

REPORT ON STATUS OF FORCED DISPLACEMENT DUE TO WIDESPREAD VIOLENCE IN EL SALVADOR

This report has been presented to the Inter-American Commission on Human Rights (IACHR) Thematic Hearing held on Monday, October 19, 2015 in WDC. It contains a brief background on violence in El Salvador, overview of the phenomenon of forced internal displacement suffered by victims of violence and reference to cases of internal displacement due to violence and organized crime that have received assistance from member organizations of the Civil Society Working Group Against Forced Displacement in El Salvador.

El Salvador is one of the Central American countries suffering from violence in all its manifestations. According to National Civil Police authorities in the country as of September 2015 the month closed with an average of over 12 murders a day.

Given the above situation, many social and non-governmental organizations serve people who are affected by violence. Specifically, we are attending to those who suffer from forced displacement wherein against their will in order to save their lives, leave their homes to move another place where frequently they find themselves in inadequate living conditions and fragmentation of family life.

As a part the work of social and non-governmental organizations seeking to strengthen assistance to people suffering forced displacement, the Civil Society Working Group on Forced Displacement due to Violence and Organized Crime was created. "La Mesa" (comprised of: Migration Network - El Salvador-REDMIGRES, Passionist Social Service-SSPAS, the Independent Monitoring Group of El Salvador-GMIES, Human Rights Institute of Universidad Centroamericana-IDHUCA, Technological University of El Salvador-UTEC, Foundation for Studies for the Application of Law-FESPAD, Cristosal Foundation, Salvadoran Red Cross-CRS, Anglican Church of El Salvador, El Salvador Lutheran Church, San Carlos Scalabrini Missionaries of SIMN and American Friends Service Committee AFSC), in addition to providing care in specific cases, is engaged in advocacy and lobbying with governments and international bodies in order to draw attention to the issue and continually improve our responses in order to reduce the suffering of people who are affected by this collateral problem of social violence.

Context of Violence in El Salvador

After the signing of the Peace Accords of 1992, El Salvador experienced a period of social, economic and cultural changes that continue to transform Salvadoran society. However, the structural problems that led to the armed conflict have not been solved. Poverty, inequality, lack of opportunities, such as corruption that has operated in the State institutions, and others, have continued to erode the social fabric and have created new social dynamics . One of the many consequences of this social disintegration is the phenomenon of gangs and other groups involved in criminal activities such as extortion, murder, rape, drug trafficking, theft and others.

Faced with this phenomenon, state strategies to deal with violence generated by such groups have been developed in different ways over the years. In 2003, the government

implemented the Plan Mano Dura, and in 2004 the Super Mano Dura plan. In 2012 a process called "Initiative for life and peace" began, but it became better known as "the truce" between the "Mara Salvatrucha" and "Barrio 18" gangs. This process was facilitated by Fabio Colindres, the military bishop of the Catholic church and Raul Mijango, historic leader from the left. This process achieved the reduction in homicides from 13 a day to 5.

Although the government did not officially acknowledge participation in the "the truce", many actions related to it clearly denoted support. By 2014 the current government decided not to continue with the unofficial support for the truce.

In 2015, through the National Council on Citizen Security and Coexistence was convened as an initiative of the government. It included a wide range of sectors of Salvadoran society who presented the "Secure El Salvador" plan that seeks to be the answer to the situation violence in the country. However, the plan lacks funding and a monitoring plan for implementation of a comprehensive approach on some issues such as attention to victims.

During 2015 violence has continued to increase and August registered the most violent month with 911 homicides, according to data released by the Institute of Legal Medicine (IML) and the National Civil Police (PNC). Data recorded between January 1 and August 31 show there have been 4,246 murders.

However, the measures taken by the current government are not delivering the expected results. The current approach, by all appearances is far from being one focused on violence prevention, has been primarily confrontational and concentrated in the communities of the most violent municipalities of San Salvador, which is the department with the highest rates of homicide and violence.

Factors such as social inequality, lack of access to education and El Salvador's stagnant economy have influenced the youth of the poorest communities in the country many of whom have integrated into organized crime groups including the gangs popularly known as "maras" that act as criminal groups recruiting young people, children and adolescents, sometimes by force as necessary elements in their structures to commit crimes such as extortion and killings.

The phenomenon of social violence is forcing many individuals and families to be displaced from their places of origin because they fear being killed by gangs that dominate rival territories where they live or engage in their daily activities. The gangs in their neighborhoods ask them to participate in crimes or demand their daughters for sexual exploitation or try to recruit their teenagers, and in the end, their lives are directly threatened by criminal structures, whether gangs, drug trafficking or death squads.

In this situation of violence, thousands of families are forced to leave their homes and move in order to escape the phenomenon of violence. The situation of forced displacement due to violence is a phenomenon that can no longer be ignored by the Salvadoran State.

Overview on the phenomenon of forced internal displacement suffered by victims of violence

The phenomenon of internal displacement is an effect of a situation of generalized violence in El Salvador. Hundreds of Salvadoran families flee their homes to protect their lives and safety and many of which end up seeking international protection outside the country's borders because of inattention or inadequate measures of attention from Salvadoran state agencies.

The Salvadoran State has not officially acknowledged that there is a problem of internal forced displacement motivated by widespread violence. Programs or institutions that provide care efficiently and effectively to the needs of these victims protection are non-existent. The phenomenon is invisible or minimized and not taken into account in the design of public policies and the legal framework. There is no official record of how many IDPs forced by violence are living in the country. This lack of information is due mainly to denying the existence of the phenomenon and so the specific cases of people turning for help to public authorities are not registered.

In the annual report 2015 Norwegian Refugee Council on internally displaced by conflict and violence, El Salvador appears for the first time identified as one of the countries in the world with IDPs, estimated that in 2014 approximately 288,900 people were in a situation of forced displacement in the country.³

El Salvador is a little more than 20,000 square kilometers in size, a territory too small to hide from the structures of organized crime and gangs that have broad territorial control in most of the nation. Individuals and families who are threatened by these structures are forced to constantly hide and change location. Civil and political rights are severely affected, as well as their economic, social and cultural rights, as fleeing and hiding people leave their jobs, children, adolescents and youth drop out of school and the elderly don't have access to health monitoring.

Moreover, in many of the cases are attended to by member organizations of the Civil Society Working Group Against Forced Displacement, families abandon their own houses that were acquired with much effort or are mortgaged to financial institutions and when they leave they must continue to pay or lose the home. They are unable to sell their homes because of fear as no neighbor would dare to buy an abandoned house.⁴

Fleeing from their communities represents the abandonment of an established life which is very difficult to restore within the country; it means their belongings, property and livelihoods, there are difficulties for these people and their families to reintegrate into the labor market, to have access to health services and education and they even have difficulty obtaining personal documents such as birth certificates, identity cards, passports, educational and health records.

No reporting is available that can help determine the level of affectation of the right to health care of people fleeing from their homes by widespread violence. However, on violation of the right to education, in 2014, 13, 402 students from first grade to high school stated that crime was their reason to drop out of school. The Ministry of Education believes that beyond that figure, which represents the equivalent of one in every 100 students enrolled last year, that reasons listed as "change of address" and "change of school" hide the real dimension of the phenomenon and would add another 20,000 students to those whose schooling is affected by violence.

The Deputy Minister of Education, Francisco Castaneda, said in September this year that he is convinced that the gang phenomenon is a key factor in the dropout rates. "There is the problem of a young person living in a place where there is the presence of a gang and if he goes to another school where there is the presence of a rival gang, they begin to stigmatize him as a member of a gang. He will leave that school and move to another", the official stated in an interview with the online newspaper "El Faro", referring to one of the 18 reasons for leaving school that the Ministry records every year.⁵

Refugees and asylum-year Salvadoran refugees

(2009-2014)

Year	Refugees	Returned Refugees	Asylum seekers (pending cases)	total:
2009	5051	0	9751	14802
2010	4,976	2	1,543	6521
2011	6720	0	1636	8356
2012	8170	0	1635	9805
2013	9638	0	11281	20919
2014	10965	4	18037	29006
Total:	45520	6	43883	89409

Source: Prepared based on data from United Nations High Commissioner for Refugees (UNHCR)¹

In the absence of support needed from different state institutions, people in situation of forced displacement turn to their own families and friends for help, but these networks are stretched to their limit after a while. At that point, many make the decision to migrate abroad to seek international protection. This means that internal displacement is often a first step for these victims in becoming forced migrants seeking international protection abroad.

According to the United Nations High Commissioner for Refugees (UNHCR), for the years 2009 to 2014 there were 45,526 Salvadorans granted refugee status. The increase of applicants is palpable when one observes that 5,051 refugees got their status in 2009, and 9,751 asylum seekers with pending cases. In 2014 refugee status was granted to 10,969 Salvadorans and there were 18,037 claimants with pending cases, in both years there is an increase of 117% in the number of refugees and 85% of applicants Salvadoran refugee with pending cases.

These are cases registered by UNHCR and the number may be much higher because not all Salvadorans leaving the country as victims of violence activate the systems of international protection in countries where they are going. Sometimes this is because they do not know they have this right or because they are discouraged by the immigration authorities to exercise or abandon processes already initiated as in the United States of America and the United Mexican States.

¹ UNHCR data obtained from the following official link: <http://popstats.unhcr.org/en/overview>

Requests for asylum are given in countries such as the United States, Canada and Mexico, but also the countries of Nicaragua, Costa Rica and Panama have recorded an increase of requests for international protection.

These people are often subject to deportation proceedings, making them deportees with special protection needs. While the General Directorate of Immigration (DGME), a body responsible for receiving deported Salvadorans does not track those with special protection needs, the "Assessment on the characterization of the Salvadoran population returned in need of protection" of UNHCR developed by the International Organization for Migration (IOM) and the Central American University "Jose Simeon Cañas" (UCA) carried out in the reception center deported from Mexico, shows that in the first quarter of 2014 that the pattern is confirmed with an increase of 5.2% to an annual 10.8% of people stating crime and violence as their reasons for leaving.

These people having no choice but to return to the place where they experienced violence end up forced to migrate again. 42.6% of those deported by land from Mexico said they planned to undertake the journey again. These people find themselves in a cycle of vulnerability that starts when they are victimized and become internally displaced, then forced with international protection needs of migrants and eventually become deported with special needs, becoming again internally displaced, and then once again repeating that cycle on several occasions re migration.

Faced with increasing difficulties in the migratory route to US some of these people have sought new alternatives, especially in other Central American countries. Although Salvadorans who were granted refugee status and asylum-seekers with pending cases in 2014 was 27,155 in North America, Central America recorded 1,241 cases with 478 picking Costa Rica, 335 in Panama and 223 Nicaragua; and in Europe at least 536², mostly in Italy with 184 and Sweden with 155.

In many cases an act of violence directed at a person involves his or her whole family group and breaks the social fabric of communities; as people are forced to flee with their families or abandon them. There have been cases where neighborhood groups and whole communities are forced from their homes after threats from criminal groups. It is noteworthy that because the immigration restrictions in the southern countries of Central America are more flexible, many do not trigger the processes of international protection, leaving only the evidence of migration flows in these new routes.

Through local media, community testimonials and social organizations are aware of the exodus of entire families in different municipalities. These events have been documented by the Salvadoran media with the most digital and print circulation. Recently reports of an exodus of more than 50 families in the town of Izalco, Sonsonate and more than 10 families in the municipality of Mejicanos and Ayutuxtepeque, department of San Salvador, in the Bajo Lempa in the east, as well as reports stories of displaced people in the towns of Puerto Triunfo, Cuscatancingo, and San Martin, among

² Because in the case of the Netherlands for reasons of protection of identity of applicants and refugees UNHCR only reveals that the registered number ranges 1-4 has taken the minimum value of 1 to account for the data in this country violence.

other municipalities, are examples of a reality claimed to be nonexistent by the state authorities (see **Annex 1**).

The organizations of the Civil Society Working Group against Forced Displacement do to Violence and Organized Crime El Salvador, provide support to these victims in the way of legal advice, shelter and counseling, among others. This group of 12 organizations see between 3-5 cases weekly that come to them via personal, telephone or electronic communication, that represent approximately 500 cases. However, not all of the cases communicated are given professional and specialized attention. Many are referred to State agencies, principally the Human Rights Ombudsman's Office.

Between August 2014 and September 2015, six of the twelve institutions of civil society organizations in the Working Group attended 109 cases of internal displacement that has affected 510 people. Additionally, another 25 cases were reported to the Ideas and Actions for Peace Foundation, Quetzalcoatl in the Metropolitan Area of San Salvador. The most serious cases documented by the Foundation happened in the neighborhood called, "La Gloria", in the municipality of Mejicanos in San Salvador. That report with testimonials is attached to this report as Appendix 2.

Most of this population have fled their communities for refusing to sell their land to criminal structures such as drug traffickers, in order to prevent death threats from being carried out or reprisals for having witnessed a crime. Others have fled to prevent children from being recruited by gangs or their daughters from being raped or taken as sexual slaves to gang leaders, or to get away from the extortions of the gang, or being used to bring in illegal items to the prison system, as well as former gang members being forced to return the criminal structure, among others. (See Table 1)

From this sample it can be seen that, although there are reported cases where only one individual is displaced, in most cases, the displaced are family groups, whether they move along with the directly affected person or do so later. Of this population, 47% are male and 53% female, a trend that continues when adult women compared with 54% adult men and 46% in adolescents being male and 48% female 52%, but varies slightly in children where males are 51% and 49% girls. Overall, 66% are adults and 33% children and adolescents, with 36% adult women, 31% adult males, 11% boys, 10% girls, 6% adolescent girls and 6% of men.

**Victims IDP by age and sex
(August 2014 - September 2015)**

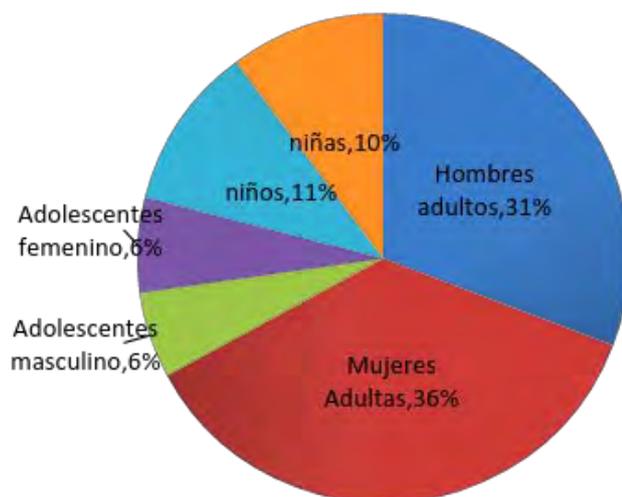
	M	F	TOTAL:
Adult	157	185	342
Child*	55	52	107
Adolescent**	29	32	61
TOTAL:	241	269	510

* Child: under 12

** Teenagers: 12 to 18 years

Source: Based on information recorded by cases attended to by organization members of the Civil Society Working Group Against Forced Displacement

Víctimas de desplazamiento forzado interno por sexo y edad



Authors of violence that cause displacement (August 2014- September 2015)

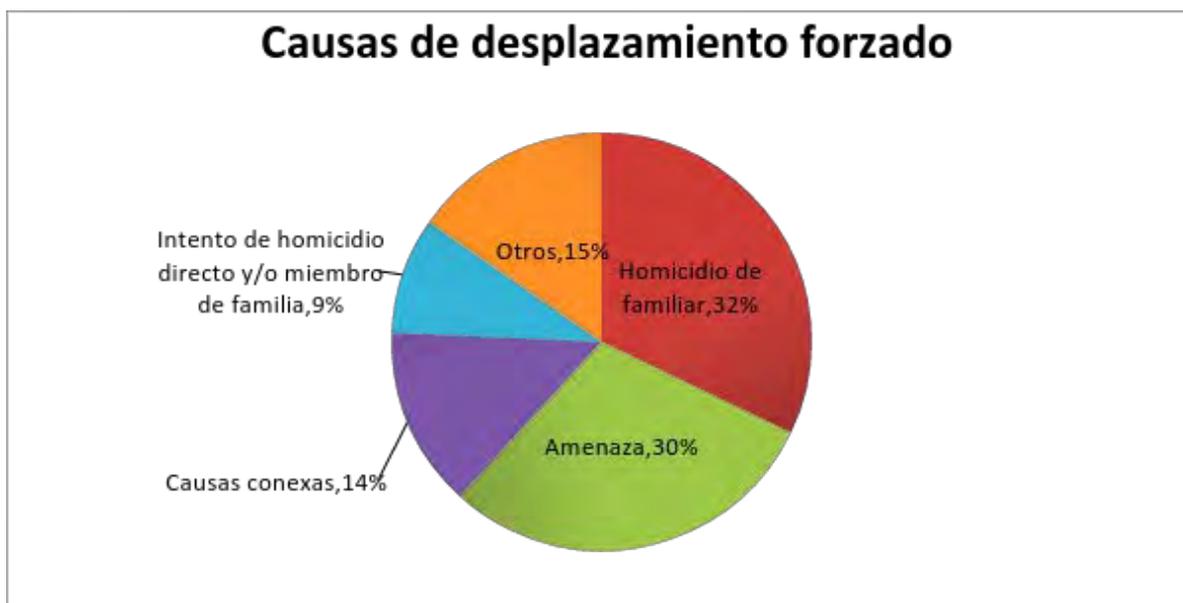
causing displacement	cases	victims
Gang		101,484
Particular	September	3
Drug	July	2
Police	April	2
Organized Crime	1	6
Total:	109	510

Source: Prepared with information on cases registered by Civil Society Working Group Against Internal Displacement by Violence and Organized Crime

It is important to note that although 92% of cases in which 95% of the affected victims have been displaced are caused gangs, there is also 8% of cases affects 5% of victims is caused by other actors as individuals sometimes have posed as gang members or suspected to have ties to gangs, drug traffickers, the PNC and not linked to organized crime gangs. These other agents of violence are singled out for making threats, stalking victims, among others; there was one case where a homicide caused fear for the family to move and a police officer was identified as the threat.

In general, prior acts of violence are reported, in 32% of cases the killing of a family member, 30 % threats, 14% to various related cases where the majority of cases there is a threat in order to intimidate the population, 9% they were victims of attempted

homicide, and others suffered directly or run a household member and the remaining 15% related to other violence. ³



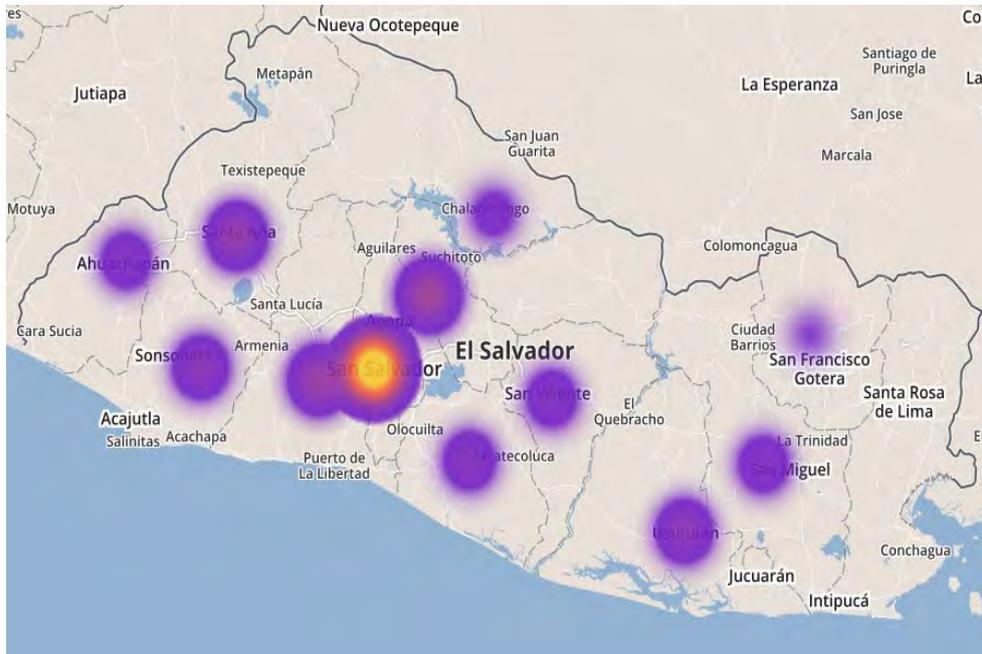
Displaced by department of origin (August 2014 to September 2015)

Departments	Cases	Displaced
San Salvador	57	260
Cuscatlan	August	45
La Libertad	December	37
Santa Ana	May	32
Usulután	April	25
Sonsonate	May	24
ThePaz	March	19
San Miguel	June	17
San Vicente	March	17
Ahuachapán	March	17
Chalatenango	February	11
Morazan	June	1
TOTAL:	109	510

Source: Prepared with information on cases registered by Civil Society Working Group Against Forced Displacement due to Violence and Organized Crime

³ Other includes protected witness in fear of their safety, fear of widespread violence, trafficked persons directly and / or family member, rape victims and / or family member, extortion, forced disappearance of family, harassment, deprivation of freedom direct and / or family member and injuries.

The cases registered by the Working Group also show that the only departments that do not register internally displaced persons are Cabañas and La Unión. The affected IDP population comes mostly from the paracentral area with 76%, especially in the department of San Salvador where 51% of the people lived. The departments of Cuscatlan and La Libertad are next in the number of displaced with 9% and 7% respectively. The western area has 14% of displaced persons and the eastern 10%.



This situation warrants being brought to the attention of supranational bodies that oversee the observance and respect for human rights. It is expected that they will take the necessary and urgent measures with the Salvadoran State in order to address the phenomenon and not allow these serious conditions to accumulate and have irreversible consequences.

Requests to the Inter-American Commission on Human Rights

1. That the Illustrious Commission, kindly express to the Salvadoran Government its concern over the situation of forced internal displacement in El Salvador, with a focus on the victims, and include in its report for the current session a communiqué and further reference this issue in its report 2015.
2. And that the Salvadoran State be urged to recognize the situation of forced internal displacement and to generate such legislative or other measures for adequate protection of victims of forced displacement, as: a) promote the necessary legislative and institutional reforms to adapt its legal system to international obligations on internal displacement; b) monitoring the actions (106 and 111) of Section 4 of Plan El Salvador Seguro which refer to the care and protection to victims including those victims of displacement; c) Preparation of a situational analysis on internal forced displacement and generation of specific public policies on the subject; d) the development of institutional

protocols for the care and protection of persons affected by internal displacement; e) urge the countries of the Northern Triangle that within the Alliance for Prosperity Plan to include funding for attention to IDPs.

3. To request this honorable Commission in the context of their roles in promoting and monitoring human rights in the region , encourage countries receiving displaced persons to comply with the Cartagena Plan + 30.
4. Request a visit in situ of the Rapporteur of the Commission assigned to the country, to verify the situation of internally displaced persons and the fulfillment of obligations Salvadoran State on this matter.

Anexos

<http://www.lapagina.com.sv/nacionales/109871/2015/09/01/Familias-huyen-de-pandillas-en-canton-Talcomunca-de-Izalco>

<http://www.laprensagrafica.com/2015/01/20/familias-desalojan-condominio-en-mejicanos-por-amenazas-de-pandillas>

<http://www.elsalvador.com/articulo/sucesos/desalojan-familia-ilopango-por-amenazas-65128>

<http://www.laprensagrafica.com/2015/04/19/obligan-a-familia-a-abandonar-vivienda-en-reparto-las-caas>

<http://www.lapagina.com.sv/ampliar.php?id=97634>

<http://elmundo.com.sv/familia-pide-asilo-tras-huir-por-amenazas/>

http://www.especiales.elfaro.net/es/salanegra_desplazados/

<http://www.elfaro.net/es/201508/noticias/17252/La-deserci%C3%B3n-escolar-por-inseguridad-se-duplic%C3%B3-en-los-%C3%BAltimos-cinco-a%C3%B1os.htm>