



Home Office

Country Policy and Information Note

El Salvador: Gangs

Version 1.0

February 2020

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Assessment

Updated: 20 February 2020

1. Introduction

1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by a criminal gang.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Exclusion

2.2.1 If there are serious reasons for considering that the person has been involved with a criminal gang and/or activity that falls within scope, then decision makers must consider applying one (or more) of the exclusion clauses.

2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.

2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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2.3 Convention reason(s)

2.3.1 In general, a fear of being targeted by a gang or gang members because the person does not co-operate with or resists it / their criminal activities does not fall within scope of the Refugee Convention under the grounds of political opinion, race, religion, nationality or a particular social group (PSG).

2.3.2 A person may claim that a fear of or being in opposition to a gang is an act of actual or imputed political opinion. In the starred case of [Gomez \(Non-state actors: Acero-Garces disapproved\) \(Colombia\) \[2000\] UKIAT 00007](#), heard 3 October 2000 and promulgated 24 November 2000, which considered a case based on fear of gangs/armed groups in Colombia, the Immigration and Asylum Tribunal held that:

‘IV. The Tribunal confirms established case law: that in order to show persecution on account of political opinion, it is not necessary to show political action or activity... that political opinion may be express or imputed.

‘V. The political opinion ground requires a broad definition but not so broad as to cover any opinion which a non-state actor may impute.

‘VII. To qualify as political the opinion in question must relate to the major power transactions taking place in that particular society. It is difficult to see how a political opinion can be imputed by a non state actor who (or which) is not itself a political entity.

‘IX. It is an error to try to rely on a fixed category of persons on the side of law order and justice...

‘X. Even in a case where an appellant can make out a Convention ground of political opinion, he or she must still also establish that the persecution is on account of that political opinion. It is common sense under this nexus test that even where persecutors have political views about those they target, it may not always be the political opinion that motivates their actions. As was said in *Jeah*, the mere existence of a generalised political motive does not lead to the conclusion that the persecutor perceives what the claimant has said or done as political;

‘XI. Certain features of the current Colombian context make it more possible than otherwise that criminal elements or guerrilla organisations will view the words or actions of those they persecute as representing a political opinion. This is certainly true of FARC, the guerrilla organisation being considered in this case.

‘XII. Even in cases involving criminal gangs or guerrillas, however, evidence of imputed political opinion cannot consist solely of the general political purposes of the persecutor...’ (para 70(IV-XII))

2.3.3 There is no indication that gangs are motivated by ideology or have a political programme, or target persons because of their general or specific political views. Rather a gang is likely to target a person if they oppose or threaten the gang’s criminal activities to generate income (see *Gangs’ activities and impact*, [Overview](#)).

2.3.4 Therefore, a person in such a situation is unlikely to be able to demonstrate that their fear is based on actual or imputed political opinion.

- 2.3.5 Neither is it likely that a person who fears a gang, in general, is a member of a PSG. This is because they do not share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and they do not have a distinct identity which is perceived as being different by the surrounding society.
- 2.3.6 Gangs, however, may target women and girls, and lesbian, gay, bisexual, trans and intersex (LGBTI) persons because of their gender or sexual orientation/gender identity. Women and girls, and LGBTI persons, have an innate characteristic or a common background that cannot be changed that they should not be forced to renounce it, and, given state and societal attitudes towards sexual and gender minorities, have a distinct identity which is perceived as being different by the surrounding society (see [Women and girls](#); and [Lesbian, gay, bisexual, trans and intersex persons](#)).
- 2.3.7 Decision makers must, therefore, carefully consider each case on its facts, establishing the reasons why a gang(s) has an adverse interest in the person and whether this falls within the scope of the Refugee Convention.
- 2.3.8 Where there is an absence of a link to one of the 5 Refugee Convention reasons necessary for the grant of refugee status, decision makers must consider whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection.
- 2.3.9 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#). For guidance on HP, see the [Asylum Instruction on Humanitarian Protection](#).

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2.4 Risk

- 2.4.1 There are a number of criminal gangs operating in the country but 2 dominate: Mara Salvatrucha 13 (MS-13) and Barrio 18 (see [Main gangs](#)).
- 2.4.2 Sources estimate that gangs have around 60,000 members (around 1% of the population) and up to 500,000 others connected to them in some way, who may be involuntary members, including family members and friends. Gang members are usually youths/young men aged between 16 and 25 from poor backgrounds with little formal education or previous employment. Gangs recruit and use children to act as looks-outs or collect 'rent' usually as early as 11 years old, though sometimes younger. Some children join voluntarily though later find they are not able to leave, while others are coerced through intimidation and threats of violence against them and their families. Boys are the main target of forcible recruitment but girls may also be compelled to join. Girls may also be forced into situations of sexual and domestic slavery as 'girlfriends' of gang members (see [Main gangs](#), [Characteristics of gang members](#) and [Recruitment strategies and reasons for joining](#)).
- 2.4.3 Gangs are organised into geographical units with the smallest, neighbourhood units known as 'clicas' (MS-13) or 'canchas' (Barrio 18), regional level groups known as 'programmas' (MS-13) or 'tribus' (Barrio 18),

and are headed by a senior leadership, or 'ranfla', many of whom are in, and run the gangs from, prisons (see [Main gangs](#) and [Gang structure](#)).

- 2.4.4 Gangs are usually based in poor or lower middle-class areas, both urban and rural, but are able to exert influence all throughout the country and are present in over 90% of municipalities although they may not control all these areas (see [Gangs' size and reach](#)). Gangs reportedly control entry to and movement within, as well as other aspects of people's lives, the territories they control and perceive a wide range of acts as demonstrating resistance to their authority (see [Control of territory](#) and [Freedom of movement](#)).
- 2.4.5 The main activity of gangs is extortion, or 'rent', of individuals and businesses which is estimated to be in the hundreds of millions of pounds a year. However, gangs are involved in various other criminal activities including robbery, drug dealing, gun sales, carjacking, kidnapping, prostitution, human trafficking, sexual violence, forced recruitment of children and murder. El Salvador has one of the highest rates of homicide in the world for both men and women – an average around 50 killings per 100,000 people in 2018 although there are large variations by age and gender – the large majority of whom are young men although. However, homicide rates have been steadily falling since 2015 and the monthly rates at the end of 2019 were the reportedly the lowest for almost 30 years. Sources, however, observe that the number of disappearances have increased positing that these may in fact be unaccounted for murders and that official figures no longer include instances involving confrontations with security forces. It is not clear what proportion of killings gangs are responsible for but sources estimate around two-thirds or more (so approximately 2,000 to 2,500 of the 3,500 reported homicides in 2018¹). The use of intimidation, violence and targeted killing is integral to gangs' exercise of control and power (see [Gangs' activities and impact – Overview, Extortion and Killings](#)).
- 2.4.6 Sources indicate gangs' targets are:
- those who are or perceived to betray, oppose or to be a threat to them
 - rival gang members and their families/girlfriends
 - persons who are perceived to have 'crossed' the gang – by collaborating with another gang or the security forces (such as informers/witnesses)
 - police officers whose identity is known (and their families)
 - some other public sector workers.
- Persons who refuse to join a gang, try to leave a gang or refuse to comply with a gang's demands may also be vulnerable to violent reprisals (see [Targets of gang violence, Overview](#)).
- 2.4.7 Women and girls are generally not permitted to be gang members but may be forced to assist gangs by, for example, collecting money or delivering drugs. They may also choose or be forced to be wives and girlfriends of gang members and leaders, including into sexual slavery abuse, and are

¹ By comparison there were 726 homicides in England and Wales with a population of over 8 times that of El Salvador in the year ending March 2018. See Office for National Statistics, 'Homicide in England and Wales: year ending March 2018', 7 February 2019, [url](#)

considered to be the gang's 'property'. Women who refuse to co-operate may face violent reprisal. Wives, girlfriends or sisters of gang members may be targeted for rape or murder by rival gangs or by their partner's own gang if he is perceived to betray them. Women who are not linked to gangs but live in areas controlled by them may also be vulnerable to violence and intimidation, including kidnapping and sexual violence (see [Targets of gang violence](#), [Women and girls](#)).

2.4.8 LGBTI persons, particularly trans persons, are vulnerable to discrimination, violence and hate crimes from state actors and society generally. Gangs are also reported to coerce LGBTI persons to assist them to carry out their criminal activities and subject them to violence (see [Lesbian, gay, bisexual, trans and intersex persons](#)).

2.4.9 A person living in an area controlled by or where gangs have an influence may face harassment and demands for money but such treatment is not, by itself, likely to be sufficiently serious by its nature and/or its frequency to establish a real risk of serious harm. Whether a person is at risk from a gang will depend on:

- their profile and actions
- the area the person usually resides
- the reason for the gang's interest
- the gang's intent
- the size, reach and capability of the gang

2.4.10 Persons who may be at risk include:

- those who have collaborated or are perceived to have collaborated with the security forces, such as informants and witnesses
- those who have, or are perceived to have, resisted, 'crossed' a gang or broken gang code, for example by collaborating with another gang or refusing to comply with a gang's demands
- public sector workers, including police, military personnel, and members of the judiciary
- women and girls, including gang members' wives and girlfriends.
- LGBTI persons

2.4.11 Each case, however, will need to be considered on its facts, with the onus on the person to demonstrate that they are at risk.

2.4.12 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

2.5.1 Where the person has a well-founded fear of persecution and/or serious harm by from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.

- 2.5.2 El Salvador has a framework of laws to combat organised crime, including anti-terrorism law which was amended in 2016 so that gangs may be defined as terrorist organisations and thus allow the government to adopt 'special measures' and harsher sentencing (see [Anti-gang laws](#)).
- 2.5.3 Since the early 2000's, successive governments have adopted a 'mano dura' (iron fist) strategy against the gangs which, apart from a 2-year truce between 2012 and 2014, have followed a similar pattern: mass arrest and detention of suspected gang members and militarization of the police (see [Overview – security policies: 2003 – 2019](#)).
- 2.5.4 In 2015 the then government introduced the Plan El Salvador Seguro (the Safe El Salvador Plan; PESS) focussed on 50 municipalities. The PESS had 5 policy streams including enforcement but also measures to address the social and economic roots causes of gangs development and institutional reform to improve the criminal justice system's management of organised crime (see [The Safe El Salvador Plan \(PESS\)/'Extraordinary Measures'](#)).
- 2.5.5 The current government's 7-stage Territorial Control Plan introduced in June 2019 is similar to previous anti-gang strategies and has included the deployment of police supported by the military to high crime communities, declaring a state of emergency in prisons to disrupt communication between gang leaders and the gangs, incarcerating at least 4,000 suspected gang members and targeting gangs' revenue streams. The plan also aims to 'restore' social and community fabric, for example by preventing young people from joining gangs through scholarships and job training programmes (see [Territorial Control Plan](#)).
- 2.5.6 The anti-gang strategies appear to have been successful on some measures and the PESS, in particular because of its attempt to address the underlying root causes of gang membership, has been received positively by civil society and others. As an indicator of the overall levels of crime, the number of homicides halved between 2015 and 2018 and continued to fall during 2019, with the highest rates of decline in areas where the PESS was implemented (although sources note changes in how the government records homicides and increases in disappearances may suggest the decline may not be as great as is reported). However, crime levels remain high and gangs continue to exert influence over the country (see [Killings](#) and [The Safe El Salvador Plan \(PESS\)/'Extraordinary Measures'](#)).
- 2.5.7 The government's anti-gang strategies sit within a wider framework of the existing criminal justice system. The Civilian National Police (PNC), which has around 25,000 officers, is responsible for maintaining public order and includes specialised teams such as an anti-gang unit and has a separate oversight body. In addition, around 7,000 soldiers are routinely deployed to support the police combat gang-related crime (see [Law enforcement agencies](#)).
- 2.5.8 The government also operates a witness protection scheme for victims and witnesses during a trial. However, protection is only offered during the trial and sources suggest there are problems with its effectiveness at protecting those on the scheme (see [Witness protection](#)).

- 2.5.9 The PNC, while receiving ‘significant’ cash support and training from the US and other international partners, lacks resources and equipment, and adequate training. Officers are poorly paid, while corruption (and some reports of collusion with gangs) and impunity are problems which further hinder performance. Some sources suggest the lack of resources and high volume of cases mean that many complaints are not fully investigated, and when they are the investigations are lengthy and inefficient. Some people are reluctant to file complaints to the PNC for fear of reprisal or retaliation from gangs and lack of confidence in the state institutions. While the government has introduced laws and measures to protect women and girls, some sources indicate these have been fully or effectively implemented, and they face a ‘cultural’ bias in obtaining protection. Sources report that LGBTI persons, despite laws and policies in place to protect them, face harassment and discrimination from the police (see [Police resources and international support](#), [Recruitment and training](#), [Police effectiveness](#), [Impunity](#), and [Lesbian, gay, bisexual, trans and intersex persons](#)).
- 2.5.10 There is a functioning judiciary but its effectiveness is undermined by inefficiency and corruption leading to a high level of impunity. Additionally, court workers faced a number of obstacles in fulfilling their duties including threats and violence in delivering court summonses in gang-controlled areas (see [Judiciary](#)).
- 2.5.11 While the government has undertaken mass arrests – in the 1,000s – of suspected gang members the overall conviction rate for complaints raised by victims is estimated to be around 5-7% of cases, with lower rates for homicides². However, sources do report hundreds of convictions of gang members for various crimes including homicide, extortion, trafficking and conspiracy to kill police officers (see [Complaints, prosecutions and convictions](#)).
- 2.5.12 While the government has established a legal system to detect, prosecute and punish criminal acts, its effectiveness is undermined by low pay, a lack of resources, inefficiency and corruption which has resulted in low rates of conviction for various criminal acts.
- 2.5.13 In general, given the weaknesses in the criminal justice system and the size, capability and influence of the main gangs, while the state is likely to be willing it is unlikely to be able to provide effective protection. However, each case will need to be considered on its facts, taking into account the nature, capability and intent of the gang and the profile of person in fear of harm.
- 2.5.14 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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² However, a low number of convictions may not, in itself, indicate an ineffective criminal justice system. For example, in the year to December 2018 there were around 5.1 million criminal offences recorded in England and Wales. Of these, 8.2% resulted in a charge or summons (not necessarily a conviction). However, rates varied according to the crime with summons/charges lowest for rape at 1.7% and highest for possession of weapons offences at 36.9%. See Home Office, Crime outcomes in England and Wales, year to December 2018: data tables, 25 April 2019, [url](#).

2.6 Internal relocation

- 2.6.1 Where the person has a well-founded fear of persecution and/or serious harm by from non-state actors, decision makers must determine whether they could relocate internally to a place where they would not face a real risk and where they can reasonably be expected to stay. Decision makers must take full account of the individual circumstances of the particular person.
- 2.6.2 El Salvador is a relatively small country (about the same size as Wales) with a population of 6 million, many communities are close-knit. Gangs control territory across the country and able exert influence over the whole country, with some gangs reportedly able to track a person throughout the country. Gangs monitor movement into areas they control and are reported to check people moving from one gang-controlled area to another, generally not allowing this. LGBTI persons and women and girls, without support networks, may be particularly vulnerable to abuse and may find it difficult to support themselves in areas of relocation. Conversely, single men who have experienced limited difficulties, are educated with independent financial means may be more able to relocate safely (see [Gangs' size and reach](#), [Women and girls](#), [Displacement](#) and [Freedom of movement](#)).
- 2.6.3 Decision makers must consider the profile of the person, their previous experiences, the gang which has an interest in them, the reasons why they are of interest to a gang, and the size, capability and reach of the gang that they fear. In general, internal relocation is unlikely to be reasonable but each case will need to be considered on its individual facts.
- 2.6.4 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 20 January 2020

3. Definition of gang ('mara')

- 3.1.1 The US Congressional Research Service (CRS) paper 'Gangs in Central America' of August 2016, based on a number of sources, observed that:

'Experts have long debated the formal definition of the term gang and the types of individuals that should be considered gang members. Generally, experts agree that most gangs have a name and some sense of identity, which can sometimes be indicated by symbols such as clothing, graffiti, colors, and hand signs that are unique to the group. Gangs are thought to be composed of members ranging in age from 12 to 24, but some gang members are older adults and others are younger, often forcibly recruited.[...] These definitions are evolving. According to the U.S. National Gang Center, group criminality is the most important factor used to identify gang-related activity in the United States, followed by displaying gang symbols.[...] Gangs may be involved in criminal activities ranging from graffiti, vandalism, petty theft, robbery, extortion, and assaults to more serious criminal activities, such as drug trafficking, rape, and murder.

'When referring to gangs in Central America, some studies use the terms pandillas and maras interchangeably, whereas others distinguish between the two.[...] Studies that distinguish between the two types of Central American gangs generally define pandillas as localized groups that have long been present in the region and maras as a more recent phenomenon with transnational roots. For a variety of reasons... maras are dominant in the northern triangle... [including El Salvador].'³

- 3.1.2 The Insight Crime and Center for Latin America and Latino Studies (CLALS) report on MS 13 of February 2018 observed:

'The word gang is loaded term with multiple definitions that can be used for political purposes... we define a gang as: A group of people – usually young and from a low socioeconomic background – that is made up of relatively autonomous cells, each with a clearly identifiable leader. These cells define themselves, in part, around constant, reciprocal violence against other groups of youths. It is this conflict that makes them a cohesive organization, and that is the means for establishing internal hierarchies and awarding status and power.'⁴

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Section 4 updated: 3 December 2019

4. Gangs' history and origins

- 4.1.1 UNHCR's Eligibility Guidelines For Assessing The International Protection Needs of Asylum-Seekers From El Salvador, published March 2016 ('March 2016 Eligibility Guidelines'), based on a number of sources, observed that

³ US CRS, 'Gangs in Central America' (ps2-3), 29 August 2016, [url](#).

⁴ Insight Crime-CLALS, MS13 (p11), February 2018, [url](#)

'The violent street gangs in present-day El Salvador are a consequence of, among other factors, the deportations of Salvadorian gang members back from the USA to El Salvador. Through the 1990s and 2000s, deported gang members built up violent rival street gangs based on the Californian gang model. Given the relative institutional weakness and corruption of the State in post-war El Salvador and social deprivation among former combatants and other Salvadorian youth, these gangs rapidly consolidated themselves in many poorer neighbourhoods and quickly spread throughout the territory of El Salvador. ...'⁵

4.1.2 International Crisis Group, in a November 2018 report, commented that

'Maras [gangs] like MS-13 were formed in the streets of Los Angeles 30 years ago by young men who had fled the 1980-1992 civil war.

'After Washington toughened immigration laws, it deported thousands of mareros [gang members] to their home country in the late 1990s and early 2000s. Soon MS-13 and Barrio 18 had expanded across El Salvador, Guatemala and Honduras.

'In El Salvador, gangs found fertile ground for recruitment with the country roiled by post-war political upheaval and mired in economic stagnation. Thousands of adolescents were roaming the streets with no jobs and little else to do. The sense of belonging offered by the gangs was too much for many of them to resist.'⁶

4.1.3 The UN Special Rapporteur for human rights of internally displaced persons in her report of April 2018 documenting her visit to El Salvador in August 2017 observed that sources she met emphasized:

'... that poverty, economic underdevelopment, marginalization and social deprivation are important factors leading to the structures and activities of gangs. The most affected neighbourhoods and communities are commonly also the poorest and low income localities. Poverty is consequently a key cause of gang membership and it is a sad reality that, as one interviewee described it, "the poor are displacing the poor". These neighbourhoods, in which opportunities are limited, jobs are few and incomes are low, are fertile recruiting grounds for the gangs. Consequently, solutions must go beyond security responses, be holistic and long-term, involving important developmental and economic measures, including job creation, in the short, medium and long terms.'⁷

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Section 5 updated: 3 December 2019

5. Main gangs

5.1.1 In their March 2016 Eligibility Guidelines the UNHCR noted that most 'gangs are affiliated to one of the two main gang structures also imported from the USA: the Mara Salvatrucha (MS), also commonly referred to as the MS-13'

⁵ UNHCR, 'Eligibility Guidelines' (ps4-5), March 2016, [url](#).

⁶ ICG, 'Life Under Gang Rule in El Salvador' (p9), November 2018, [url](#)

⁷ UNHRC, SR report on IDPS 2018 (para 62), 23 April 2018, [url](#)

and the ‘Barrio-18 (B-18), also commonly referred to as the 18th Street Gang’⁸.

- 5.1.2 International Crisis Group, in a December 2017 report, described MS-13 as one of the largest and most violent “Maras”⁹. The same report described the 2 factions of Barrio 18 (the 18th Street gang) – the Revolutionaries and the Southerners – as ‘one of the largest “Maras” [alongside MS-13]’¹⁰. Insight Crime’s February 2018 report ‘MS13 in the Americas’ described MS-13 as ‘one of the largest gangs in the world’. The same paper also described the MS-13’s ‘main enemy’ as Barrio 18¹¹.
- 5.1.3 According to a February 2017 research by Florida International University (FIU), which was based on ‘a survey with a combination of a convenience and purposive sample of 1,196 respondents with record of gang membership and 32 in-depth interviews’, ‘[t]he two most powerful gangs are Mara Salvatrucha (also known as MS-13) and the 18th Street Gang (Barrio 18), which today is divided into two rival factions: The Revolucionarios (Revolutionaries) and Sureños (Southerners).’¹²
- 5.1.4 The FIU research paper explained that ‘[a]pproximately 50% of the subjects interviewed in the survey belong—or have belonged—to Mara Salvatrucha (MS-13); 23% expressed their loyalty to the 18th Street Gang Sureños; while only 11% mentioned they were part of the 18th Street Revolucionarios. The rest of the interviewees indicated past or present membership in peripheral gang groups: Mirada Locos, Mara Máquina, Mao-Mao, etc.’¹³
- 5.1.5 In their March 2016 Eligibility Guidelines, UNHCR noted:
‘Other gangs exist in El Salvador that are not affiliated to MS or B-18... Alongside the Mirada Locos 13 gang and the Sureños gang, other notable non-MS and non-B-18 street gangs currently operating in El Salvador reportedly include, among others, the Mao Mao and La Máquina – both of which emerged during the civil war of the 1980s – as well as the gangs of La Raza and Mara Desorden. In numerical terms, none of these gangs comes close to comparing with either B-18 or MS, although some of the larger ones reportedly dispute territories with local gangs that are B-18 or MS affiliates.’¹⁴

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⁸ UNHCR, ‘Eligibility Guidelines’ (p5), March 2016, [url](#).

⁹ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p8), Dec 2017, [url](#)

¹⁰ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p8), Dec 2017, [url](#)

¹¹ Insight Crime-CLALS, MS13 (ps 7 and 14), February 2018, [url](#)

¹² FIU, ‘The New Face of Street Gangs: ...’ (p4 and 13), February 2017, [url](#)

¹³ FIU, ‘The New Face of Street Gangs: ...’ (p17), February 2017, [url](#)

¹⁴ UNHCR, ‘Eligibility Guidelines’ (p18), March 2016, [url](#).

6. Gang structure

6.1 Mara Salvatrucha

- 6.1.1 In their March 2016 Eligibility Guidelines, UNHCR described the [Mara Salvatrucha] MS gang structure as being ‘traditionally seen as more bureaucratic and disciplined than the B-18 but it is no less violent.’¹⁵.
- 6.1.2 In February 2017 research by Florida International University, which was based on ‘a survey with a combination of a convenience and purposive sample of 1,196 respondents with record of gang membership and 32 in-depth interviews’¹⁶, observed that ‘Across the survey and in-depth interviews, MS-13 emerged not only as the largest gang organization but also as the most structured and regulated national group.’¹⁷
- 6.1.3 UNHCR also explained that ‘MS is reported to be directed by a circle (ranfla or rueda) of imprisoned palabreros [local gang leaders], above whom sits the national leadership’¹⁸ and that
- ‘The MS is considered to be a diffuse and fluid organization but has a more intimate and coordinated structure than B-18: this is comprised of some 246 cliques (clikas or clickas) [local units], each with up to a few dozen members. A number of MS cliques are often grouped together under each MS “programme” (programa), which is under the control of a mid-level palabrero. Powerful MS palabreros can reportedly control a large number of cliques, who pay “tribute” (financial quotas from criminal activities) to them.’¹⁹
- 6.1.4 The Immigration and Refugee Board of Canada information gathering report about gangs, crime and corruption in El Salvador (IRBC IGR on gangs), published in September 2016, largely based on interviews with sources in El Salvador, noted that ‘El Faro explained that the Mara Salvatrucha’s lowest organizational unit is the clique (clica). Cliques are organized into programas of different sizes, and in El Salvador there are 54 programas.’²⁰
- 6.1.5 In February 2017 research by Florida International University noted
- ‘MS-13’s structure includes different levels of management, which typically start with the clique as its lowest operational level (i.e. at the neighborhood level). Some cliques have managed to expand beyond their original neighborhood structure, to what they call “sectores,” which function as a franchise of the initial clique. The next organizational level is the “programas,” which operate at the regional level. Finally, the top level in the organization is the national “ranfla.” The “ranfla” includes a group of leaders who manage the entire gang structure and serve as a decision-making board. According to some informants, the “ranfla” is divided into two sub-

¹⁵ UNHCR, ‘Eligibility Guidelines’ (p14), March 2016, [url](#).

¹⁶ FIU, ‘The New Face of Street Gangs: ...’ (p4), February 2017, [url](#)

¹⁷ FIU, ‘The New Face of Street Gangs: ...’ (p4), February 2017, [url](#)

¹⁸ UNHCR, ‘Eligibility Guidelines’ (p14), March 2016, [url](#).

¹⁹ UNHCR, ‘Eligibility Guidelines’ (p14), March 2016, [url](#).

²⁰ Canadian IRB, ‘Information Gathering Mission Report - Part 1’ (s4.2), September 2016, [url](#)

structures: one that is formed by leaders serving time in the national prisons, and the other which is comprised of principals operating on the street.’²¹

6.1.6 A September 2017 paper by Douglas Farah, a visiting Senior Fellow at the National Defense University’s Center for Complex Operations, and Kathryn Babineau, a Research Coordinator (Farah and Babineau) reported that ‘MS 13 is divided into neighborhood structures called clicas, which are grouped into programas that respond to the ranfla, or national leadership, in each country. Each clica has responsibility for its own economic needs, as well as payments to the central leadership, meaning that each clica and each programa is different.’²²

6.1.7 Insight Crime and CLALS report provided a graphic of MS structure.²³

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6.2 Barrio 18

6.2.1 In its March 2016 Eligibility Guidelines, UNHCR explain that

‘[Barrio 18] B-18 is believed to be slightly smaller than its arch-enemy, the MS, but it is also considered to be less sophisticated and more undisciplined, “trigger-happy” and unpredictable. Even so, B-18 reportedly has a loose hierarchy in which its imprisoned palabreros (or tabos or ranfleros) coordinate the criminal activities of the gang and give the orders to the palabreros on the street and authorize relevant activities, such as increases in extortion demands.’²⁴.

6.2.2 The IRBC IG gangs report explained that ‘The Barrio 18’s lowest organizational unit are the canchas, and these are organized into tribus. The top echelon of the gangs is called the ranfla, who is usually in prison, as prisons are gangs’ operations centres where the leadership is located.’²⁵

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Section 7 updated: 3 December 2019

7. Gangs’ size and reach

7.1 Size

7.1.1 In its March 2016 Eligibility Guidelines, UNHCR observed, based on a number of sources, that ‘Each local gang is reported to have its own active membership that can range in size from a handful to a hundred or more initiated “soldiers” under the leadership of senior members (palabreros).’²⁶ It also estimated that ‘[a]cross most of the departments that make up the territory of El Salvador, many hundreds of local street gangs are reported to operate in both urban and rural zones, with between 30,000 and 60,000 active members in total’.²⁷

²¹ FIU, ‘The New Face of Street Gangs: ...’ (p5), February 2017, [url](#)

²² Farah and Babineau, ‘The Evolution of MS 13 ...’ (p59), 14 September 2017, [url](#)

²³ Insight Crime-CLALS, MS13 (p33), February 2018, [url](#)

²⁴ UNHCR, ‘Eligibility Guidelines’ (p14), March 2016, [url](#).

²⁵ Canadian IRB, ‘Information Gathering Mission Report - Part 1’, September 2016, [url](#)

²⁶ UNHCR, ‘Eligibility Guidelines’ (p11), March 2016, [url](#).

²⁷ UNHCR, ‘Eligibility Guidelines’ (p10), March 2016, [url](#).

7.1.2 The IRBC IGR on gangs of September 2016, based on a number of sources, noted:

'Information about the number of gang members in El Salvador varies. According to La Nación, a newspaper based in San José, Costa Rica, there are between 30,000 and 60,000 gang members in El Salvador. [...] However, La Prensa Gráfica reports that, according to a survey undertaken by the Ministry of Justice and Public Security (Ministerio de Justicia y Seguridad Pública) in 184 out of the 262 municipalities in the country between 2012 and 2013, there are about 29,325 gang members and 87,975 people with "affiliation" to gangs, for a total of 117,300 people associated with gangs.'²⁸

7.1.3 International Crisis Group, in a November 2018 report, estimated that 'Together, [MS-13 and the two factions of Barrio 18: the Revolutionaries and the Southerners] count around 65,000 members, according to police records.'²⁹ Human Rights Watch, in their World Report 2019 (covering events of 2018), cited what they described as 'widely reported figures' to conclude there were 'approximately 60,000 gang members'³⁰.

7.1.4 In its March 2016 Eligibility Guidelines, UNHCR explained that 'The gangs are reportedly assisted by many "anonymous" voluntary or involuntary collaborators in the territories where they operate, including family members and younger children from the neighbourhood, who are not gang members but act as lookouts, help to collect and launder extortion money and perform other tasks, and who sometimes collect a salary from the gang.'³¹

7.1.5 UNHCR noted that 'The authorities estimated that in 2013 there were 470,000 people affiliated with the gangs in El Salvador, as family members, friends or others; by mid-2015 this figure had risen to between 600,000 and 700,000 people (i.e. 10 per cent of the population).'³² Abby Córdova of the University of Kentucky, in a paper drafted in November 2017, noted that 'Data also indicate that almost half a million people in El Salvador have close ties to gang members, including their relatives and friends' and that, from these statistics, 'approximately 7 percent of the population may be directly or indirectly associated with gangs in El Salvador.'³³

7.1.6 Similarly the UN Special Rapporteur extrajudicial execution, stated:

'There are two main gangs operating in the country, with an unverified, estimated total of 60,000 members, mostly young men: the Mara Salvatrucha, comprising an estimated two thirds of gang members, and two factions of 18th Street (Barrio 18). A possible reorganization of the gang landscape appears to be under way with the emergence of splinter groups. Some sources suggest that the support base of the gangs includes some 500,000 people (almost 8 per cent of the total population). However, the

²⁸ IRBC, IGR gangs (section 4), September 2016, [url](#)

²⁹ ICG, 'Life Under Gang Rule in El Salvador' (p.4), November 2018, [url](#)

³⁰ HRW, 'World Report 2019', 17 January 2019, [url](#),

³¹ UNHCR, 'Eligibility Guidelines' (p11), March 2016, [url](#).

³² UNHCR, 'Eligibility Guidelines' (p12), March 2016, [url](#).

³³ Córdova (LARR), 'Living in Gang-Controlled ...' (Background...), 16 November 2017, [url](#)

Special Rapporteur was also told that anyone living in gang territory has little choice but to cooperate with them.³⁴

- 7.1.7 International Crisis Group, in a November 2018 report caveated their estimated numbers of gang members by adding ‘many more people – some 500,000 all told – depend on the gangs for their livelihood.’³⁵ Adding that ‘The gang social support base rises to 500,000 people – almost 8 per cent of total population – including sympathisers and former members, or calmados (gang lexicon for those who have desisted from gang activities).’³⁶

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7.2 Territorial presence

- 7.2.1 In their March 2016 Eligibility Guidelines, UNHCR explained that the gangs ‘... are usually based in poor or lower middle-class urban or rural zones, sometimes comprised of just a single neighbourhood (colonia) or a few such neighbourhoods. However, despite a culture of identification with their home territory, these gangs are also considered capable of great mobility and can rapidly expand their influence to nearby neighbourhoods. They may also relocate to new neighbourhoods to seek refuge from offensives against them by the security forces or other gangs. Similarly, while physical reference points such as streets, streams and graffiti or markings often mark the dividing lines between gang territories, these boundaries can reportedly also shift literally overnight as one gang pushes into, or disputes, the territory of another.’³⁷

- 7.2.2 The IRBC IG gangs report of September 2016, based on range of sources, noted:

‘The territorial presence of gangs has increased significantly in recent years and the control they exert in communities has become stronger. The Office of the Ombudsperson for the Defence of Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) indicated that, even though the gang phenomenon was mostly urban in the 1990s and early 2000, currently gangs are also present throughout the country, including in rural areas where they recruit young people and carry out their activities. The Executive Director of Fundación Cristosal (Fundación Cristosal) explained that, based on information provided by the PNC, territorial presence of gangs is distinguishable by: "areas of influence," comprising places where the gang is not necessarily present but where they undertake activities in the interest of the gang; "areas of presence," where gang members are physically present and undertake their activities; and "areas of control," where gangs exercise full control of the daily life of its inhabitants.

‘Gangs exert their influence all over the country. [...] Authorities have lost control over territory to gangs, as the latter decide who enters and who leaves from neighbourhoods.[...] Gangs are very vigilant in controlling their

³⁴ UNHRC, SR extrajudicial execution report 2018 (para 64), 7 December 2018, [url](#)

³⁵ ICG, ‘Life Under Gang Rule in El Salvador’ (p.4), November 2018, [url](#)

³⁶ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p.8), Dec 2017, [url](#)

³⁷ UNHCR, ‘Eligibility Guidelines’ (p10), March 2016, [url](#).

territories and they question whoever enters these territories. [...] According to El Faro, people in El Salvador know which gang exerts its influence in the neighbourhood in which he or she lives.³⁸

- 7.2.3 In an article published in March 2019, National Geographic commented ‘Gangs, though present in nearly all the country’s municipalities, gravitate toward urban areas where commerce concentrates and extortion opportunities are greater.’³⁹ While in a November 2018 report, International Crisis Group described gangs as being active in 94% of El Salvador’s 262 municipalities⁴⁰. Similarly, Human Rights Watch, in their World Report 2019 covering events of 2018, cited what they described as ‘widely reported figures’ indicated that gangs were ‘present in at least 247 of the country’s 262 municipalities.’⁴¹

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7.3 Capability

- 7.3.1 International Crisis Group, in a December 2017 report, commented, ‘In light of El Salvador’s size and population, the extent of gangs’ territorial presence, as well as its armed power, has no equal anywhere in the world. The country has the largest number of active gang-members in the region, an estimated 60,000, which exceeds the approximately 52,000 Salvadoran police and military officers’.⁴²
- 7.3.2 In their March 2016 Eligibility Guidelines, UNHCR explained that ‘By late 2015, the B-18 and MS affiliated gangs were reportedly more heavily armed than ever, with assault rifles and military hardware commonplace’.⁴³ This growing military sophistication ‘is increasingly transforming the affiliated local gangs into a force that can combat the State and hold territory.’⁴⁴

See also [Control of territory](#)

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Section 8 updated: 31 January 2020

8. Characteristics of gang members

8.1 Gang membership profile

- 8.1.1 In their March 2016 Eligibility Guidelines, UNHCR explained that Gangs in El Salvador are ‘predominantly male and largely composed of youth and young adults, although senior members are often older.’⁴⁵ According to a February 2017 research by Florida International University, 90.5% of the 1,196 gang members surveyed by their research team were male⁴⁶.

³⁸ IRBC, IGR gangs (section 4), September 2016, [url](#)

³⁹ National Geographic, March 2019, [url](#)

⁴⁰ ICG, ‘Life Under Gang Rule in El Salvador’ (p3), November 2018, [url](#)

⁴¹ HRW, ‘World Report 2019’, 17 January 2019, [url](#),

⁴² ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p8), Dec 2017, [url](#)

⁴³ UNHCR, ‘Eligibility Guidelines’ (p16), March 2016, [url](#).

⁴⁴ UNHCR, ‘Eligibility Guidelines’ (p17), March 2016, [url](#).

⁴⁵ UNHCR, ‘Eligibility Guidelines (p11)’, March 2016, [url](#).

⁴⁶ FIU, ‘The New Face of Street Gangs: ...’ (p17), February 2017, [url](#)

- 8.1.2 International Crisis Group, in a December 2017 report, commented that 'The typical profile of a gang member in El Salvador is a young male around 25 years old, born to a low-income, often broken family, who joined the gang at the age of fifteen. According to a March 2017 survey of over 1,000 jailed gang affiliates, most members came from marginalised neighbourhoods, and 70 per cent lived on less than [US]\$250 a month. The same study suggested that some 94 per cent do not have a secondary education; over 80 per cent have never held formal employment; and more than half come from families that had suffered a break-up.'⁴⁷
- 8.1.3 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, in a report published in December 2018 of a visit to El Salvador in February 2018 (UNSR extrajudicial execution report 2018) where she spoke to a range of sources noted that 't]he typical profile of a gang member is a young male, on average 25 years old, usually from a low-income family and recruited at around the age of 15'⁴⁸.

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8.2 Recruitment strategies and reasons for joining

- 8.2.1 The IRBC IG gangs report of September 2016, based on a range of sources, noted:

'Recruitment into gangs usually starts as early as 11 years old,[...] but gangs use children as young as 8 years old as look-outs (postes) to call the gangs on cellphones when the police or non-residents are entering the neighbourhood. [...] They also use children to collect extortion payments, [...] to eavesdrop on people, or to do other chores for the gang in exchange for a few dollars.[...] The PDDH [Office of the Ombudsperson for the Defence of Human Rights] further indicated that gangs use children and young people to commit crimes such as drug dealing on the street, theft, threats, and murder. Gangs target children from poor and broken families, or who live with their grandparents, children who have relatives in the US, or, those who have psychological problems or mental disabilities. [...] Recruitment takes place in local communities [...] and schools.[...]

'During the mission, sources provided different views on whether recruitment was forced or voluntary. Sources indicated that there are cases of people who are reportedly forced to collaborate with gangs under the penalty of being killed or having family members killed in reprisal.[...] However, the Union of Public Education Teachers of El Salvador (Sindicato de Maestras y Maestros de la Educación Pública de El Salvador, SIMEDUCO) described recruitment as "half-forced and half-voluntary," as there are parents that perceive the gang as a "role model" for their children. For example, there are parents who feel privileged that a gang member "chooses" their daughter over others, because she will have social status and will have better living conditions. Also, children who avoid gang involvement are marginalized, humiliated and bullied, whereas a child who becomes involved with gang members becomes part of their circle of protection and will begin to build a reputation in the community. In this way, recruitment is "voluntary." However,

⁴⁷ ICG, 'El Salvador's Politics of Perpetual Violence' (p9), Dec 2017, [url](#)

⁴⁸ UNHRC, SR extrajudicial execution report 2018 (para 65c), 7 December 2018, [url](#)

as children spend time with gangs and become increasingly involved, later on, they will have no choice but to join, or feel obliged to join, hence, recruitment is also in a sense, "forced." [...] El Faro and the Foundation for the Study of Applied Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD), indicated that recruitment is "voluntary" in the vast majority of cases. There are many children and youth who want to become part of a gang because involvement in such activity is perceived to bring access to the criminal economic benefits associated with it, as the gangs are both respected and feared inside their communities. [...] Youth perceive the gangs as an opportunity to overcome poverty; they admire the gangs and their lifestyle [...] to the point of giving their lives for the gang. [...] El Faro indicated that young males perceive that being a gang member brings social status and admiration.

'To avoid being recruited by gangs, those parents who can afford it send their children to private schools. Those who cannot afford to do so are forced to remain indoors in their houses without the possibility to go to school, work, or play on the street, so as not to risk being harmed by gangs. [...] Foundation Cristosal indicated that the same happens to displaced families with children who arrive in a new neighbourhood. According to SIMEDUCO, this is more prevalent for boys than girls.'⁴⁹

8.2.2 UNHCR's Eligibility Guidelines of March 2016, based on a number of sources, observed that

'Recruitment by gangs of local children and youth – particularly boys but sometimes also girls – reportedly starts from an early age. Efforts by gangs to recruit new members from the children and youth have reportedly seen a significant increase since the early 2010s. New members are reportedly often required to prove their value through acts of violence, despite their young age. Girls are reportedly increasingly targeted from a young age by gangs with demands to become "wives" or girlfriends of gang members. The refusal to join a gang or to collaborate with its members by a child or youth and/or their family is reportedly usually interpreted as a challenge to the gang's authority or as a ground for suspicion of some rival affiliation, resulting in threats and violence directed against the child or youth and/or their family members. Even if the child leaves the area where the gang operates, family members who remain there reportedly may continue to face threats and violence.'⁵⁰

8.2.3 According to a February 2017 research paper by Florida International University, 'The main reasons for joining the gang still revolve around the excitement of gang membership. Nearly 46% of the population interviewed said that they joined the group because they liked to hang out with other youth and gang members, while 16.7% contended that the group provided them with close friends and "brothers.'" The same paper noted that only 4.4% of those surveyed identified that they had been forced to join'⁵¹.

8.2.4 An IDMC report of September 2018 noted

⁴⁹ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (section 4), September 2016, [url](#)

⁵⁰ UNHCR, 'Eligibility Guidelines' (p.36), March 2016, [url](#).

⁵¹ FIU, 'The New Face of Street Gangs: ...' (p40), February 2017, [url](#)

'Gangs target the poorest children with lower education levels, and those not in school are particularly vulnerable to recruitment.

'Young people and children are forcibly recruited into gangs, with boys targeted from the age of ten. Children fall under the age of criminal responsibility, they are easy to target because they do not have a developed sense of right and wrong, and they are often happy with small rewards such as sweets and toys. Some have attributed the phenomenon to postwar family breakdown, but vulnerability is linked more to socioeconomic factors and the susceptibility of young people who are not in education or employment.'⁵²

8.2.5 The same source further noted:

'Women and girls are also recruited into or join gangs, but they are more commonly subjected to sexual abuse, which is widespread. Gang members and others may call these women novias or girlfriends, and some women willingly engage in sexual relationships, but it tends to be a forced or coerced involvement, particularly when underage girls are involved. Girls are subjected to rape and sexual abuse, effectively becoming gang members' sexual slaves, and they may be forced into sexual activity with the entire *clika* or gang cell. Girls aged 12 to 15 are the most vulnerable, but some are groomed from as young as ten...

'Young men and boys are particularly vulnerable to threats associated with forced recruitment, but young women and girls may also be targeted. Young people who refuse to join a gang are threatened, and may be terrorised into collaborating out of fear. Children may be sent away to relatives to avoid their forced recruitment, or entire families may leave because the initial threat is extended to them all. Disappearances associated with forced recruitment may also trigger the displacement of the whole family.'⁵³

8.2.6 In its November 2018 report ICG observed 'Boys aged twelve and older are prime targets for recruitment. Girls can also be targeted at an early age, either to join the gang or to become sex slaves.'⁵⁴

8.2.7 The UNSR IDPs report 2018 noted

'Internal displacement has a considerable impact on access to education. Schools in some localities are no longer considered safe spaces for children, teachers are threatened, gangs operate within and around some school facilities where they recruit children, expose them to gang-related criminal activities, and identify girls as sexual targets for gang members. The Special Rapporteur was informed that children could be stopped on their way to school by gang members and could be beaten or even killed for refusing to join or assist a gang.'⁵⁵

8.2.8 The UNSR extrajudicial execution report 2018 observed 'Young men face being forcefully recruited or killed by (rival) gangs for setting foot in the

⁵² IDMC, 'An Atomised Crisis ...' (p15 and 19), September 2018, [url](#)

⁵³ IDMC, 'An Atomised Crisis ...' (p23), September 2018, [url](#)

⁵⁴ ICG, 'Life Under Gang Rule in El Salvador' (p9), November 2018, [url](#)

⁵⁵ UNHRC, SR report on IDPS 2018 (para 22), 23 April 2018, [url](#)

wrong neighbourhood. Women and girls face femicide, rape and sexual exploitation, including as retaliation by gangs. Police and State officials assume that young people are gang members based on their place of residence.⁵⁶

See also [Targets of gang violence](#).

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8.3 Appearance

- 8.3.1 In their March 2016 Eligibility Guidelines, UNHCR explained that '[f]ollowing initiation, members traditionally identified themselves through gang-related tattoos and style of dress and appearance, although there is apparently a move now towards discouraging these visible practices as they also helped to identify members to the security forces.'⁵⁷
- 8.3.2 The Immigration and Refugee Board of Canada (IRBC) Information Gathering Mission Report (IGMR) on gangs under taken to El Salvador in April 2016 and published in September 2016, citing various sources, explained that 'In the past, it was sometimes obligatory to have a tattoo, while in other cases, gang members needed to earn a tattoo. Usually, gang members who are 30 years old or older are completely tattooed. Even though the use of tattoos has been decreasing in recent years to avoid being identified by authorities as gang members, gangs also use tattoos as a form of punishment for a mistake made by that member, or when his loyalty is questioned, for example, tattooing his face "to dissipate any doubt"⁵⁸
- 8.3.3 The same report noted:
'Sources indicated that, presently, gang members are more discrete in the way that they dress in order to avoid being detected by the PNC. Gang members tend not to wear loose clothes and Nike Cortez athletic shoes, as they had in the past, and rather, dress like any other person. According to El Faro, "there is no distinctive trait to indicate who is a gang member." SCIS [Society of Salvadoran Businesses and Industries] similarly indicated that some gang members "have the same appearance as middle class people." La PÁgina, a San Salvador-based newspaper, also indicates that, according to the PNC, there is a new generation of gang members that [translation] "dress 'normally' and represent the figure of the honest and correct citizen'⁵⁹
- 8.3.4 In its November 2018 report ICG described how '[m]edia reports about MS-13 and other maras depict the members bearing archetypal tattoos and speaking in trademark slang' but that '[n]ot all gang members are so easily identifiable.'⁶⁰
- 8.3.5 The UNHCR's Eligibility Guidelines of March 2016 noted that '[a] distinctive special vocabulary, hand signs and other body signs and even written codes

⁵⁶ UNHRC, SR extrajudicial execution report 2018 (para 7), 7 December 2018, [url](#)

⁵⁷ UNHCR, 'Eligibility Guidelines' (p11), March 2016, [url](#).

⁵⁸ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.4.1), September 2016, [url](#)

⁵⁹ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1', (s4.4.2) September 2016, [url](#)

⁶⁰ ICG, 'Life Under Gang Rule in El Salvador' (p.10), November 2018, [url](#)

are still apparently used by gangs in El Salvador.⁶¹ While the IDMC in a report of September 2018 suggested '[t]he lives of gang members and residents are affected by anything from curfews to rules determining clothing and haircuts.'⁶²

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Section 9 updated: 31 January 2020

9. Gangs' activities and impact

9.1 Overview

- 9.1.1 The IRBC IGR on gangs of September 2016, based on a range of sources, observed that '... some of the crimes committed by gangs include homicide, extortion, forced recruitment, forced disappearances, street-level drug trafficking (narcomenudeo), threats, and carjacking.'⁶³
- 9.1.2 The US Overseas Security Advisory Council crime and safety report of April 2019 noted gangs 'concentrate on street-level drug sales, extortion, arms trafficking, murder for hire, carjacking, and aggravated street crime.'⁶⁴ The USSD human rights report for 2018 similarly noted '[o]rganized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of murder, extortion, kidnapping, human trafficking, intimidation, and other threats and violence...'⁶⁵
- 9.1.3 The UN Special Rapporteur on the human rights of internally displaced persons noted in April 2018, based on a visit to El Salvador in August 2017, (UNSR IDP report 2018) that:
- 'Salvadoran gangs, known as maras, carry out numerous criminal activities, including robbery, drug dealing, gun sales, prostitution, murder and human trafficking. They are not generally involved in the international trafficking of drugs. Evidence indicates that much of their criminal income is derived through extortion, often small scale and localized in nature and affecting even the smallest business, such as local bus operators, while even the largest businesses may also pay the gangs. Demands are made to business operators often with the threat of "pay or die". Gang-related violence is estimated to cost El Salvador some [US]\$4 billion a year, according to a study [...] by the country's Central Reserve Bank, with up to 70 per cent of businesses facing extortion. Nevertheless, other than some gang leaders, most gang members are young people from poor communities; their criminal activity usually nets them only a small income, which keeps them in relative poverty.'⁶⁶
- 9.1.4 The UNSR extrajudicial execution report 2018 observed that gangs are responsible for

⁶¹ UNHCR, 'Eligibility Guidelines' (p11), March 2016, [url](#).

⁶² IDMC, 'An Atomised Crisis ...' (p19), September 2018, [url](#)

⁶³ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.5), September 2016, [url](#)

⁶⁴ US OASC, Crime and Safety Report 2019, 25 April 2019, [url](#)

⁶⁵ USSD, Human rights report 2018 (Executive summary), March 2019, [url](#)

⁶⁶ UNHRC, UNSR IDPs (para 6), 23 April 2018, [url](#)

‘... (b) The extraction of “revenue”, which is largely territorially based and consists of small-scale extortion of small businesses [...]

‘[t]he commission of a range of serious and pervasive violations within the territories they control and sometimes beyond:

‘(i) Sexual violence and exploitation, including rape, of women and girls;

‘(ii) Restrictions on freedom of movement and forced internal displacement;

(iii) Forced recruitment of children, including through control over schools;

(iv) Control over the public transport system, including its forced paralysis through threats and killings.

‘Killings are an integral part of their [gang] exercise of control and power.’⁶⁷

9.1.5 The UNSR also observed that ‘[t]here was no indication that gangs have an ideological basis or political programme.’⁶⁸

9.1.6 The UNSR additionally noted:

‘No one [of the sources met during her visit to El Salvador] suggested that the threshold of a non-international armed conflict or an insurgency had been crossed. The Special Rapporteur agrees with this view. However, she also points to troubling developments, such as the official discourse regarding gangs, the militarization of police functions, State reliance on counter-terrorism legislation and extensive imprisonment of gang members.

‘Whether or not gangs have displaced State control and governance, or merely filled a vacuum remains open to debate. What is in little doubt is the fear they generate among the population through widespread violence. The Office of the Human Rights Advocate has concluded that in view of their capacity for territorial control, gangs can be considered as having enough power to systematically violate the human rights of a large number of the population, including violations of the right to life, health, personal integrity and security, property and freedom of movement, as well as a range of economic, social and cultural rights, including to work and education.’⁶⁹

9.1.7 Human Rights Watch, in its annual report on events in 2019, noted that gangs ‘enforce their territories’ borders and extort and gather intelligence on residents and those transiting, particularly around public transport, schools, and markets.’⁷⁰

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9.2 Control of territory

9.2.1 In their March 2016 Eligibility Guidelines, UNHCR explained that ‘Gangs are reported to exercise extraordinary levels of social control over the population of their territories (and, to a lesser extent, over other territories where they practise extortion)’⁷¹ The same source further explained

⁶⁷ UNHRC, SR extrajudicial execution report 2018 (paras 65e and 65f), 7 December 2018, [url](#)

⁶⁸ UNHRC, SR extrajudicial execution report 2018 (para 65(f)(i)), 7 December 2018, [url](#)

⁶⁹ UNHRC, SR extrajudicial execution report 2018 (paras 66-67), 7 December 2018, [url](#)

⁷⁰ HRW, World report 2020 (El Salvador), January 2020, [url](#)

⁷¹ UNHCR, ‘Eligibility Guidelines’ (p12), March 2016, [url](#).

'Gangs in El Salvador reportedly perceive a wide range of acts by residents of the area under the gang's control as demonstrating "resistance" to their authority. Acts commonly construed as challenging a gang's authority reportedly include but are not limited to: criticizing the gang; refusing a request or "favour" by a gang member; arguing with or looking mistrustfully at a gang member; refusing to participate in gang activities or to join the gang; rejecting the sexual attention of a gang member; having (perceived) links with a rival gang or a zone controlled by a rival gang; refusing to pay extortion demands; wearing certain clothing, tattoos or other symbols; participating in civil, religious or other organizations viewed as undermining the gang's authority; and passing on information about the gang to rivals, authorities or outsiders. In some cases, a stranger accidentally turning up uninvited in a gang zone is reportedly taken as a serious affront to the gang's authority. Persons who live in localities that serve as "invisible" boundaries between the territories of rival gangs, or where the control of one gang is being disputed by another gang, also face a heightened risk of being perceived (sometimes by both sides) as having links with the rival gang.'

9.2.2 The USSD human rights report 2018 noted

'The major gangs controlled their own territory. Gang members did not allow persons living in another gang's controlled area to enter their territory, even when travelling via public transportation. Gangs forced persons to present government-issued identification cards (containing their addresses) to determine their residence. If gang members discovered that a person lived in a rival gang's territory, that person risked being killed, beaten, or not allowed to enter the territory.'

9.2.3 An IDMC report of 2018 explained how

'Territorial control is central to gangs' powerbase and revenue streams such as extortion, and they create unofficial "borders" that limit residents' access to employment, education and healthcare. Local people are forbidden to work or access services in an opposing gang's territory or even to cross rival territory on their way. Such restrictions are reinforced by a strong communications network, with lookouts posted throughout the country who communicate by telephone and check people's identity.'

9.2.4 Human Rights Watch in their World Report 2019 covering events of 2018, described one of the gangs two main activities as 'enforce[ing] their territories' borders'

See also [Freedom of movement](#).

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9.3 Extortion

9.3.1 The IRBC IGR-gangs, citing various sources, noted

⁷² UNHCR, 'Eligibility Guidelines' (p29), March 2016, [url](#).

⁷³ USSD, Human rights report 2018 (s2d), March 2019, [url](#)

⁷⁴ IDMC, 'An Atomised Crisis ...' (p19), September 2018, [url](#)

⁷⁵ HRW, 'World Report 2019', 17 January 2019, [url](#).

'All businesses, from the street vendor to transnational companies, pay extortion, or "rent," to the gangs. The mission heard examples of extortion of teachers, students, telecommunication companies, municipalities, judicial workers, bus drivers, and businesses. Gangs also extort residents who are receiving remittances from abroad, and people who are successful in obtaining employment with higher pay'⁷⁶.

9.3.2 The IRBC report, citing various sources, also noted:

'InSight Crime also reports that small and medium-sized enterprises pay between US\$30 million and US\$60 million per month in extortions. [...]Some companies and small businesses hire negotiators to arrange the rates they must pay for extortion. [...] According to the Association of Salvadoran Bus Companies (Asociación de Empresarios de Autobuses Salvadoreños, AEAS), the concept of extortion is institutionalized in El Salvador in the sense that companies and businesses declare in income tax forms the amount they pay for extortion as business costs for "special collaboration," and that banks take into account the amount of extortion a client pays in order to calculate loans. In a 16 September 2016 correspondence with the Research Directorate, El Faro similarly indicated that items such as "operational costs" and "special collaborations" are used by companies to incorporate, in their formal financial accounts and tax returns, amounts paid for extortion.

'Methods used to extort people include sending a person, usually a minor, to hand over to the business owner or one of the employees, either a cellphone with a gang member on the line asking for the "rent," or a telephone number for the business owner to call, or a piece of paper with the extortion amount to be paid.'⁷⁷

9.3.3 In a September 2017 academic paper, Patrick J. McNamara (an Associate Professor from the Department of History at the University of Minnesota), explained that gangs' largest source of income was 'from extorting "protection" money (called renta/rent) from small business owners and individuals with relatives in the US'⁷⁸.

9.3.4 International Crisis Group, in a December 2017 report, explained how 'Gang revenues are drawn from extortion rackets and, to a lesser extent, drug-trafficking and sales. Gangs such the MS-13 gain up to [US]\$31.2 million per year from extorting 70 per cent of all the businesses in the territories where they are present.'⁷⁹ The same report also noted 'Most of their victims are small- and medium-sized business-owners, informal tradespeople and transport workers ...'⁸⁰

9.3.5 In a November 2018 report, International Crisis Group, noted

'In neighbourhoods throughout the capital, San Salvador, residents heading to work or school pass through an informal checkpoint where abandera – the term the gangs use for their young lookouts and errand runners – asks

⁷⁶ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.5.1), September 2016, [url](#)

⁷⁷ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.5.1), September 2016, [url](#)

⁷⁸ Refugee Survey Quarterly, McNamara, P, 'Political refugees...' (p6), 08 September 2017, [url](#)

⁷⁹ ICG, 'El Salvador's Politics of Perpetual Violence' (p9), Dec 2017, [url](#)

⁸⁰ ICG, 'El Salvador's Politics of Perpetual Violence' (p9), Dec 2017, [url](#)

everyone for a dollar. At many of the roadblocks, the bandera is barely eight years old. But most people fork over the money. Anyone who doesn't pay up might come to regret it later.

'Extortion at places of business is the bigger problem. At least once a week, older gang members, or mareros, come by every shop and vendor's stall in the neighbourhood market to collect the renta, or protection money, from merchants who can't afford their own security guards. Again, most shopkeepers pay. To defy the gangs is to court death.'⁸¹

9.3.6 An IDMC report of 2018 explained how

'Extortion is mainly demanded from businesses, but local residents may also have to pay "taxes" or renta to access their homes... Implicit risk starts as soon as someone is targeted to pay, and it rises if they are unable to pay or the renta charged increases. Those who refuse to pay are killed. Those forced to pay will be constantly harassed, and many have shut their businesses down because they find themselves working solely for the gangs' benefit. Drivers of public transport and commercial goods vehicles are systematically targeted, and many have been killed for refusing to pay or to enter certain areas'⁸²

9.3.7 The USSD El Salvador 2018 Human Rights Report noted 'Bus companies paid extortion fees to operate within gang territories, often paying numerous fees for the different areas in which they operated. The extortion costs were passed on to customers'⁸³.

9.3.8 Human Rights Watch, in their World Report 2019 (covering events of 2018), reported that the gangs 'extort and gather intelligence on residents and those transiting these areas, particularly around public transport, schools, and markets.'⁸⁴ A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America reported that '[e]xtortion is but one of the many criminal markets in the portfolio of both the MS13 and the Barrio 18'⁸⁵. The same paper described 'systematic extortion on a large scale in urban and rural areas by the MS13 and Barrio 18 gangs is the most common face of the crime and affects the highest number of victims. In El Salvador, the mere fact of living in gang-controlled areas can mean paying extortion money. This type of extortion is based on territorial control, reflected in the name it is given, 'the rent' (la renta) in El Salvador'⁸⁶

9.3.9 A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America included the following table showing reported extortion rates across different regions in El Salvador in 2017. According to the police, rates were highest in Sonsonate province at 36.7 incidents of

⁸¹ ICG, 'Life Under Gang Rule in El Salvador' (p3), November 2018, [url](#)

⁸² IDMC, 'An Atomised Crisis ...' (p19), September 2018, [url](#)

⁸³ USSD, Human rights report 2018 (s2d), March 2019, [url](#)

⁸⁴ HRW, 'World Report 2019', 17 January 2019, [url](#),

⁸⁵ Insight Crime and Global Initiative Project, '... Extortion in Central America' (p.10), May 2019, [url](#)

⁸⁶ Insight Crime and Global Initiative Project, '... Extortion in Central America' (p21), May 2019, [url](#)

extortion per 100,000 people and lowest in Chalatenago at 15 incidents per 100,000⁸⁷.

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9.4 Definition of homicide

9.4.1 The internationally established definition of 'intentional homicide' is an 'unlawful death inflicted upon a person with the intent to cause death or serious injury'⁸⁸.

9.4.2 Insight Crime citing a report by the Spanish language newspaper, El Mundo, stated in July 2019 that '[t]he government of El Salvador says that its official homicide data will now [as of July 2019] no longer include instances involving confrontations with security forces, a move that makes it difficult to analyze the country's precarious security situation.' Insight Crime considered '[t]he decision to report incomplete homicide data appears to be a clear attempt to either paint a rosy picture of a security situation it is still trying to get under control, or to hide potential abuses carried out by the country's security forces.'⁸⁹

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9.5 Homicide numbers

9.5.1 A Freedom House report commenting on events in 2018 noted that 'police reported that there were roughly 3,300 homicides during the year, compared to about 3,900 in 2017, 5,300 in 2016 and 6,700 in 2015.'⁹⁰ The following table, based on a number sources (see footnotes) shows the murder rate by 100,000 inhabitants.

Year	Homicide rate
2015	103-104/100,000 inhabitants ^{91 92 93}
2016	81.2/100,000 inhabitants ^{94 95}
2017	60/100,000 inhabitants ^{96 97 98 99}
2018	50-51/100,000 inhabitants ^{100 101 102}

⁸⁷ Insight Crime and Global Initiative Project, '... Extortion in Central America' (p16), May 2019, [url](#)

⁸⁸ UNODC, Global homicide 2019 - Methodological annex (page i), undated, [url](#)

⁸⁹ Insight Crime, 'El Salvador to Omit Key Data...', 18 July 2019, [url](#)

⁹⁰ Freedom House, 'Freedom in the World 2019', El Salvador, 4 February 2019, [url](#)

⁹¹ OSAC, 'El Salvador 2019 Crime & Safety Report', 25 April 2019, [url](#)

⁹² ICG, 'Life Under Gang Rule in El Salvador', November 2018, [url](#)

⁹³ National Geographic, March 2019, [url](#)

⁹⁴ Insight News, 'InSight Crime's 2018 Homicide Round-Up', 22 January 2019, [url](#)

⁹⁵ OSAC, 'El Salvador 2019 Crime & Safety Report', 25 April 2019, [url](#)

⁹⁶ Insight News, 'InSight Crime's 2018 Homicide Round-Up', 22 January 2019, [url](#)

⁹⁷ OSAC, 'El Salvador 2019 Crime & Safety Report', 25 April 2019, [url](#)

⁹⁸ ICG, 'Life Under Gang Rule in El Salvador', November 2018, [url](#)

⁹⁹ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

¹⁰⁰ Insight News, 'InSight Crime's 2018 Homicide Round-Up', 22 January 2019, [url](#)

¹⁰¹ OSAC, 'El Salvador 2019 Crime & Safety Report', 25 April 2019, [url](#)

¹⁰² Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

- 9.5.2 The OASC crime and safety report for 2019 observed ‘[a]lthough the homicide rate has consistently declined since 2015’s high of 103 per 100,000 inhabitants, El Salvador continues to have the highest homicide rate in Latin America... Homicides accounted for 14% of all reported crime incidents in El Salvador in 2018.’¹⁰³
- 9.5.3 The Justice minister Rogelio Rivas was reported as having said that there were a total of 154 killings in July 2019 – down from 291 in July 2018¹⁰⁴. Insight Crime noted that ‘[i]n the first half of 2019, El Salvador recorded 1,407 murders – a 12.2 percent reduction on [2018]’¹⁰⁵. A 17 August 2019 article on the Canadian Global News website cited the justice minister as having said ‘the country’s homicide rate has fallen to about 4.4 killings a day since June [2019], about half of 2018 levels’¹⁰⁶.
- 9.5.4 The Star reported on 1 November 2019 that President Bukele stated that there were 112 homicides in October 2019 which was “‘the safest month since the peace accords [signed in 1992]...’”. The article went on to note ‘[i]f October’s rate holds, the country’s homicide rate could reach as low as 20 per 100,000, below Mexico’s.’¹⁰⁷ While, a summary report of an article in La Prensa Grafica of 2 January 2020 provided by BBC-Monitoring, noted that President Bukele announced that December 2019 was the ‘safest month’ since 1992. The summary noted ‘According to official government figures, December closed with 120 homicides, for an average of 3.87 per day. The newspaper added that number of violent deaths registered in El Salvador had continued to drop since the beginning of the Bukele administration on 1 June 2019.’¹⁰⁸

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9.6 Homicide: geographical trends

- 9.6.1 The US Overseas Security Advisory Council (OSAC), in it’s ‘El Salvador 2019 Crime & Safety Report’, noted that ‘[h]omicides are not uniform across the country. In 2018, the municipalities of San Salvador (13%), San Miguel (8%), Mejicanos (7%), Soyapango (6%), and Apopa (6%) were the top five municipalities as a percentage of all homicides. Together, the five municipalities registered 40% of crime, but only 22% of the country’s population.’¹⁰⁹
- 9.6.2 In an article published in March 2019, National Geographic commented ‘El Salvador reported 3,962 homicides in 2017 throughout its 262 municipalities. The homicide rate varies widely across the country but is generally higher in more densely populated municipalities where gang activity concentrates.’ The article also provided a map showing the rate of homicides per municipality in 2017, including municipalities with no homicides¹¹⁰.

¹⁰³ OSAC, ‘El Salvador 2019 Crime & Safety Report’, 25 April 2019, [url](#)

¹⁰⁴ Independent, ‘El Salvador’s ... first day without a murder for two years’, 2 August 2019, [url](#)

¹⁰⁵ Insight, ‘El Salvador’s Peaceful Month Not Due to Bukele Security Plan’, 5 August 2019, [url](#)

¹⁰⁶ Global News, ‘El Salvador’s murder rate falls...’, 17 August 2019, [url](#)

¹⁰⁷ The Star, ‘El Salvador’s Homicide rate drops sharply’, 1 November 2019, [url](#)

¹⁰⁸ La Prensa Grafica, ‘El Salvador: December 2019 “safest”...’, 2 January 2020, subscription only

¹⁰⁹ OSAC, ‘El Salvador 2019 Crime & Safety Report’, 25 April 2019, [url](#)

¹¹⁰ National Geographic, March 2019, [url](#)

- 9.6.3 The Brazilian thinktank [Igarapè Institute collated data](#) to show the homicide rate by state (and 4 key cities) in El Salvador in 2017 and 2018. The data also reveals variation across the country and rates in San Salvador almost twice the country average¹¹¹.

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9.7 Homicide: demographic trends

- 9.7.1 UNHCR's Eligibility Guidelines For Assessing The International Protection Needs of Asylum-Seekers From El Salvador, published March 2016 ('March 2016 Eligibility Guidelines'), based on a number of sources, observed that 'The vast majority of homicide victims are reported to be male and between the ages of 15 and 34. In this respect, it is notable also that El Salvador was recorded in 2012 as having the highest rate of homicide victims among children and adolescents aged 0 to 19 years per 100,000 population of any country in the world. Here again, a gendered division of the homicide victims is evident, with the homicide rate for boys at 42 per 100,000 and that for girls at 11 per 100,000. Homicide is the leading cause of death among adolescent boys in El Salvador.'¹¹²
- 9.7.2 The IRBC IG gangs report, citing various sources, noted in September 2016 that 'According to Dr. Gaborit, the homicide rate of children between 16 and 17 years of age is higher than other age groups in the country. The IML [Legal Medicine Institute] report on homicides in 2015 indicates that, out of the 6,656 homicides committed during that year, the highest age groups for minor children were children aged 17 (318 deaths), children aged 16 (191 deaths), and children aged 15 (123 deaths). The highest age groups among adults were people 20 year-olds (304 deaths), and 25 year-olds with (273 deaths)...'¹¹³
- 9.7.3 A coalition of stakeholders reporting the UN Human Rights Committee as part of the Universal Periodic Review of El Salvador 'noted that, in 2016, 12 per cent of homicide victims were minors and most victims were between the ages of 15 and 19.'¹¹⁴
- 9.7.4 The IRBC report of an information gathering trip to El Salvador in April 2016 (IRBC IGMR part 2 - 2016) based a range of sources noted:
'According to a 2016 article published by InSight Crime, El Salvador has the highest female murder rate in the world, with 8.9 homicides per 100,000 women in 2012 compared to 6.3 homicides per 100,000 women in Colombia, 5.3 in Brazil and 4.8 in Mexico. [...] The Salvadoran Institute for the Development of Women (Instituto Salvadoreño para el Desarrollo de la Mujer, ISDEMU) indicated that in 2014, one woman was murdered every 40 hours and that in 2016, on average, one female was killed every 18 hours in the first four months. CEMUJER [Norma Virginia Guirola De Herrera Institute for Women's Studies] indicated that, in 2016, a woman is killed every 10 hours and a woman is sexually assaulted every 3 hours. A report on

¹¹¹ Igarape, 'Homicide Monitor', undated, [url](#)

¹¹² UNHCR, 'Eligibility Guidelines' (p8), March 2016, [url](#).

¹¹³ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.5), September 2016, [url](#)

¹¹⁴ UN HRC, Stakeholders' summary (para 29), 21 August 2019, [url](#)

situation of violence against women in El Salvador published by ISDEMU states that, according to the data compiled by the National Civil Police (Policía Nacional Civil, PNC), the Office of the Attorney General (Fiscalía General de la República, FGR), and the Legal Medicine Institute (Instituto de Medicina Legal, IML), there were 1,062 violent deaths of women registered between January 2012 and June 2015. The same report notes that, between January and June 2015, the rate of violent women's deaths was 6.73 per 100,000 inhabitants. [...] Several interlocutors noted that violence against women and domestic violence are underreported in El Salvador.’¹¹⁵

9.7.5 The UNSR extrajudicial execution report 2018 observed:

‘The Special Rapporteur notes with concern that El Salvador continues to register alarmingly high numbers of femicides. According to the National Women’s Institute, in 2017 a woman was killed every 18.7 hours. The departments with the highest rates of femicide are San Salvador, San Miguel, La Paz and Sonsonate. While the classification of murders as femicide increased in 2017, the numbers remain scattered and vary from one institution to another and, more importantly, seldom reach the sentencing stage. [...]

‘Many killings constituting femicide are still registered only as homicide or “violent death of women”. The lack of a unified systematization of data makes it difficult to grasp the magnitude of these killings. According to the National Women’s Institute, between January 2015 and June 2017 1,299 killings were registered as “violent deaths of women”, 846 of which were classified as femicide. The National Women’s Institute also indicated that in the same period, 1,626 investigations were opened into cases of homicide of women, of which 855 were registered as femicide. Of those cases, 177 resulted in conviction (59 for femicide) and 75 in acquittal (18 for femicide).’¹¹⁶

9.7.6 The OASC crime and safety report for 2019 noted ‘[f]emales accounted for 11% of all homicide victims in 2018.’¹¹⁷

9.7.7 See also Targets of gang violence, [Women and girls](#) below.

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9.8 Homicides committed by gangs

9.8.1 The ICG report of December 2017, based on a range of sources, observed in referring to the high murder rates:

‘How many of these murders can be attributed to gang violence is in dispute. But by 2012, the predominant role of gang violence in the overall number of homicides had become much clearer. During the first months of negotiation with the gangs, killings fell by 40 per cent. This sudden drop suggested that by 2012 gang leaders had sufficient power over local branches to reduce killings sharply nationwide.[...] Disappearances have also become a grave concern, even though no public institution in El Salvador systematically

¹¹⁵ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 2’ (s4.2), September 2016, [url](#)

¹¹⁶ UNHRC, SR extrajudicial execution report 2018 (paras 70-71), 7 December 2018, [url](#)

¹¹⁷ OSAC, ‘El Salvador 2019 Crime & Safety Report’, 25 April 2019, [url](#)

tracks these cases: between 2010 and 2016, the prosecutor's office received 23,000 reports of disappearances, and the police 11,252.[...]¹¹⁸

9.8.2 The UNSR extrajudicial execution report 2018 observed: 'A large number of the killings, officially two thirds but other sources suggest an even higher proportion, are attributed to gangs. Moreover, the percentage of murders allegedly attributed to the police increased from less than 1 per cent in 2010 (11 out of 4,004 homicides) to almost 5 per cent in 2015 (328 out of 6,656 homicides) and more than 10 per cent in 2017 (412 out of 3,954 homicides).'¹¹⁹

9.8.3 The UN SR also noted in her report that gangs use homicide as a deliberate strategy to target certain groups as evidenced by:

'(i) The large statistical disparity between the highs and lows in gang homicides, suggesting a high level of organized determination as to who should be killed, when and where;

'(ii) A spike in killings, and widespread targeting of specific individuals seen as representative of the State: police and military personnel, prison guards, public electricity company workers and personnel from the judicial branch and their families. Human rights organizations and public officials speak of a systematic strategy against agents of the State in response to, or as a precursor of, the Government's war against gangs. Official figures show a sharp increase from 13 killings of security personnel in 2013 to 60 in 2017;

'(iii) The increase in the alleged number of armed confrontations between opposing gang members and security personnel. According to official data, the number of armed confrontations increased from 256 in 2014 to 407 in 2016. While the official description of some of those clashes may be questioned, gangs themselves have reportedly claimed responsibility for the increase in armed confrontations.'¹²⁰

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9.9 Disappearance

9.9.1 A Freedom House commenting on events in 2018 noted that 'the number of disappearances increased to over 3,500 in 2018—about 200 more than the previous year', opining that it 'rais[ed] questions about whether homicides had actually been reduced.'¹²¹

9.9.2 Insight Crime similarly observed:

'And while homicides may be on the decline in El Salvador, disappearances are up. The 3,514 disappearance cases registered by the Attorney General's Office in 2018 were more than the number of homicides recorded that year. [Alluding to the government's change in how it records homicides – see Definition of homicide above] Those later found to be dead, including in

¹¹⁸ ICG, 'El Salvador's Politics...' (p11), 17 December 2017, [url](#)

¹¹⁹ UNHRC, SR extrajudicial execution report 2018 (para 5), 7 December 2018, [url](#)

¹²⁰ UNHRC, SR extrajudicial execution report 2018 (para 65f), 7 December 2018, [url](#)

¹²¹ Freedom House, 'Freedom in the World 2019' El Salvador, 4 February 2019, [url](#)

clandestine graves — a tactic used by the country's gangs in the past — would not be included under the government's new homicide records.'¹²²

9.9.3 The IRBC IG gangs report, citing various sources, noted in September 2016 that

'El Faro indicated that gangs use violence as a means of communication. In some cases gangs want a particular killing to appear in news media in order for the public to know about the incident. However, if the target or victim does not have a high profile, the gang would prefer to "disappear" him or her. Reasons for "disappearing a person" include: infidelity of a female partner, being a family member of a gang member from an opposite gang, suspicion of being a PNC informant, and not paying extortion. [...]

Elsalvador.com, a San Salvador-based electronic newspaper, similarly reports that, according to the General Attorney Office (Fiscalía General de la República, FGR), some of the motives to disappear a male person include: being a member of another gang, or if he is not a gang member, filing a complaint with the police, having an affair with a woman who is the partner of a gang member, or [translation] "running into problems with gangs." [...] The article also indicates that reasons to disappear a woman include: infidelity, speaking badly about gang members, not paying a visit to imprisoned gang members, not reporting all the money derived from the collection of the "rent" or from selling drugs on the street, or hanging out with members of the opposing gang.[...]

'According to El Faro, in gang culture, killing a woman does not confer "status" on the gang member, explaining why almost half of the victims who have been disappeared and subsequently found buried in clandestine graves are women. Elsalvador.com reports that, according to Salvadoran authorities, of the 172 disappearances that were reported between 1 January and 22 February 2015, 71 percent of the victims were males. The same authorities also indicated that disappearances are more committed against males than females. [...] According to statistics provided by El Faro, before the truce there were around 600 cases of disappearances, but in 2013 the number rose to around 1,100, in 2014 to 2,300, and in 2015 to 2,600. Elsalvador.com reports that, according to statistics provided by the PNC, as of 31 December 2014, 2,392 people were reported as disappeared, of which 456 were found alive and 93 were found dead.[...]'¹²³

9.9.4 The UNSR extrajudicial execution report 2018 observed: 'The Special Rapporteur also received troubling information about increased numbers of enforced disappearances of women (and men), which may be indicative of a higher than reported murder rate, as many disappearances culminate in killings. It is concerning that this number may be underreported owing to a lack of complaints lodged for fear of reprisals.'¹²⁴

9.9.5 Human Rights Watch in its annual report on events in 2019 noted:

'In 2018, the FGR [Fiscalía General de la República; Prosecutor General of the Republic of El Salvador] registered 3,664 victims of disappearance,

¹²² Insight Crime, 'El Salvador to Omit Key Data...', 18 July 2019, [url](#)

¹²³ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s4.5), September 2016, [url](#)

¹²⁴ UNHRC, SR extrajudicial execution report 2018 (para 72), 7 December 2018, [url](#)

abductions, and unexplained missing person cases, including 1,218 women and at least 24 boys and 29 girls. The 2018 figures included suspected abductions by criminal gangs and other cases in which people have gone missing in unexplained circumstances. Since 2010, the police have registered over 10,800 such cases. Because very few cases are investigated, knowledge of perpetrators is limited.¹²⁵

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9.10 Displacement

9.10.1 The IRBC IGMR on gangs of September 2016 based on a range of sources noted:

'Internal forced displacement is a growing problem.[...] Sources stated that internal forced displacement is not recognized by the state.[...] According to APES [Association of Salvadoran Bus Companies], this phenomenon is only noticed when there is a large group of people being displaced, but not at the individual level. A report produced by the Internal Displacement Monitoring Centre (IDMC) indicates that, as of the end of 2014, there were 288,900 people internally displaced in the country.[...] However, in contrast, according to Dr. Gaborit, internal displacement is a phenomenon that has not been studied in depth and its dimension is unknown. He also gave the opinion that internal displacement has been overstated and "it certainly does not amount to more than 100,000 people as some studies indicate." The Human Rights Institute of the Central American University "José Simeón Cañas" (Instituto de Derechos Humanos de las Universidad Centramericana "José Simeón Cañas," IDHUCA) indicated that it has documented 30 cases of internal displacement between 1 January and 20 April 2016.

'Internal displacement is due mainly to gangs.[...] It is also caused by actions of the PNC and the army.[...] Sources indicated that displacement is kept "secret" by victims as they want to avoid being re-victimized.[...] Even though some churches provide shelter to internally displaced people, the situation was characterized by those affected as that of "confinement," as displaced people are responsible for their own protection and must not leave the church, in order to avoid detection by the agents of persecution.[...]'¹²⁶

9.10.2 The UNSR IDP report 2018 observed:

'The phenomenon of internal displacement is characterized by numerous and dispersed displacement of individuals and families from different localities due to localized acts of violence, threats or intimidation, rather than mass displacement as may be witnessed during internal conflicts, for example. Consequently, the actual number of those affected by internal displacement is hidden as victims seek anonymity and, for some, routes out of the country to find safety elsewhere. Tracking the numbers and internal displacement trends is therefore extremely difficult and statistical quality data is vital to reveal the full extent of the problem, including not only the numbers of those affected, but their circumstances, locations, vulnerabilities and

¹²⁵ HRW, World report 2020 (El Salvador), January 2020, [url](#)

¹²⁶ IRBC, 'Information Gathering Mission Report - Part 1...' (section 6), September 2016, [url](#)

protection issues. This is essential to begin to find effective solutions for many hidden and anonymous victims.

‘There is a striking disparity between government figures on those internally displaced by violence and those of civil society and international organizations and clarity is urgently required. While some international organizations have put numbers displaced by violence in the tens or even hundreds of thousands[...] (while recognizing the need for caution due to the challenges in gathering accurate data), the Government, through the Ministry of Justice and Public Security, informed the Special Rapporteur that the numbers of internally displaced persons were only in the hundreds and that the problem had been massively overstated.’¹²⁷

9.10.3 The UNSR on IDPs report 2018 also noted

‘Civil society sources suggested that the number of cases of internal displacement reported to the authorities, including the police and the public prosecutor’s office, is extremely low in comparison with the number of actual cases... Many keep a deliberately low profile and are located with host families or friends or in rented accommodation and are therefore difficult to locate and reach with information or assistance. In view of the nature of their displacement due to threats or violence, many are thought to seek to hide their locations and blend into urban centres in which they can be anonymous and invisible to the gangs who threaten them and the authorities. This makes gaining access to them by the authorities or humanitarian organizations extremely difficult.

‘The 2016 report on forced displacement by the organizations that compose the Civil Society Round Table against Forced Displacement by Generalized Violence and Organized Crime in El Salvador shows that forced displacement affects men and women to a similar degree. Among men and boys, the group most affected by forced displacement are those in the 18–25 age range, followed by those in the 0–11 age range. Among women and girls, those most affected are girls between the ages of 0 and 11 years, followed by women between the ages of 18 and 55.[...] A similar situation of vulnerability affects the lesbian, gay, bisexual, transgender and queer population, which represents an additional vulnerability factor, either by direct attacks motivated by discrimination or hatred and/or where it is an additional risk factor for the violence suffered by the victims.’¹²⁸

9.10.4 The IDMC’s undated El Salvador page commented that:

‘The primary cause of displacement in El Salvador is widespread gang and criminal violence, but accurate and timely evidence of the phenomenon is scant and piecemeal. The government has been reluctant to acknowledge its existence and does not systematically collect comprehensive data. Natural hazards, the most common of which are floods, also cause displacement, but official figures are significantly lower than in neighbouring countries.

‘There were an estimated 246,000 new displacements linked to criminal violence in 2018. Due to the lack of data on displacement movements, this

¹²⁷ UNHRC, SR report on IDPS 2018 (paras 11 and 12), 23 April 2018, [url](#)

¹²⁸ UNHRC, SR report on IDPS 2018 (paras 15 and 16), 23 April 2018, [url](#)

estimate is based on an extrapolation of a representative survey. An additional 4,700 new displacements triggered by flooding and earthquakes were also recorded.’¹²⁹

9.10.5 The US CRS report of August 2019 based on a range of sources observed:

‘Gang-related violence has fueled internal displacement and irregular emigration. In August 2016, El Salvador’s civil roundtable against forced displacement attributed more than 85% of internal displacement to gang activity. In 2018, El Salvador recorded 246,000 newly internally displaced persons, the most of any country in Latin America that experienced displacement linked to conflict and violence.[...] The government recently has acknowledged the phenomenon but struggled to address the needs of those fleeing violence. A 2018 study found that the probability that an individual intends to migrate is 10-15 percentage points higher for Salvadorans who have been victims of multiple crimes than for those who have not.[...]’¹³⁰

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9.11 Other criminal activities

9.11.1 ICG’s December 2017 report added ‘Unlike their peers in Honduras, Salvadoran gangs do not have direct business control over parts of the drug trade, but have sub-contractual relationship with narco-traffickers, who employ them sporadically as muscle in some operations’¹³¹. In a November 2018 report, International Crisis Group explained how the gangs ‘coerce, threaten and kill.’¹³²

9.11.2 The IRBC IG gangs report of September 2016 noted:

‘The level of violence at schools is serious and gangs intimidate teachers, administrative staff and students. According to SIMEDUCO [Union of Public Education Teachers of El Salvador], many youth at public schools have ties to gangs either directly or through a family member.[...] School principals are ordered by the gangs which students must be admitted to school, and who is not to be admitted. Also, teachers have to consider carefully whether to discipline a student, as they often must consider whether that student is related to a gang member. SIMEDUCO stated that most of the teachers who have been killed were those who were perceived as "very strict." [...]

‘Teachers are also forced by students with gang connections to hide weapons inside their desks in case of police appearance at the school, and to give the student the grades that he or she demands. Without providing the specific details about perpetrators, the SIMEDUCO gave the following statistics regarding killings of students and teachers: in 2014, 38 students and 9 teachers were killed; in 2015, 75 students and 15 teachers were killed; and from 1 January to 20 April 2016, 20 students and 5 teachers were killed.’¹³³

¹²⁹ IDMC, El Salvador country page (Overview), undated, [url](#)

¹³⁰ US CRS, ‘El Salvador: Background and U.S. Relations’ (ps7-8), 14 August 2019, [url](#)

¹³¹ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p10), Dec 2017, [url](#)

¹³² ICG, ‘Life Under Gang Rule in El Salvador’, November 2018, [url](#)

¹³³ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 1’ (s4.5), September 2016, [url](#)

9.12 Socio-economic costs

9.12.1 The Economist, reported the findings of an unpublished paper by Nikita Melnikov and María Micaela Sviatschi of Princeton and Carlos Schmidt-Padilla of the University of California, Berkeley, which ‘sought to measure how MS-13 and Barrio 18 have affected Salvadoreans’ lives’. The article noted:

‘[The paper]... shows that gangs do not just thrive in poor places—they also seem to make people in those places poorer.

‘The paper looks first at San Salvador, the capital. In 2015 El Diario de Hoy, a newspaper, used data from the security ministry and from its own deliveries to map areas under gang control. Members in these zones extort fees from residents and charge entry tolls. Sometimes MS-13 and Barrio 18 seize turf from each other, but the authors say the outer borders of gang areas have changed little since the early 2000s.

‘A census from 1992, when the civil war ended, shows no socioeconomic divide at the fringes of today’s gangland. But by 2007, in the only subsequent census, a gap had emerged in residents’ education and quality of housing, exactly at the borders shown on the map of 2015. Because gang boundaries may be blurry, the scholars also compared areas a few blocks from the mapped limits. The results were the same.

‘To check if this divide still persists, the scholars conducted a poll. Respondents who lived on gang turf reported less than half the income of those outside. They were also less likely to say they worked outside their neighbourhoods or for large firms, which might explain why they were poorer.

‘Finally, the paper analysed night-time light levels, a proxy for economic activity. Focusing on regions with below-average brightness... Before the gangs arrived, light emissions grew at a similar rate in both groups. From 1995 to 2013, the increase was 33% smaller in the afflicted zones.

‘Quantifying exactly how much gangs have stunted development is tricky. Adrian Bergmann of El Salvador University says that the share of investment that goes to poor, gang-prone areas has fallen since the 1990s, another possible cause of the disparity. Nonetheless, the bulk of the data suggests that gangs inflict far more harm than just committing crimes. Little wonder so many Salvadoreans want to flee them.’¹³⁴

10. Targets of gang violence

10.1 Overview

10.1.1 The USSD human rights report for 2018 noted: ‘Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes ... directed against police,

¹³⁴ The Economist, ‘The wrong side of the tracks...’ 11 January 2020, [url](#)

judicial authorities, the business community, journalists, women, and members of vulnerable populations.’¹³⁵ The UNSR extrajudicial execution report 2018 observed that gang killings are ‘part of a deliberate strategy targeting, inter alia, rival gang members, women and girls, individuals resisting extortion or complaining about them, and representatives of public services.’¹³⁶

10.1.2 The IDMC report of September 2018, based on various sources, noted:

‘El Salvador’s street gangs each have their distinct modus operandi, which affect people’s security before and after they flee from them. The MS gang is highly organised and hierarchical. Orders come from above, even if they may be applied inconsistently, and it may be able to pursue people effectively after they flee. The 18 gang [Barrio 18] on the other hand is more disorganised, its members can indulge in extortion and threats without authorisation, and its overall conduct is chaotic.

‘Men aged 18 to 35 are the most vulnerable to gang-related killings, and the intentional homicide rate for this group exceeds 300 per 100,000 in some parts of the country. Women and men are affected differently by gang activity, and children and adolescents are particularly vulnerable to recruitment and to sexual exploitation. People who refuse to join a gang, try to leave one or refuse to comply with its demands are highly vulnerable to extreme reprisals. Those suspected of belonging to or associating with a rival gang, or having friends or family who do so, face persecution and extrajudicial execution by gang members and death squads supported by state acquiescence or complicity.[...]¹³⁷

10.1.3 The IDMC report also noted:

‘Direct threats may be linked to forced recruitment, failure to pay extortion money or submit to other demands, or a perceived act of *traición* or betrayal. The murder or attempted murder of a relative or act of aggression against them constitutes an indirect threat rather than a growing risk in the community more broadly. The act itself constitutes an implicit threat, but an explicit threat or order to leave may also follow.[...]

‘Threats may arise because of what someone has or hasn’t done, but also because of who someone is. People who are particularly vulnerable in this sense include members of the security forces and others targeted because of their work, members of the LGBT community, and people with past or current links to gangs, including former prisoners, those who have left gangs and the partners and relatives of gang members. These should be understood as people whose presence is an affront to gangs or is perceived to violate gang code, and people whose identity is constructed by having committed or having the potential to commit acts perceived as resistance or betrayal.’¹³⁸

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¹³⁵ USSD, Human rights report 2018 (Executive summary), March 2019, [url](#)

¹³⁶ UNHRC, SR extrajudicial execution report 2018 (paras 65f), 7 December 2018, [url](#)

¹³⁷ IDMC, ‘An atomised crisis...’ (ps22-23), September 2018, [url](#)

¹³⁸ IDMC, ‘An atomised crisis...’ (ps22-23), September 2018, [url](#)

10.2 Gang members

10.2.1 In their March 2016 Eligibility Guidelines, UNHCR explained that

‘Once initiated into a gang, members must follow the rules established by their palabreros. The violation of different rules is reported to lead to different punishments, commonly serious beatings or death. Lifelong loyalty to the gang is required and those who desert or cooperate with the security forces or rival gangs are reported to be routinely pursued and killed by their own gang as a punishment’¹³⁹

10.2.2 A IDMC paper of 2018 noted ‘Código, or gang code, dictates how anyone associated with the gang must behave. “They want control, obedience, silence. If that doesn’t happen they will kill you.”’¹⁴⁰ A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America reported that ‘The gangs also kidnap and murder local rivals, ...’¹⁴¹ While the FCO’s travel advice noted that ‘Violence between gangs is common and targets are usually rival gang members...’¹⁴²

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10.3 Businesspeople

10.3.1 The UNHCR Eligibility Guidelines assessed

‘Extortion is reportedly the lifeblood of most local gangs in El Salvador and the refusal to pay extortion demands is usually construed by gang members as a serious act of resistance to the authority of the gang itself. Individuals who refuse to pay extortion demands – or who delay in meeting their “quotas” because they are unable to pay – are reportedly subjected to threats and violence against them, as well as against their employees, business partners and family members. The threats and violence reportedly swiftly escalate with any continuing delay or refusal to pay, with persons in these circumstances reportedly commonly being killed by the gangs. Persons found by the gangs to have reported extortion demands to the authorities are also reportedly subjected to severe retribution.’¹⁴³

10.3.2 A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America, referencing a 2015 paper by Insight Crime, explained that ‘Faced with increasing legal actions against them, the gangs sought more money to pay for lawyers and cover other costs associated with trials and jail time. The result was a concerted effort to move from occasional to more systematic and permanent extortion, targeting principally small businesses, the public transport sector and eventually delivery services’¹⁴⁴.

10.3.3 A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America suggested that ‘People who have informal businesses, such as street vendors and sex workers, or legal small

¹³⁹ UNHCR, ‘Eligibility Guidelines’ (p11), March 2016, [url](#).

¹⁴⁰ IDMC, ‘An Atomised Crisis ...’ (p19), September 2018, [url](#)

¹⁴¹ Insight Crime and Global Initiative Project, ‘... Extortion in Central America’ (p10), May 2019, [url](#)

¹⁴² FCO, ‘Travel Advice: Safety and security’, updated 17 June 2019, [url](#)

¹⁴³ UNHCR, ‘Eligibility Guidelines’ (p31), March 2016, [url](#).

¹⁴⁴ Insight Crime and Global Initiative Project, ‘... Extortion in Central America’ (p10), May 2019, [url](#)

businesses, such as shops, are easy targets for the gangs. They usually have to pay a weekly, twice monthly or monthly extortion fee. The extent of gangs' territorial control allows the system to go after large companies too, although not all business sectors are equally affected.¹⁴⁵

- 10.3.4 The same paper added 'The transport industry was one of the first to be subjected to extortion. [...] In El Salvador, gangs now target the owners of bus companies, extorting from them larger payments in a process that is more efficient and less work-intensive for the gangs.'¹⁴⁶

See also [Extortion](#)

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10.4 Public sector workers

- 10.4.1 The UNSR extrajudicial execution report 2018, following the SR's visit to El Salvador in February 2018, observed that gangs committed extrajudicial killings included

'... widespread targeting of specific individuals seen as representative of the State: police and military personnel, prison guards, public electricity company workers and personnel from the judicial branch and their families. Human rights organizations and public officials speak of a systematic strategy against agents of the State in response to, or as a precursor of, the Government's war against gangs. Official figures show a sharp increase from 13 killings of security personnel in 2013 to 60 in 2017.'¹⁴⁷

- 10.4.2 In their March 2016 Eligibility Guidelines, UNHCR noted 'In some zones, MS cliques have reportedly been ordered to locate and monitor police officers living in their territory and to kill a specified number, with officers from special police units as a priority and prosecutors and other judicial officials to be targeted if no police officers are found.'¹⁴⁸

- 10.4.3 International Crisis Group, in a December 2017 report, noted 'the Salvadoran police have come under increasing pressure as it seeks to deal with demands to combat violent crime and armed attacks from gangs. The National Civil Police has 28,000 officers, around 90 per cent of whom come from humble social backgrounds, and the average salary is [US]\$424 per month. This forces many to live in gang-controlled areas, usually neighbourhoods with lower rents, putting them and their families at risk'¹⁴⁹.

- 10.4.4 An IDMC report of September 2018 noted that

'Members of the police, military and private security forces are at risk of threats, violence and displacement because of their work. Low-ranking police officers are poorly paid, so they tend to live in areas where gangs are active, which heightens the risk they and their partners and families face.

'This leads to some reaching "hazard agreements" with gangs in their community, under which they agree to leave each other in peace. Former

¹⁴⁵ Insight Crime and Global Initiative Project, '... Extortion in Central America' (p22), May 2019, [url](#)

¹⁴⁶ Insight Crime and Global Initiative Project, '... Extortion in Central America' (p22), May 2019, [url](#)

¹⁴⁷ UNHRC, SR extrajudicial execution report 2018 (paras 65(f)(ii)), 7 December 2018, [url](#)

¹⁴⁸ UNHCR, 'Eligibility Guidelines' (p17), March 2016, [url](#).

¹⁴⁹ ICG, 'El Salvador's Politics of Perpetual Violence' (p5), Dec 2017, [url](#)

members of the security forces are targeted for recruitment because of their expertise in weapons, and current members are also subjected to threats and pressure to collaborate, although the dynamics may be changing as gangs' enmity toward the police increases.

'Members of the security forces and their families members are at risk of being killed, either because of specific problems with gangs or simply because of their work, and attacks have increased since the failure of the truce and political discourse in 2014 and 2015'¹⁵⁰

10.4.5 A Freedom House report on El Salvador published on 4 February 2019 noted that gangs 'continue to target members of security forces and their families.'¹⁵¹ In a November 2018 report, International Crisis Group reported 'Police officers always wear a gorro navarone, or face-covering balaclava, scared that gang members will come after them and their families'¹⁵².

10.4.6 A March 2019 article by the Washington Post noted

'Many units in the Salvadoran police are forbidden to wear balaclavas to conceal their identities. In anti-gang units, officers are allowed to wear such masks during operations, but they are frequently asked to testify in court, where they must show their faces and identify themselves by name while gang members look on.

'In 2017, El Salvador's attorney general, Douglas Meléndez, urged the government to do more to protect off-duty police, asking the parliament to pass a "protection law" for police and soldiers that would also provide funding to protect their families. The law was never passed.'¹⁵³

10.4.7 The same March 2019 article by the Washington Post noted 'Members of the Salvadoran police have been killed by the dozens in each of the past three years, most in attacks that investigators and experts blame on MS-13'¹⁵⁴ The USSD El Salvador 2018 Human Rights Report noted 'As of October 25 [2018], alleged gang members had killed 21 police officers [in 2018].'¹⁵⁵ A March 2019 article by the Washington Post noted 'At least nine officers were killed in the first month of this year [2019]'¹⁵⁶. The FCO's travel advice (updated 17 June 2019) noted that 'Violence between gangs is common and targets [include]... the military and police.'¹⁵⁷

10.4.8 The IRBC IGMR of September 2016 based on a range of sources noted:

'... forensic technicians responsible for removal and collection of deceased victims occasionally pay a "rent" of around US\$5, cigarettes or alcoholic beverages in order to enter a gang controlled territory to remove human remains. Coroners work up to 48 hours per week and when working until late at night, they must stay overnight at the IML, as it would be too dangerous to

¹⁵⁰ IDMC, 'An Atomised Crisis ...' (p24), September 2018, [url](#)

¹⁵¹ Freedom House, 'Freedom in the World 2019' El Salvador, 4 February 2019, [url](#)

¹⁵² ICG, 'Life Under Gang Rule in El Salvador' (p.6), November 2018, [url](#)

¹⁵³ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

¹⁵⁴ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

¹⁵⁵ USSD, 'Human rights report 2018' (s1a), March 2019, [url](#)

¹⁵⁶ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

¹⁵⁷ FCO, 'Travel Advice: Safety and security', 17 June 2019, [url](#)

travel to their neighborhood at that time. Gangs also threaten psychologists, social workers, educators, and probation officers when they enter gang-controlled communities.[...] According to CONASOJ [National Coordinating Committee of Unions and Associations of Workers in the Judiciary], the reason why gang members do not allow judicial workers to enter their territory is because they are seen as agents of the PNC. According to the CSJ-SP [Supreme Court of Justice, Criminal Chamber], "these workers live in permanent danger."¹⁵⁸

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10.5 Witnesses

10.5.1 In their March 2016 Eligibility Guidelines, UNHCR assessed

'Witnesses and victims of crimes committed by gangs and other organized criminal groups in El Salvador have reportedly been killed by the perpetrators to ensure their silence, even when they have not sought to formally denounce those crimes to the authorities. Those who do denounce the crimes, or who otherwise cooperate with the authorities against gangs or other organized crime groups as "informants", are reportedly pursued for their "betrayal", often along with their family members, even when placed in a witness protection programme. Persons giving evidence against corrupt members of the security forces have also reportedly been targeted and killed, even as protected witnesses.'¹⁵⁹

10.5.2 An IDMC report of September 2018 claimed that:

'Witnessing and reporting a crime, and achieving a successful prosecution present a continuum of risk with rising levels at each stage of the process. Reporting breaks the code of ver, oír y callar - see, hear and shut up – and often leads to death threats or even murder. Witnesses are also at risk because they may go on to report to, or cooperate with the authorities. They may also automatically be assumed to be informants. This means that even the initial level of risk is very high... Many victims and witnesses who have cooperated with the police or courts have been killed, and many more are too frightened to come forward.'¹⁶⁰

See also [witness protection](#)

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10.6 Women and girls

10.6.1 The US CRS report of August 2019, citing other sources, observed:

'Gang-related violence is part of a broader spectrum of violence in El Salvador that often affects women and children. Child abuse and spousal rape are major problems. According to a 2015 study, El Salvador had the highest rate of femicide (killing of women) in the world. Femicides have been linked to domestic disputes, gangs, and other crimes such as human trafficking; they resulted in the deaths of some 551 women in 2017. [...] A 2019 survey of Salvadoran women deported from the United States found

¹⁵⁸ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1...' (s5.2), September 2016, [url](#)

¹⁵⁹ UNHCR, 'Eligibility Guidelines' (p32), March 2016, [url](#).

¹⁶⁰ IDMC, 'An Atomised Crisis ...' (p23-24), September 2018, [url](#)

that violence, often gender-related, was the second-most frequent reason cited for having migrated to the United States. [...] There is a total ban on abortion, even in the case of rape or incest, and women in El Salvador have been imprisoned after suffering miscarriages that authorities have deemed illegal abortions. [...]'¹⁶¹

10.6.2 The UN Special Rapporteur on extrajudicial, summary and arbitrary executions in her report of a visit undertaken in February 2018 similarly observed that gang-related violations are part of a wider context of societal gender-based violence: 'El Salvador experiences high levels of generalized and pervasive interpersonal and sexual violence: every 19 hours a woman is killed and every 3 hours someone is sexually assaulted. In more than 70 per cent of cases, the victims are minors.'¹⁶²

10.6.3 The same source further noted:

'Women's bodies are a territory for revenge and control. Not one person interviewed denied the harsh reality for women in gang-controlled areas. Gangs are male-dominated and girls and women are often forced into sex slavery. Women are also killed or otherwise punished by gangs for revenge. The Special Rapporteur heard testimony about a gruesome case involving the brutal rape of two women by several gang members for having family members in the armed forces.'¹⁶³

10.6.4 The IRBC Information Gathering Mission Report (IGMR) on gangs of September 2016 based on a range of sources noted:

'El Faro indicated that women are not accepted as full members of gangs due to the masculine-centric attitudes prevalent in Salvadoran society, which also permeate the gangs. Women used to be full, recognized members of the gangs until 2000 when the gangs decided not to recruit more women, as they were perceived as the "origin of too many conflicts." [...] Women are considered to be a "property" by gangs, [...] and they are used for different purposes such as collecting money from extortion on behalf of members, to deliver drugs into penitentiaries, [...] and to be sex partners for imprisoned gang members. [...] If a woman or a girl does not visit an imprisoned gang member as ordered, or, if she is seen accompanied by other men, she, [...] or a member of her family [...] would be killed.[...] FESPAD [Foundation for the Study of Applied Law] indicated that gangs choose girls as early as 12 years old. Similarly, the Salvadoran Women's Organization for Peace (Organización de Mujeres Salvadoreñas por la Paz, ORMUSA) indicated that the gangs choose girls 15 years old or younger, and that girls as early as 12 years old are affected by sexual violence. Also, if a gang wants to kill another gang member and he cannot be found, the gang will kill his wife. [...]'¹⁶⁴

10.6.5 The IRBC IGMR on women of September 2016 based on a range of sources noted:

¹⁶¹ US CRS, 'El Salvador: Background and U.S. Relations' (ps14-15), 14 August 2019, [url](#)

¹⁶² UNHRC, SR extrajudicial execution report 2018 (para 6), 7 December 2018, [url](#)

¹⁶³ UNHRC, SR extrajudicial executions report 2018 (para 73), [url](#)

¹⁶⁴ IRBC, 'Information Gathering Mission Report - Part 1...' (section 4.5), September 2016, [url](#)

'InSight Crime, an organization that analyzes and reports on organized crime in Latin America and the Caribbean, [...] reports that, according to an official from the UN Office on Drugs and Crime (UNODC) official, "femicides linked to Central America's Mara gangs can be traced back to Los Angeles in the 1980s, where the Maras first arose. As the Maras developed, a new form of social cohesion arose – one which continues to be an essential trait of these groups today – in which the Maras became a gang member's true 'family,' while relatives became gang 'property' ...

"Consequently, during disputes between gangs, women are frequently caught in the crossfire, with girlfriends, sisters and mothers targeted by rival gangs. In many cases, female relatives of imprisoned Mara members make easy targets for revenge killings, as the males are unable to protect them.

"What's more, according to the Mara 'code of honour,' if a member betrays or abandons his own gang, their most vulnerable "possession" is attacked – which usually means the rape or murder of his sister or wife. [...]

'ORMUSA indicated that gang members control not only territories, but families living in those territories. Women are considered to be the "property" of gang members.[...] Women and girls are forced to become girlfriends (jainas) of gang members; they cannot say "no" to a gang member, or they would be killed. [...] There are cases of girls younger than 15 years old who are taken from their homes by gang members for 3 to 4 days, sexually abused and returned to their families. In some cases, mothers have to pay weekly extortion (renta) fees to gang members for them not to sexually abuse their daughters. Older women are forced to cook, clean and take care of the children of gang members. [...] According to the representative of ORMUSA [Salvadoran Women's Organization for Peace], young women are more affected by violence from gangs.

'Gang members who are in prison continue to control the lives of their girlfriends. [...] According to El Faro women are forced to smuggle drugs into prisons and to collect extortion, among other activities. [...] Women are obligated to visit gang members in prisons and they cannot be seen in a company of another man anywhere, otherwise they will be killed. [...] ORMUSA noted that, although men are imprisoned, the interlocutors gave the opinion that it is "impossible to break the cycle of violence against women" because of the high incidence of domestic violence and the difficulties for them to leave their neighbourhoods.'¹⁶⁵

10.6.6 The UNSR IDPs report 2018 noted:

'Street gangs pose a constant threat to young women and girls, who are particularly vulnerable to threats, intimidation and violence, including rape. Sexual violence by gangs is commonplace, and high levels of femicide have been recorded. The general risk to girls from the gangs leads many families to leave. For those who remain and become voluntarily or through coercion associated with gang activities, this can result in violence or prison for some. Women whom the Special Rapporteur met, some in secret safe houses, described their experiences of threats and violence by gang members, leading them to flee their homes... In 2016 alone, 524 women were killed,

¹⁶⁵ IRBC, 'El Salvador: Information Gathering Mission Report - Part 2' (s4.1), September 2016, [url](#)

according to the Institute of Forensic Medicine.[...] While not all deaths are attributable to gang violence and the incidence of domestic violence and killings are high, a significant percentage are gang related. The number of femicides noticeably decreased during the period of a gang truce negotiated with the Government from 2012 to 2013. After the truce broke down, during 2015 and 2016 the numbers almost doubled, with 573 and 524 cases, respectively. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, visited El Salvador in August 2016, and stated that gangs were responsible for forced disappearances, forced recruitment of children and for the subjugation of women, including forcing young women and girls to become gang members' sexual partners.[...]¹⁶⁶

10.6.7 An IDMC report of September 2018 noted the

'... extreme machismo of gangs dictates strict gender divisions. Some women are gang members and undertake regular activities, and others have administrative roles while male members are in jail. In general, however, women are viewed as subservient or "property", and gang members demand complete control over their bodies and lives.... Sexual violence and rape are used as punishment, including against female relatives of men who have offended gang members'¹⁶⁷

10.6.8 The same report also noted:

'Women and girls are also recruited into or join gangs, but they are more commonly subjected to sexual abuse, which is widespread. Gang members and others may call these women novias or girlfriends, and some women willingly engage in sexual relationships, but it tends to be a forced or coerced involvement, particularly when underage girls are involved. Girls are subjected to rape and sexual abuse, effectively becoming gang members' sexual slaves, and they may be forced into sexual activity with the entire clika or gang cell'¹⁶⁸

10.6.9 The IDMC report of September 2018 also noted

'Women and girls who have been sexually involved with a gang member are particularly vulnerable to risk and displacement if there is any change in their relationship, regardless of the extent to which their involvement was voluntary.

'[Women and girls] must follow the code of fidelity and obedience dictated by extreme machismo or be killed.

'Acts considered betrayal include wanting to leave the relationship, being unfaithful, arousing the suspicion of infidelity, talking to another man, refusing to visit the gang member in prison and having an unauthorised relationship after the death of their partner or the end of their association. Deaths in such cases tend to involve torture, and women's bodies are often found mutilated or dismembered.'¹⁶⁹

¹⁶⁶ UNHRC, UNSR IDPs report 2018 (paras 27-28), 23 April 2018, [url](#)

¹⁶⁷ IDMC, 'An Atomised Crisis ...' (p19), September 2018, [url](#)

¹⁶⁸ IDMC, 'An Atomised Crisis ...' (p20), September 2018, [url](#)

¹⁶⁹ IDMC, 'An Atomised Crisis ...' (p23), September 2018, [url](#)

10.6.10 The Kids in Need of Defense (KIND) report of 2017, based on interviews with migrant children from El Salvador, Guatemala and Honduras in the US and with members of civil society undertaken in 2016, noted:

‘Gangs kidnap, rape, or otherwise sexually assault, harass, and traffic girls, and force them into situations of sexual and domestic slavery.

‘Girls, including participants in this study, have told of being kidnapped by gang members and taken to abandoned buildings or other remote sites, sometimes for days or weeks, where they are raped by one or multiple gang members.[...] Gang members threaten to gravely harm or even murder victims and their families if victims disclose the abuse they experienced.[...]

‘Teenage girls are the most frequent targets of kidnapping and rape by gangs, but girls as young as eight and nine have been victims of sexual violence.[...] In some cases, boys have been targeted for sexual violence and torture by gang members.

‘The territorial dominance of gangs in many parts of El Salvador, Honduras, and Guatemala has also given rise to a specific form of violence, whose victims are referred to as “novias de pandillas” or “jainas” (gang girlfriends). Gang members force or coerce these girls and young women into a sexual relationship. In many cases a gang member approaches a girl and tells her that she will become his girlfriend, and if the girl refuses, the gang member threatens to sexually assault her or to harm or kill members of her family. In other cases girls feel compelled to enter into a relationship with a gang member to gain protection from sexual violence by other gang members, or to escape sexual or physical violence in the home.’¹⁷⁰

10.6.11 A March 2018 report in the Atlantic news site noted ‘While a majority of El Salvador’s homicide victims are young men from poor urban areas, the gangs’ practice of explicitly targeting girls for sexual violence or coerced relationships is well known. Since 2000, the homicide rate for young women in El Salvador has also increased sharply, according to the latest data from the World Health Organization. To refuse the gangs’ demands can mean death for girls and their families’¹⁷¹. While in an article published in March 2019, National Geographic commented ‘In 2017, 468 women were killed, one every 19 hours. Countless others are missing. One survey found that only six out of every hundred women would even report a rape, reflecting an overwhelming fear of gangs and the systemic betrayal by authorities, says Silvia Juárez of Ormusa, a group that works to stop violence against women.’¹⁷²

10.6.12 The US CRS report of August 2019, based on a range of sources, observed:

‘Women, children... often are targets of gang violence. [...] Gang initiations for men and women differ. Whereas men are subject to a beating, women often are forced to have sex with various gang members. Female gang members tolerate infidelity from their partners, but women may be murdered if they are unfaithful. Non-gang-affiliated women and girls have been murdered as a result of turf battles, jealousy, and revenge. Those who have

¹⁷⁰ KIND, ‘Neither Security nor Justice...’ (p5-6), circa 2017, [url](#)

¹⁷¹ The Atlantic, ‘El Salvador’s Gangs Are Targeting Young Girls’, 4 March 2018, [url](#)

¹⁷² National Geographic, ‘Inside El Salvador...’, March 2019, [url](#)

refused to help gangs or reported crimes are particularly vulnerable, as are those who are related to, or have collaborated with, the police. Harassment by gangs has led thousands of youth to abandon school, including some 39,000 in 2016.[...] In August 2017, prosecutors from a newly established specialized unit of the attorney general's office filed charges against eight gang members for murdering three transgender people.¹⁷³

10.6.13 An article by Vickie Knox, Lecturer in International Human Rights Law and Refugee Law, about gang violence in the 'northern triangle' - El Salvador Guatemala and Honduras - and in the Forced Migration Review (FMR), October 2019, noted:

'Street gangs use extreme sexual violence and femicide as vengeance against rivals, as a message to other gang members or as a punishment for people who have offended. Those forced to flee, however, may still be pursued and persecuted in displacement because their assailants have not been apprehended. The risks of being persecuted after displacement are increased if the violence is perpetrated by a gang member, especially if the victim reports the crime. This is likely to mean the risk will extend to their whole family and may then trigger cross-border flight.'¹⁷⁴

For information on forced recruitment, including of children, see [Recruitment strategies and reasons for joining](#).

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10.7 Lesbian, gay, bisexual, trans and intersex persons

10.7.1 The IRBC IGMR on women and sexual minorities of September 2016 based on a range of sources noted:

'Several interlocutors indicated that LGBTI persons in El Salvador are discriminated against, ill-treated, marginalized,[...] and persecuted.[...] The Salvadoran Red Cross indicated that social violence affects the LGBTI population. The LGBTI Justice Clinic (Asistencia Legal para la Diversidad Sexual/LGBTI, ALDES) stated that due to marginalization and discrimination, which includes family members and the society at large, LGBTI persons face obstacles when trying to access education at schools, employment, and health care. They also face obstacles accessing housing as landlords refuse to rent them a place.[...] The Among Friends Association noted that in order to secure employment, LGBTI individuals must hide their gender identity or sexual orientation. The Organization for the Promotion and Defense of Human Rights of LGBTI Persons (Organización para la Promoción y Defensa de los DDHH de la Población LGBTI, COMCAVIS-TRANS) similarly stated that transgender persons are four times more discriminated than women, and they also face problems when trying to access education, banking and credit, and employment in the private and public sectors. Employment for transgendered persons is limited, and is usually in sex work, and as street vendors and hairdressers. In 2015, three LGBTI persons committed suicide because of lack of family or state support. LGBTI persons are also the object of police ill-treatment and harassment, extortion, physical

¹⁷³ US CRS, 'El Salvador: Background and U.S. Relations' (p14), 14 August 2019, [url](#)

¹⁷⁴ Knox, Vickie; FMR, 'Gang violence, GBV and hate crime...' (ps61-62), October 2019, [url](#)

violence, sexual violence, and physical and psychological violence. They are also forced by gangs to smuggle illegal goods and drugs into prisons.[...]¹⁷⁵

10.7.2 The USSD human rights report 2018 that

‘The law prohibits discrimination based on sexual orientation or gender identity, which also applies to discrimination in housing, employment, nationality, and access to government services. Gender identity and sexual orientation are included in the criminal code provisions covering hate crimes, along with race and political affiliation. NGOs reported that public officials, including police, engaged in violence and discrimination against sexual minorities. Persons from the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community stated that the PNC, and the Attorney General’s Office harassed transgender and gay individuals when they reported cases of violence against LGBTI persons, including by conducting strip searches.’¹⁷⁶

10.7.3 The UNSR for IDPs noted in her report of April 2018 that:

‘Members of the lesbian, gay, bisexual, transgender and intersex community, particularly transgender women, are highly vulnerable to violence and hate crimes... Under such a threat of violence, many members of the community have been displaced internally, often on several occasions. The Special Rapporteur met transgender women who described threats, assassination attempts and intimidation by gangs, as well as by members of the police and military, and discrimination and abuse by all authorities. In one municipality, social media disseminated a message from a gang stating that every transgender person would be killed, leaving 14 people having to seek safety in San Salvador or abroad.

‘While some bodies, including the Counsel General’s Office, have reportedly shown greater openness to lesbian, gay, bisexual, transgender and intersex issues and concerns and a willingness to act, to date no specific protection mechanisms exist. Representatives noted that many in the lesbian, gay, bisexual, transgender and intersex community lack the resources to live in safer neighbourhoods and have no choice but to live in poorer gang affected localities. Transgender people sometimes seek relative safety by living together and establishing coping strategies. While no verified data exists, one community member stated that they had documented “between 600 and 700 homicide cases” against members of the lesbian, gay, bisexual, transgender and intersex community with over 500 transgender women killed. According to them, no cases have gone to court, no one has been prosecuted and few cases have been investigated. One case that was brought to court related to a gay man who was killed while visiting from the United States.’¹⁷⁷

10.7.4 The IDMC report 2018, based on a range of sources, noted

‘The rights of lesbian, gay, bisexual and trans (LGBT) people are not respected, and the community is deeply affected by stigma and violence. Discrimination and exclusion limits their access to education, work and

¹⁷⁵ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 2...’ (s5.1), September 2016, [url](#)

¹⁷⁶ USSD, Human rights report (s6), March 2019, [url](#)

¹⁷⁷ UN, SR for IDPs report 2018 (paras 29-30), April 2018, [url](#)

career opportunities. There is no comprehensive legislation to protect the LGBT community, nor any legal obligation for state actors not to discriminate against it. Anyone who does not appear to fit patriarchal gender norms is targeted, but most criminal attacks on LGBT people are against trans women, who live “a life of abuse that is a continuum of violence”.¹⁷⁸

10.7.5 IDMC report 2018 also noted:

‘LGBT people flee violence perpetrated by their families, gangs and the security forces. Trans women in particular suffer intersectional persecution, a situation that “the state promotes with its silence”.[...] The violence meted out by criminal gangs tends to be either because of their sexual orientation or gender identity, or general criminal violence used to force their collaboration.

‘LGBT people are not recruited into gangs, but may be made to collaborate in other ways. They may be forced to smuggle goods into prison, store weapons or drugs, undertake other criminal activities or give up a proportion of their earnings. If they refuse, they may receive death threats or be assaulted, which in turn may lead to their displacement.[...]

‘Displacement can also be provoked if a gang does not want LGBT people living in their territory.’¹⁷⁹

10.7.6 Human Rights Watch noted in its report covering events in 2019 that ‘LGBT individuals remain targets of homophobic and transphobic violence by police, gangs, and others.’¹⁸⁰

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10.8 General public

10.8.1 In their March 2016 Eligibility Guidelines, UNHCR noted that in areas controlled by gangs

‘... [non-gang citizens] are reportedly required to “look, listen and keep quiet” (“mirar, oír, callar”) and often face a plethora of gang-imposed restrictions on who they can talk with and what about, what time they must be inside their homes, where they can walk or go to school, who they can visit and who can visit them, what they can wear, and even, reportedly, the colour of their hair. It is equally forbidden for inhabitants to show “disrespect” for the gang, a subjective evaluation on the part of gang members that can reportedly encompass a multitude of perceived slights and offences, such as arguing with a gang member or refusing a request, resisting a child’s recruitment into the gang, or rejecting the amorous attentions of a gang member...

‘Persons who resist the authority of the local gang or who even just inadvertently cross it, or who collaborate with the security forces or with rival gangs, are reportedly subjected to swift and brutal retaliation from the gang. Not only are such persons killed by the gangs but their family members are often targeted as well. Moreover, especially in the current context of heightened confrontation, the gangs reportedly sometimes impose collective

¹⁷⁸ IDMC, ‘An Atomised Crisis ...’ (p16), September 2018, [url](#)

¹⁷⁹ IDMC, ‘An Atomised Crisis ...’ (p26), September 2018, [url](#)

¹⁸⁰ HRW, World report 2020 (El Salvador), January 2020, [url](#)

threats and punishments on whole communities – or parts of them – where they believe that the community bears some share of responsibility for the perceived infraction or disloyalty. This is reported to have generated group displacement events involving dozens of families from certain neighbourhoods.’¹⁸¹

10.8.2 A September 2018 IDMC report noted that ‘Strict compliance is also required from people living in the territory a gang controls. The absolute requirements are to be loyal, to ver, oír y callar or “see, hear and shut up” and to comply with demands.’¹⁸² The same paper contended that ‘any infraction - real or suspected – is punished with a severity the gang deems commensurate with the “offence”. Betrayal is punishable by death, while resistance may incur violence to force compliance or a credible death threat.’¹⁸³

10.8.3 International Crisis Group, in a November 2018 report, commented that ‘Gangs routinely confiscate houses in locations they see as “strategic” and turn them into casas locas (literally, “crazy houses”). If a family refuses to leave, they threaten all its members.’¹⁸⁴

10.8.4 The UNSR IDPs report 2018 noted

‘The Special Rapporteur was informed of the devastating and extraordinary impact of generalized and, in particular, gang-related violence on individuals, families and communities. Gangs control or dominate some, predominantly poor, territories and populations through threats, intimidation and violence and a culture of violence that infects whole communities and peoples’ everyday activities, movements, interactions and relationships. Killings are commonplace and extortion of individuals and small businesses is widespread and seen as a “tax” on local communities by the gangs. Many of those affected by extortion live in gang-affected neighbourhoods and consider that they simply have no choice but to pay or to flee their homes and neighbourhoods. Under threat from the gangs, individuals or whole families would simply disappear, leaving their homes abandoned or selling them cheaply if they could.’¹⁸⁵

10.8.5 The UNSR further noted:

‘Victims describe a daily life in which they negotiate with, and acquiesce to, criminal groups over basic aspects of their lives, such as freedom of movement, and whether and where to attend school and work, access medical care and seek justice. They also balance their safety and security against coercion by succumbing to blackmail, collaborating in criminal activity, submitting to sexual abuse and forced relationships and joining the ranks of criminal organizations themselves. Resistance can trigger threats and violence. Victims of violence and displacement faced stigmatization and discrimination based on their perceived association with criminal organizations.’¹⁸⁶

¹⁸¹ UNHCR, ‘Eligibility Guidelines’ (p12), March 2016, [url](#).

¹⁸² IDMC, ‘An Atomised Crisis ...’ (p19), September 2018, [url](#)

¹⁸³ IDMC, ‘An Atomised Crisis ...’ (p19), September 2018, [url](#)

¹⁸⁴ ICG, ‘Life Under Gang Rule in El Salvador’ (p6), November 2018, [url](#)

¹⁸⁵ UNHRC, SR report on IDPS 2018 (para 18), 23 April 2018, [url](#)

¹⁸⁶ UNHRC, SR report on IDPS 2018 (para 24), 23 April 2018, [url](#)

10.8.6 The UNSR IDPs report 2018 also stated:

‘Young people cannot lead normal lives in some gang-controlled neighbourhoods and it is virtually impossible to avoid exposure to gangs. Community members described being unable to let their children go out to play for fear that they would fall under the influence of gang members. Crossing from one gang-controlled neighbourhood to another could result in death for a young person if they move without care or permission. In other cases, the only way for them to stay safe is not to leave their homes at all. Simply living in a known gang neighbourhood could result in young people being suspected of being gang members or associated with them, and some described incidents of violence or intimidation by both the gangs and the police or military. One young woman stated: “It is a crime to be a young person in El Salvador today. It is dangerous to be young here.” This depressing sentiment was echoed numerous times, including by senior public officials.’¹⁸⁷

10.8.7 The US Department of Labor noted in its report on child labour in 2018, based a number of sources, that:

‘Children in El Salvador often lack economic and educational opportunities and are vulnerable to the worst forms of child labor, including commercial sexual exploitation. They are also recruited by gangs for illicit activities such as delivering threats, collecting extortion money, serving as surveillance, trafficking drugs, and committing homicides. [...] Children often emigrate to escape violence, extortion, and forced recruitment by gangs, in addition to seeking economic opportunities and family reunification... At schools, children are recruited, extorted, and harassed by gangs, which may cause them to stop attending school. Children who do not attend school are more vulnerable to child labor, including its worst forms. [...]’¹⁸⁸

For information on forced recruitment, including of children, see [Recruitment strategies and reasons for joining](#).

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Section 11 updated: 3 December 2019

11. Government anti-gang policy and law

11.1 Overview - security policies: 2003 – 2019

11.1.1 The UNSR extrajudicial report 2018 summarised the general government approach to handling the high levels of violence and gang-related crime:

‘Since the beginning of the twenty-first century, successive Governments have followed a mano dura (iron fist) strategy against gangs, with the exception of a two-year “truce” between 2012 and 2014. Over the years, security strategies have followed similar approaches: mass incarceration, militarization of policing and privatization of security. Those policies do not appear to have delivered tangible results and may actually have made

¹⁸⁷ UNHRC, SR report on IDPS 2018 (para 20), 23 April 2018, [url](#)

¹⁸⁸ US DoFL, Child labor report 2018 (El Salvador), September 2019, [url](#)

matters worse by failing to address the root causes of violence and the strength of the gangs.’¹⁸⁹

11.1.2 The UNSR also noted, however, in the same report:

‘... there are a number of positive government responses and due diligence initiatives that deserve to be highlighted. They include Plan El Salvador Seguro, Yo Cambio, a rehabilitation programme for detainees, and Jóvenes con Todo, a youth programme providing learning, training and employment opportunities. All of these testify to the appetite, at least among some officials and sectors of society, for alternatives to repressive measures and a focus on root causes. [...] The Special Rapporteur was also impressed by the establishment of the National Council on Citizen’s Security and Coexistence, a multi-stakeholder coordinating body, as a demonstration of commitment to transparency and international scrutiny.’¹⁹⁰

11.1.3 The specific plans or strategies adopted by different government since the early 2000s include:

- Mano Dura (‘Iron Fist’, 2003) - ‘... launched in October 2003, and included joint operations by the police and the military known as “anti-gang task forces”. The Anti-gang Bill, approved in December 2003, provided a temporary legal framework for the plan, criminalising gang membership and allowing detention of underage suspects.’
- Plan Súper Mano Dura (‘Super Iron Fist Plan’, 2004-2009) - ‘... incorporating prevention and rehabilitation plans... “Helping Hand” (Mano Amiga) and “Extended Hand” (Mano Extendida) – identified priority communities and targeted at-risk youth and jailed gang members with special programs. However, lack of investment, delays in implementation and the low number of participants minimised their impact’.
- The gang truce (2012 -2014) – ‘in essence a ceasefire agreement between the largest gangs starting in March 2012 after the government transferred some of their leaders from maximum security prisons to less restrictive facilities.’
- ‘New Measures’ including the Safe El Salvador Plan (Plan El Salvador Seguro) (2015 – 2019)¹⁹¹ (see below).
- Territorial Control plan (June 2019-) (see below)

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11.2 The Safe El Salvador Plan (PESS)/‘Extraordinary Measures’

11.2.1 The Safe El Salvador Plan (Plan El Salvador Seguro) was first published in January 2015, and launched in July 2015¹⁹². It contains 124 action points¹⁹³ which are a mix of short-, medium-, and long-term¹⁹⁴ in 5 streams:

¹⁸⁹ UN, SR extrajudicial execution report 2018 (para 10), 8 December 2018, [url](#)

¹⁹⁰ UN, SR extrajudicial execution report 2018 (paras 12 and 13), 8 December 2018, [url](#)

¹⁹¹ ICG, ‘El Salvador’s Politics...’ (ps15-17), 17 December 2017, [url](#)

¹⁹² UN, UNSR IDPs report 2018 (para 39), 23 April 2018, [url](#)

¹⁹³ IDMC, ‘An Atomised Crisis ...’ (p18), September 2018, [url](#)

¹⁹⁴ EC, ‘Action Document for the “Apoyo al Plan El Salvador Seguro - PESS”’, 30 October 2017, [url](#)

- violence prevention;
- criminal prosecution;
- rehabilitation and social reinsertion;
- the protection and assistance of victims; and
- institutional strengthening^{195 196}

11.2.2 The plan ‘also aim[ed] to curb the influence of criminal gangs in prisons, improve prison conditions and opportunities for rehabilitation, and ensure that victims of crime are supported and can obtain justice and reparation.’¹⁹⁷

11.2.3 The IRBC IGMR on gangs of September 2016 noted:

‘The National Council for Citizens' Safety and Coexistence (Consejo Nacional de Seguridad Ciudadanía y Convivencia, CNSCC) was created by the government in September 2014 to [translation] "improve policies and national plans in the areas of justice and public safety". It is comprised of state agencies, local governments, churches, the media, private enterprises, political parties, several civil society organizations and the international community. The CNSCC developed the Plan Safe Salvador (Plan Salvador Seguro) which is composed of five "axis" (i.e. violence prevention, penal prosecution and control, rehabilitation and reinsertion, assistance and protection to victims, and institutional strengthening) and 124 "priority actions" to deal with violence and criminality, guarantee access to justice, and provide protection to victims of crime. The Plan is focused on 50 out of 262 municipalities, and some of its actions include promoting employment for young people, increasing the state's presence in municipalities of concern, and expanding security plans for public transportation. [...] The Vice-Minister of Justice and Public Security indicated that, under this Plan, the government has been providing training, employment opportunities, schooling, and the creation of "shared spaces for co-existence" in communities across the country. He also indicated that the government has created education, housing, and health committees.’¹⁹⁸

11.2.4 International Crisis Group, in a December 2017 report, explained how ‘Implementation came in various phases, starting in municipalities affected by higher levels of violence’¹⁹⁹. A document published by the European Commission dated 30 October 2017 noted this ‘increas[ed] gradually from 10 to 26, and finally, 50 municipalities in 3 years where insecurity and violence show greater indexes and where other variables related to social vulnerability are present’²⁰⁰

11.2.5 The UNSR extrajudicial executions report 2018 observed:

‘The Special Rapporteur met representatives of one priority municipality and was impressed by their commitment to the Plan, the many projects and initiatives it had generated and, most importantly, the hope that it provides,

¹⁹⁵ IDMC, ‘An Atomised Crisis ...’ (p18), September 2018, [url](#)

¹⁹⁶ EC, ‘Action Document for the "Apoyo al Plan El Salvador Seguro - PESS"’, 30 October 2017, [url](#)

¹⁹⁷ UN HRC, SR on IDPs report 2018 (para 39), 23 April 2018, [url](#)

¹⁹⁸ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 1...’ (s5), September 2016, [url](#)

¹⁹⁹ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p18), Dec 2017, [url](#)

²⁰⁰ EC, ‘Action Document for the "Apoyo al Plan El Salvador Seguro - PESS"’, 30 October 2017, [url](#)

at least among local officials. Researchers have also pointed out that the Plan has strengthened efforts at local levels and allowed committed mayors to undertake and demonstrate visible changes to their communities.

‘The Plan is estimated to cost around [US]\$210 million a year, financed by international cooperation funds and an earmarked tax. In 2017, close to 55 per cent of that tax went to financing security personnel (of which 78 per cent was in bonuses).[...]

‘The lack of resources for prevention has resulted in a loss of faith among those interviewed by the Special Rapporteur in the ability or willingness of the Government to truly implement the Plan as intended. In addition, members of opposition parties (ARENA and GANA) have indicated their mistrust for such “soft” measures, if not outright rejection, making its implementation a political challenge and the unfortunate hostage of elections and politics.’²⁰¹

11.2.6 The UN SR IDPs report of April 2018 noted:

‘In the framework of the Plan, the Ministry of Justice and Public Security opened 11 local assistance offices for victims, with the goal of opening more during 2017. Located in prioritized municipalities, they demonstrate important progress by the Government in giving attention to victims of violence and offer professional assistance for victims of crimes, such as sexual abuse, trafficking in persons, violence against women and domestic violence. Services include legal, psychosocial and social assistance. UNHCR supported the programme by equipping facilities and providing technical assistance for the creation of a referral pathway for the identification, attention to and protection of victims.

‘While in practice they might play an important role, regrettably, the offices have no specific mandate or capacity to address internally displaced persons, which hampers their ability to provide services or proactively take measures to locate and support them. The Special Rapporteur was concerned that, despite such valuable initiatives, in practice there were insufficient protection mechanisms or protocols in place, including under the Safe El Salvador Plan, specifically focused on internally displaced persons. In addition, communities are greatly concerned by such elements as extraordinary security measures conducted in their communities, including joint police and military operations. One person whom the Special Rapporteur met said, “people are afraid of the Plan coming to their communities. People leave because of the police operations. Police perceive everyone to be a potential gang member.”

‘The resources available to implement some elements of the Plan remain, in practice, constrained and the greatest proportion of funds (73.8 per cent) is allocated to the prevention of violence. This is despite positive government initiatives, including the introduction of a 5 per cent tax on individual telephone charges to help pay for the implementation of the Plan. Less than 5 per cent of funds available under the Plan are allocated to protecting victims and, in practice, almost none are likely to be available for internally

²⁰¹ UN, SR extrajudicial execution report 2018 (paras 15-17), 8 December 2018, [url](#)

displaced persons due to the lack of official recognition of them and their plight.’²⁰²

11.2.7 A range of Salvadorean NGO stakeholders commenting a report to the UN Human Rights Committee as part of the Universal Periodic Review process in August 2019 noted:

‘JS5²⁰³,[...] JS6²⁰⁴ [...] and JS8²⁰⁵ [...] were of the view that the “Safe El Salvador” Plan was a positive step but that a long-term policy was necessary. JS6 stated that not enough funds had been allocated to implement the prevention policies provided for in the Plan.[...] JS2 [...] and JS8 [...] recommended that the authorities reduce insecurity in a sustainable manner and with a long-term perspective, by addressing its root causes and combating impunity. JS6 also recommended that El Salvador allocate a sufficient and sustainable budget to the areas of violence prevention, social reintegration and victim assistance.[...]’²⁰⁶

11.2.8 The US CRS report of August 2019, citing various sources, observed:

‘With support from the U.S. government and the United Nations, the Sánchez Cerén [president to June 2019] government formed a National Council for Citizen Security, which designed an integrated security strategy known as Secure El Salvador (El Salvador Seguro).[...] The implementation plan for the strategy, known as Plan Secure El Salvador (PESS), was applied in 50 of the country’s most violent municipalities and coordinated with U.S. crime prevention and community policing efforts. According to figures from the U.S. Agency for International Development (USAID), municipalities in which PESS and USAID programs operated saw a 61% reduction in homicides from 2015 to 2017 as compared to the 42% reduction in homicides recorded in other municipalities.[...] Critics have questioned why PESS bolstered security forces that continued to commit abuses and suggested that the homicide reductions recorded may have been due to other factors, such as gangs achieving territorial control over some areas.[...]’²⁰⁷

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²⁰² UN, SR on IDPs report 2018 (paras 40-42), 23 April 2018, [url](#)

²⁰³ Joint statement by Fundación Marista por la Solidaridad Internacional, FMSI; Fundación Marista; FUNDAMAR IIMA – Istituto Internazionale Maria Ausiliatrice; VIDES International – International Volunteerism Organization for Women, Education, Development (Switzerland)

²⁰⁴ Joint statement by International Bar Association’s Human Rights Institute; Instituto de Derechos Humanos de la Universidad Centroamericana de El Salvador Participating: American Friends Service Committee; Asociación ProBúsqueda de niñas y niños desaparecidos; Avocats Sans Frontières Canadá; Azul Originario; CEMUJER; COMCAVIS; Cristosal; Fundación de Estudios para la Aplicación del Derecho; Fundación para el Debido Proceso; Fundación para la Justicia y el Estado Democrático de Derecho; Observatorio de la Universidad Centroamericana de El Salvador; Servicio Social Pasionista (United Kingdom of Great Britain and Northern Ireland);

²⁰⁵ Joint statement by Presentado por 48 ONGs que conforman la: Red Para La Infancia y la Adolescencia de El Salvador (RIA) (El Salvador)

²⁰⁶ OHCHR, ‘Summary of Stakeholders’ submissions on El Salvador’ (para 32), 21 August 2019, [url](#)

²⁰⁷ US CRS, ‘El Salvador: Background and US Relations’ (p10), 14 August 2019, [url](#)

11.3 'Extraordinary measures'

- 11.3.1 The UNSR extrajudicial execution report 2018 noted '[i]n April 2016, the Government announced the implementation of a set of measures officially aimed at addressing the violence, including killings. They are divided into three groups: (a) extraordinary security measures aimed at those deprived of liberty; (b) public safety; and (c) legal reforms.'²⁰⁸
- 11.3.2 International Crisis Group, in a December 2017 report, explained that the administration of then President Sánchez Cerén 'launched joint military and police rapid-reaction forces and approved so-called "extraordinary measures" in March 2016.'²⁰⁹ A January 2019 Insight News article noted that the 'Though there may be a number of causes for the reduction in killings [reference of the decline in murder rates from 2015 to 2018], such as the gangs forgoing internecine wars, the government has claimed its "mano dura," or what are euphemistically termed "medidas extraordinarias" (extraordinary measures) now, was largely responsible. That same crackdown, however, explains a United Nations report that found extrajudicial killings were on the rise and likely to go unpunished.'²¹⁰
- 11.3.3 In an article published in March 2019, National Geographic commented that the authorities' response to the murder rate was
'... with a campaign of "extraordinary measures." They include the creation of elite police units, use of the army troops in security efforts, and near-free rein to conduct searches and seizures. In January 2015 the government gave officers a green light to shoot at criminals "without fearing consequences for their actions," heralding a shift toward shoot-to-kill tactics borne out by mounting reports of extrajudicial killings and torture that hark back to 1980s-era brutality.'²¹¹
- 11.3.4 The US CRS report of August 2019, citing various sources, observed:
'In April 2016, the Sánchez Cerén government started implementing "extraordinary measures" focused on moving gang leaders to maximum-security prisons, cutting off cell phone service around prisons and restricting visitors to those facilities. In August 2018, the National Assembly made permanent the "extraordinary measures," which they had previously had authorized temporarily. Salvadoran officials and legislators maintain that the measures have helped reduce communications between inmates and the outside, including incidents of murders ordered from imprisoned gang leaders.[...] However, U.N. officials and human rights groups have raised concerns about the measures' impact on inmates' rights and health.[...]'²¹²

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²⁰⁸ UN, SR extrajudicial execution report 2018 (para 20), 8 December 2018, [url](#)

²⁰⁹ ICG, 'El Salvador's Politics of Perpetual Violence' (p17), Dec 2017, [url](#)

²¹⁰ Insight News, 'InSight Crime's 2018 Homicide Round-Up', 22 January 2019, [url](#)

²¹¹ National Geographic, 'Inside El Salvador...' March 2019, [url](#)

²¹² US CRS, 'El Salvador: Background and US Relations' (p10), 14 August 2019, [url](#)

11.4 Territorial Control Plan

11.4.1 In a report to the UN Human Rights Committee as part of the Universal Periodic Review process, the new government of President Bukele, who took office in June 2019, stated:

‘Since June 2019, the Government of El Salvador has been implementing the Territorial Control Plan, which focuses on violence-prone municipalities that seek to reclaim areas dominated by criminal gangs, cut off the gangs’ sources of funding and adopt specific interventions in prisons. The Plan also focuses on restoring the social and community fabric and therefore includes measures to prevent adolescents and young persons from joining criminal gangs. Such measures include technical training programmes in various fields, university scholarships and job creation projects. Under the Plan, public works are carried out and basic services are established in communities; government departments participate in these initiatives under the coordination of the National Directorate for Restoring the Social Fabric, which is part of the Ministry of the Interior and Territorial Development. El Salvador is strengthening the principles that guide the conduct of the National Civil Police, which were defined as part of the peace agreements. Consequently, the Salvadoran armed forces, in accordance with the Constitution and by executive decree, are supporting the National Civil Police on an exceptional basis. Accordingly, a protocol on joint action by the National Civil Police and the Salvadoran armed forces to prevent and combat crime and corruption, in strict accordance with the law and human rights, was officially launched on 25 July 2018.’²¹³

11.4.2 The US CRS report of August 2019, based on a number of sources, observed:

‘... President Bukele launched [on 20 June 2019] the first phase of what he has said will be a seven-phase security plan, with [US]\$31 million reassigned from other budgetary priorities by the National Assembly. The first phase of the plan has involved deploying police and military forces into 17 high-crime communities and on public transportation and declaring a state of emergency in the 28 prisons in the country. The state of emergency tightens the extraordinary measures already implemented in the prisons to include preventing all visitors, blocking communications networks in and around prisons, and transferring inmates to more secure facilities. As of July 12, 2019, the plan, which resembles the mano dura strategies that prior governments have implemented since 2003, had resulted in more than 4,600 arrests of reported “gang leaders and criminals.”[...]

‘President Bukele has requested, but not yet received, [US]\$90 million to implement the second phase of his security plan. If funded, that phase intends to unite the efforts of many government agencies, nonprofits, and international donors to provide opportunities for youth to work, study, and engage in cultural and sports activities as alternatives to gangs. It also includes programs aimed at reinserting youth who are former inmates through participation in penitentiary farms or public works projects. In

²¹³ UN HRC, State report 2019 (para 24), 20 August 2019, [url](#)

addition, Bukele has emphasized the plan's focus on targeting the financing of the gangs, including "extortion and money laundering networks." [...].²¹⁴

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11.5 Anti-gang laws

11.5.1 In their March 2016 Eligibility Guidelines, UNHCR explained

'A number of laws in El Salvador are directed at combatting organized crime. A new law banning gangs and criminal organizations was adopted in 2010. In March 2015, a new anti-extortion law was approved that allows police to investigate extortion without waiting for a complaint, introduces longer sentences for the crime of extortion and attempts to prevent extortion phone calls from prisons. In August 2015, the Supreme Court confirmed the constitutionality of the 2006 antiterrorism law, which provides for special measures against "terrorist" organizations and harsher sentencing for 'terrorist' crimes, in their application to gangs. The judgment confirmed that MS, B-18 and other similar groups constitute "terrorist organizations" under the anti-terrorism law and that their 'leaders, members, collaborators, apologists and funders' are considered 'terrorists'²¹⁵

11.5.2 Human Rights Watch, in their World Report 2019 (covering events of 2018), noted that

'In April 2016, the Legislative Assembly modified an existing counterterrorism statute to explicitly classify gangs as terrorist organizations and reformed its penal code to impose prison sentences of up to 15 years on anyone who "solicits, demands, offers, promotes, formulates, negotiates, convenes or enters into a non-persecution agreement" with gangs. The UN special rapporteur on extrajudicial killings noted a large discrepancy between charges for membership in a terrorist organization and convictions for it. The Attorney General's Office used the reforms to retroactively prosecute current and former officials who participated in truce negotiations from 2012 to 2014.'²¹⁶

11.5.3 The UNSR IDPs report 2018 noted:

'Legal reforms in the context of extraordinary security measures were made in 2016 and included the classification of gangs as terrorist organizations. The reforms established new crimes aimed at gangs, including "coercing or threatening students or teachers in or around schools" and "resisting authority". The Government also focused on addressing the illegal restriction on freedom of movement of people and illegal occupation of property. The National Assembly reformed article 152 (B) of the Criminal Code to include the crime of "illegal limitation to freedom of movement", which penalized any person who, by violence, intimidation or threat to persons or property, prevented another from freely circulating, entering, remaining or leaving any place in the territory of the republic. While useful in the context of internal displacement, civil society representatives noted that it did not adequately

²¹⁴ US CRS, 'El Salvador: Background and US Relations' (ps10-11), 14 August 2019, [url](#)

²¹⁵ UNHCR, 'Eligibility Guidelines' (p22), March 2016, [url](#).

²¹⁶ HRW, 'World Report 2019', 17 January 2019, [url](#),

encompass the crimes and the impact of internal displacement on victims or provide adequate protection for those displaced, while they also highlighted limitations to its implementation.²¹⁷

- 11.5.4 International Crisis Group, in a December 2017 report, explained that the government of then President Sánchez Cerén ‘sought to target gang finances under the aegis of “Operation Jaque” in July 2017 and “Operación Tecana” in September 2017.’²¹⁸ A May 2019 joint paper by Insight Crime and Global Initiative Project on Extortion in Central America reported that ‘changes to the law in El Salvador in 2010 allowed for the use of phone tapping in criminal investigations, which led to an increase in the number and reach of legal raids and cases against extortionists, raising awareness of the crime across the country.’²¹⁹ The same paper reported that ‘In 2016 alone, Salvadoran authorities carried out a total of 209 009 phone tapings, most of them to investigate the MS13 during Operation Jaque.’²²⁰

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12. Criminal justice system

12.1 Overview

- 12.1.1 The UN Special Rapporteur on extrajudicial, summary or arbitrary executions in her report of her mission to El Salvador undertaken in February 2018 and published in December 2018 summarised the challenges faced by the country in general and the criminal justice system in particular in managing high levels of extrajudicial killings:

‘A number of interlocutors highlighted the country’s structural and systemic challenges. While they in no way justify the violations referred to in the present report, it is important to acknowledge the complex economic, social and cultural context within which they are committed, including:

‘(a) Low job creation and high unemployment rates, particularly among youth;

‘(b) Limited investigatory resources and expertise available to the police, resulting in a chronic paucity of forensic evidence and little to no scientific investigation capacity;

‘(c) Saturation of the court system, particularly at the first/entry levels, owing to a lack of resources compared to the large number of cases;

‘(d) Demoralization and overstretching of police, poor pay and daily confrontations with difficult and traumatic situations. Measures to improve police wellbeing and protection have been initiated but remain limited;

‘(e) High levels of impunity for past crimes, giving rise to persisting and repetitive systemic patterns;

²¹⁷ UNHRC, SR IDPs report 2018 (para 32), 23 April 2018, [url](#)

²¹⁸ ICG, ‘El Salvador’s Politics of Perpetual Violence’ (p17), Dec 2017, [url](#)

²¹⁹ Insight Crime and Global Initiative Project, ‘... Extortion in Central America’, May 2019, [url](#)

²²⁰ Insight Crime and Global Initiative Project, ‘... Extortion in Central America’ (p41), May 2019, [url](#)

'(f) Lack of an effective State presence and de facto territorial control by gangs.'²²¹

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12.2 Overview of law enforcement agencies

12.2.1 The USSD report for 2018 noted

'The [Civilian National Police/Policía Nacional Civil] PNC, overseen by the Ministry of Justice and Public Security, is responsible for maintaining public security, and the Ministry of Defense is responsible for maintaining national security. Although the constitution separates public security and military functions, it allows the president to use the armed forces "in exceptional circumstances" to maintain internal peace and public security "when all other measures have been exhausted." The military is responsible for securing international borders and conducting joint patrols with the PNC. In 2016 President Sanchez Ceren renewed the decree authorizing military involvement in police duties, a presidential order in place since 1996.'²²²

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12.3 Police

12.3.1 The UN Special Rapporteur on the human rights of internally displaced persons noted in her report of April 2018, based on a visit to El Salvador in August 2017, that there are 'roughly 25,000 police officers'²²³. While the IRBC IGMR on gangs of September 2016, based on information provided by sources interviewed in El Salvador, noted '[t]he National Civil Police (Policía Nacional Civil, PNC) has around 28,000 police officers, [...] including 24,000 uniformed police officers and 3,600 who are part of the Division of Investigations of the PNC.'²²⁴

12.3.2 The OASC crime and safety report of April 2019 noted '[t]here is only one national police service: [The Policía Nacional Civil \(PNC\)](#). Each major city, municipality, or town has a PNC delegation. The PNC also has a number of specialized units that investigate specific crimes and traffic enforcement, anti-gang, civil disturbance, VIP protection, and other special operations units.'²²⁵ The UNHCR noted in March 2016 that '[a]s well as territorial units, the PNC has a number of more specialized units, such as the anti-gang unit, and a separate police oversight body (Inspectoría).'²²⁶

12.3.3 The IRBC IGMR on gangs of September 2016, based on information provided by sources interviewed in El Salvador, noted:

'AEAS [Association of Salvadoran Bus Companies] indicated that the monthly salary of a police officer is about US\$250.[...] In 2015, news sources reported that on average, a police officer earns approximately US\$400 per month,[...] but the net pay ends up being around US\$200 after deductions. [...]

²²¹ UN, SR extrajudicial execution report 2018 (para 9), 7 December 2018, [url](#)

²²² USSD, Human rights report (s2d), March 2019, [url](#)

²²³ UN, SR IDPS report 2018 (para 5), 23 April 2018, [url](#)

²²⁴ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1...' (s5), September 2016, [url](#)

²²⁵ OASC, Crime and safety report 2019 (Police/Security Agencies), April 2019, [url](#)

²²⁶ UNHCR, 'Eligibility Guidelines' (p21), March 2016, [url](#).

'The Deputy Director of Investigations of the PNC indicated that around 500 non-uniformed officers are employed in the technical area of investigation, which includes collection of evidence, ballistics analysis, dactyloscopy, serology, chemical-physics analysis, and document analysis. Since 2007, the PNC has been acquiring specialized equipment, such as the Integrated Ballistics Identification System (IBIS) to create a formal registry of bullets and firearms used to commit crimes. In 2009, the PNC established the Automated Fingerprint Identification System (AFIS) which was provided in part by the US Federal Bureau of Investigation, to store the fingerprints of detained people. In 2012-2013, the system was strengthened with the assistance of the Government of Japan. All 19 branches of the PNC across the country have AFIS stations to collect, analyze, and cross-reference fingerprints.[...]'²²⁷

12.3.4 The IRBC IGMR on women of September 2016, based on interviews with sources in El Salvador, noted:

'A representative of the Among Friends Association (Asociación Entre Amigos) indicated that crimes can be reported to authorities by phone, in person, or in writing. Other interlocutors also indicated that incidents of violence can be reported to the Attorney's General Office (Fiscalía General de la República, FGR), the PNC, [...] or through Ciudad Mujer (Comprehensive Support Centre for Women).[...]

'ORMUSA [Salvadoran Women's Organization for Peace] indicated that there are special police units with staff qualified to assist women victims of violence, which are open 24 hours a day. These units are called Institutional Units for Specialized Assistance to Women Victims of Violence (Unidades Institucionales de Atención Especializada a las Mujeres en Situación de Violencia, UNIMUJER). There are 16 UNIMUJER units present in the following municipalities in the country: Puerto de La Libertad, Santa Tecla (La Libertad), El Pedregal (La Paz), Cojutepuque (Cuscatlán), San Salvador Norte (Apopa), San Salvador Centro, Sensuntepeque (Cabañas), Chalchuapa (Santa Ana), Jiquilisco (Usulután), Cantón Cara Sucia (municipality of San Francisco Méndez, Ahuachapán), Barrio Santuario (San Vicente), Chalatenango, San Juan Opico, Aguilares (San Salvador), Suchitoto (Cuscatlán), Ayutuxtepeque (San Salvador).[...]

'However, ORMUSA noted that these units are monitored by gangs and women are afraid to go there to report domestic violence because gang members will perceive them as police informants providing information about gangs. ORMUSA pointed out that with a growing number of gangs, the number of domestic violence complaints has decreased as women fear to be considered as "informants" and therefore, prefer not to file complaints.'²²⁸

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12.4 Armed forces

12.4.1 The US CRS report of August 2019, citing a range of sources, noted:

²²⁷ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1...' (s5), September 2016, [url](#)

²²⁸ IRBC, 'El Salvador: Information Gathering Mission Report - Part 2...' (s4.4.1), September 2016, [url](#)

‘For many years, El Salvador has deployed thousands of military troops to support the police. In April 2014, the Salvadoran Supreme Court upheld former president Funes’s 2009 decree that authorized the military to carry out police functions. Three battalions each made up of 200 police and elite members of the armed forces were deployed in 2015 to control gang violence. In April 2016, Sánchez Cerén deployed the El Salvador Special Reaction Force, a 1,000-member force made up of 400 police and 600 soldiers, into rural areas to which gang members had fled. In November 2016, El Salvador, Honduras, and Guatemala launched a trinational antigang force, comprised of military and police officers, to target gangs on the borders. According to U.S. estimates, roughly 8,000 of El Salvador’s 17,000 active-duty armed forces personnel are involved in public security at any given time.[...] President Bukele has similarly tasked roughly 7,000 members of the armed forces with supporting his security plan [in June 2019].’²²⁹

- 12.4.2 The USSD human rights report for 2018 noted ‘The military’s “Zeus Command” comprised 3,100 soldiers in 10 task forces to support police in providing security. These soldiers were to operate only in support of the PNC and were not authorized to arrest or detain.’²³⁰ The same report also noted that ‘Three hundred and twenty soldiers in the Volcano Task Force, launched in September 2017 as a temporary expansion of the military’s presence in San Salvador, continued to support the city’s police and installed checkpoints throughout the city and conducted random searches of public buses.’²³¹

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12.5 Police resources and international support

- 12.5.1 The IRBC IGMR on gangs of September 2016 based on a range of sources noted:

‘According to the PDDH [Office of the Ombudsperson for the Defence of Human Rights], PNC officers lack the necessary equipment to operate. Their weapons and vehicles are less powerful than those used by criminal organizations, and these resources are not enough to carry out their mandate.[...] The Association of Salvadoran Bus Companies (Asociación de Empresarios de Autobuses Salvadoreños, AEAS) similarly indicated that AEAS has to pay for private investigators to investigate cases of extortion because the PNC lacks resources.’²³²

- 12.5.2 The OASC crime and safety report for El Salvador of April 2019 observed:

‘While receiving significant support from U.S. and other partners, the police often experience inadequate funding and limited resources. Because of perceived and actual corruption, they do not enjoy the full confidence and cooperation of much of El Salvador’s citizenry. The police’s investigative units have shown great promise; however, routine street-level patrol techniques, anti-gang work, and crime suppression efforts remain a

²²⁹ US CRS, ‘El Salvador: Background and U.S.Relations’ (p11), 14 August 2019, [url](#)

²³⁰ USSD, Human rights report 2018 (s1d), March 2019, [url](#)

²³¹ USSD, ‘Human rights report 2018’ (s1d), March 2019, [url](#)

²³² IRBC, ‘El Salvador: Information Gathering Mission Report - Part 1...’ (s5.2), September 2016, [url](#)

constant, difficult challenge. Equipment shortages (particularly radios and vehicles) limit their ability to deter or respond to crimes expeditiously. Other impediments to effective law enforcement are unsupportive laws, general distrust, and the occasional lack of cooperation between the police, prosecutors, and corrections.²³³

12.5.3 The US State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) provided a summary of its activities to support the El Salvador government (USSD INL summary):

'Public perception of insecurity remains high, and ongoing gang violence, widespread extortion, and a lack of economic opportunity continue to drive irregular migration from El Salvador to the United States. Nonetheless, the numbers of Salvadoran unaccompanied children and family units arriving at U.S. borders are the lowest they have been in five years. INL partners with the Salvadoran government to build Salvadoran capacity to combat gangs, disrupt smugglers, and directly address security-related drivers of migration, reducing the incentives for Salvadorans to engage in illegal migration to the United States. INL programs are consistent with security and governance priorities of the U.S. Strategy for Central America and the Central America Regional Security Initiative (CARSI), and complement efforts under the Central American governments' Alliance for Prosperity.

'In 2015 El Salvador developed a national security plan, "Plan El Salvador Seguro" (PESS), focused on place-based violence prevention, and INL's foreign assistance targets the same geographic areas as the PESS. INL works closely with the National Civil Police to institutionalize an intelligence-led policing strategy under the "Model Police Precinct" (MPP) program that provides equipment and advisory support to help the police engage with the community and target specific threats, moving away from the "mano dura" approach of the past. In 2018, El Salvador made permanent a series of "extraordinary measures" strengthening prison security and police operations, which contributed to the significant drop in homicides.

'In recent years, El Salvador made notable strides to combat corruption and impunity...

'In 2016, the government implemented a security tax on high-income earners and telecommunications providers, and used the tax revenue to fund police salary bonuses, supplement the Attorney General's budget, and support prevention activities, however, adequate resources for the security services (as well as education, infrastructure, health care, etc.) remain a challenge.²³⁴

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12.6 Recruitment and training

12.6.1 The IRBC IGMR on gangs of September 2016 based on interviews with sources in El Salvador noted:

'Recruitment into the PNC is undertaken by the National Public Security Academy (Academia Nacional de Seguridad Pública, ANSP). Candidates

²³³ OASC, Crime and safety report 2019 (Police Response), April 2019, [url](#)

²³⁴ USSD INL, El Salvador summary, undated, [url](#)

must have between 18 and 28 years of age and a high school diploma, and go through screening that includes a criminal background check, and psychosocial, general culture, medical tests. Recruit training lasts eight months at the ANSP. They receive an additional three months training at the PNC where they receive training in weapons, ethics, human rights, philosophy of the communitarian police, criminology, and the law and the constitution. Without providing further detail, the PDDH [Office of the Ombudsperson for the Defence of Human Rights] gave the view that the quality of the training curriculum is "good." After enrollment, the Office of the Inspector General of Public Security (Inspectoría General de Seguridad Pública, IGSP) provides an 80-hour training session on police conduct through its human rights division.[...]²³⁵

12.6.2 An March 2019 article by the Washington Post noted:

'The United States has been bolstering the Salvadoran police, part of a regional strategy intended to stabilize Central America's most violent countries and reduce migration. The State Department spent at least [US]\$48 million to train police in El Salvador, Guatemala and Honduras from 2014 through 2017, according to the Government Accountability Office

'The department opened a law enforcement training academy in San Salvador, where 855 Salvadoran officers were trained by the FBI and other American law enforcement agencies in those four years

"The Salvadoran government, with U.S. government support, has made significant gains in the area of security, including reductions in homicides and every other category of violent crime measured," the State Department said in a statement issued in response to an inquiry by The Post...²³⁶

12.6.3 The March 2019 the Washington Post article added 'By some measures, the U.S.-backed security efforts appeared to be showing results', citing the declining murder rate since 2016²³⁷.

12.6.4 The USSD International Narcotics and Law Enforcement Affairs (INL) summary noted:

'Model Precincts and Community Policing – INL funds instructors and advisors who provide oversight and training to the police in community-style policing, executive police decision making, and institutionalization of modern policing philosophies. Community policing efforts are underway in all 19 of El Salvador's departments, with new equipment, trained personnel, and improved protocols instituted at 50 police stations across El Salvador. INL plans to expand the number of Model Police Precincts in El Salvador in the coming years. In 2018, INL began supporting the PNC's School Resource Officer (SRO) unit, which will train 500 SROs assigned to Salvadoran schools. SROs will ensure safety of schools and help curtail the role of the military in civilian policing by enabling reassignment of military officers currently guarding schools.

²³⁵ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1...' (s5), September 2016, [url](#)

²³⁶ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

²³⁷ Washington Post, 'It's so dangerous to police MS-13 ...', 3 March 2019, [url](#)

'Place-based Strategy (PBS) for Violence Prevention – The PBS, through INL and USAID collaboration, identifies key high-crime locations and people at risk for criminal involvement to strategically implement a balanced and integrated set of public health and law enforcement interventions. PBS activities align with Plan Seguro locations. INL launched PBS sites in Ciudad Delgado, Zacatecoluca, and Lourdes-Colon, and will deepen engagement with police, schools, and civic organizations inside the 13 Plan Seguro sectors within these three municipalities.'²³⁸

12.6.5 The USSD INL also noted

'Vetted units of Salvadoran police and prosecutors, supported by U.S. law enforcement mentors from the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), and Homeland Security Investigations (HSI)/Immigrations and Customs Enforcement (ICE), build Salvadoran capacity to pursue complex investigations with a U.S. nexus. The FBI Transnational Anti-Gang (TAG) unit is the lynchpin of bilateral and international law enforcement cooperation in attacking transnational criminal activities of criminal gangs such as MS-13 and Barrio 18.'²³⁹

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12.7 Police effectiveness

12.7.1 In their March 2016 Eligibility Guidelines, based on a range of sources, UNHCR stated

'It is reported that the police – even the elite Anti-Gang Unit in high-profile cases – are usually not seen as offering a sufficient form of protection for those residents who are threatened by gangs, since their presence is only temporary and the gangs will return once the police move on after a few hours or days. Reports indicate that often the most that police are able to do is to provide an escort out of the neighbourhood for those who have received threats. Even police officials who live in areas where the gangs operate are reported to acknowledge their fear at the inability of the State to protect them from assassination in their homes or on the way to work.'²⁴⁰

12.7.2 The IRBC IGMR on gangs of September 2016 based on a range of sources noted

'Sources indicated that people prefer not to file complaints with authorities due to either fear of reprisals or retaliation,[...] or due to lack of confidence in public institutions receiving complaints.[...] The IGSP [Office of the Inspector General of Public Security] indicated that there have been isolated cases of collusion between members of the PNC with gangs. Other sources stated that if someone files a complaint against a gang or gang member, the person will likely face reprisals as gangs have infiltrated many state institutions, including the PNC.[...] AEAS indicated that gangs also blackmail and threaten police officers into passing them information. Sources also indicated that gangs surveil police stations through cameras clandestinely posted in trees located at the front of these stations in order to monitor people going

²³⁸ USSD INL, El Salvador summary, undated, [url](#)

²³⁹ USSD INL, El Salvador summary, undated, [url](#)

²⁴⁰ UNHCR, 'Eligibility Guidelines' (p23), March 2016, [url](#).

into the police station. For this reason, many people also decide not to file complaints with the police.[...] Sources indicate that people who file complaints with authorities are stigmatized in their communities and are considered "traitors"[...] or are killed.[...]

'Investigations into extortion are also deficient. AEAS indicated that police officers often tell victims of extortion that "it is better to pay the extortion than to be killed." SIMEDUCO gave the view that when the union assists teachers who are victims of extortion in filing complaints with authorities, the response from authorities is inadequate. A high percentage of teachers are extorted, however many do not file complaints for fear of reprisals from the gangs. There were accounts that officials from the Ministry of Education tell teachers that "it is better to get along with gang members and pay extortion to avoid being killed." [...]

'According to Dr. Gaborit, the majority of homicides are not investigated, nor go to trial, and of those that do go to trial, only a minority reach a verdict. APES indicated that the General Attorney Office (Fiscalía General de la República, FGR) does not conduct a thorough investigation, especially in gang-related cases where prosecutors often rule the case as "a gang-related crime" and the dossier is closed. The CSJ-SP similarly indicated that when authorities consider that a crime was committed by a gang, it "seems to be an informal practice that it should not be investigated." The CSJ-SP also explained that due to the high number of homicides committed in the country, "quantitatively and qualitatively," the capacity of the justice system to respond has been overwhelmed. The Salvadoran Red Cross indicated that authorities are not diligent in the investigation of a crime because they are overwhelmed and lack adequate resources to respond. According to the interlocutor, "it is quite unusual for a complaint to be fully investigated." The Red Cross provided the example of a woman who went to the PNC to report the disappearance of her 14 year-old daughter. Four police officers conducted the interview "in an environment [the complainant] considered unwelcoming" and when she later went to the PNC to inquire about the progress of the complaint, the police officers, annoyed with her visits, asked her, "why are you still looking for her; she is already dead."²⁴¹

- 12.7.3 The IRBC IGMR on women of September 2016, based on interviews with sources in El Salvador, noted in regard to effectiveness of state protection in general for women:

'Several interlocutors noted that there are problems in the implementation of laws regarding violence against women in El Salvador.[...] ORMUSA [Salvadoran Women's Organization for Peace] stated that after the implementation of the 1996 Law Against Domestic Violence, last amended in 2013, violence against women did not decline. Also, the Special Comprehensive Law for a Violence-free Life for Women, which explicitly recognized four components: prevention, care, prosecution, and punishment, and mandated the establishment of special services for women in public institutions, has not been properly implemented.[...] Some judges, for example, have deemed the law as [translation] "unconstitutional" and "deliberately" refuse to implement it because they claim that it "unequally

²⁴¹ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s5.2), September 2016, [url](#)

protects women with respect to men." [...] The Vice-minister of Justice and Public Security indicated that the Special Comprehensive Law for a Violence-free Life for Women [translation] "faced many obstacles of a cultural nature because some judges are not aware and updated on these rights, and cultural issues such as machismo persist and that became a bulwark in its implementation." CEMUJER [Norma Virginia Guirola De Herrera Institute for Women's Studies] indicated that a "sexist bias" prevail among state institutions such as the PNC, the FGR, and the judiciary. Police authorities are overwhelmed with cases related to gang violence; thus cases of domestic violence or violence against women are not a priority. [...] Interlocutors pointed out that women do not have confidence in authorities to file complaints with them. [...]

'ORMUSA [Salvadoran Women's Organization for Peace] indicated that impunity for gender-based violence remains a problem and the government does not take steps to improve the situation. The Secretariat of Social Inclusion similarly stated that there are high levels of impunity in El Salvador regarding violence against women and domestic violence. ORMUSA indicated that some prosecutors register femicides as deaths in connection to the indictable crime of "illicit associations" or other "less serious crimes." According to investigations conducted by ORMUSA at prosecutors' offices, 10 out of 11 femicides committed by gang members were registered as previously mentioned. Also, out of 978 cases of violence against women reported in 2014, only 4 resulted in convictions. [...] Among Friends Association stated that officials of the PNC and the FGR [Office of the Attorney General] often re-victimize persons reporting a crime. For example, some police officers and prosecutors blame women for provoking an assault. ORMUSA estimated that 70 percent of the prosecutors do not have training in dealing with violence against women. [...]

'The Office of the Ombudsperson for the Defence of Human Rights (Procuraduría para la Defensa de los Derechos Humanos, PDDH) stated that FGR [Office of the Attorney General] does not have resources or the capacity to investigate all the complaints they receive. The judiciary and the police are very weak in El Salvador and there is lack of trust in the judicial system and the police. [...] Similarly, the Chief Justice of the Criminal Chamber of Supreme Court of Justice stated that the justice system faces challenges such as lack of administrative and economic resources, lack of adequate investigations by prosecutors, and corruption among judges... Sources indicated that communities consider gangs as an authority and turn to the gang instead of the police. [...] El Faro provided an example of a gang leader solving a domestic violence case by forcing the abusive husband to stop his abuse towards the wife and to pay child support.'²⁴²

12.7.4 The UNSR IDPs report 2018 observed:

'The extent of violent crime is such that there is often no investigation carried out into even the most serious crimes, including homicides, resulting in a general lack of faith in law enforcement and the criminal justice system. The criminal conviction rate in El Salvador is less than 5 per cent. [...] Such a situation indicates a deeply worrying law enforcement deficit and

²⁴² IRBC, 'El Salvador: Information Gathering Mission Report - Part 2' (s4.4.4), September 2016, [url](#)

demonstrates that the police and the investigation service are overwhelmed and underequipped to respond to the challenges they face, including the extraordinary levels of homicide. It also creates and perpetuates an environment and society in which gangs can flourish and function with almost absolute impunity from prosecution for even the most egregious crimes. This leads individuals and families, who see no prospect of remedy or protection in reporting violence to the authorities, to see their only option as fleeing their homes and communities to find safety.’²⁴³

12.7.5 The same source further noted that:

‘The Special Rapporteur was informed by the Ombudsman of one case that had taken place during her visit, in which a family that had been the subject of extortion had found a hand grenade placed at their front door with a note informing them that they had 48 hours to leave their home or be killed. The case came to the attention of the Ombudsman’s Office since the family made the decision to flee, could not return home and there were no State-provided shelter options for their protection. A temporary solution was to house the family in a hotel, while the Ombudsman expressed concern and frustration that no options for protection and relocation were available to them to support such families.

‘The lack of secure shelter options for internally displaced persons and families leaves them living in highly precarious and vulnerable conditions, and under continuing risk of violence. [...]

‘Community members told the Special Rapporteur that they feared aggressive and intimidating security strategies that appeared to criminalize entire neighbourhoods and consider ordinary community members as potential gang members or affiliates often based simply on where they lived. [...] The Special Rapporteur was informed by numerous people that they had suffered violence and abuse by members of the national civil police. She heard allegations of extrajudicial killings and the re-emergence of extermination groups connected to the police and security forces. She notes that this has been strongly denied by senior government and security officials whom she met.

‘Several individuals whom the Special Rapporteur interviewed stated that they feared the authorities as much as the gangs.’²⁴⁴

12.7.6 The USSD report for 2018 noted ‘[i]n many neighborhoods armed groups and gangs targeted certain persons; and interfered with privacy, family, and home life. Efforts by authorities to remedy these situations were generally ineffective.’²⁴⁵

12.7.7 The US CRS report of August 2019 citing a range of sources observed:

‘El Salvador has a long history of weak institutions and corruption, with successive presidents and legislatures allocating insufficient funding to criminal justice institutions. With a majority of the national civilian police (PNC) budget devoted to salaries, historically there has been limited funding

²⁴³ UNHRC, SR IDPS report 2018 (para 19), 23 April 2018, [url](#)

²⁴⁴ UNHRC, SR IDPS report 2018 (paras 25, 26, 50 and 51), 23 April 2018, [url](#)

²⁴⁵ USSD, Human rights report for 2018 (section 1f), March 2019, [url](#)

available for investing in training and equipment. The PNC has deficient wages, training, and infrastructure. It also has lacked a merit-based promotion system. Corruption, weak investigatory capacity, and an inability to prosecute officers accused of corruption and human rights abuses have hindered performance. A lack of confidence in the police has led many companies and citizens to use private security firms and the government to deploy soldiers to perform public security functions. President Bukele hopes to increase police salaries; he has redirected some funds to purchase new uniforms for the PNC and to support police (and military forces) carrying out his security strategy...'²⁴⁶

- 12.7.8 Vickie Knox, lecturer in international human rights law and refugee at the University of London, observed in an article in the Forced Migration Review of October 2019 about the Northern Triangle of Central America countries generally, including El Salvador, that there are:

'... significant practical challenges in delivering justice, including weak institutions, a lack of resources and capacity, and the sheer volume of cases. When crimes are reported to the authorities, reports may be refused or simply not processed and investigated. When investigations do take place, they are often lengthy and inefficient. All this is aggravated by a lack of effective witness protection and survivor support programmes... [While] State entities and law enforcement agencies have been corrupted and infiltrated by gangs, or may themselves extort and abuse people directly.'²⁴⁷

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12.8 Impunity

- 12.8.1 In their March 2016 Eligibility Guidelines, based on a range of sources, the UNHCR considered

'... weaknesses and corruption in the Salvadorian security forces and the judiciary reportedly contribute to creating a high level of impunity for crimes in El Salvador. As early as 2004, transportista smuggling structures and gangs had reportedly penetrated the State through the police force. Bribes are reportedly also paid by the smuggling structures to political operators to guarantee the free operation of such criminal networks and the free passage of their merchandise. The gangs reportedly have their own infiltrators in the police and the military, including certain elite units and the General Staff, who warn them about anti-gang operations and with access to intelligence, weapons and uniforms.'²⁴⁸

- 12.8.2 The UNSR extrajudicial execution report 2018 noted

'The Special Rapporteur found a pattern of behaviour among security personnel amounting to extrajudicial executions and excessive use of force, nurtured and aggravated by very weak institutional responses... In addition, the Special Rapporteur received various allegations of the existence of "death squads" within the police and military, some of which have been

²⁴⁶ US CRS, 'El Salvador: Background and U.S.Relations' (p8), 14 August 2019, [url](#)

²⁴⁷ FMR, 'Gang violence, GBV and hate crime...' (p80), October 2019, [url](#)

²⁴⁸ UNHCR, 'Eligibility Guidelines' (p23), March 2016, [url](#).

confirmed by officials and corroborated by investigations. In August 2017, the Office of the Attorney General announced that it was opening investigations into three death squads involving police officers operating in the country — two in the eastern zone and one in the western zone.²⁴⁹

12.8.3 The UNSR also noted:

‘The Special Rapporteur learned of a large number of alleged extrajudicial killings or deaths resulting from excessive use of force by security agents. While officials acknowledged that there might be some cases of extrajudicial killings, they insisted that they were isolated incidents. However, the Special Rapporteur finds that the abovementioned pattern of behaviour by security personnel points to extrajudicial executions facilitated by inadequate investigations and judicial responses.

‘To date none of the allegations [of extrajudicial killings or use of excessive force] have resulted in the conviction and sentencing of any police or military officer, making conviction rates for killings by security personnel even lower than the overall criminal conviction rate, which stands at less than 5 per cent. Few of these allegations have been fully and properly investigated...

‘Internal disciplinary responses have also proven weak. According to official data, as of 31 December 2017, 238 police and 40 military personnel had been prosecuted. Of the police officers, 189 were permanently dismissed, 2 provisionally dismissed and 47 remain under investigation, with 4 detained. According to the Ministry of Defence, 12 soldiers and 2 sergeants have been sentenced for deprivation of freedom and breaking and entering (pending cassation) and 8 soldiers remain under investigation, pending judgment, for deprivation of freedom and aggravated homicide. In 2017, the Office of the Human Rights Advocate received 78 complaints of human rights violations by the armed forces.

‘Between 2014 and 2016, 41 cases of police involvement in extermination groups or homicides were investigated. Of those cases, 24 have been dismissed, 10 are under investigation, 6 are under deliberation and possible action of the Inspector General and only 1 person has been sanctioned. In relative terms, 2.44 per cent of those implicated in such practices have reached a conviction and 58.54 per cent have been shelved because the investigation did not yield results.²⁵⁰

12.8.4 The USSD human rights report for 2018 noted

‘There were reports of impunity for security force involvement in crime and human rights abuses during the year. The PDDH is authorized to investigate (but not prosecute) human rights abuses and refers all cases involving human rights abuses to the Attorney General’s Office. Reports of abuse and police misconduct were most often from residents of the metropolitan area of San Salvador and mostly from men and young persons.

²⁴⁹ UNHRC, SR extrajudicial executions report 2018 (paras 36 and 41), [url](#)

²⁵⁰ UNHRC, SR extrajudicial executions report 2018 (paras 37, 45 and 49-50), [url](#)

'The Police Inspector General reported it received 831 complaints against police and dismissed 155 police officers due to misconduct and took disciplinary action against 555 police officers as of October 23.'²⁵¹

12.8.5 An IDMC report of September 2018 noted

'Many people choose not to report crimes, whether committed by gangs or state entities, for fear of reprisals. This feeds into a culture of impunity that creates an environment in which gangs and crime can flourish, which in turn further undermines people's trust in the authorities, increases their vulnerability to gangs' abuses and undermines access to justice. That said, impunity is a complex issue. There are also significant practical challenges in delivering justice, such as a lack of resources and capacity and the sheer volume of cases, both new and old.'²⁵²

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12.9 Judiciary

12.9.1 The Central Intelligence Agency (CIA) World Factbook described the court system:

'[The] highest courts: Supreme Court or Corte Suprema de Justicia (consists of 16 judges and 16 substitutes judges organized into Constitutional, Civil, Penal, and Administrative Conflict Chambers)[.]

'[J]udge selection and term of office: judges elected by the Legislative Assembly on the recommendation of both the National Council of the Judicature, an independent body elected by the Legislative Assembly, and the Bar Association; judges elected for 9-year terms, with renewal of one-third of membership every 3 years; consecutive reelection is allowed[.]

'[S]ubordinate courts: Appellate Courts; Courts of First Instance; Courts of Peace'²⁵³.

12.9.2 The USSD report on human rights for 2018 noted 'Although the constitution provides for an independent judiciary, the government did not always respect judicial independence, and the judiciary was burdened by inefficiency and corruption... Corruption in the judicial system contributed to a high level of impunity, undermining the rule of law and the public's respect for the judiciary.'²⁵⁴

12.9.3 The IRBC IGMR on gangs of September 2016 based on a range of sources noted:

'Sources indicated that the justice system is inefficient, with high levels of impunity.[...] The PDDH [Office of the Ombudsperson for the Defence of Human Rights] also indicated that the justice system is weak and investigations are not comprehensive. The National Coordinating Committee of Unions and Associations of Workers in the Judiciary (Coordinadora Nacional de Sindicatos y Asociaciones del Órgano Judicial, CONASOJ) indicated that there are 634 judges in El Salvador, including 12 "special

²⁵¹ USSD, Human rights report for 2018 (s1e), March 2019, [url](#)

²⁵² IDMC, 'An Atomised Crisis ...' (p17), September 2018, [url](#)

²⁵³ CIA, World Factbook – El Salvador, updated 3 December 2019, [url](#)

²⁵⁴ USSD, Human rights report for 2018 (s1e), March 2019, [url](#)

tribunals" that hear cases related to gangs, but the workload is so high that it contributes to the inefficacy of the justice system.[...] Also, the Chief Justice of the Criminal Chamber of Supreme Court of Justice (Corte Suprema de Justicia, Sala de lo Penal, CSJ-SP) indicated that prosecutors have around 400 to 500 cases each, which means that not all of them get investigated as [translation] "they need to prioritize." An annual report produced by the FGR [Office of the Attorney General] indicates that, as of May 2016, prosecutors had an average of 358 cases each.[...] The FGR report also indicates that the FGR has 1,031 judicial employees and 772 administrative staff.[...] Despite the rise in homicides and crimes, resources to investigate all complaints and crimes continues to be limited.[...] The CSJ-SP gave the view that efforts to address impunity are not sufficient.

'Sources indicated that there have been accusations of judges and lawyers being bribed,[...] and that some prosecutors and judges are co-opted by gangs.[...] CONASOJ indicated that outside courthouses, sacadores (lawyers who offer their services to get someone out of prison) charge between US\$10,000 and \$20,000, in apparent collusion with judges, to get a person out of prison. AEAS gave the example that when a gang member is detained, the clique extorts bus companies with amounts ranging between US\$10,000 and US\$15,000 to pay for a lawyer for his release.'²⁵⁵

12.9.4 The IRBC IGMR on gangs of September 2016 based on a range of sources noted:

'Working conditions of judicial workers in El Salvador are poor. Sources indicated that court officers responsible for delivering court summonses or notices to appear have been beaten and robbed in communities controlled by gangs. There are also cases where gangs prevent court officers from entering gang-controlled territory in which court officers have to pay a gang member in order to deliver the summons.[...] According to the CSJ-SP [Supreme Court of Justice, Criminal Chamber], the court officer must seek permission or assistance from community centres in order to enter some neighbourhoods. CONASOJ [National Coordinating Committee of Unions and Associations of Workers in the Judiciary] indicated that due to this problem, around 26 percent of summonses cannot be delivered in person to the summoned party. When a summons must be delivered to a person living in an area where the court officer cannot enter, the courthouse uses other methods of delivery, including telephone calls, emails, or displaying public posters outside the city hall, containing the names of persons who have been issued summonses. Around 6 percent of cases are closed due to the inability to deliver a summons.'²⁵⁶

12.9.5 The US CRS report of August 2019 based on a range of sources noted:

'While some judges and courts in El Salvador have issued significant decisions, particularly in opening civil-war era cases of human rights abuses, others have proven to be subject to corruption. From January to August 2018, the Supreme Court heard cases against 57 judges accused of various irregularities, including collusion with criminal groups.[...] In November 2018,

²⁵⁵ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1'(s5.2), September 2016, [url](#)

²⁵⁶ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s5.2), September 2016, [url](#)

after months of wrangling, legislators agreed on replacements for five Supreme Court justices whose nine-year terms ended on July 15, 2018. Those justices replaced four of the five judges on the constitutional chamber, a body that has issued several significant decisions. Although some of the constitutional chamber's decisions have been controversial, others, including its 2016 decision to overturn the country's 1993 Amnesty Law, received international praise.²⁵⁷

12.9.6 With regard to women and other vulnerable groups, a May 2019 Time magazine article noted:

'In 2018, El Salvador's attorney general announced the creation of a new unit to oversee crimes related to violence against women, girls, LGBTQI people and other groups vulnerable to violence. Authorities do seem to be slowly managing to turn the tide. Total femicides fell 20% between 2017 and 2018, to 383. And in the first four months of 2019, 30% fewer women died by femicide than in the same period last year. But that still means that by April, 76 women and girls were killed just for being female.'²⁵⁸

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12.10 Complaints, prosecutions and convictions

12.10.1 The IRBC IGMR on women of September 2016 based on a range of sources noted '[o]ther interlocutors also indicated that judicial corruption was a problem in El Salvador.[...] Only 5 to 7 percent of all complaints made before authorities result in conviction.[...]'²⁵⁹. The IRBC IGMR on gangs of September 2016 based on a range of sources similarly reported:

'The PDDH [Office of the Ombudsperson for the Defence of Human Rights] indicated that around 5 to 7 percent of complaints lodged with authorities lead to sentences. Foundation Cristosal indicated that, in the last five years, authorities received around 120,000 complaints. Of the 40,000 that went to trial, a verdict was reached in 6,000 cases, and in 2,000 of these cases, a sentence was reached.[...] The FGR [Office of the Attorney General] annual report indicates that, out of the complaints lodged with authorities between June 2015 and May 2016, 94,338 cases were opened by prosecutors involving 115,152 accused persons.[...] During the same period, the justice system put 42,694 cases to trial, involving 65,292 accused persons, of which 8,997 were convicted and 2,423 were acquitted.[...] FESPAD [Foundation for the Study of Applied Law] also indicated that some judges who have been threatened by gangs avoid them and leave these cases to be put to trial by a substitute judge.

'Sources indicated that people prefer not to file complaints with authorities due to either fear of reprisals or retaliation,[...] 60 or due to lack of confidence in public institutions receiving complaints.'²⁶⁰

12.10.2 In a September 2017 academic paper, Patrick J. McNamara (an Associate Professor from the Department of History at the University of Minnesota),

²⁵⁷ US CRS, 'El Salvador: Background and U.S. Relations' (p9), 14 August 2019, [url](#)

²⁵⁸ Time, 'Violence Against Women in El Salvador ...', 14 May 2019, [url](#)

²⁵⁹ IRBC, 'El Salvador: Information Gathering Mission Report - Part 2...' (s4.4.4), September 2016, [url](#)

²⁶⁰ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s5.2), September 2016, [url](#)

explained 'Data requested by journalists through a government transparency law show that for 2015 only 598 cases, or fewer than 10 per cent of the homicide cases resulted in formal charges filed by prosecutors. More cases (870) have already been closed because of a lack of evidence or witnesses willing to testify. Only 82 homicide cases from 2015 have led to convictions: a conviction rate of 13.7 per cent for cases brought before a judge and only 1.3 per cent for all homicides.'²⁶¹

12.10.3 The USSD human rights report for 2018 noted that '[o]n August 21 [2018], the Organized Crime Court convicted 61 MS-13 members of homicide, extortion, illicit trafficking, and conspiracy to kill police officers, among other crimes.'²⁶² The USSD INL summary noted

'INL established a Business Crimes Task Force (BCTF) and a Transit Crimes Task Force (TCTF) to address widespread extortion of individual citizens and small-business owners, often cited by Salvadorans as their primary security concern and a major driver of migration. The San Salvador BCTF successfully dismantled four extortion networks organized by the transnational MS-13 and Barrio 18 gangs, achieving a 96 percent conviction rate. In 2016, these units contributed to Operation Jaque, El Salvador's first effort to dismantle MS-13 financial structures, and the Attorney General's office expanded the BCTF concept to 19 smaller "anti-extortion units" located in each of El Salvador's 19 departments, with efforts coordinated by a National Anti-Extortion Coordinator. In 2018, El Salvador's Organized Crime Court convicted 61 members of MS-13 arrested in Operation Jaque. In 2017 and 2018, the increasingly coordinated network of task forces operating in El Salvador carried out additional MS-13 financial takedowns and contributed to Operations Regional Shield I-III, in which authorities coordinated to dismantle MS-13 cells across the Northern Triangle and United States, resulting in the arrest of over 1,800 gang members in El Salvador alone.'²⁶³

12.10.4 In February 2018, Insight Crime news reported that a former El Salvador mayor became the first mayor to be convicted of illicit association with gangs (Barrio 18). He was sentenced to 12 years in prison²⁶⁴.

12.10.5 A 17 August 2019 article on the Canadian Global News website noted 'On Friday [16 August 2019], a court sentenced 72 Mara Salvatrucha gang members to prison terms of 260 years for a series of 22 killings in 2014 and 2015.' It added that '[t]he sentences are symbolic, since the effective maximum is 60 years'²⁶⁵.

12.10.6 The May 2019 Time magazine article added 'According to the U.N., only a quarter of femicide cases make it to court and only 7% result in convictions. And, since the femicide-suicide law came in, only 60 cases have been investigated and only one has resulted in charges.'²⁶⁶

²⁶¹ Refugee Survey Quarterly, McNamara P, 'Political refugees...' (p17), 8 September 2017, [url](#)

²⁶² USSD, Human rights report for 2018 (s1d), March 2019, [url](#)

²⁶³ USSD INL, El Salvador summary, undated, [url](#)

²⁶⁴ Insight Crime, 'El Salvador Convicts First Mayor for Ties to Gangs', 2 February 2018, [url](#)

²⁶⁵ Global News, 'El Salvador murder rate', 17 August 2019, [url](#)

²⁶⁶ Time, 'Violence Against Women in El Salvador ...', 14 May 2019, [url](#)

12.11 Assistance for women and other vulnerable groups

12.11.1 See the IRBC IGMR of September 2016 based on a range of sources for information about ‘Ciudad Mujer’ (Comprehensive Support Centre for Women) and other support services for women in general²⁶⁷.

12.11.2 The IRBC IGMR of September 2016 based on a range of sources noted ‘Women do not report violence to the authorities because of lack of confidence and the widespread belief that the criminal justice system is ineffective and that perpetrators were unlikely to be prosecuted. Women and young girls who are subjected to physical and sexual abuse by gang members are reluctant to report it because of fear of reprisal, as they can be seen by gang members as police informants.’²⁶⁸

12.11.3 In 2018 the civil society group Advocates for Human Rights submitted to the UN Human Rights Committee that

‘Women interviewed by The Advocates frequently reported that they did not go to the police to report the violence because of the fear of retribution, as well as the lack of protection from the police. One woman reported that she feared that if she went to the police, her intimate partner would “have the gangs do something horrible to her.” Many of the interviewees reported that the police were connected with the gangs and that information reported to the police was not kept confidential. Other women reported that they did not go to the police because they believed that the police would do nothing to investigate alleged crimes against women.’²⁶⁹

12.11.4 In January 2018, the Inter-American Commission of Human Rights (IACHR) produced a report of their conclusions and observations based on their working visit to El Salvador. In it they recognised

‘...El Salvador’s efforts to develop a legal framework for the protection of the fundamental rights of women and girls and to implement policies, programs, and mechanisms for assistance, protection, and prevention of violence and discrimination. During its visit to the Women’s Hospital, the delegation received information on the comprehensive model to provide services to female victims through Local Victim Assistance Offices (OLAVs). By immediately attending to women victims of crime, these offices make it possible to detect and address situations of sexual abuse, human trafficking, and domestic violence in the country’s public hospitals and in local offices, in coordination with health, police, and justice institutions.’²⁷⁰

12.11.5 However, KIND citing one source reported in 2017 that

‘Silvia Juárez, of the Salvadoran Women’s Rights NGO ORMUSA and an expert on SGBV, explains how gang presence prevents women and girls from reporting violence: “There are new police units to assist victims of gender-based violence, but what happens? Women tell us that these

²⁶⁷ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 2...’ (s4.5), September 2016, [url](#)

²⁶⁸ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 2...’ (s4.2), September 2016, [url](#)

²⁶⁹ The Advocates for Human Rights, El Salvador’s Compliance with... 2018 (para 28), [url](#)

²⁷⁰ IACHR, ‘Conclusions and Observations on the IACHR’s Working Visit ...’, 29 Jan 2018, [url](#)

services may appear to be very important, very helpful, but if a man is violent to his partner, that woman cannot call the police because gangs in their communities will see her as a traitor, as an informant. They [victims of gender-based violence] are made even more vulnerable by reporting, and may even be killed”.²⁷¹

12.11.6 The IACHR’s January 2018 working visit to El Salvador report also

‘... visited the premises of Ciudad Mujer (Women’s City) in San Martín, where they were able to observe how this program works and its innovative model of comprehensive, inter-institutional, and specialized services for women and girls. According to Commissioner Macaulay’s impressions, the Ciudad Mujer model is one of the region’s best practices for the advancement and promotion of the rights of women and girls, especially those who are in a vulnerable situation or have suffered serious violations of their rights. These facilities not only provide services to women and girls but also give them the support they need to rebuild their lives.’²⁷²

12.11.7 The UNSR IDPs report 2018 noted

‘... the Ministry of Justice and Public Security opened 11 local assistance offices for victims, with the goal of opening more during 2017. Located in prioritized municipalities, they demonstrate important progress by the Government in giving attention to victims of violence and offer professional assistance for victims of crimes, such as sexual abuse, trafficking in persons, violence against women and domestic violence. Services include legal, psychosocial and social assistance. UNHCR supported the programme by equipping facilities and providing technical assistance for the creation of a referral pathway for the identification, attention to and protection of victims.’²⁷³

12.11.8 An IDMC report of September 2018 report noted that

‘There is near impunity for sexual crimes, and many girls grow up “in a cycle of violence that they are unable to escape”. Those subjected to sexual exploitation and abuse are unlikely to report their ordeals for fear of reprisals if they speak up and stigma surrounding the issue, but they may present if they become pregnant or contract a sexual transmitted infection. The suicide rate among young girls has also been linked to avoiding their initiation into gangs and forced sexual acts, as well as to the unwanted pregnancies that result, given El Salvador’s absolute ban on abortion...

‘[Local Victim Assistance Offices (Oficinas Locales de Atención a Víctimas, OLAVs)] are a promising step forward, but they are still in their initial stages and there are significant gaps. They provide legal advice and psychosocial support, but do not offer emergency assistance or temporary protection, and civil society organisations have expressed concern about their practicalities. Their opening hours do not match gangs’ night-time operating hours when people have nowhere to turn, and so far they are only located in PESS target

²⁷¹ Kids In Need of Defense, El Salvador: Neither Security nor Justice (p.8)... 22 June 2018, [url](#)

²⁷² IACHR, ‘Conclusions and Observations on the IACHR’s Working Visit ...’, 29 Jan 2018, [url](#)

²⁷³ UN HRC, SR on IDPS report 2018 (para 40), 23 April 2018, [url](#)

municipalities. As such, they are only able to assist people who remain in the area and may not be present in areas of refuge.²⁷⁴

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12.12 Witness protection

12.12.1 The UNSR IDPs report 2018 noted

‘In 2006, the Supreme Court of Justice passed a Special Law for the Protection of Victims and Witnesses. While a positive step, it was noted that the Law focused on witnesses of crime and witness protection and did not include internally displaced persons as a unique category of victims requiring support, assistance and protection. The Law provides for measures to protect the identity and location of victims or witnesses; temporary or permanent protection through the provision of police escorts, temporary housing, or change of domicile or employment; and support measures to provide health care, psychological support and legal services, and help with housing, food, maintenance and employment. Urgent measures can be applied immediately and temporarily according to the risk, before a permanent solution is found.’²⁷⁵

12.12.2 In their March 2016 Eligibility Guidelines, UNHCR explained that

‘In 2006, El Salvador adopted a law that provides for protection and support to victims and witnesses of crimes. Each year, the programme created by this law reportedly supports around 1000 victims or witnesses, about 50 of whom are “protected witnesses” (i.e. criminal turncoats), through measures’ such as the offer of a safe house or a sporadic subsistence stipend. However, there are well documented examples of these witnesses, especially the protected witnesses, being tracked down and killed by gangs and other organized criminal groups, including after trial judges allowed or ordered their identities to be revealed during trial proceedings.’²⁷⁶

12.12.3 The IRBC IGMR on gangs of September 2016 based on a range of sources noted

‘The witness protection program, which is run by the Executive Technical Unit (Unidad Técnica Ejecutiva, UTE), is available for victims and witnesses of crime only during the trial process, after which the person loses government protection. According to the PDDH [Office of the Ombudsperson for the Defence of Human Rights], there are no program to assist witnesses once they leave the program. In order to access the program, the person has to be referred by the FGR [Office of the Attorney General]. The Vice-Minister of Justice and Public Security indicated that the due to lack of resources, protection is only offered during trial. The Vice-Minister of Justice and Public Security indicated, and without providing further details, that, in some cases, the UTE [Executive Technical Unit] facilitates exit from the country, but the economic resources to fund these initiatives are limited.

‘Sources interviewed by the mission indicated that the program has many deficiencies. According to the Salvadoran Red Cross, the program does not

²⁷⁴ IDMC, ‘An Atomised Crisis ...’ (p18), September 2018, [url](#)

²⁷⁵ UNHRC, SR IDPs report 2018 (para 34), 23 April 2018, [url](#)

²⁷⁶ UNHCR, ‘Eligibility Guidelines’ (p24), March 2016, [url](#).

guarantee the lives of witnesses. Sources indicated that some witnesses and victims of crime who were in the witness protection program continue receiving threats, and that some witnesses who are currently receiving protection have been the target of threats and attacks. There are many cases of protected witnesses that have been killed. Some of the protected witnesses are relocated to "safe houses" (casas de seguridad or casas seguras) where there have been cases of abuse by guards. Government officials are not eligible to access any protection program, and their spouses and children are threatened.²⁷⁷

12.12.4 A IDMC report of September 2018 noted that 'the state provides victim and witness protection schemes', but opined that they '... tend not to include appropriate accommodation, particularly for family units to whom the individual's threat may extend. Nor is it necessarily secure from perpetrators.'²⁷⁸

12.12.5 KIND in a report based on interviews with child migrants from El Salvador, Guatemala and Honduras and members of civil society in 2016, noted that 'Programs provide protection to only the victim/witness in most cases, leaving the victim's family members vulnerable to retribution by gangs. Women and girls receiving state "protection" may suffer further abuse by authorities. For example, in El Salvador, women and girls who have entered the state witness protection program have reported that security guards charged with protecting them have sexually harassed them, offering them improved living conditions in exchange for sexual favors, and in at least one case attempted to sexually assault a woman under their protection.'²⁷⁹

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Section 13 updated: 18 December 2019

13. Freedom of movement

13.1 Statistics on internal and external migration

13.1.1 The UNHCR in its submission for the UN High Commission for Human Rights compilation as part of the Universal Periodic Review process of El Salvador in March 2019, citing a range of sources, noted:

'According to official figures, approximately 71,500 persons were internally displaced as a result of violence from 2006 to 2016.[...] There is a total of 138,000 Salvadoran refugees and asylum-seekers worldwide.[...] Additionally, 59,400 new asylum applications were submitted worldwide by Salvadoran citizens in 2017.[...] This represents a 38.5% increase in comparison to 2016. Some 26,702 new applications were also submitted from January to June 2018.[...] In the course of 2018, 26,499 Salvadorans were deported from the United States and Mexico,[...] despite information that 16% adults and 31% children reported leaving El Salvador due to insecurity and violence.'²⁸⁰

²⁷⁷ IRBC, 'El Salvador: Information Gathering Mission Report - Part 1' (s5.3), September 2016, [url](#)

²⁷⁸ IDMC, 'An Atomised Crisis ...' (p24), September 2018, [url](#)

²⁷⁹ KIND, 'Neither Security nor Justice...' (p10)..., circa 2017, [url](#)

²⁸⁰ UNHCR, Submission to the UPR (ps 1-2), March 2019, [url](#)

See also [Displacement](#) above.

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13.2 Internal relocation

13.2.1 El Salvador has total surface area of around 21,000sqkm (about the same size of Wales²⁸¹) and a population estimated to be over 6 million. The population density is high across the country, but particularly so around the capital of San Salvador²⁸².

13.2.2 The IRBC IGMR on gangs of September 2016 based on a range of sources noted:

'Internal relocation is "difficult" in El Salvador due to the close-knit nature of its communities where everybody knows one another.[...] The LGBTI Justice Clinic (Asistencia Legal para la Diversidad Sexual-El Salvador, ALDES) indicated that relocation for people fleeing the gangs is "very difficult" as the reach of these structures mean they are able to find a person anywhere in the country. Sources indicated that when a person moves from one community to another, he or she is investigated by the gang in the new location.[...] When a person moves from a community dominated by one gang into a community dominated by the same gang, the clique in the new place will collect information about that person to cross-reference it with the clique that operates in the place of origin.[...] Also, when the person moves to a territory controlled by another gang, he or she could be killed.[...] According to Foundation Cristosal, this is a mechanism communities have to "protect themselves from strangers." Dr. Gaborit explained that gangs have a sophisticated communications network, with a comprehensive network for spying and sharing information.[...] Sources indicated that gangs collect information in different ways, such as through their legal businesses, stores and car wash spots within the neighbourhood.[...] They also infiltrate companies, call centres, and supermarkets.[...] Gangs have the capability to find out, within a short time, where a displaced person has moved.[...] According to the IGSP, internal relocation for victims and witnesses of crime is possible in El Salvador, but added that if the party in pursuit is committed to find the victim, it is "very probable that the person will be found."²⁸³

13.2.3 The IRBC IGMR on women of September 2016, based on interviews with sources in El Salvador, noted in regard to effectiveness possibility of relocation and traceability of women fleeing violent situations:

'Regarding the traceability of women fleeing their partners, interlocutors indicated that it is easy to locate someone who moved to another part of the country....

'Interlocutors noted that gangs have an efficient nationwide network of contacts and "sophisticated communications systems." Dr. Mauricio Gaborit, Professor of Social Psychology at the Central American University "José Simeón Cañas," expressed an opinion that when a person leaves a neighborhood controlled by a gang and moves to another area, the gang can

²⁸¹ CIA, World Factbook – United Kingdom, 6 December 2019, [url](#)

²⁸² CIA, World Factbook – El Salvador, updated 3 December 2019, [url](#)

²⁸³ IRBC, 'Information Gathering Mission Report - Part 1...' (section 6), September 2016,

locate that person in less than 24 hours. If a person moves to a neighbourhood with the same gang, the gang members will know if he or she had a problem with the gang in the original neighbourhood. If the person moves to a neighbourhood where a different gang controls the territory, he or she will be perceived as the enemy and might be killed.’²⁸⁴

13.2.4 The UNHCR Eligibility Guidelines of March 2016 considered that if a person moves

‘... to an area controlled by a different gang, they are likely to be challenged by this gang as rival gangs usually do not accept persons coming from areas controlled by other gangs settling in their home territory. Where gangs and other criminal groups have serious problems with a person or believe that the person in question could represent an ongoing threat, they are reported to make efforts to try and track the person down even after they have fled their home.’²⁸⁵

13.2.5 The IDMC report of September 2018 report observed that ‘[g]iven the small size of the country and gangs’ extensive surveillance networks, people can often be located within 24 hours.’ The same report also noted that ‘[n]ew arrivals in an area will be checked out, asked where they used to live and asked for their ID card, which bears their address.’²⁸⁶

13.2.6 The USSD human rights report for 2018 noted

‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, although in many areas the government could not guarantee freedom of movement due to criminal gang activity... The major gangs controlled their own territory. Gang members did not allow persons living in another gang’s controlled area to enter their territory, even when travelling via public transportation. Gangs forced persons to present government-issued identification cards (containing their addresses) to determine their residence. If gang members discovered that a person lived in a rival gang’s territory, that person risked being killed, beaten, or not allowed to enter the territory. Bus companies paid extortion fees to operate within gang territories, often paying numerous fees for the different areas in which they operated. The extortion costs were passed on to customers.’²⁸⁷

For more information on [displacement](#) by gangs, see eponymous section above.

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²⁸⁴ IRBC, ‘El Salvador: Information Gathering Mission Report - Part 2’ (s4.6), September 2016, [url](#)

²⁸⁵ UNHCR, ‘Eligibility Guidelines’ (p26), March 2016, [url](#).

²⁸⁶ IDMC, ‘An Atomised Crisis ...’ (p33), September 2018, [url](#)

²⁸⁷ USSD, Human rights report 2018 (section 2d), March 2019, [url](#)

Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

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Organized Gangs

- History
- Gangs
 - Structure
 - General characteristics of gangs and its members
 - MS-13
 - B-18
 - Other Gangs
 - Activities, Size, Reach
- Government response
 - Law and policies
 - Witness protection
- Targets of gang violence
- Criminal justice system
 - Police and military
 - Effectiveness
- Freedom of movement

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Version control

Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **20 February 2020**

Official – sensitive: Start of section

Caseworker instruction - deleted

Official – sensitive: End of section

Changes from last version of this note

New CPIN

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