

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

A Study Conducted by the United Nations High Commissioner for Refugees



EXECUTIVE SUMMARY

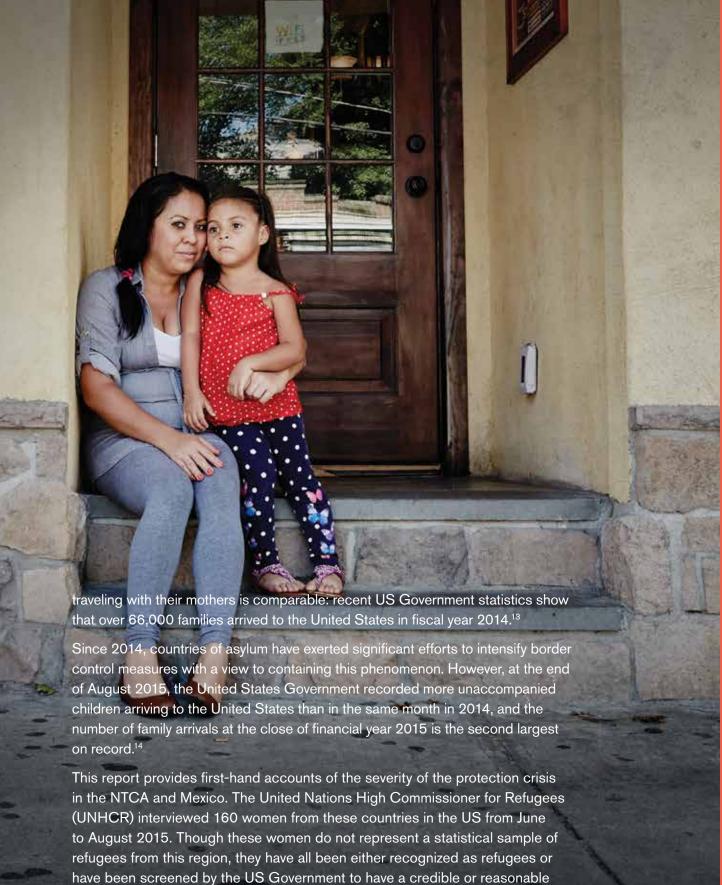
Today, we are confronted with a global refugee crisis of unprecedented levels, a crisis that, as shown in this report, deeply affects the Western Hemisphere. No one knows this better than those fleeing epidemic levels of violence, including gender-based violence, in El Salvador, Guatemala, and Honduras.¹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

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

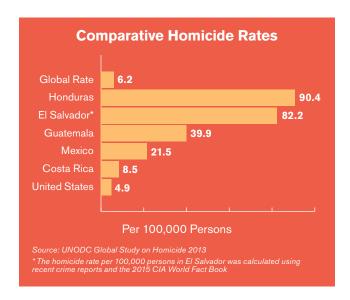
The region has come under increasing control by sophisticated, organized criminal armed groups, often with transnational reach, driving up rates of murder, gender-based violence, and other forms of serious harm. According to data from the UN Office on Drugs and Crime, Honduras ranks first, El Salvador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

Over the last few years, there has been a sharp escalation in the number of people fleeing the NTCA. In 2014, tens of thousands sought asylum in the United States,⁸ and the number of women crossing the US border was nearly three times higher than in 2013.⁹ Others have fled to neighboring countries. Combined, Mexico, Belize, Costa Rica, Nicaragua, and Panama have seen the number of asylum applications from citizens fleeing the NTCA grow to nearly 13 times what it was in 2008.¹⁰

An alarming feature of this refugee crisis is the number of children fleeing home, with their mothers or alone. Over 66,000 unaccompanied and separated children¹¹ from the NTCA reached the United States in 2014.¹² The number of children



fear of persecution or torture.15



Escalating Violence against Women

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

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

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

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

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

No Safety at Home

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

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

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

NORMA'S STORY

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

Before she fled to the United States, Norma lived in a neighborhood she describes as controlled by M-18, a powerful transnational armed group with a significant presence in El Salvador. She saw routine gunfights and murders between gang members and had to pay an increasing *cuota* every two weeks. About 15 days before she fled, a boy was murdered and left in the street near her house.

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

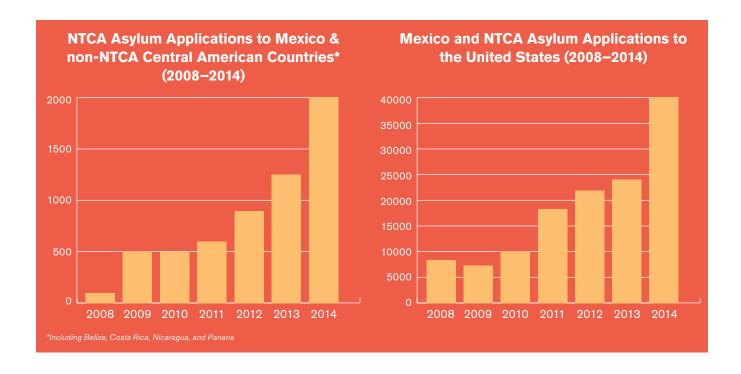
Her husband, the police officer, vowed revenge. They filed an official report. Norma became increasingly concerned that the groups were threatening her and her children, and that the police would not be able to protect her family. "[T]hey'd kill me. Gangs don't forgive.... If they didn't harm me, they'd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

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

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

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

with family members or close friends. Many tried to remain invisible by constantly barricading themselves and their children inside the home. Yet women repeatedly stated that members of criminal armed groups were able to track them when they moved, and emphasized that even in new locations, they continued to experience similar levels of violence. Women fleeing some parts of Mexico reported problems similar to those of women fleeing the NTCA (although to differing degrees). Indeed, in 2014 Mexicans constituted the largest nationality seeking asylum in the United States. Mexico faces a complex situation, as it is simultaneously a country of origin, a country of transit, and a country of asylum.



Mexican women interviewed for this report fled areas under some degree of control by transnational criminal gangs. Women reported being raped, assaulted, and threatened by members of these groups. And, like women from the NTCA, some Mexican women described severe domestic violence. Although Mexico has taken significant steps in enacting national legislation to address violence against women, Mexican women interviewed for this report reflected a lack of trust in the authorities' capacity to respond in those areas from which they fled. UNHCR interviewed 15 transgender¹⁹ women from Mexico, El Salvador, and Honduras for this report. They described similar experiences of gender-based violence and lack of police protection, yet their gender identity further exacerbated the level of violence they experienced. They relayed recurrent discrimination, beatings, and attacks from family members, romantic partners, clients or employers, and others.

Fleeing to Find Refuge

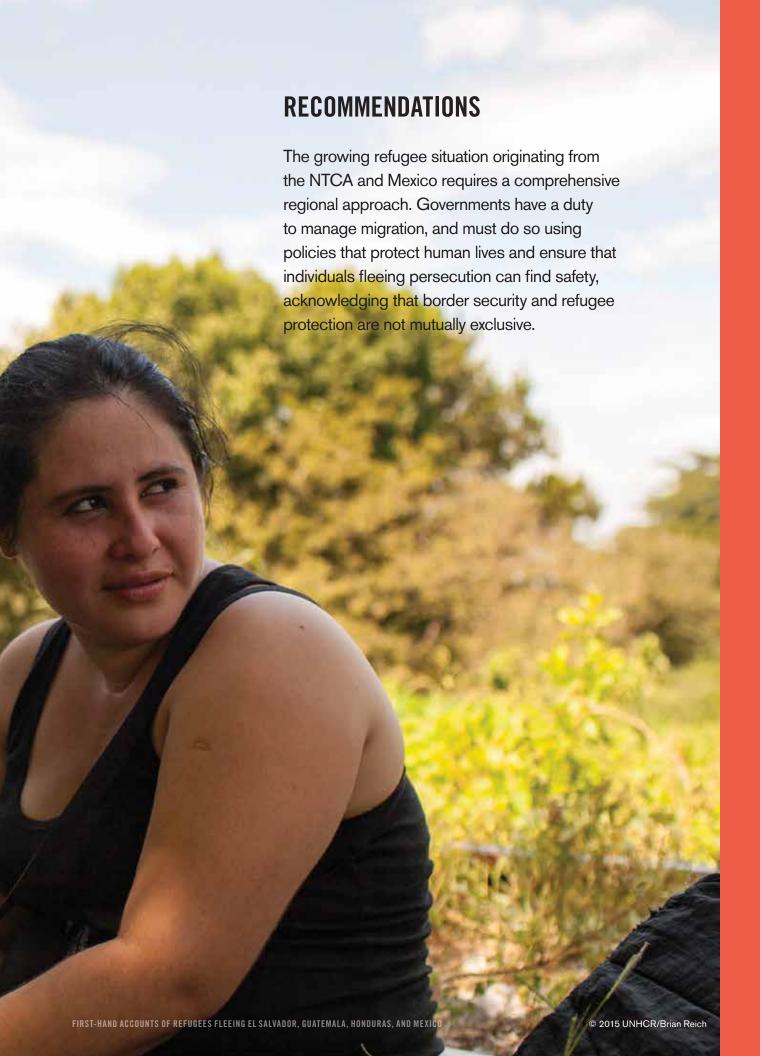
All the women interviewed for this report were forced to leave their countries to escape persecution, yet the journey itself, through Guatemala and Mexico, presented its own set of challenges. Women reported paying high fees to smugglers, and being victims of extortion throughout their flight, particularly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

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

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









Make Saving Lives the Top Priority

UNHCR calls on governments in the region to:

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

Reinforce Host Country Capacity to Provide Refuge

UNHCR calls on governments in the region to:

- Set in place or reinforce individualized screening procedures to identify the specific protection needs of all those arriving.
- Ensure that individuals in need of refugee protection can access adequate and humane reception conditions, including by:
 - Reinforcing shelter availability appropriate for particularly vulnerable groups,

- including transgender women and unaccompanied children.
- Strengthening alternatives to detention, including various forms of reporting requirements, community and supervision schemes, and accommodation in designated reception centers with guaranteed freedom of movement. Such alternatives have proven to be far more cost-effective than detention.
- Avoiding the use of unnecessary immigration detention and other punitive measures.
 Deprivation of liberty must be a last resort used only after individualized determination, and the best interests of the child must guide all actions taken in regard to children.
- Bolster efforts to ensure access to fair and efficient asylum procedures, including by:
 - Ensuring asylum-seekers, and in particular unaccompanied children, have access to legal assistance and information on the right to seek asylum.
 - Providing the necessary resources for domestic adjudication processes to resolve cases in a timely manner.

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

region, including through refugee resettlement as a strategic and/or emergency protection tool for refugees at a heightened risk.

Address Root Causes of Displacement

UNHCR calls on governments in the region to:

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

WHAT WOMEN WOULD SAY TO GOVERNMENTS

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

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

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

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

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

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

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

— Guatemalan woman

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

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

ENDNOTES

- 1 This report refers to El Salvador, Guatemala, and Honduras collectively as the "Northern Triangle of Central America." The report also discusses concerns faced by some Mexican asylum-seekers.
- In FY 2015, out of 16,077 females from El Salvador, Guatemala, Honduras, and Mexico who were subject to the credible fear screening by a US asylum officer, 13,116 (or 82 per cent) were found to have a significant possibility of establishing eligibility for asylum or protection under the Convention against Torture. The purpose of this screening process is "to quickly identify potentially meritorious claims to protection and to resolve frivolous ones with dispatch.... If an alien passes this threshold-screening standard, his or her claim for protection...will be further examined by an immigration judge in the context of removal proceedings." US Department of Homeland Security, Refugee, Asylum, and International Operations Directorate Officer Training: Asylum Division Officer Training Course, "Lesson Plan Overview: Credible Fear," February 28, 2014, available at http://www.lexisnexis.com/legalnewsroom/immigration/b/insidenews/archive/2014/04/18/uscis-revised-credible-fear-lafferty-memo-lesson-plan.aspx; see also 8 U.S.C.Sec 1225(b)(1)(B)(v). As a signatory to the 1967 Protocol ("Protocol") relating to the Status of Refugees, the US is required to co-operate with the UNHCR by "providing them with the information and statistical data requested, in appropriate form, concerning" the implementation of the Protocol. See UN General Assembly, Protocol relating to the Status of Refugees, GA Res. 2198 (XXI), UN GAOR, 21st Sess., UN Doc. A/RES/2198 (6 Dec. 1966), Art. II. The information is on file with UNHCR.
- World Bank Sustainable Development Department, Poverty Reduction and Economic Management Unit & Latin America and the Caribbean Region, Crime and Violence in Central America: A Development Challenge, World Bank Group (2011), available at http://siteresources.worldbank.org/INTLAC/ Resources/FINAL_VOLUME_I_ENGLISH_CrimeAndViolence.pdf; Clare R. Seelke, Gangs in Central America, CONGRESSIONAL RESEARCH SERVICE, Publication No. RL34112, 7-5700 (20 February 2014).
- ⁴ UN Office on Drugs and Crime (UNODC), Global Study on Homicide 2013 (March 2014), available at https://www.unodc.org/gsh and the CIA World Factbook on El Salvador, https://www.cia.gov/library/publications/the-world-factbook/geos/es.html
- The Geneva Declaration on Armed Violence and Development, Global Burdens of Armed Violence 2015, available at http://www.genevadeclaration. org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2015.html
- ⁶ UN High Commissioner for Refugees (hereinafter UNHCR), Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection (2014) pp.15-17; UNHCR, Uprooted (Arrancados de Raíz) (2014), available at http://www.acnur.org/t3/donde-trabaja/america/mexico/arrancados-de-raiz/
- ⁷ UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection (2014) pp.15-17.
- ⁸ UNHCR, Population Statistics Database, "Asylum-Seekers (Monthly Data)", available at http://popstats.unhcr.org/en/asylum_seekers
- ⁹ US Customs and Border Protection, http://federalnewsradio.com/business-news/2014/12/us-border-patrol-female-agents-wanted/
- ¹⁰ UNHCR, Unaccompanied Minors: Humanitarian Situation at the US Border, http://unhcrwashington.org/children
- "UNHCR defines an "unaccompanied child" as any child under the age of 18 who has been "separated from both parents and other relatives and [is] not being cared for by an adult who, by law or custom, is responsible for doing so," while a "separated child" is one who is "separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives." UNHCR Guidelines on Determining the Best Interests of the Child (May 2008) at 8, available at http://www.refworld.org/docid/48480c342.html. UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection (2014).
- Since 2008, the US Government has recorded a 561 per cent rise in the number of new arrivals of unaccompanied and separated children. For FY 2014, the U.S. Government apprehended 66,115 UACs. See U.S. Customs and Border Protection, Southwest Border Unaccompanied Children, Fiscal Year 2014, available at https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children
- ¹³ For FY 2014, the U.S. Government apprehended 66,144 family units. *Ibid.*
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- ¹⁵ The United States employs a range of accelerated removal procedures that subject an individual to summary removal without a formal immigration hearing. The women whose stories are reflected in this report passed through one of the following accelerated procedures: expedited removal, reinstatement of removal, or administrative removal.

An individual apprehended for the first time at a port of entry to the United States, or between ports of entry within 100 miles and two weeks of having crossed the US border without authorization, may be placed in expedited

removal proceedings. If she expresses a fear of return, then she is referred for a screening interview with an asylum officer to determine whether she has a credible fear of persecution or torture. At the credible fear interview, she must establish a "significant possibility" that she will be granted asylum or relief under the Convention Against Torture (CAT). 8 CFR § 208.30(e). If the asylum officer finds that she has a credible fear, the asylum-seeker is referred to an Immigration Judge for a full merits hearing on her claim. 8 CFR § 208.30(f).

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

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

- ¹⁶ See, e.g., Decree No. 97-96, 24 October 1996, Law to Prevent, Punish, and Eradicate Intrafamily Violence (Guatemala); Decree No. 132-97, 29 September 1997, the Law on Domestic Violence (Honduras); Decree No. 902, 5 December 1996, the Law on Intrafamily Violence (El Salvador).
- ¹⁷ All names of women interviewed for this report have been changed to preserve their confidentiality.
- ¹⁸ UNHCR, Population Statistics Database, "Asylum-Seekers (Monthly Data)", available at http://popstats.unhcr.org/en/asylum_seekers
- 19 The word "transgender" is "an an umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc." Human Rights Campaign, Sexual Orientation and Gender Identity Definitions, available at http://www.hrc.org/resources/entry/sexual-orientation-and-gender-identity-terminology-and-definitions
- ²⁰ UN General Assembly, Convention relating to the Status of Refugees, GA Res. 429 (V), UN GAOR, 5th Sess., UN Doc. A/RES/429 (14 Dec. 1950) Art. 1; UN General Assembly, Protocol relating to the Status of Refugees, GA Res. 2198 (XXI), UN GAOR, 21st Sess., UN Doc. A/RES/2198 (6 Dec. 1966); Handbook on Procedures and Criteria for Determining Refugee Status, UN Doc. HCP/1P/4/Eng/Rev.2, 1979 (edited 1992) [hereinafter "Handbook"].

WOMEN ON THE RUN: FIRST HAND ACCOUNTS OF REFUGEES FLEEING EL SALVADOR, GUATEMALA, HONDURAS, AND MEXICO

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

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

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

Visit womenonthe.run for more information.

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