HOME SWEET HOME?
HONDURAS, GUATEMALA AND EL SALVADOR’S ROLE IN A DEEPENING REFUGEE CRISIS
As violence has worsened and poverty and inequality remain prevalent, the Central American governments of Honduras, Guatemala and El Salvador, also known as the Northern Triangle, are doubly failing to protect their citizens: socioeconomic conditions remain poor and an increasingly violent environment permeates every corner of their countries, which causes people to flee in record numbers, but governments are failing to provide protection to those who are deported back to the same dangerous climates from which they ran.

Amnesty International is undertaking a multi-year, transnational investigation into the various components of this regional crisis, including future research which will examine the dangers of asylum-seekers’, refugees’ and migrants’ journeys through Mexico and the failings of the regional response to the surge in refugee protection needs. Future investigation will particularly highlight how practices in Mexico and the US violate the principle of non-refoulement, which under international law forbids a State from returning a refugee to a country where they will face persecution or danger.

The United Nations High Commissioner for Refugees (UNHCR) has established that asylum-seekers from the Northern Triangle countries fall within a certain risk profile: those persecuted by a gang due to the gang’s perception that they do not comply with the gang’s authority; persons working or involved in activities susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate; women and girls in areas where gangs operate; and LGBTI people.

UNHCR advises that all these groups may be in need of international protection under the 1951 Refugee Convention. Regional instruments such as the Cartagena Declaration clearly calls for refugee status for those persons fleeing generalized violence in their countries, such as those from Central America’s Northern Triangle.

To truly understand the regional dynamics of human mobility, Amnesty International chose to first investigate the conditions in which these people begin and often end their perilous journey - their countries of origin - and found that the governments of these countries are failing their citizens every step of the way.

The migration flow from Northern Triangle countries through Mexico to the United States is a decades-long phenomenon. But the last several years have seen the development of a new reality that pushes people to leave their homes: soaring violence has caused rising numbers of people to run north to save their lives. Despite this situation, impunity remains the norm for most crimes and access to justice is mere wishful thinking. Moreover, people in the Northern Triangle have also reason to fear that the authorities who are supposed to protect them are complicit in organized crime or are the perpetrators of abuses themselves. Citizens of Guatemala, El Salvador and Honduras fight a daily battle to survive amidst ubiquitous violence and fleeing their countries is often the only choice they have.
Amnesty International finds that violence is a key expulsion factor in El Salvador and Honduras, where levels of violence and an increase in the amount of territory controlled by gangs affect people’s right to life, physical integrity, education and freedom of movement. In both countries, women are increasingly suffering the impact of violence. In El Salvador, the female murder rate increased by 60% between 2008 and 2015, while in Honduras it rose by 37% in the same period. In the case of Guatemala, Amnesty International found that migration occurs due to multiple push factors often linked to historic high levels of inequality. Further research is necessary to analyse migration factors in Guatemala.

The total number of asylum applications, of deportees, and of apprehensions of unaccompanied children from the Northern Triangle countries, plus the lack of public policies to respond to the needs, result in large-scale gaps in protection and highlight the magnitude of the protection crisis. Deportations from Mexico to El Salvador, Guatemala and Honduras increased by 231%, 188% and 145% respectively between 2010 and 2015, representing an average increase of 179%. Heightened immigration enforcement on both Mexico’s northern and southern borders means these numbers are not likely to drop anytime soon. In this context, Amnesty International found that no Northern Triangle government has a comprehensive, clearly articulated mechanism or protocol in place to address the protection needs of deportees, leaving many of those deported exposed to great danger. The governments of the Northern Triangle have invested resources in improving the reception centres for deportees. Despite this improvement, research has found that states’ efforts to protect their returned citizens appear to end the moment they walked out of the doors of the reception centres. In some of these countries, authorities relied on civil society organizations to fill the void and provide the most crucial services to follow up with deportees with protection needs. National and local authorities responsible for migrants and deportees in Guatemala, Honduras and El Salvador interviewed by Amnesty International were unwilling to acknowledge the extent to which violence has changed migration and has become a push factor. Many of them made reference to the Plan of the Alliance for Prosperity, a development initiative financed by the US Government, as the main strategy to address root causes of migration. However, none of them could explain how this strategy would respond to the needs of at-risk deportees. The Northern Triangle states have often sought to minimize the link between violence and forced migration, focusing instead on historic factors such as economic opportunities and family reunification. But skyrocketing asylum applications throughout the region indicate a very real shift in reasons to migrate. For instance, the number of asylum applications made around the world by applicants from El Salvador, Honduras and Guatemala increased by 597% between 2010 and 2015, according to UNHCR statistics. The desperate situation has been reflected in the new demographics of the people making the journey, who increasingly come from society’s most vulnerable groups and whose basic rights states have repeatedly failed to protect: women, young people, children (both traveling alone and in family units), and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

When tragedies befell many refugees, migrants and asylum seekers on their journeys the respective consulates and foreign relations ministries have been sluggish and indifferent in demanding justice and assistance for their families at home. Amnesty International found that the Northern Triangle States have no clear policy to assist or attend to the needs of relatives of migrants who have been subjected to grave human rights violations while making the journey through Mexico.

While the countries of transit and destination take steps to stem the migrant flow, the region’s crisis will not be solved until Northern Triangle country leaders take concrete action and confront the protection crisis at home. KEY RECOMMENDATIONS

Northern Triangle States must acknowledge their responsibility in the protection crisis in the region and design and implement public policies and legal frameworks to provide protection for deportees, with particular attention to vulnerable groups such as children, indigenous people, women and LGBTI individuals.

Amnesty International would also like to dedicate this work to all of the people whose personal experiences appear in the report and thank them for their incredible bravery and gracefulness in the face of great danger and often great tragedy.
2. PUSHED OUT THE DOOR

Human mobility from the Northern Triangle countries (Guatemala, El Salvador and Honduras) through Mexico and to the United States has a long history in the region. Lingering fallout from the decades of civil war, social exclusion, stagnant economies, displacement due to natural disasters and droughts have stimulated Northern Triangle countries migration to the north for decades. Many people have also sought reunification with family members, when a parent or other relative had already migrated. But even if the phenomenon is not new, in recent years, the people who are undertaking the journey, their motives and the conditions in which they are leaving their homes, have undergone significant changes.

CHRONIC POVERTY, STILL A REASON TO CROSS THE DESERT

Despite the changing context and new factors, poverty and social exclusion continue to be important push factors for migration. While poverty rates have improved in some countries in Latin America in the past decades, the changes in Central America have been less visible than in some countries in South America, and the number of people in the Northern Triangle living on less than they need to survive is still worryingly high.

Guatemala stands out for its growing levels of poverty, which have in fact been backsliding in recent years. According to the World Bank, 59.3% of Guatemalans were living below the poverty line in 2014, which is defined as an income that is insufficient to purchase a basic basket of goods and services. The United Nations Development Programme (UNDP) found that Guatemala was the only country in the region where levels of poverty actually increased over the 2003-2013 period, for the equivalent of around three million people, and whose middle class shrunk. Economic and social exclusion continue to be dominating factors for migration in Guatemala, particularly for children. In particular, local analysts and civil society organizations cite what they call “structural violence” as a source of migration, in reference to the long lasting discrimination against and social and economic exclusion of the region’s biggest indigenous population.

1 This is different than the global poverty standard of living on less than US$1.90 a day. The World Bank, Poverty & Equity: Country Dashboard Guatemala, available at povertydata.worldbank.org/poverty/country/GTM
3 UNDP, Progreso multidimensional: bienestar más allá del ingreso, pp. 51-53.
In 2010, when he was 17 years old, Mateo and his 22-year-old sister Lidia left their home in Guatemala and set off for the United States in search of a better life and to help their family financially. Under the hot sun in the Sonora desert, Lidia suddenly collapsed near the Mexico-USA border. The group with whom the two were travelling abandoned them without any food or water and Mateo watched as his sister died in his arms hours later. Mateo said he spent the night holding her body, fending off animals, and trying to carry her until he realized he would not be able to do so and set off to find help. After getting lost he said he eventually turned himself over to US immigration authorities and was deported. In the years since, despite his parents’ pleas to stay, he has tried to make the journey several times but has never made it past Mexico. “One day I am going to cross that desert and get my sister,” he said. “It is always on my mind.” The family filed reports with the authorities and gave DNA samples of their daughter but has had no news of her. If he never makes it back there himself, Mateo hopes that one day her body is found, “so that my conscience can be free.”

2.1 LIFE AMIDST UBIQUITOUS VIOLENCE

After a noted drop in violence in the period after the conclusion of the internal armed conflicts in Central America in the 1990s, gangs (known as maras) and organized crime made the Northern Triangle one of the most dangerous sub-regions in the world in the past decade. Mara activity increased along with the influx of gang members deported back from the United States and the influence of Mexican drug cartels in the region.

The inability of these countries to halt the gangs’ rapid growth and control of territory, coupled with the complicity and abuses of frequently corrupt law enforcement and security forces, has left people unprotected and at risk of violence. It is not only their lives and safety which are under threat, but their ability to enjoy other human rights including their right to freedom of movement and education. The struggle for territory between the gangs has led to the invasion of fault lines throughout the countries, which people are not allowed to cross, no matter if their relatives, job or school lies on the other side of these lines. This particularly affects the poorest and most marginalized communities. Young people and children face the prospect of forced recruitment and sexual exploitation. Broad swaths of society face routine extortion at gunpoint and small business owners and transportation workers are particularly targeted. The lack of proper investigations means impunity is the norm for most crimes and distrust of the authorities is widespread. Daily life is a constant battle and with no prospects for protection and justice at home, those at the margins of society often feel their only hope for survival is to flee.

This has created one of the world’s most invisible refugee crises.

2.2 MURDER CAPITALS

In Outskirts of Guatemala City, 23 April 2016 © Amnesty International / Encarni Pindado

Mateo, a 23-year-old man who watched his sister die while trying to cross the Mexico-USA border, 24 April 2016 © Amnesty International / Encarni Pindado

Mateo and Lidia

福州, March 2016 © Amnesty International /Encarni Pindado

Forensic team working at a crime scene where two people were killed in Choloma, Honduras, 5 July 2016 © Amnesty International / Encarni Pindado

One day I am going to cross the desert and get my sister... It is always on my mind.

Mateo, a 23-year-old man who watched his sister die while trying to cross the Mexico-USA border.
In 2012, Honduras was one of the most deadly countries in the world outside of a warzone, registering 92.7 murders per 100,000 inhabitants (7,172 murders in total).11 San Pedro Sula, the country’s economic hub and second-biggest city, was ranked the world’s deadliest city for several consecutive years.12 In recent years, although the country still figures as one of the most dangerous in the region and the world, numbers have dropped to a total of 5,418 murders in 2015 and 2,488 in the first half of 2016, according to official statistics.13

El Salvador has seen its levels of violence rise and fall precipitously in accordance with gang politics. The number of murders dropped from 4,366 in 2011 to 2,567 in 2012 when a truce between warring gangs took hold, and was 3,066 (setting records at over 108 murders per 100,000 inhabitants) when the truce was broken.14 In 2015, the capital San Salvador became one of the world’s most dangerous cities outside a conflict zone.15 At least 2,015 murders were recorded in the first three months of 2016 alone, but the numbers fell just slightly between March and April.13 The government has claimed the drop in violence and murders shows that tough security policies are working, while analysts and journalists theorize the three gangs—Mara Salvatrucha (MS13) and the two factions of Barrio 18 (Sureños and Revolucionarios)—might be in new negotiations.16

Guatemala also ranks as one of the most violent countries in the region, with 5,718 murders in 2015 (35 murders per 100,000 inhabitants), down from 6,025 in 2012.17 Guatemala also ranks as one of the most violent countries in the region, with 5,718 murders in 2015 (35 murders per 100,000 inhabitants), down from 6,025 in 2012.17

Alexa lived with her four sons in a poor and dangerous community in San Pedro Sula, Honduras. In April 2014, her 13-year-old son Osvaldo went missing. When he hadn’t appeared after two days, Alexa went to file a report at the police station, where she said police officers told her they could not do much but that she should “watch the news to see if he shows up dead.” Outside the station, she began talking to some police officers who said they had just found the bodies of two teenagers and suggested she come along to the morgue to take a look. At the morgue, Alexa positively identified one of the victims as Osvaldo. He and his friend had been found tied up and badly beaten before being shot to death in “clandestine houses“ used by the gangs called “casas locas.”

In the confusion while Osvaldo was missing, his younger brother, seven-year-old Alberto, went looking for his brother and also disappeared. In May, less than two days after the burial of his brother, Alberto’s badly decomposed body was found wrapped in a mattress. He was the eighth of nine children who were killed in the area that month, allegedly by members of a local gang who sought to recruit them. Alexa participated as a protected witness in the trial against at least five men who were arrested for the murders. The month after Alberto’s body was found, Alexa and her two surviving sons, then 17-year old Jose and then 15-year old Mauricio, fled to Mexico using money which they were given as support from the Honduran National Human Rights Commission. The family received refugee status in Mexico in December 2014.

A year later, while in the state of Veracruz, the family was picked up by migration authorities. Alexa told Amnesty International that she told immigration authorities she had lost the papers proving the family’s legal status as refugees in Mexico. According to Alexa, the three were sent back to Honduras at the end of December 2015, despite her urging the officials to check their names in the electronic system. Alexa told Amnesty International that no Honduran consular official in Mexico or immigration authority in Honduras consulted her about what had happened to the family. As Mauricio was a child, he was interviewed by a psychologist with the nongovernmental organization Casa Alianza.17 The family returned to the same neighbourhood in Honduras and two weeks after arriving, Mauricio received anonymous text messages threatening to kill the whole family if they did not leave the neighbourhood within nine days. At the beginning of 2016, Casa Alianza, along with UNHCR, started preparing the paperwork that would allow Alexa and her family to return to Mexico. In May 2016, Alexa and her two sons travelled yet again to Mexico, but this time with assistance and some limited funds from UNHCR.

In July, the three were granted refugee status in Mexico. Alexa plans to keep “working and struggling to survive”, and Mauricio hopes one day to finish school and be a forensic doctor.
2.3 THE GENDER DIMENSION OF THE VIOLENT

The pervasiveness of the violence in the Northern Triangle countries affects all of society, but it affects people differently according to their gender identity and/or their sexual orientation. While the vast majority of murder victims are young men, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) people are also subjected to differentiated forms of violence.

VIOLENCIA AGAINST WOMEN AND GIRLS

Though most of the countries of Central America have enacted specific legislation to protect the rights of women as instructed by the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, and by the Convention on the Elimination of Discrimination against Women, Amnesty International research shows that in practice, women in the Northern Triangle countries are routinely subjected to violence and the duty to investigate is routinely flouted. In Honduras, the female murder rate jumped by 37% between 2008 and 2015, while in El Salvador it rose by 60% during the same period.48 According to one global study, a minority of these killings were committed by intimate partners in the private sphere.49 It is important to highlight that targeted violence against women and gender-based violence whether by an intimate partner or by gangs is potent grounds for international protection.

The climate of violence affects women in specific and different ways. Honduras reported 2,619 forensic medical exams for sexual assault against women and 6,808 exams for aggression against women in 2015.50 These figures were up from 2,195 exams for sexual assault against women and 2,301 exams for aggression in 2014.51 Sexual assault and aggression against women combined represented 31.6% and 35.4% of any kind of forensic medical examination conducted in the respective years.52 But attacks are widely underreported, and many analysts believe the numbers to be far higher. The judicial branch in Honduras reported 788 rape cases in 2015.53

Sexual violence against women and girls by gang members in El Salvador has been reported by the press and civil society organizations, and there is great need for comprehensive studies in this alarming social problem.54 One of the issues faced in relation to data is that none of the Northern Triangle governments have specific mechanisms to collect data during criminal investigations to disaggregate statistics related to the killing of women and LGBTI people as a result of their gender identity and/or their sexual orientation. The information provided by local NGOs is also often not explicitly clear on whether the motive of the killings was based on gender and/or sexual orientation. The Committee on the Elimination of Discrimination against Women has not issued concluding remarks on any of the 3 countries in recent years.

Yet women and girls themselves have reported being targeted with gender-specific violence. According to analysts, the women on the Run, 64% of the 160 women from El Salvador, Guatemala Honduras and Mexico interviewed and seeking asylum in the United States described:

Being targets of direct threats and attacks by members of criminal armed groups as at least one of the primary reasons for their flight...the women consistently stated that police and other state law enforcement authorities were not able to provide sufficient protection from the violence. More than...55

1. Female murder rates calculated using forensic statistics as above, and population figures from the United Nations Population Division, 2015 revision of World Population Prospects.


3. Aggressive women are defined as “gender-based violence or violence against a woman by a romantic partner” by Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 40 sobre Mortalidad y Otros, 2015, p. 11, available at www.iudpas.org/pdf/Boletines/Nacional/NEd40EneDic2015.pdf

4. Instituto Universitario en Democracia, Paz y Seguridad, Boletín Anual No. 40 sobre Mortalidad y Otros, 2015, p. 10-11, graphics 22 and 27


6. This includes all sexual assault cases, but in 86.7% of sexual assault cases the victims were women in 2013 and 92.6% in 2014 (p. 11).


23. But attacks are widely underreported, and many analysts believe the numbers to be far higher. The judicial branch in Honduras reported 788 rape cases in 2015.


2.4 VIOLENCE AGAINST YOUTH: A GENERATION AT RISK

Children and young people have also borne the brunt of the surge in violence. Of the 6,656 murders in El Salvador in 2015, 1,227 of the victims were under 19 years old and an additional 1,294 were aged between 20 and 24. Of the 5,148 murders in Honduras in 2015, 727 of the victims were under 19 and 993 were between 20 and 24 years old. In both countries the vast majority of victims are male, and young men and boys continue to be forcibly recruited by gangs. Those who refuse are at risk of violent retaliation. Of 5,718 murdered in Guatemala in 2015, roughly one fifth were under the age of 19 and the majority of those, 807, were young men and boys.

Patricia is a 32-year-old transgender woman from El Salvador, who was proud to have her own small business selling soda in her neighbourhood. Patricia’s business became endangered by the “rent” she was obliged to pay to local gangs, who wanted to charge her US$50 or US$100 a month, a sum she could almost never afford. Patricia began to receive threats from the gangs but never considered going to the authorities since police officers themselves had harassed her in the past, both because of her gender identity and issues in her home. She had twice filed reports about harassment by the police with the Human Rights Ombudsman’s office (PDDH) but never saw any results. In the first case, in June 2015, she reported to the PDDH that police officers with their faces covered had come to the home one morning at 3am. They asked for another brother who had not lived there for over three years, and then hit her with their guns and told her she had a month to leave the house. In the second report, in September 2015, she said a neighbour had alerted her that police officers had come looking for her at the same house twice in the previous week and they also looked for her at work. Days after these incidents, she decided to leave for Mexico.

After being assaulted and robbed on the journey, Patricia said her asylum application in Mexico was denied on the grounds that 12 years earlier she had served a jail sentence on drug offences. She was deported back to El Salvador in April 2016 and said that she had fled out of fear for her safety but that he had offered no response. A little over two weeks later, when she spoke with Amnesty International, she was planning to leave for Mexico again imminently. “I’m afraid that something will happen to me again and they will hurt me again. It always feels unsafe here, it’s impossible to live in this country anymore” Patricia said.

In every case documented for this report, children and young people who had been a victim of violence had left and not returned to their studies, either by force by the gangs or out of fear of being their next target. According to news reports based on official information, 39,000 students left school due to harassment or threats by the gangs in 2015, three times the 13,000 who had been forced to do so the year before. In 2009, 6,100 students abandoned their studies. The teachers union, however, said they believed the real number in 2015 could be more than double the amount reported. The combination of forced conscription to gangs and the pressure to leave school puts the future employment prospects of an entire sector of a generation at risk, perpetuates social exclusion, and further complicates efforts to extricate them from the hold of organized crime.

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Patricia, a 32-year-old transgender woman extorted, threatened and forced to flee El Salvador by gang members, 10 May 2016.
© Amnesty International / Encarni Pindado

“I’m afraid that something will happen to me again and they will hurt me again... it’s impossible to live in this country anymore”
The connection between violence and migration is particularly acute in the cases of children. According to UNHCR’s report “Children on the Run”, which documents the situation of unaccompanied children from El Salvador, Guatemala, Honduras and Mexico:

In 2006, only 13% of the unaccompanied and separated children that UNHCR interviewed presented an indication of international protection concerns – that is, 11 of the 75 children who were interviewed at that time... In contrast, of the 404 children interviewed for study in 2013, over half (53%) of those who had experienced or been threatened with serious harm by organized armed criminal actors... One hundred ninety-two (48%) of the children interviewed shared that they had experienced or been threatened with serious harm by organized armed criminal actors... state actors or other actors within the community or that they had suffered such harm due to a lack of sufficient protection by the State.43

Gang control of territory has been shown to have a particular impact on the lives of children, obstructing their rights to protection from violence. Boys are exposed to economic exploitation in the form of forced conscription and girls are at risk of sexual exploitation. Of 108 children interviewed by UNHCR who said they fled gang-related harm, 79 were boys.44 The informal rules of conduct established by gangs in the neighbourhoods they dominate frequently leave children confined to their homes out of terror, impinging upon their ability to enjoy their rights to freedom of movement, to education and to recreation and play, as guaranteed by the Convention on the Rights of the Child.45

In communities where gangs have control, everyday decisions like on which road to walk, or whether to attend school, can be a life or death decision.

Fourteen-year-old Leonora and a schoolmate were warned by several members of a local gang not to return to their school, which was in territory controlled by the gang, because they lived in a neighbourhood controlled by a rival gang. In April 2014, the two girls decided to go to school anyway and were confronted by the same men. The men forced Leonora and her friend into a car and held them captive in a house for four days. During that time, the girls were given no food but were forced to consume cocaine and ecstasy and to drop off drugs for sale in certain neighbourhoods. Several days later, while the men were out, the girls escaped through an open window and called Leonora’s mother from a neighbour’s phone to come pick them up.

During their captivity, Leonora’s mother, Alejandra, had searched for her ceaselessly, filed a report of her disappearance with the police and had even appeared on television asking for information about her daughter’s whereabouts. Alejandra told Amnesty International that after receiving her daughter’s phone call, she called the detective who had been assigned to the case but was told he had the day off and there was nothing he could do. She went to the local police station and some officers went with her to rescue her daughter, to where the phone call had been received from Leonora. Leonora and Alejandra said that the officers did not follow Leonora’s further directions to the house where the girls had been held, and did not take any statements or file a report after picking them up. Police frequently do not investigate these kinds of cases out of fear or complicity with criminal groups.

On the advice of the police officers, Alejandra and Leonora left that day for Leonora’s aunt’s house and never returned home. Leonora has since moved to live with two different sets of relatives in different parts of the country and has not returned to school nor spoken with her friends. She spends most of her time inside because she is afraid of seeing the men who kidnapped her. With the help of the local organization Casa Alianza, she is starting to take some classes and hopes to return to school soon and eventually become a doctor.
2.5 EXTRITION: THE BLOOD MONEY THAT FUELS THE VIOLENCE

Migrants, sexual violence and threats are only the starkest way to measure the lawlessness and violence that have terrorized citizens in the Northern Triangle in recent years.

Extrition, the financial lifeline of the gangs, is rampant and affects broad swathes of society, but it hits hardest in poor communities where gangs hold power. Gangs charge members of these communities “war tax” or “rent”. Salvadorans pay about 3% of the country’s GDP in extrition charges and when money spent on security measures and lost income from people who are prevented from working is factored in, the total cost to the economy is nearly 16%, according to a study cited by the magazine The Economist.14 The Honduran National Anti-extortion Force said that extrition rates in the region have been reported to annually reach US$390 million in El Salvador, US$200 million in Honduras and US$61 million in Guatemala, though the actual figures are thought to be far higher, according to those working in the transportation industry or small businesses who are particularly affected and failure to comply can result in retaliation that ranges from threats, to having their businesses burned down, to murder. An association of Salvadoran bus owners said that 35% of businesses operating bus lines in the San Salvador metropolitan area had gone bankrupt because of extrition between 2010 and 2015, according to the daily La Prensa, which also reported that 70 transportation sector workers were killed in 2014 alone.15

2.6 WHEN YOU CAN’T TRUST THE STATE, SAFETY IS ANYWHERE BUT HOME

Authorities in the Northern Triangle are failing in their obligation to respect and protect the right to life and personal integrity by not addressing the soaring levels of violence and murders.16 The Inter-American Commission on Human Rights has made clear that states are particularly obliged to reasonably prevent, investigate and punish all actions that implicate violations of the right to life, including those committed by state or non-state actors.17 Similarly, the Inter-American Court of Human Rights has constantly stated that states have an obligation to guarantee the conditions to ensure that violations to the right to life do not occur.18 In order to do so, states must establish an effective judicial system to prevent, prosecute and punish the deprivation of life both when committed by the state’s security forces or as a consequence of criminal acts in general.19

The Inter-American Commission on Human Rights has further added that the authorities, in fulfilling their obligations to respect and protect the right to life, must design, implement and constantly scrutinize its public policies related to public safety.20

As part of these obligations, states must also develop an adequate normative framework to deter all threats to the right to life and to allow effective, thorough and independent investigations of violations to the right to life. Both the Commission and the Inter-American Court have determined that the duty to investigate and punish violations to the right to life becomes essential since the impunity facilitates the continued repetition of human rights violations and the total deficiency of victims and their families.21

However, authorities of the Northern Triangle have例行ously failed in their obligation to provide justice and redress to victims and their relatives. States are also obligated to enact specific protection measures in cases

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18 The Inter-American Court of Human Rights, Case of the Publici Bello Massacre vs. Colombia, 2006, para. 120, available at www.corte-idh.org/casos/casos/articulos/serie-e/140_es.pdf
where they have reason to believe a particular group or person may be at risk. The duties have not been met in the cases of protected witnesses, for example, or human rights defenders who have been threatened or attacked.

The common thread through all the stories of those who flee dangers at home to face the unknown and serious risks of the journey to the US is an utter lack of trust or confidence in authorities to protect them or bring perpetrators of violence against them to justice. This is unsurprising considering the pervasive impunity in these countries for all crimes. According to an academic study based on official statistics, between 2006 and 2009, the Salvadoran Attorney General’s office pursued only 20% of all crimes reported to its office and between 2009 and 2013, 85% of criminal proceedings resulted in a dismissal and only 8.4% resulted in a conviction.54 The Inter-American Commission on Human Rights reported it had received information that between 2010 and 2013 in Honduras only 3.7% of all murders resulted in a conviction.56

During the past several years in the Northern Triangle, prosecutors, international impunity and corruption commissions and journalists have uncovered some of the most high-profile corruption scandals ever recorded in the region. In Guatemala, the former president and vice president were forced to resign and are currently standing trial on an ever increasing number of accusations of malfeasance (which they deny) that have touched different sectors of government and business. In Honduras, the national police force is undergoing yet another purge, resulting in the dismissal of over 100 high-ranking police officers accused of corruption, after documents leaked to the media appeared to reveal that police officials carried out and covered up the executions of a prominent anti-narcotics official and prosecutor.57 In March 2016, Berta Cáceres, one of Honduras’ most internationally recognized environmental and Indigenous rights defenders and the recipient of precautionary measures from the Inter-American Commission on Human Rights, was murdered in a high-profile case that has not been fully investigated.58

The ineffectiveness of law enforcement and sluggishness of the justice systems in the Northern Triangle make it unreasonable to assume that someone who has received credible death threats would stick around long enough to see if authorities follow through on a police report to investigate, let alone providing protection. But beyond individual acts or acts of negligence, people in the Northern Triangle also have reason to fear that the same authorities who are supposed to protect them are complicit in organized crime or are the perpetrators of abuses themselves.

In El Salvador, as security forces have been given enhanced powers to fight what the authorities have called a “war on gangs”, evidence has emerged of increasing human rights violations committed by police and military members including extrajudicial executions.59 At a press conference in April 2016, Human Rights Ombudsman David Morales said his office had concluded that “state agents” had committed extrajudicial executions in 2015 in two separate massacres. According to public statements, his office was investigating 30 more cases of possible extrajudicial executions that involved more than 100 individuals.60

In this context of abuse by security forces many victims of crime and intimidation choose to flee rather than seek protection from law enforcement and the justice system. In most of the cases Amnesty International investigated, victims did not file reports with the authorities.

59 Both police and military have their own protection and secrecy laws to shield them from prosecution. In cases of alleged police abuse, victims or human rights groups must obtain court orders to access police disciplinary records. El Salvador has taken the unusual step of allowing police to employ undercover methods. This has led to false positives, as suspects have been arrested based on minimal or nonexistent evidence of involvement in serious crimes.
WHEN SEEKING JUSTICE FOR MURDER BECOMES A DEATH SENTENCE

"If I stay here they are going to kill me, so even if the journey is very dangerous, it's the same thing."

When Amnesty International first met with Yomara, aged 30, she was sleeping in a different home every night in Tegucigalpa, Honduras, and slowly missing her four children whom she had left in the care of her mother. Yomara’s life began to unravel in July 2013, when she witnessed the beating to death of a boy by local gang members on a street in her neighborhood. While at first she said nothing, her indignation that no one had been apprehended 10 months later, led her to co-operate with prosecutors as a protected witness.

The same week as two men were charged and arrested for the crime in an unrelated case, her sixteen-year-old brother was abducted while he was working collecting fares on the buses known as rapiditos in May 2014. He was later found shot dead. When the investigation into his death did not advance, Yomara decided she would look into the murder herself. After months of dogged and dangerous investigations, Yomara said she knew who was responsible for the murder of her brother. She had identified the hitman who carried out the killing, the price for her brother’s head (2,000 Lempiras or roughly US$90), and a possible motive: her brother was, falsely, allegedly suspected of having stolen the extortion money the bus line was to pay to the gangs. She did not go to the authorities with this information due to fear.

Nonetheless, Yomara continued to co-operate with the other investigation into the murdered boy, hoping that her status as a protected witness would keep her safe. Even though she heard the defense lawyer was making inquires in the neighborhood as to the identity of the secret witness, she testified in January 2016 against the men, who were ultimately convicted. Shortly after, she began being harassed in the street, people were hiring “snitch” when she passed by and threatened to kill her. One night in May 2016, unidentified men threw a firebomb at her house in the middle of the night, she told Amnesty International. Yomara did not receive a police report for any of these incidents. She sought help from the local non-governmental organization that assists state prosecutors with criminal investigations and that had organized her participation as a witness. She said the organization offered her a small amount of money and told her to leave Tegucigalpa for her safety but that they could not do anything more for her because the case had been resolved and closed after the convictions.

Yomara expressed her disappointment as a protected witness in an investigation, of which she said “it’s not worth it. In Honduras, for poor people there is no law... The only work the government does is collect the corpses and demand money from their families. Nothing more. One more case closed. One more case of impunity.” She said Amnesty International she planned to leave for the United States in three days’ time to seek asylum even though she knew the journey was dangerous and uncertain. “I have nowhere to go. I have no stability... if I stay here they are going to kill me, so even if the journey is very dangerous, it’s the same thing, because in Honduras, I am not safe.”

Ten days later, Amnesty International met Yomara in a migrants’ shelter in Mexico. She had left Honduras in a frenzied one day earlier than planned and in the unexpected company of her adolescent nephew, who had also found himself in grave danger due to gangs trying to recruit him. After having spent almost all her money on bribes in Guatemala, she decided to cut her losses, her journey and her “American dream” and started asylum proceedings in Mexico. She is currently waiting for the decision about her asylum request.

Most of the cases documented by Amnesty International involved some form of internal displacement within the home country before people decided to migrate, which can serve as a clear precursor of an imminent forced migration. National and international civil society groups have documented spiking levels of internal displacement in the Northern Triangle countries due to violence, but only the government of Honduras has officially made the link. In late 2013, Honduras created a special commission to study and promote public policies to address the issue, resulting in the publication of a report in 2015.64 The Commission, however, is not fully functional as it lacks implementing regulations and budget, Honduran authorities told Amnesty International.

2.7 RUNNING FOR THEIR LIVES: FORCED MIGRATION IN A NEW ERA

In this context of rampant violence and fear, it is not hard to imagine why people would choose to flee their countries of origin. The number of asylum applications from people by Honduras, Guatemala and El Salvador at levels not seen since the era of the region’s armed conflicts—quantifies the magnitude of people fleeing the Northern Triangle countries and seeking protection.

The number of refugees and asylum-seekers that presented new applications from El Salvador, Guatemala and Honduras increased from 8,052 persons in 2010 to 56,097 persons in 2015, an increase of 597% over five years.

Of the asylum-seekers who presented new applications in 2015, the majority (22,917 cases) were from El Salvador, the smallest of the three countries with roughly six million citizens. The numbers, a 96% increase from the previous year, represented the extent of the crisis brought by the truce breakdown. 16,473 applications were from Honduras, a 106% percent increase from 2014. 16,707 Guatemalans applied for asylum, an 81% increase. While the majority of those claims were made in the United States, UNHCR reported a ten-fold increase in applications presented in Belize, a 65% percent increase in Mexico, a 16% percent increase in Costa Rica (176% percent increase from 2013) as well as significant increases in Panama and Nicaragua. The influx social maladies—sustains that while the lure of the “American dream” may still be alive, basic survival needs are leading the citizens of the Northern Triangle countries to seek refuge wherever they can find it.

Recent studies and surveys of people from the Northern Triangle who have migrated to other countries appear to confirm the link between the rising violence and new communities of people on the move. A Vanderbilt University study in 2014 found a significant link between first-hand experience of crime and intentions to migrate.65

*Names changed to protect identity. Interviews in Tegucigalpa, Honduras, and Tapachula, Mexico, July 2016.

1. Amnesty International, 62
5. UNHCR, Population Statistics, Asylum-Seekers
In a statement from April 2016, UNHCR considered the current situation in the Northern Triangle to be a protection crisis. “We are particularly concerned about the rising numbers of unaccompanied children and women on the run who face forced recruitment into criminal gangs, sexual and gender-based violence and murder.”

UNHCR advice states that asylum-seekers from El Salvador or Honduras are falling within certain “risk profiles”: these are persons perceived by a gang as contravening its rules or resisting its authority; persons in professions or positions susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate; women and girls in areas where gangs operate; and LGBTI people. UNHCR advises that all these groups may be in need of international protection under the 1951 Refugee Convention.

2.8 MINIMIZING THE IMPORTANCE OF VIOLENCE AS A PUSH FACTOR

The lack of recognition of internal displacement is unsurprising when viewed in the wider context of some of these Central American governments’ insistence on minimizing the importance of violence as a push factor for migration. Instead they choose to insist that, as in previous decades, most people choose to leave in search of better economic opportunities or to reunite with family members who had previously migrated. Over the course of nearly a dozen meetings with various government officials of the three countries, not one would fully admit to Amnesty International that violence or insecurity was driving the increase in migration and asylum applications. While it is impossible to establish definitively whether violence is the number one reason why people leave their countries, Amnesty International’s research has found that violence is identified, increasingly as a motivating factor in the forced migration of tens of thousands of people in these countries.

Additionally, what government officials and the short survey questions posed to people on the move often leave out is the multi-causality of migration and the inherent interconnectedness of its push factors. Inability to meet economic demands caused by extortion, for example, can result in direct violence. People who Amnesty International spoke to, such as 19-year-old Salvadoran Yolanda (see above), and others whose stories are featured in this report have confirmed this. Yolanda is seeking reunification with her mother in the United States, not of a murder she has experienced, but because she fears for her life after witnessing a murder. Yolanda (see above) cannot afford to support her four children if she moves to another city without a job, but she feels compelled to leave Tegucigalpa because she is afraid gang members will kill her after she served as a protected witness in a murder case related to extortion. The isolation may be considered “economic reasons” for migration are often rooted in and even directly caused by the targeted violence that many face in Guatemala, El Salvador and Honduras.

In Honduras, President Juan Orlando Hernández has declared that he is working on making the country safer. However, the rhetoric from all government ministries is clear: now that murder rates are down, violence is no longer the foremost reason for people to leave the country. However, murder rates are an incomplete indicator of safety in contexts in which violence can express itself in many different forms. In these environments, the inability to meet an extortion demand or the threat of losing one’s child to the gangs for criminal or sexual exploitation or abuse are equally compelling reasons to flee. And while internal displacement is prevalent, it may only serve as a precursor to a forced migration, as domestic relocation is not always a viable alternative in nations that are geographically small and permeated by organized gangs.

The five provinces with the highest murder rates in Honduras in 2015 were: Cortés, Atlántida Yoro, Francisco Morazán, and Colón. Four of these were also amongst the top five provinces of origin for deported Hondurans, suggesting some overlap between those who flee the country and those who are living in highly violent areas. However, the rhetoric from all government ministries is clear: now that murder rates are down, violence is no longer the foremost reason for people to leave the country. However, murder rates are an incomplete indicator of safety in contexts in which violence can express itself in many different forms. In these environments, the inability to meet an extortion demand or the threat of losing one’s child to the gangs for criminal or sexual exploitation or abuse are equally compelling reasons to flee. And while internal displacement is prevalent, it may only serve as a precursor to a forced migration, as domestic relocation is not always a viable alternative in nations that are geographically small and permeated by organized gangs.

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3. “OUR RESPONSIBILITY ENDS AT THAT DOOR”

3.1 THE FORCED RETURN: THE RISE IN DEPORTATIONS AND A NEW REALITY

The Northern Triangle governments’ unwillingness to acknowledge how significantly violence has changed migration has a serious impact on what has increasingly become part of the migrant’s journey: the forced return.

Though deportations to the Northern Triangle have been a reality for as long as there has been migration in the region, changing political approaches to immigration in the US and Mexico have had severe implications for the countries of origin. Data shows that the phenomenon of unaccompanied migrant children began many years before the crisis that unfolded on the US southern border in the summer of 2014. However, those events, in which the US border patrol apprehended 68,541 unaccompanied children at the US-Mexico border in the 2014 fiscal year (October 2013-September 2014), drastically changed the region’s approach to migration.4

The ensuing change in immigration enforcement policies and public campaigns in the United States and Mexico resulted in dropping levels of apprehensions in the United States in late 2014 and early 2015 (for the 2015 fiscal year apprehensions of unaccompanied children at the US southwest border had dropped by nearly half to 39,970). By 2016, however, it was clear that those numbers represented a brief lull rather than a long-term adjustment. As of August 2016, 54,052 unaccompanied children had been apprehended at the southwest border, a 52% increase from the same period the previous year.26 The surge was even more apparent for family units, of which 68,080 had been apprehended, a 97% increase in comparison to the same period in 2015.27 Of those 68,080, the majority were Salvadoran (23,897), followed by Guatemalan (20,070), Honduran (17,608) and Mexican (3,145). Of the unaccompanied children the majority were Guatemalan (17,113), followed by Salvadoran (15,987), Mexican (10,854) and Honduran (9,305). As a note of reference, Guatemala has a population of roughly 16.3 million people compared to 6.1 million in El Salvador (Honduras population is roughly eight million). In 2010, before the crisis, 18,411 unaccompanied children had been apprehended.

77 US Customs and Border Protection, United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016.

HOME SWEET HOME? HONDURAS, GUATEMALA AND EL SALVADOR’S ROLE IN A DEEPENING REFUGEE CRISIS

Amnesty International
The region’s principal deporter of Central Americans is no longer the US, but Mexico. But the fluctuating numbers of apprehensions in the US does not reflect the most dramatic change in regional migration: the tens of thousands of migrants who are increasingly being deported from Mexico before reaching the US border as part of the newly implemented Southern Border Plan.79

In 2015, 3,137 Northern Triangle country citizens applied for asylum in Mexico, up from 1,238 in 2014, suggesting more people from the Northern Triangle are choosing to stay in Mexico as well.80 It is important to note that despite the fact that the UN Refugee Agency and many civil society organizations have called for urgent action in relation to people fleeing violence from the Northern Triangle,42 screening for possible asylum claims is inadequate from both the US and Mexican governments. In the US, the use of expedited removal procedures by border authorities without adequate training and guidance can lead to what is, in effect, summary deportation of people who may have protection claims. In Mexico, Central Americans are routinely deported without being properly informed of their rights to seek international protection: less than 1% of Central Americans formally seek asylum82 and the Commission on Refugees granted refugee status to approximately 40% of applicants who completed the application process in 2015. In the first four months of 2016 this rate rose to 53%.83

The policies of the US and Mexico are in theory designed to protect people seeking safety yet in practice can serve as fast-track approaches to apprehend and deport foreigners entering the country. Both countries are falling short of their international obligations to those persons who may have claims for international protection.

The increase in deportations clearly illustrates that in the last few years the countries of the Northern Triangle, already saddled with numerous other problems, now had to confront the arrival of a population of deportees on a previously unseen scale, many of them with acute protection needs. Between 2010 and 2015, deportees from Mexico to El Salvador rose 231%, to Guatemala 188% and to Honduras 145%.85


80 UNHCR, Population Statistics, Asylum-Seekers.


Total number of deportations of nationals from Northern Triangle countries carried out from Mexico, 2010-2015. Percentages show the increase in deportations from Mexico to each Northern Triangle country from 2010 to 2015.
In response to the crisis of unaccompanied children that unfolded in the US during 2014, Guatemala created the Commission for Comprehensive Attention to Child and Adolescent Migrants (Comisión para la Atención Integral de la Niñez y Adolescencia Migrante), which brings together various ministries working on youth and migration issues. President Juan Orlando Hernández of Honduras announced the formation of a special task force (fuerza de tareas del niño migrante) made up of representatives from various ministries and presided over by the First Lady to co-ordinate all efforts to address the issue. El Salvador created two pilot projects known as the Centres for Attention to Children, Adolescents and Family (Centros de atención a niñez, adolescencia y familia, CANAF) that seek to reintegrate unaccompanied children who were deported back to the country.

In meetings with Amnesty International, many officials in the various agencies working on migration expressed how the new policies were designed to address the issue from a “comprehensive” angle, incorporating perspectives from the Foreign Affairs, consulates working with children and adolescents, deportees, labour, health and education ministries. Yet many civil society organizations in all three countries told Amnesty International they thought co-ordination between the various agencies was poor and inefficient. Government officials have also criticized the poor development of these new institutions. In Guatemala, representatives from the General Directorate of Migration (Dirección General de Migración, DGM) and the Secretariat for Social Well-being, which works with children and adolescents, strongly questioned CONAMIGUA’s track record. Responding to the criticism, a CONAMIGUA official told Amnesty International, “I think it is institutional rivalry,” and complained that many believed the office to have a far bigger budget than it truly has.

In Guatemala, the 2014 Protection Law for Honduran Migrants and their Families was enacted with the aim of providing better protection and services to Hondurans abroad, including the creation of the National Council for Attention to the Guatemalan Migrant (Consejo Nacional de Atención al Migrante de Guatemala, CONAMIGUA), which was created to “coordinate, supervise and monitor the actions and activities of the state’s entities designed to protect, attend, assist and help Guatemalan migrants and their families as well as migrants in Guatemala.” An opinion with CONAMIGUA told Amnesty International that a comprehensive migration public policy document that her office had helped work on for five years was under executive branch review. Officials and civil society organizations also told Amnesty International that a new migration code with an enhanced human rights perspective was being debated in Congress to replace the existing, outdated migration law.

El Salvador’s 2011 Special Law for the Protection and Development of Salvadoran Migrants and their Families created the National Council for the Protection and Development of the Salvadoran Migrant and their Family (CONMIGRANTES), an interinstitutional body with civil society participation that designs, proposes, studies and analyses the success of migrant public policies. The law also includes specific measures on the need for protection of marginalized groups and a programme to create reintegration work projects for returned migrants.

In Honduras, the 2014 Protection Law for Honduran Migrants and their Families was enacted with the aim of providing better assistance and protection to Hondurans outside the country. This included improving consular services to provide up-to-date information about the poor treatment of Hondurans abroad (often among the poorest bodies designed to protect, attend, assist and help Honduran migrants and their families as well as migrants in Guatemala). An opinion with CONAMIGUA told Amnesty International that a comprehensive migration public policy document that her office had helped work on for five years was under executive branch review. Officials and civil society organizations also told Amnesty International that a new migration code with an enhanced human rights perspective was being debated in Congress to replace the existing, outdated migration law.

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All three countries have developed specific programmes in partnership with UNHCR and the International Organization of Migration (IOM), and in the case of children, UNICEF, to better train migration officials to identify and protect children and projects are underway in each country to develop programmes to attend to those who do. Most of the reception centres followed a process in which a short initial interview could give way to a second more in-depth one, often with a trained psychologist, social worker or human rights officer, if the need was established. But in none of the cases documented by Amnesty International did deportees express that the authorities had fully or adequately inquired about or followed up on their protection needs.

Officials in all three countries told Amnesty International that, while the immediate need in the wake of the 2014 crisis that saw thousands of unaccompanied children being returned to their countries of origin was to improve the reception process, the next step was to tackle reintegration with the aim of discouraging further migration. While all three countries have begun various pilot projects that include job assistance, technical training and education programmes. But no official in these countries could point to a comprehensive protection plan for at-risk migrants that was already being implemented. An official at the Honduran Ministry of Foreign Affairs acknowledged the problem and told Amnesty International the government was “defining different protection mechanisms” with the assistance of UNHCR and was working to refine their protection protocol with the Red Cross but did not provide any more details.

Among the changes Honduran officials mentioned was the design of the initial interview conducted at the reception centre. While UNHCR had previously criticized the interview questions for being too short and perfunctory to establish protection needs,96 the new interview questions were deemed to be too long and exhaustive for a first interview after an internal review by local authorities. An official provided Amnesty International with a copy of the interview questions and protocol used to identify those at risk, which were indeed extensive, but included no instructions on actions after the need for protection had been identified. No official could tell Amnesty International when the drafting of the new protocol would be completed or when its implementation would begin. For the time being, adult deportees deemed to be at serious risk in their communities are allowed to stay up to seven days in the dormitories at the new reception centre managed by the Red Cross in Omaya, but no firm protocol is in place for when for when they leave.

“We would like for the government to implement concrete actions,” an official with the Honduran National Human Rights Commission (CONADEH) told Amnesty International. “I think if we recognized more openly that violence and insecurity are among the principle causes of migration, maybe the commission on displacement would have its funding already and maybe we would have a centre by now for those with protection needs and have done some concrete actions to look for a solution to this problem.”97

When asked about the protection protocol in place for adults in El Salvador, an official with the office for the Reinsertion of Returned People at the Ministry of Foreign Relations told Amnesty International that usually these situations were identified prior to deportation by the consulates and that they tried to co-ordinate with other institutions and NGOs to address the problem, without mentioning specifics. Despite the record levels of violence documented in 2015, the official insisted that, “It has to be said that people will first say they have left because of violence, but later you realize that really that’s not it, and finally they will tell you so themselves... that it was for other reasons.”98

In the case of children, however, a more detailed protection protocol is being implemented. El Salvador has put in place an advanced system, which, in theory, begins with a detailed interview with consular representatives and education programmes. But no official in these countries could point to a comprehensive protection plan for at-risk migrants that was already being implemented. An official at the Honduran Ministry of Foreign Affairs told Amnesty International that DINADEH was hoping to open a shelter for deported families and children with protection needs with the assistance of UNHCR and the Norwegian Council for Refugees by the end of 2016, but in an email message to Amnesty in late August 2016, a representative for DINADEH said that problems securing the physical space for the shelter had delayed the project indefinitely.

Casa Alianza is widely lauded for its excellent services, but other civil society organizations criticized what it said was DINADEH’s poor coordination and general outsourcing of its functions to civil society. As one of the Catholic priests running the Human Mobility Pastoral group said when discussing the church’s efforts in creating the protocols for returned migrants in Guatemala, “If it wasn’t for us, there wouldn’t be anything... it’s time for the state to start assuming its responsibilities.”99

No official statistics exist to document the number of deported migrants who are subsequently murdered, but anecdotal information and news coverage suggests it is not uncommon. An upcoming study by social scientist Elizabeth Kennedy, cited by the newspaper The Guardian, said that a review of local news reports since 2014 showed 83 Central Americans were murdered after being deported from the United States.100 The numbers of those killed after being deported from Mexico are likely far higher, considering the sustained increase in deportations from this country.

Upon arrival at the reception centre, the child is briefly interviewed by the National Council on Children and Adolescents (CONNA). From there, if the need is established, the child is sent to the Salvadoran Institute for Youth and Adolescence (ISNA) for a more in-depth interview. The Centre for Attention to Migrants in San Salvador has a shelter for children on its premises, but when Amnesty International visited the site it appeared to be empty. Many of the rooms were empty, with plastic wrapping still covering some of the beds. Afterwards, if needed, the child can be referred to one of two Centres for Attention to Children, Adolescents and Family (CANAF) pilot projects for the reintegration of unaccompanied children with protection needs. If successful, the programme could serve as a regional model. But while the social, economic and educational reinsertion programmes seem to be in place, the operational details on the protocol to protect children in serious danger were still unclear.

In Honduras, children with protection needs are referred from the Office for Children, Adolescents and Families (DINAF) to the civil society organization Casa Alianza to either be housed in its shelter in Tegucigalpa or sent for psychological follow-up care from their homes and participation in various social and educational activities. Despite several requests, Amnesty International was unable to secure a meeting with any representative from DINAF while in Honduras to hear more about their efforts to protect at-risk children. In an evaluation form provided to Amnesty International of the various efforts of the working group on child migration, the National Human Rights Commission (CONADEH) wrote that, “CONADEH is worried that the boys, girls and adolescents who deserve special protection are not being offered it according to the parameters established by UNHCR.”101 An official at the Ministry of Foreign Affairs told Amnesty International that DINAF was looking to open a shelter for deported families and children with protection needs with the assistance of UNHCR and the Norwegian Council for Refugees by the end of 2016, but in an email message to Amnesty in late August 2016, a representative for DINAF said that problems securing the physical space for the shelter had delayed the project indefinitely.

Even if Central American governments from the Northern Triangle have not fully recognized the scale of the problem, there is an emerging consensus that migrants who are forcibly returned to their home countries after being victims of violence are at great risk. In May 2016, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American Commission on Human Rights, the Inter-American.”102

No official statistics exist to document the number of deported migrants who are subsequently murdered, but anecdotal information and news coverage suggests it is not uncommon. An upcoming study by social scientist Elizabeth Kennedy, cited by the newspaper The Guardian, said that a review of local news reports since 2014 showed 83 Central Americans were murdered after being deported from the United States. The numbers of those killed after being deported from Mexico are likely far higher, considering the sustained increase in deportations from this country.

96 Interview in Tegucigalpa, Honduras, July 2016.
98 Internal DINADEH document provided to Amnesty International.
99 Interview with Amnesty International in Guatemala City, April 2016.
103 United Nations High Commissioner for Refugees, “Refoulement in Mexico”, UNHCR/2012/01, www.unhcr.org/4f413a0f8.html
104 United Nations High Commissioner for Refugees, “Refoulement in Mexico”, UNHCR/2012/01, www.unhcr.org/4f413a0f8.html
112 United Nations High Commissioner for Refugees, “Refoulement in Mexico”, UNHCR/2012/01, www.unhcr.org/4f413a0f8.html
113 United Nations High Commissioner for Refugees, “Refoulement in Mexico”, UNHCR/2012/01, www.unhcr.org/4f413a0f8.html
118 United Nations High Commissioner for Refugees, “Refoulement in Mexico”, UNHCR/2012/01, www.unhcr.org/4f413a0f8.html
Saul’s journey began in 2012. Then aged 31, he left Honduras and made his way through Mexico, hoping to get to the United States, so he could earn enough money to build a home for his wife Ana and their five children, he told Amnesty International in an interview in his home in Tegucigalpa in July 2016. While he was riding a freight train travelling towards the US border – a train known as “The Beast” because of the dangers they hold for migrants – armed men attacked him. Saul tried to escape and lost his left foot when he fell from the train. After receiving medical care, he said he was held for five days in a detention centre in Mexico City and then sent back to Honduras by bus, his injury still healing. By the time he arrived in Honduras, he had a severe infection. Saul said he received no assistance from the Honduran government but decided to stay in the country working as a driver on the buses known as rapiditos. According to Saul’s testimony, a few years later, in November 2015, he was walking with two of his sons when shots were fired at them. Saul was unhurt but his sons, aged seven and 14, were seriously wounded and spent weeks recovering in hospital.

Working in the transportation industry in Honduras is extremely dangerous, but many have no choice. Saul said he had never received any direct threats or had any problems and could not understand why he had been attacked. Fearing for his life, he was forced to leave for Mexico again and this time he applied for asylum in February 2016. His asylum request was not successful, and a few months later he returned to Honduras. When Amnesty International met him and his family in his home in July 2016, he had been in the country for under three weeks. A few days prior, gunshots fired outside his home had left several bullet holes in the walls of his small wooden house. He said he didn’t know if the shots were meant for him. That same week, local men had asked his daughter’s boyfriend if he had returned to Honduras, and then beat up the boyfriend, he said. Fearful for his life, he and his family avoided leaving their home. He hoped to travel again to Mexico to ask for asylum for the whole family, but didn’t have the financial resources to make the journey. Saul expressed his fears several times during the interview: “I’m always uneasy... I feel like something is going to happen again, maybe to me”. Three days after Amnesty International spoke to him, Saul was shot dead under unclear circumstances. His murder is an example of the inescapable violence thousands seek to flee, but after a forced return, are unable to escape. At the time of publication of this report, Ana and her children are still living in Honduras, but terrified of what might come next.

Amnesty International asked several officials in the three countries if they expected any of the over US$750 million that are supposed to be spent in the region as part of the US-backed Plan of the Alliance for Prosperity104 to be earmarked for protection measures for at-risk deportees once they return to their home country. Though the details of the plan are still unclear, no one indicated that some of the money would be spent on at-risk deportees. The plan, whose stated goal is to attack the root causes of migration as a means to stem the migrant flow, is mostly designed to boost economic growth as well as halt organized crime. Funds seem more likely to go to the kind of economic reinvestment programmes the governments like to promote alongside their advertising campaigns “Stay here” (Quédate) in Guatemala and “With Work You Live Better” (Con Chamba Vivís Mejor) in Honduras. But any plan that does not address the grave international protection needs of tens of thousands of Central Americans is unlikely to seriously discourage migration or provide any meaningful protection for those facing violence.

Janette, aged 15, lives in one of the most dangerous neighbourhoods in San Pedro Sula, Honduras. In 2013, when she was 13-years-old, she reported to school authorities that two girls in her class were bullying her. The girls took their revenge by having their boyfriends, gang members, rape her on school property. Janette became pregnant by the attack, but ultimately miscarried six months into the term. Janette and her mother fled and lived with relatives in several other parts of the city and country, but when they returned to her neighbourhood, one of the attackers continued to harass Janette. She and her mother attempted to seek asylum in Mexico, but when they were told they would be detained for two months before a decision was reached, they returned instead to Honduras.

Janette did not file a report with the Honduran police about her attack out of fear and distrust. Immigration authorities did not seem particularly interested in her testimony when she returned from Mexico either, she said, but put her in touch with the NGO Casa Alianza. Janette has not been able to return to school, and instead is taking classes in cooking and beauty with Casa Alianza. But in interviews in March and July 2016, she described to Amnesty International an escalating pattern of harassment by one of her attackers. On one occasion, she entered her home when she was alone and harassed her until a friend arrived and chased him away. Janette bemoaned as she described her vision of the future – a high school graduate with a degree in cooking and her own salon. But she acknowledged that to truly be safe she might have to flee the country again: “I never have liked to be far from my country... But if the circumstances are such that I have to go, I’m going to go.”
4. THE GOVERNMENTS: FAILING AT HOME AND FAILING ABROAD

Beyond their failings to protect their citizens at home, the Northern Triangle governments have proven repeatedly to be poor advocates for the rights of their citizens abroad. Noted changes have been made to improve consular protection mechanisms in the past few years, but people who have been recently deported do not report having received increased assistance from consular representatives abroad.

The most egregious examples of poor treatment come from the family members of migrants who were killed or disappeared while making the dangerous journey through Mexico. When relatives in these cases have sought assistance from consular representatives in Mexico, they have provided no or only the most minimal assistance. While the main responsibility for these human rights violations lies with Mexican authorities, who have failed to provide justice and reparations for the victims and their families, Central American authorities chose to exert no pressure on the authorities to ensure the rights of the victims. Likewise, they provided barely any assistance to the families, most of whom were emotionally devastated and had limited resources. In many cases, the families have been attempting to find out what happened to their loved ones from a distance. In this vacuum, relatives of those who are missing or who have been disappeared have come together in many countries in the region to form special committees and undertake annual group journeys to Mexico to search for their family members. All of the relatives who spoke with Amnesty International described serious trauma and stress in the wake of these tragedies, but said that authorities both in Mexico and in their countries of origin have provided very limited or no psychological or logistical assistance at all, which they have mainly been able to receive from civil society groups.

4.1 SEARCHING FOR JUSTICE IN AN AGE OF GLOBAL MIGRATION

The three massacres of migrants that occurred in Mexico in 2010, 2011 and 2012, respectively, are a tragic illustration of the grave human rights violations migrants suffer in transit when crossing Mexico on their way to the US. The main responsibilities for these human rights violations rest with the countries where the crimes were committed. Nevertheless, because in these cases the victims—and their relatives—are migrants and/or people living outside the country where the abuses took place, it becomes necessary to think of new approaches to guarantee the right to truth and justice that these victims are entitled to.

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Footnote:

106 The first massacre refers to the assassination of 72 migrants in San Fernando, Tamaulipas, in August 2010. The second massacre also occurred in San Fernando, Tamaulipas. On that occasion, 193 bodies were found in various clandestine mass graves. Many of the victims are believed to be migrants. The third massacre occurred in Cadereyta, Nuevo León, in May 2012, where 49 bodies were found near a highway.
In its report on human mobility in Mexico, the Inter-American Commission on Human Rights noted, “that Central American families have greater difficulty in accessing the justice system, because there are no regional coordination mechanisms to keep families informed, involve them in the investigation process and provide them the assistance they need”. To this effect, regional jurisprudence from the Inter-American Human Rights Court calls for all states involved to fully co-operate and adopt public policies to facilitate access to justice – such as the right to consular assistance and the removal of material and economic obstacles to access to justice – and prevent impunity for human rights violations. The challenge of guaranteeing access to justice for families of migrants who have been killed or disappeared in another country can only be overcome through innovative mechanisms that recognize and adapt to these challenges. All states involved, including the countries of origin, transit and destination, should co-ordinate effectively to provide victims with the opportunity to access justice transnationally.

SEARCHING FOR THE MISSING

JUANA LÓPEZ GÓMEZ [109]
WAITING FOR THE SON WHO NEVER CAME HOME

Juana and her husband Jesús live off the crops they plant on farmland in the province of Quetzaltenango, Guatemala. Their then 20-year-old son, Moisés Isaac Fuentes López, left to travel north in July 2011. He said he wanted to help his 16-year-old brother Jesús, who was being detained by US immigration authorities in Arizona after having attempted to make the journey earlier that year. After taking out a loan of roughly US$6,000, Moisés took off and five days later called his parents to tell them he had made it to the northern border of Mexico in Reynosa (Tamaulipas State) and soon would be crossing the Río Bravo. The next news they received was from a man who called them and said Moisés had drowned in the river. Without any evidence, Juana and Jesús did not believe their son was dead and a year later, when a relative thought she saw a picture of Moisés in a hospital in Mexico on the internet, they went to file a report in Guatemala. They went first to the Foreign Affairs Ministry where they handed in DNA samples. Officials said they would call them but never did, according to Juana. They also went twice to and filed a report in the Attorney General’s office (Ministerio Público), leaving the picture they found in the internet as the only evidence they had.

On 27 January 2012, Moisés returned to Mexico, but was soon deported. Twelve days later, his family received a call from a Guatemalan immigration officer who told them they had received a phone call from the Ministry of Foreign Affairs in Mexico. The officer said they had found Moisés’ body in the Río Bravo. The next news they received was from a man who called them and said Moisés had drowned in the river. Without any evidence, Juana and Jesús did not believe their son was dead and a year later, when a relative thought she saw a picture of Moisés in a hospital in Mexico on the internet, they went to file a report in Guatemala. They went first to the Foreign Affairs Ministry where they handed in DNA samples. Officials said they would call them but never did, according to Juana. They also went twice to and filed a report in the Attorney General’s office (Ministerio Público), leaving the picture they found in the internet as the only evidence they had.

In May 2012, dismembered torsos of 49 people believed to be undocumented migrants were found in the city of Cadereyta, in the northern Mexican State of Nuevo León. Of those victims, at least 10 were identified as Honduran by the Honduran authorities. A group of mothers, sisters, aunts and wives of the victims said that the Honduran authorities barely assisted them as they waited for over two years to have the remains of their loved ones identified and returned from Mexico. The remains were repatriated in July 2014 but family members believe that the Honduran authorities sought to impose obstacles to accessing the funds distributed by the Honduran Migrant Solidarity Fund (FOSMIH) by imposing requirements such as sending photos of their houses as a condition to receive assistance. The family members described lives destroyed in the aftermath of the tragedy: children left without a parent, parents devastated by the loss of a child, illnesses, depression, and immense financial hardship. “This killed us all”, one woman repeated several times during an interview. Besides a sum of 3,000 lempiras (US$134) per family, the relatives said they had received no assistance from Honduran authorities – not financial, psychological or otherwise. Our children “send all those remittances,” one mother said, which prop up the Honduran economy, but the “government doesn’t provide any help for all the people who have died” trying to make the journey. “They do nothing,” she said.

NEGLECTING THE FAMILIES OF VICTIMS OF HUMAN RIGHTS VIOLATIONS

JUANA LÓPEZ GÓMEZ
WAITING FOR THE SON WHO NEVER CAME HOME

Juana López Gómez, whose 20-year-old son disappeared in 2011 in Mexico, April 2016 © Amnesty International / Encarni Pindado

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109 Interview in Quetzaltenango, Guatemala, April 2016.

110 Interview in Honduras, March 2016.

111 Officials from the Ministry of Foreign Affairs confirmed this practice to Amnesty International and said it was necessary to verify the families’ financial-need requirements to qualify for the fund.
Amnesty International
ROLE IN A DEEPENING REFUGEE CRISIS
HONDURAS, GUATEMALA AND EL SALVADOR’S HOME SWEET HOME?

CENTRAL AMERICAN GOVERNMENTS: ACCOMPLICES TO A MEXICAN FAILURE OF JUSTICE

THE CASE OF MIRNA CARMEN SOLÓRZANO

THE HORROR OF THE UNKNOWN CORPSE

“My uncertainty is unbearable... to be living, to be thinking is it or is it not my daughter?”

Mirna Carmen Solorzano, whose 23-year-old daughter disappeared in 2010 in Mexico, 14 May 2016
© Amnesty International / Encarni Pindado

Mirna’s 23-year-old daughter Glenda left her home in San Vicente, El Salvador, on 10 August 2010. Glenda wanted to be reunited with her father who had left for the United States when she was a girl to help her family who could barely scrape together enough money from her mother’s stand selling coffee and bread. Mirna spoke with her daughter by telephone four days after her departure and then never heard from her again. Later that month, officials from the Salvadoran Ministry of Foreign Affairs told her the remains had been positively identified as those of her daughter. Mirna said she was immediately suspicious by the speed with which the results were obtained, the fact that she never received a copy of the DNA results and that she never was given any documentation or evidence other than her daughter’s identification card. On 5 September 2010, authorities delivered what they said were her daughter’s repatriated remains, but when Mirna opened the coffin, she saw a cadaver that no longer had any hair or clothing remaining and was impossible to identify as having belonged to her daughter. The body was buried the next day but her suspicions grew. She is now asking, with the help of the Mexican organization Foundation for Justice and the Democratic Rule of Law, that the Salvadoran government exhume the corpse and that new, independent DNA tests be corroborated by the Argentine Forensic Anthropology team. Mirna is seeking truth, justice and reparations from the Mexican authorities but also says that, “El Salvador has not wanted to hear us.” She said the uncertainty was unbearable, “to be living, to be thinking is it or is it not my daughter?”

5. CONCLUSIONS AND RECOMMENDATIONS

North and Central America are facing the most acute crisis of people on the move that the region has seen in decades. Future research by Amnesty International will examine the dangers of the migrant journey through Mexico and the failings of the regional response to the surge in refugee protection needs. But an inherent part of the dilemma resides with the countries of origin, where the governments of the Northern Triangle (Guatemala, Honduras and El Salvador) are routinely failing in their obligations to protect the people under their jurisdiction when they flee to other countries due to violence and when they are then returned as deportees to the same unsafe conditions.

The gangs’ control of broad swaths of territory affects all of society and has different impacts on different groups, such as sexual violence against women and girls, specific targeting of LGBTI people and forced recruitment of children, especially boys. Unable to seek protection or justice from law enforcement and criminal justice systems that are both ineffective and often corrupt, citizens of these countries are fleeing their homes as the only way to escape violence.

As a new regional paradigm of immigration enforcement has taken shape, these countries now face an influx of returned deportees, many of whom are being sent back from other countries – mainly from Mexico and the United States – in violation of international law that protect them as refugees. UNHCR has indicated that asylum-seekers from the Northern Triangle countries fall within a certain risk profile: individuals or groups persecuted by a gang due to the gang’s perception that they do not comply with the gang’s authority, persons dedicated to specific economic activities highly susceptible to extortion; victims and witnesses of crimes committed by gangs or members of the security forces; children and youth from areas where gangs operate and control territory; women and girls in areas where gangs operate; and LGBTI people. Members of all these groups may be in need of international protection under the 1951 Refugee Convention. In addition, regional instruments such as the Cartagena Declaration clearly calls for refugee status for those persons fleeing generalized violence in their countries, such as those from Central America’s Northern Triangle.

While the immediate reception and needs of those who have been forcibly returned have improved and social and economic reintegration programmes are taking shape, the governments of the three countries have no comprehensive protection protocols or mechanisms in place for the thousands of people who are being deported back to the same conditions of violence from which they fled. The Plan of the Alliance for Prosperity is considered by most government officials interviewed by Amnesty International as the main strategy to address root causes of migration with the aim of increasing economic growth and reducing organized crime. However, it is unclear how the needs of people deported who are returned to dangerous situations are taken into consideration or that this will help offer any real protection to those facing violence.
The remittances that migrants living abroad send back to their home countries are important contributions to the economies of Northern Triangle countries. Yet the states appear largely indifferent to the suffering of the families of migrants who have gone missing during their journeys or have been the victims of grave human rights violations in Mexico in their efforts to reach the United States, including enforced disappearances and gruesome massacres. Northern Triangle states have provided minimal assistance in their search for truth, justice and reparations.

The states of the Northern Triangle must take immediate measures to ensure the safety of thousands of people whose lives are in great danger and must be prepared to contend with deportation numbers that are unlikely to drop substantially anytime soon. As funds from major new development plans such as the Plan of the Alliance for Prosperity arrive that seek to stem the revolving door of the migrant flow, concrete measures to address the protection needs of this population, particularly those of deportees, must be made a priority.

**RECOMMENDATIONS TO GOVERNMENTS**

To the Governments of El Salvador, Honduras and Guatemala:

- Design interview questions for consular services and reception centres to be able to identify if deportees are in danger in their communities of origin.
- Improve coordination between consular services abroad and national reception centres to identify cases of deported people in need of protection.
- Identify and design, together with host countries, mechanisms for re-admission of deportees who were victims of a violation of the principle of non-refoulement.
- Provide psychological support to deportees when needed.
- If needed, relocate deportees in danger to different communities and provide them with housing, education and work possibilities in the new communities.
- Assume central responsibility for the protection of deportees using the resources required given the demand caused by the increase in numbers of deportees.
- Ensure that all reception, reintegration and protection programmes for deported migrants take into consideration the rights and specific protection issues relating to groups such as women, indigenous people, LGBTI people and unaccompanied children.
- Streamline co-ordination of services as well as compilation of statistics between various ministries, agencies and task forces working on migration issues for both adults and children.
- Create protocols to lend improved and continued assistance to the relatives of migrants who have been the victims of crime or human rights violations abroad. This includes more active advocacy on their behalf with foreign authorities, the development and strengthening of transnational justice mechanisms, keeping families informed of ongoing investigations and providing psychological assistance when necessary.

To the Government of the United States:

- Guarantee the US-backed Plan of the Alliance for Prosperity be earmarked for protection measures for at-risk deportees. Economic aid for the countries of origin should be channelled to support the design and implementation of protection mechanisms for at risk population before and after migration occurs.
HOME SWEET HOME?
HONDURAS, GUATEMALA AND EL SALVADOR’S ROLE IN A DEEPENING REFUGEE CRISIS

Gangs (known as maras) and organized crime have made the so-called Northern Triangle (El Salvador, Honduras and Guatemala) one of the most dangerous regions in the world in the past decade. This “new reality” has created an important shift in the push factors affecting migration flows in the Central America-Mexico-US migration corridor: soaring violence has caused rising numbers of people to run north to save their lives.

The Northern Triangle governments are often unwilling to acknowledge how significantly the increasing violence has changed migration. This has a serious impact on what has increasingly become part of the migrant’s journey: the forced return.

In its research in all three countries, Amnesty International found that Northern Triangle governments have not fully recognized the scale of the problem and are doubly failing to protect their citizens: socioeconomic conditions remain poor and an increasingly violent environment permeates every corner of their countries, which causes people to flee in record numbers, but governments are failing to provide protection to those who are deported back to the same dangerous climates from which they ran.