*. Washington, DC: Kids in Need of Defense (KIND); Ghoshal, Neela. 2020. *“Every Day I Live in Fear”: Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States*. Washington, DC: Human Rights Watch.

- The Central America Monitor found that almost all cases against authorities are archived, which in El Salvador, the PDDH and SSPAS showed was often at prosecutors' request.<sup>28</sup>
- Police and military often used threats and violence to silence victims and their families after the fact. For example, the PDDH in El Salvador documented police and soldiers targeting surviving witnesses and relatives with (a) false charges ranging from attempted homicide, resisting arrest, illegal possession of a firearm, illicit association and extortion; (b) strafing their homes, even when children and elderly persons were present; (c) strafing their entire neighborhood; (d) repeated death threats by initial agents involved and other agents from additional police stations, including by using the victim's phone and social media; (e) presence at funerals and burials, where on some occasions, they detained all present, even children and elderly persons; and (f) subsequent disappearances and killings of siblings, friends and romantic partners.<sup>29</sup>
- The PDDH also found that in the few criminal proceedings that advanced, police were allowed to remain free, and neither hospitals nor prosecutors assisted or interviewed witnesses or survivors, instead disqualifying, stigmatizing and criminalizing them, too.<sup>30</sup>

12. While these authorities who most need to be held to account are rarely imprisoned, many of the poor they arbitrarily detain and falsely accuse sit in inhumane prisons operated by organized crime with little access to legal representation. Of the three justice system institutions the Central America Monitor tracks, the public defenders' offices on which the poor most rely receive the smallest sums. In El Salvador, for example, the PDDH found that authorities recorded every year that more than 92 percent of victims of so-called "confrontations" or "shootouts" were gang members, but in 94 percent of cases they examined, relatives, neighbors, schools and employers told the PDDH investigators that victims were not gang members.<sup>31</sup> Furthermore, witnesses said victims were unarmed in 70 percent of cases, and witnesses saw police move the body or place or hide evidence in 37 percent of cases.

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<sup>28</sup> Aguilar, J. 2018. *Informe Especial de la Senora Procuradora para la Defensa de los Derechos Humanos, Licenciada Raquel Caballero de Guevara, Sobre las Ejecuciones Extralegales Atribuidas a la Policia Nacional Civil, en El Salvador, Periodo 2014-2018*. San Salvador, El Salvador: PDDH. SSPAS's annual human rights reports are available at this link: <https://sspas.org.sv/sspas/informes/> .

<sup>29</sup> Aguilar, J. 2018. *Informe Especial de la Senora Procuradora para la Defensa de los Derechos Humanos, Licenciada Raquel Caballero de Guevara, Sobre las Ejecuciones Extralegales Atribuidas a la Policia Nacional Civil, en El Salvador, Periodo 2014-2018*. San Salvador, El Salvador: PDDH.

<sup>30</sup> *Ibid.*

<sup>31</sup> Aguilar, J. 2018. *Informe Especial de la Senora Procuradora para la Defensa de los Derechos Humanos, Licenciada Raquel Caballero de Guevara, Sobre las Ejecuciones Extralegales Atribuidas a la Policia Nacional Civil, en El Salvador, Periodo 2014-2018*. San Salvador, El Salvador: PDDH. Investigators came to the same conclusion in Honduran extrajudicial executions occurring from 1998 to 2002. See: Amnesty International. 2003. *Zero Tolerance ... for impunity: Extrajudicial Executions of Children and Youth since 1998*. London: Amnesty International.

## The Underreporting of Crime

13. Extrapolations of self-reported crime victimization rates with a representative sample to the general population demonstrate that over 82, 84 and 93 percent of all crimes go unreported in El Salvador, Guatemala and Honduras, respectively. Underreporting of sexual crimes is even worse, with over 99 percent of it failing to be registered in all three nations.
  - Domestic violence survivors in all three countries face unique challenges getting authorities to even take their reports, much less act upon them. Principle among them, the authorities themselves ignore, discriminate against, mock and harass them. For example, among women that I interviewed for *Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico* (2015), Honduran police laughed at all women who attempted to report abuse against them and refused to take their reports, Guatemalan police told one woman trying to report her romantic partner not to provoke her husband and to return home immediately, and Salvadoran police told a woman who packed all her belongings after a series of worsening beatings from the father of her child that all of those things – and she herself – belonged to the man.<sup>32</sup> Furthermore, all three countries’ governments have extremely limited shelter capacity for survivors of violence and do not offer social assistance to abuse survivors economically dependent on their abuser for their own or children’s survival.
  - LGBTQI+ persons face the same challenges as domestic violence survivors, alongside the reality that authorities frequently detain – with or without charge – LGBTQI+ persons in low-resourced neighborhoods or areas known for sex work for often-unsubstantiated drug, arms or criminal organizing accusations.<sup>33</sup> This results in LGBTQI+ persons being put into police barracks and prisons, where they have been repeatedly assaulted or raped by inmates with guards’ acquiescence and at times beaten, tortured or killed by guards, police or soldiers themselves.<sup>34</sup>
14. Reasons for underreporting to authorities are numerous. Across them, such extensive underreporting indicates that distrust of authorities is pervasive.
15. Authorities’ abuses and crimes are severely underreported, but even still, the evidence indicates that persecutory treatment is the norm, rather than the exception, by police,

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<sup>32</sup> United Nations High Commissioner for Refugees (UNHCR). 2015. *Women on the Run: First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. Washington, DC: UNHCR.

<sup>33</sup> Cano Nieto, Juliana. 2009. “Not Worth a Penny”: *Human Rights Abuses against Transgender People in Honduras*. New York: Human Rights Watch; Amnesty International. 2016. *How Sweet Home? Honduras, Guatemala and El Salvador’s Role in a Deepening Refugee Crisis*. London: Amnesty International; Amnesty International. 2017. *No Safe Place: Salvadorans, Guatemalans and Hondurans Seeking Asylum in Mexico Based on Their Sexual Orientation and/or Gender Identity*. London: Amnesty International; and Ghoshal, Neela. 2020. “Every Day I Live in Fear”: *Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States*. Washington, DC: Human Rights Watch.

<sup>34</sup> *Ibid.*

especially in low-income areas and toward female and male youth, the LGBTQI+ population and girls and women.

- One reason for this just addressed is that – presently and historically – State forces commit widespread abuses and crimes, such that many citizens consider and experience authorities as persecutors not protectors.
- Relatedly, impunity, corruption, and collusion with (or even leadership of) organized crime are widespread among law enforcement in all three countries. Numerous accounts of individuals taking the step of reporting violence to the police, only to have the perpetrators of that violence learn of their actions, oftentimes from the police or prosecutors themselves, and take retaliation against the person who reported exist. In El Salvador and Honduras, colleagues and I have repeatedly spoken with police officers who cautioned their friends or family against filing a police report or trusting the police, should they be victims of a crime, because they recognize that their colleagues and superiors are deeply connected to organized crime. When interviewing prosecutors [*fiscales*] in Honduras, many of them also expressed suspicion of and had personally received threats from police officers – both from the investigatory police and the military police – with whom they work to investigate homicides.<sup>35</sup> I have interviewed Salvadoran and Guatemalan prosecutors who had the same fears based upon their experiences.

16. Beyond fearing State agents as persecutors, another reason for underreporting is a belief that the authorities will do nothing. The exception is an authority attempting to do what is right. As an emblematic example for all three countries, in two years, ONV-IUDPAS-UNAH asked a representative sample of the Honduran population why it did not report crime. The most common reason given in both years – by 63.5 and 64.8 percent – was that “there is no point, because the authorities don’t resolve anything [*no sirve de nada porque las autoridades no resuelven*].”<sup>36</sup>

17. This was a logical conclusion based upon lived experience. Among the small percentage of Hondurans who reported crimes against them to the authorities in those two years, the table below shows the outcome. The most common response from authorities – at least 77 percent of the time – was no response at all. Even when a person was detained, the police or judge often released the detainee. Of the hundreds of reported cases from 2014 to 2019, not even a handful ended with a criminal conviction. Such outcomes are similarly common in El Salvador and Guatemala.

	2014	2016	2018	2019
No response of any kind	-	62.1	62.3	71.0
Not detained by police	77.1	22.4	15.6	17.8
Police detained but released	11.4	5.2	7.3	2.8
Police detained but judge released	4.9	*	-	-

<sup>35</sup> Shorack, M., Kennedy, E. and Frank-Vitale, A. 2020. A State of Mistrust. *NACLA* 5 November.

<sup>36</sup> ONV-IUDPAS-UNAH. 2015. *Percepción ciudadana sobre inseguridad y victimización en Honduras, Informe Ejecutivo 2014*. Tegucigalpa: IUDPAS and ONV-IUDPAS-UNAH. 2019. *Percepción ciudadana sobre inseguridad y victimización en Honduras, Informe 2018*. Tegucigalpa: IUDPAS.

Police detained	-	-	12.3	6.8
Alleged criminal convicted	3.3	*	-	-

\* Only one case not constituting even 0.1 percent.

18. Beyond police and court failures, ONV-IUDPAS-UNAH documented that Honduran prosecutorial offices had insufficient police and prosecutorial investigators, lacking interinstitutional coordination, limited resources and excessive workloads – all of which also impact Salvadoran and Guatemalan prosecutors.<sup>37</sup>
19. The second most common reason that Honduran respondents gave ONV-IUDPAS-UNAH for not reporting in both years – by 21.2 and 13.8 percent – was that reporting would be dangerous or result in reprisal.<sup>38</sup> Again, this is an entirely reasonable belief in Honduras, El Salvador and Guatemala.
- Systematic news searches of almost every neighborhood in all three countries that my research team and I have done to date have returned at least one article on a witness or reporter of crime being murdered, such that residents know through lived experience the deadly consequences for reporting.
  - In El Salvador and Honduras, for example, authorities interviewed at district attorney’s offices and police delegations knew of multiple cases of reporters of and witnesses to crimes murdered because of their reporting or witnessing, just as they knew of multiple cases of informants or those who testified in cases being murdered every year, year-in and year-out.
  - Among the few children and families my colleagues and I have interviewed who reported crimes against them in Honduras, Guatemala and El Salvador, all saw their situation worsen, which included being forced to flee their home, having their home and vehicle strafed and having a relative raped, murdered or otherwise harmed or being harmed in these ways themselves.
20. Likewise, life in precarious areas with high violence levels lead to underreporting. After cross-referencing my interviews with statistics and news reports in El Salvador, Guatemala and Honduras, it’s most often revealed that children and families *understated* the risks present where they lived. This is for at least four reasons:
- any situation becomes “normal,” if a person lives in it, particularly so when s/he has lived in it since birth. Once normalized, events do not register in the same way as they would for an outsider not normalized to the situation – whether child abuse, including statutory rape, violence against women or authorities’ and gangs’ public beatings of young males;

<sup>37</sup> ONV-IUDPAS-UNAH. 2016. *Percepción ciudadana sobre inseguridad y victimización en Honduras, Informe Ejecutivo 2016*. Tegucigalpa: IUDPAS.

<sup>38</sup> ONV-IUDPAS-UNAH. 2015. *Percepción ciudadana sobre inseguridad y victimización en Honduras, Informe Ejecutivo 2014*. Tegucigalpa: IUDPAS and ONV-IUDPAS-UNAH. 2019. *Percepción ciudadana sobre inseguridad y victimización en Honduras, Informe 2018*. Tegucigalpa: IUDPAS.



- repeated trauma is shown to impact memory and chronological recall;
  - a common rule of living in neighborhoods with abusive actors – by order of abusers from authorities, to gangs, to death squads, to intimate partners – is not to talk about abuses with others – indeed, common graffiti in gang-controlled neighborhoods are eyes and messages of “death to snitches [*muerte a soplones*]” or “see, hear and shut up [*ver, oír y callar*];” and
  - real risks mean that they limit their movement as much as possible and thus may be as intentionally unaware of all that is happening as they can be while still knowing what they need to know to survive. This is especially the case for girls and women who are societally expected to primarily be at home and for communities that have survived mass atrocities, like many Afrodescendent and indigenous areas.
21. Even within Guatemalan and Salvadoran families and among neighbors, people tend to share information only on a “need-to-know” basis. This selective sharing is likely related to civil war survival strategies meant to protect loved ones. Leading up to the nation’s civil wars and through their conclusions, if authorities detained a family member they suspected of guerrilla involvement – or if as was less common, guerrillas detained a family member they suspected of supporting authorities – the person was invariably interrogated and often tortured to obtain information not only about their direct involvement in various activities but also the involvement of others they knew, particularly relatives and neighbors. Limiting the information any one person knew about other members in a household meant those other members would less likely be incriminated during such torture sessions. Today, families and neighbors similarly seek to limit what others know both to protect themselves, if detained, and to protect their loved ones, should they be captured and tortured. While Honduras did not have a civil war, active or perceived members of labor organizing, university, progressive Catholic and leftist groups, among others, experienced the same dynamics throughout the 1980s and developed the same coping strategies that extend to present day.

### **Targeted Nature of Violence**

22. Since beginning research in El Salvador, Guatemala and Honduras in 2013, I rely upon four sources of information: (1) interviews with children, families and single adults, analyzed to the neighborhood level; (2) governmental statistics for boys, girls, men and women on disappearance, homicide and rape analyzed to the municipal level, including when possible, arrest, hearing and conviction rates; and (3) systematic searches of the local press by neighborhood or characteristic, such that I have read tens of thousands of articles now.<sup>39</sup> (4) I have then followed up with governmental and non-governmental officials

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<sup>39</sup> The 15 Salvadoran outlets are: *Contra Punto*, *Cronio*, *Diario1*, *Diario Co-Latino*, *Diario Libre SV*, *El Blog*, *El Diario de Hoy*, *El Faro*, *El Mundo*, *El Salvador Times*, *La Pagina*, *La Prensa Grafica*, *Revista Factum*, *Revista Gato Encerrado* and *Solo Noticias*. *Contra Punto*, *El Faro*, *Revista Factum*, and *Revista Gato Encerrado* are online investigative news outlets. El Salvador’s police (@PNCSV), public prosecutors’ office (@FGR\_SV) and military (@FUERZARMADASV) operate Twitter accounts. Furthermore, the Organization of Salvadoran Women for Peace [*Organización de Mujeres Salvadoreñas por la Paz*, *ORMUSA*] has an Observatory of Violence against Women that summarizes daily news stories on girls, women, and sexual violence in the nation’s main print and online media, which it then compiles into monthly reports.



throughout the country on the areas of my expertise and topics that emerged in the three aforementioned sources: government corruption, impunity and human rights violations, including by death squads; violence, including sexual and gender-based violence (SGBV); organized crime, like gangs and cartels; childhood, adolescence and the family; Afro-descendent and indigenous persons; sexual orientation and gender identity (SOGI); migration; and return conditions for male and female – adult, child and family – deportees from the US, Mexico and several other countries. In El Salvador, (5) I have also read hundreds of criminal sentencing tribunal decisions.

23. Crossing these sources persistently reveals that the most serious violence – homicide, rape and disappearance – is highly targeted. These crimes often occur at or on the way to a person’s home, work or school based upon information that’s been gathered on their movements over weeks, months and even years. In this sense, these countries are not struggling with “generalized crime,” as officials and the press most commonly write. People rarely die from bullets or bombs flying everywhere and being in the wrong place at the wrong time. Rather, they are where their killers knew they would be and are killed for reasons usually known to them, even if not shared with authorities or loved ones.
24. For example, in Honduras, ONV-IUDPAS-UNAH found that in homicides with a listed motive from 2010 to 2021, between 79 and 87 percent were targeted killings.<sup>40</sup>

Targeted versus “Generalized” Homicides in Honduras Nationwide from 2010 to 2021<sup>41</sup>

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Targeted	87.0	86.2	84.9	80.0	83.2	84.8	81.8	78.6	87.3	80.6	83.7	90.6
Generalized	12.9	13.8	15.0	20.0	16.7	15.2	18.0	20.6	12.7	19.4	16.3	9.4

25. Root causes of animus and violence are specific to certain characteristics:

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The 11 Guatemalan outlets are: *Al Día, Diario de Centro América, El País, El Periódico, El Siglo, La Hora, Nómada, Nuestro Diario, Plaza Pública, Prensa Libre* and *Siglo Veintiuno*. *Nómada* and *Plaza Pública* are online investigative news outlets. Guatemala’s police (@PNCdeGuatemala) and public prosecutors’ office (@MPguatemala) operate Twitter accounts.

The 12 Honduran outlets are: *Contra Corriente, Digital Proceso, El Heraldo, El Libertador, El País, El Pulso, El Tiempo, Hondudiarío, La Prensa, La Tribuna, Radio Progreso* and *Revistazo*.

<sup>40</sup> The classifications of domestic violence, intrafamilial violence, murder-for-hire [*sicariato*], score-settling [*ajuste de cuenta*], interpersonal enmity, revenge and land problems, by their definition, are personalized and targeted. The author chooses to classify homicides related to extortion, kidnapping and rape as targeted as well, because those crimes are typically personalized and targeted in the region. Lynching is so rare in Honduras, and more broadly is a method associated with political messaging and terror, that authors consider it, too, personalized and targeted. Those killed at protests, strikes or confrontations between security forces and others were targeted because of their activities or location. Similarly, those killed in relation to *maras* or *barras* were targeted for either that association or having defied the *maras*’ or *barra*’s orders. Even within non-targeted categories, some targeting likely occurred in the bulk of them. Homicides resulting from “common” crime or robbery and drug dealing, selling or movement disproportionately occur in limited geographic areas referred to as “hot spots” in criminology. Then, drug dealers, movers or users, like criminal groups, intentionally engage in deadly combat with each other. That said, the shootouts between them are often in public spaces. Those who happen to be in them at the time of the shooting have been caught in the crossfire and killed.

<sup>41</sup> ONV-IUDPAS-UNAH annually publishes reports on various crimes in the nation that are available at its website: <http://www.iudpas.org/boletines> .

- pervasive discrimination and racism against Afro-descendent and indigenous groups,<sup>42</sup> with inherent beliefs by non-indigenous persons that they can harm and kill those Afro-descendent and indigenous persons who do not follow commands or accept repeated subjugation. Relatedly, numerous business enterprises want Afro-descendent and indigenous land for profit-making purposes and see the people on them and their communal land practices as barriers to their goals. Land is life itself for Afro-descendent and indigenous communities. Ancestral lands are crucial to the survival of cultural practices, economic production, spirituality, and social structures rooted in their land.<sup>43</sup> In this sense, Garifuna leader Miriam Miranda linked efforts in Honduras to take coastal Garifuna lands to genocide, specifically saying that “a Garifuna without land is not a Garifuna, and that is why so many want to take our land: to end us.”<sup>44</sup>

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<sup>42</sup> The **Guatemalan** government reported to the Central America Monitor 25 indigenous and Afro-descendent groups present in the country: Achí, Akateco, Awakateko, Chalchiteko, Chortí, Chuj, Garifunas, Itzá, Jakalteca, Kaqchikel, Kiché/K’iche’, Mam, Mopan, Poqomam, Poqomchí, Poptí, Qanjolal / Q’anjobal, Queqchi / Q’eqchi’, Sakapulteko, Sipakapense, Tekiteko, Tzutujil / Tz’utujil, Uspanteko, and Xinca. Guatemala’s census bureau published self-reported indigenous and Afro-descendent Garifuna persons constituting between 34.3 and 40.5 percent of the population from 2014 to 2018. The Latin American Public Opinion Project (LAPOP) had self-reports of indigeneity of 50.9 percent of its representative sample in 2014, although it got lower percentages in other years. Researchers broadly agree that over half of Guatemala’s population is Afro-descendent and indigenous.

The nine indigenous and Afro-Caribbean groups in **Honduras** are the following: Bay Islanders or isleños; Garifunas, Garinagu; Lencas; Maya-Chortis, maya or chorti; Nahua or Nahuat; Miskitos or misquitos; Pech; Tawahkas; and Tolupánés or torrupanes. In the period from 2000 to 2024, various organizations and entities have estimated the indigenous and Afro-descendent population ranges anywhere from 450,000 to 1.5 million individuals, thus constituting between seven and 20 percent of the Honduran population.

From 1932 to 1933, the Salvadoran military massacred between 10,000 and 40,000 primarily indigenous persons in **El Salvador**’s western departments. The military linked being indigenous with being a communist, and many indigenous persons stopped using their traditional dress and language to avoid State persecution in the genocidal aftermath. See: Gould, Jeffrey and Lauria-Santiago, Aldo A. 2008. *To Rise in Darkness: Revolution, Repression, and Memory in El Salvador, 1920-1932*. Durham: Duke University Press.

This has created constant barriers to documenting the indigenous and Afrodescendent populations in El Salvador. It is known that in 1600, Spanish missionaries estimated that 89.3 percent of El Salvador’s population was indigenous but only 43.1 percent of the population was by 1821. Within just 27 years of the Spaniard’s arrival, over half of the population died from the illnesses they brought and the destruction of cultural, economic and political ways of life. Spaniards brought slaves to the port city they founded, La Trinidad de Sonsonate, to work on indigo farms – the Spaniards’ first cash crop for exportation – from the 1600s to the late-1800s. See: Barón Castro, Rodolfo. 1978. *La población en El Salvador*. San Salvador: UCA editores.

The only year that the Salvadoran census authorities asked about indigeneity was in 1930, when they recorded that 110,459 of 1,434,361 – 7.7 percent – self-reported that they were indigenous. LAPOP collected data on self-reported ethnicity in 2006, 2008, 2010, 2012, 2014, 2016, 2018 and 2021, offering the categories of: “white,” “mestizo,” “indigenous,” “black,” “mulatto” or “other.” Between 3.6 and 8.0 percent reported themselves as indigenous, between 2.3 and 5.3 percent reported themselves as black, between 1.2 and 3.5 percent reported themselves as mulatto and between 2.1 and 25.1 percent reported themselves as “other.”

<sup>43</sup> Loperena, Christopher. VI. ¿Desarrollo para Quien? Financiamiento del BID, Enclave Turístico y Perdida de la Tierra Garífuna en la Bahía de Tela. 70-83. In National Alliance of Latin American & Caribbean Communities (NALACC) and Programa de las Américas del Centro para la Política Internacional (CIP). 2010. *Megaproyectos del BID, Desplazamiento y Migración Forzada [InterAmerican Development Bank Megaprojects, Displacement and Forced Migrations]*.

<sup>44</sup> 2015. Honduras: Una Sociedad en diáspora por la conflictividad y violencia. *Radio Progreso* 28 December <<https://wp.radioprogreso.hn.net/honduras-una-sociedad-en-diaspora-por-la-conflictividad-y-violencia/>>.

- strictly defined gender roles for males and females that LGBTQI+ persons violate and religious institutions' prominent beliefs that LGBTQI+ persons violate God's laws and must therefore be punished.
- A prevalent view in all three nations' societies is that females are property of males, and as such, males get to make decisions for them about their household tasks, lack of public life, and sexual relationships. In this regard, strictly defined gender roles for males and females is a root cause of violence against girls and women, too, especially because females are viewed as weaker and less worthy than males,<sup>45</sup> which leads to active misogyny, or a hatred of these perceived weaker and subjugated female traits. Men commonly believe it is their right to put women, especially their wives, the mothers of their children and their daughters or sisters, who resist these ideas "in their place" through physical and sexual violence.
- Over the past two decades, governments' framing of gangs as the nation's common enemy in all three countries has led to security policies that criminalize poverty and create inescapable stereotypes for residents of neighborhoods with strong gang presence, especially youth. Authorities and society associate residents of these neighborhoods as gang-linked, even if they are not gang-involved, and see them as deserving of the worst abuses.
- Quantitatively, *Deported to Danger* documented over 200 cases of disappearance, murder, State torture, death threats, beatings, shooting attacks and forcible displacement, among others, after deportation from the United States.<sup>46</sup> Qualitatively, the report showed that deportees are targeted because of their past residence in chronically or particularly violent neighborhoods, long-term residence abroad resulting in greater perceived wealth or changes in beliefs and behaviors, tattoos, criminal record or perceived or actual past gang membership.

### **Gendered Dynamics of Violence**

26. Women are disproportionately impacted by sexual violence, while males are disproportionately impacted by homicide. Homicide is the most reported crime in all three countries, whereas sexual violence is one of the least reported.
27. Sexual violence is particularly gendered. Over 80 percent of reported sexual violence victims are female.
  - According to the United Nations Population Fund (UNFPA), the fundamental cause of widespread sexual violence is "the persistence of a patriarchal culture that normalizes gender discrimination, the control of women's bodies, and structural violence toward

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<sup>45</sup> Fondo de Población de las Naciones Unidas (UNFPA) El Salvador. 2022. *Encuesta nacional de violencia sexual contra las mujeres 2019*.

<sup>46</sup> Kennedy, E. and Parker, A. 2020. *Deported to Danger: United States Deportation Policies Expose Salvadorans to Death and Abuse*. Human Rights Watch <<https://www.hrw.org/report/2020/02/05/deported-danger/united-states-deportation-policies-expose-salvadorans-death-and>>.

them.”<sup>47</sup> Multiple studies have found that men who rape – the world over – have higher explicit needs for power and specifically associate power with sex.<sup>48</sup> For them, sex is possessing someone.

- Numerous actors, including relatives, intimate partners, authorities, death squads and organized crime members rape females. The likelihood of a girl or woman being raped by one or several of these actors is frequently more likely than not, and for the poor, indigenous and Afrodescendent, is probably almost certain. The most recent national surveys on sexual and gender-based violence found that 64 percent of Salvadoran women and girls aged 15 to 49 had experienced sexual violence in their lifetime,<sup>49</sup> compared to 34.5 percent of Guatemalan girls and women<sup>50</sup> and 52.8 percent of Honduran girls and women.<sup>51</sup>
- One study found that 88 percent of LGBTQI+ persons experienced sexual and gender-based violence before fleeing El Salvador, Guatemala or Honduras.<sup>52</sup>

28. Sexual violence is particularly cruel. The International Criminal Court has recognized rape as a form of torture. During civil wars in El Salvador and Guatemala, State actors used rape as a torture method to exercise their power, to punish and repress real or perceived opposition and to demoralize and terrorize communities.<sup>53</sup> In this regard, rape seeks to bring the resister and her household into compliance through asserting control over the body. In showing control of the body, rapists implicitly seek to show their control of everything else dear to the individual, household and community and to break their resistance to them. State authorities continue to use rape in this way today, as do gangs, other organized crime and intimate partners.<sup>54</sup> Among rape victims and survivors I have interviewed over the past decade, they no longer felt the will to live, much less resist. One woman said that “while her body lived, her spirit was dead.” Salvadoran, Honduran and

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<sup>47</sup> Fondo de Población de las Naciones Unidas (UNFPA) El Salvador. 2022. *Encuesta nacional de violencia sexual contra las mujeres 2019*.

<sup>48</sup> Page Fiske, Alan and Shakti Rai, Tage. 2015. *Virtuous Violence*. Cambridge, United Kingdom: Cambridge University Press.

<sup>49</sup> Fondo de Población de las Naciones Unidas (UNFPA) El Salvador. 2022. *Encuesta nacional de violencia sexual contra las mujeres 2019*.

<sup>50</sup> Oliva, Cesar. 2024. El INE presenta indicadores de prevalencia de violencia contra las mujeres en Guatemala. *Instituto Nacional de Estadística Guatemala* 7 March <<https://www.ine.gob.gt/2024/03/07/el-ine-presenta-indicadores-de-prevalencia-de-violencia-contra-las-mujeres-en-guatemala/>>.

<sup>51</sup> Instituto Nacional de Estadística (INE). 2023. *Primera encuesta nacional especializada sobre la violencia contra las mujeres y de niñas de 15 años y más, ENESVMN*. Tegucigalpa: INE. Similar reports funded and executed by parallel institutions in El Salvador and Guatemala specifically examined sexual violence, but the promotional materials did not make explicit it considered sexual violence or all gender-based violence.

<sup>52</sup> UNHCR. 2017. *Población LGBTI en México y Centroamérica*.

<sup>53</sup> Agger, Inger. 1989. Sexual Torture of Political Prisoners: An Overview. *Journal of Traumatic Stress* 2(3): 305-318; Segato, Rita. 2006. *La escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez*. Mexico City: Universidad del Claustro de Sor Juana; Page Fiske, Alan and Shakti Rai, Tage. 2015. *Virtuous Violence*. Cambridge, United Kingdom: Cambridge University Press; and Kennedy, Elizabeth. 2023. El Salvador’s Misogynistic Security State. *NACLA* 55(4): 377-383.

<sup>54</sup> Kennedy, Elizabeth. 2023. El Salvador’s Misogynistic Security State. *NACLA* 55(4): 377-383.

Guatemalan officials and non-profits working with survivors reported hearing this expression often. Most survivors struggle with their mental health and feel fear, anguish, depression, shame, rage, and distrust of others, including institutions, in the aftermath of sexual violence.<sup>55</sup> They continue to feel at constant and forever risk, even years later.

29. Males have constituted between 83 and 84 percent of Guatemala’s homicide victims, 86 and 93 percent of El Salvador’s homicide victims, and 90 and 92 percent of Honduras’ homicide victims each year in the past decade. Male homicide rates ranging between 54.3 and 195.8 per 100,000 far surpass epidemic levels. More alarmingly, when adjusting for age, male homicide rates are incredibly high from the ages of 15 to 49, so much so that approaching or over 10 percent of males in each country are murdered before reaching old age. Given the higher homicide numbers in particularly violent and low-income areas documented in my interviews and systematic searches of the Salvadoran and Honduran press, this is even worse in such areas, although statistics are not published that disaggregate these data. For comparison’s sake, the global male homicide rate was 9.3 per 100,000 in 2021, the United States’ male homicide rate has rarely exceeded 15.1 per 100,000 since 2000, and most European countries have male homicide rates of less than 3.5 per 100,000.<sup>56</sup>
30. Even despite constituting less than 17 percent of homicide victims, female homicide rates ranging between 6.8 and 23.8 per 100,000 in all three countries are among the highest in the world.<sup>57</sup> For comparison’s sake, the global female homicide rate has ranged between 2.2 and 2.7 since 2000, the United States’ female homicide rate has rarely exceeded 2.5 per 100,000 since 2000, and most European countries have female homicide rates less than one per 100,000.<sup>58</sup> El Salvador, Guatemala and Honduras have femicide or feminicide in their criminal codes in recognition of the fact that girls and women are killed because of their status as females.
31. Homicides of LGBTQI+ persons are especially undercounted by governmental entities and also by non-profits working with the population. Criminal complaint forms in all three countries now include a box that can be ticked if the victim reporting self-identifies as LGBTQI+. However, the prosecutors’ offices told Human Rights Watch in 2020 that the lack of registered cases indicated “that it is being ignored by the officials receiving the complaints.”<sup>59</sup> Some forensic authorities refuse to conduct autopsies on LGBTQI+ people’s bodies, if they believe the person to have been HIV-positive. A person’s death

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<sup>55</sup> Fondo de Población de las Naciones Unidas (UNFPA) El Salvador. 2022. *Encuesta nacional de violencia sexual contra las mujeres 2019*.

<sup>56</sup> The World Bank creates graphs from data provided by the United Nations Office on Drugs and Crime (UNODC) at this website: <https://data.worldbank.org/indicator/VC.IHR.PSRC.FE.P5> .

<sup>57</sup> For the most recent compilation of women’s homicide rates by nation, see: Widmer, Mireille and Pavesi, Irene. 2016. *A Gendered Analysis of Violent Deaths. Research Notes* 63: November. Geneva: Small Arms Survey. Notably, while they relied on 2015 statistics for most nations, they used 2013 or 2014 statistics for El Salvador.

<sup>58</sup> The World Bank creates graphs from data provided by the United Nations Office on Drugs and Crime (UNODC) at this website: <https://data.worldbank.org/indicator/VC.IHR.PSRC.FE.P5> .

<sup>59</sup> Ghoshal, Neela. 2020. *“Every Day I Live in Fear”: Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States*. Washington, DC: Human Rights Watch.

cannot be declared a homicide without the autopsy. Then, because LGBTQI+ people's families have so often abandoned and rejected them, they do not claim their bodies at morgues or pressure authorities to classify their deaths as homicides, when applicable.

32. In all three countries, hundreds and sometimes thousands of males, females and LGBTQI+ persons are disappeared each year. In Latin America, the term "disappearance" tends to be used if someone witnessed the now "disappeared" person being taken.<sup>60</sup> To the extent these disappeared persons are found, they are more often than not dead, buried in unmarked graves, and frequently mutilated or cut into pieces. This means that homicide rates are actually higher – especially for females and the LGBTQI+ population and sometimes exponentially so in certain neighborhoods and municipalities that have been documented to have "clandestine cemeteries."<sup>61</sup>

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<sup>60</sup> The *ReVista Harvard Review of Latin America* has written extensively about this. Its website is the following: <https://revista.drclas.harvard.edu>. For a fuller and historical understanding, I particularly recommend: <https://revista.drclas.harvard.edu/book/export/html/192576>.

<sup>61</sup> Clandestine cemeteries are sites where State security forces, death squads or organized crime groups like cartels and gangs take their victims after killing them and bury them.