

# Immigration and Refugee Board of Canada

Refugee Claims

Refugee Appeals

Admissibility Hearings

Detention Reviews

Immigration Appeals

National  
Documentation  
Packages

Recent Research

Responses to  
Information Requests

## El Salvador: Information Gathering Mission Report - Part 1

### ISSUE PAPER

#### EL SALVADOR: INFORMATION GATHERING MISSION REPORT

#### PART 1

#### GANGS IN EL SALVADOR AND THE SITUATION OF WITNESSES OF CRIME AND CORRUPTION

All the sources of information contained in this document are identified and are publicly available

RESEARCH DIRECTORATE  
IMMIGRATION AND REFUGEE BOARD OF CANADA  
OTTAWA

September 2016

This Paper was prepared by the Research Directorate of the Immigration and Refugee Board of Canada based on approved notes from meetings with oral sources, publicly available information, analysis and comment. All sources are cited. This Paper is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed or conclusive as to the merit of any particular claim to refugee protection. For further information on current developments, please contact the Research Directorate.

---

# TABLE OF CONTENTS

---

[MAP](#)

[GLOSSARY](#)

[1. INTRODUCTION](#)

[2. METHODOLOGY](#)

[3. OVERVIEW](#)

[3.1 The 2012-2013 Truce](#)

[4. GANGS](#)

[4.1 Territorial Presence](#)

[4.1.1 Invisible Frontiers](#)

[4.2 Structure](#)

[4.3 Recruitment](#)

[4.3.1 Women and Girls in Gangs](#)

[4.3.2 Leaving Gangs](#)

[4.4 Distinctive Traits](#)

[4.4.1 Tattoos](#)

[4.4.2 Style of Dress](#)

[4.5 Activities](#)

[4.5.1 Extortion](#)

[4.5.2 Homicides and Forced Disappearances](#)

[4.5.3 Violence in Schools](#)

[4.5.4 Organized Crime](#)

[5. LEGAL APPARATUS AND INSTITUTIONAL EFFICACY](#)

[5.1 Police](#)

[5.1.1 Arbitrary Detentions and Extrajudicial Executions](#)

[5.2 Justice System](#)

[5.3 Witness Protection Program](#)

[6. INTERNAL DISPLACEMENT](#)

[6.1 Access to Education, Health Care, and Employment](#)

[NOTES ON INTERLOCUTORS](#)

[REFERENCES FOR PRINTED SOURCES](#)

[APPENDIX](#)

[ENDNOTES](#)

---

# MAP

---



Source: United Nations (UN). May 2004. Department of Peacekeeping Operations, Cartographic Section. "El Salvador." <<http://www.un.org/Depts/Cartographic/map/profile/elsalvad.pdf>> [Accessed 10 June 2016]

## GLOSSARY

ACAP

Asylum Cooperation Action Plan

AEAS

Asociación de Empresarios de Autobuses Salvadoreños (Association of Salvadoran Bus Companies)

ALDES

Asistencia Legal para la Diversidad Sexual - El Salvador (LGBTI Justice Clinic)

ANSP

Academia Nacional de Seguridad Pública (National Public Security Academy)

APES

Asociación de Periodistas de El Salvador (Association of Salvadoran Journalists)

CNSCC

Consejo Nacional de Seguridad Ciudadanía y Convivencia (National Council for Citizens' Safety and Coexistence)

COMAR

Comisión Mexicana de Ayuda a Refugiados (Mexican Commission for Refugee Aid)

CONASOJ

Coordinadora Nacional de Sindicatos y Asociaciones del Órgano Judicial (National Coordinating Committee of Unions and Associations of Workers in the Judiciary)

CSJ-SP  
Corte Suprema de Justicia, Sala de lo Penal (Supreme Court of Justice, Criminal Chamber)

DGCP  
Dirección General de Centros Penales (General Directorate of Penitentiaries)

FESPAD  
Fundación de Estudios para la Aplicación del Derecho (Foundation for the Study of Applied Law)

FGR  
Fiscalía General de la República (Office of the Attorney General)

IDHUCA  
Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas" (Human Rights Institute, José Simeón Cañas Central American University)

IGSP  
Inspectoría General de Seguridad Pública (Office of the Inspector General of Public Security)

IML  
Instituto de Medicina Legal (Legal Medicine Institute)

IRB  
Immigration and Refugee Board of Canada

IRCC  
Immigration, Refugees, and Citizenship Canada

IUDOP  
Instituto Universitario de Opinión Pública (Public Opinion University Institute),  
Universidad Centroamericana "José Simeón Cañas" (José Simeón Cañas Central American University)

ORMUSA  
Organización de Mujeres Salvadoreñas por la Paz (Salvadoran Women's Organization for Peace)

PDDH  
Procuraduría para la Defensa de los Derechos Humanos (Office of the Ombudsperson for the Defence of Human Rights)

PNC  
Policía Nacional Civil (National Civil Police)

RAD  
Refugee Appeal Division

RPD  
Refugee Protection Division

SCIS  
Sociedad de Comerciantes e Industriales Salvadoreños (Society of Salvadoran Businesses and Industries)

SIMEDUCO  
Sindicato de Maestras y Maestros de la Educación Pública de El Salvador (Union of Public Education Teachers of El Salvador)

SRE

Secretaría de Relaciones Exteriores (Mexican Ministry of Foreign Affairs)

UNHCR

United Nations High Commissioner for Refugees

UTE

Unidad Técnica Ejecutiva (Executive Technical Unit)

USCIS

United States Citizenship and Immigration Services

---

# 1. INTRODUCTION

---

In 2013, Canada and the United States began working together to identify opportunities to establish new modes of cooperation in the areas of asylum and immigration; this collaboration is known as the Asylum Cooperation Action Plan (ACAP). The ACAP, through the department of Immigration, Refugees and Citizenship Canada (IRCC), approached the Immigration and Refugee Board (IRB) of Canada to seek the IRB's interest in supporting the capacity building activities to be undertaken in the Americas with the objective of improving asylum systems in the region. In May 2015, the Deputy Chairperson of the IRB's Refugee Protection Division (RPD) participated in a meeting between Canada, Mexico and the United States, where it was agreed that the IRB would undertake a number of activities to support the development of quality refugee status determination by Mexico. One of these activities involved IRB participation in a joint information gathering mission (henceforth referred to as the "mission") to El Salvador, in conjunction with representatives from the United States Citizenship and Immigration Services (USCIS), the Mexican government's Commission for Refugee Aid (Comisión Mexicana de Ayuda a Refugiados, COMAR), and the Mexican Ministry of Foreign Affairs (Secretaría de Relaciones Exteriores, SRE) of Mexico, under the auspices of the United Nations High Commissioner for Refugees (UNHCR) in Mexico and El Salvador. A representative of the Mexican Embassy in San Salvador also participated. The joint mission was carried out from 11 to 15 April 2016. Following the completion of the joint mission, the IRB conducted its own research for one further week in El Salvador. The purpose of this was to meet with additional expert sources not included in the joint mission agenda due to time constraints, to gather corroborating and contrasting information, and to enable the IRB's Research Directorate to develop new contacts, strengthen existing ones, and obtain information uniquely needed to support the IRB's decision-making on refugee status determination now or in the future.

The purpose of the mission to El Salvador was to gather information related to state efforts to combat crime; the structure of criminal gangs, their areas of operation, activities, and recruitment practices; the situation of gender-based and domestic violence against women; the situation of LGBTI (lesbian, gay, bisexual, trans, and/or intersex) people; and the efficacy of the police and judiciary to provide recourse to victims of crime, investigate and prosecute crimes. This report summarizes the information gathered by the representatives of the IRB during both the joint mission and during the IRB's additional week of research.

The IRB would like to thank the Embassy of Canada in San Salvador and the UNHCR offices in San Salvador and Mexico for providing logistical support and assistance during the mission.

---

# 2. METHODOLOGY

---

The mission consisted of a series of meetings with experts and officials from relevant governmental, non-governmental, academic, and research-focused

organizations. For details on the organizations and individuals consulted during this mission, please refer to the section entitled Notes on Interlocutors at the end of this Paper. The interlocutors chosen as oral sources to be interviewed were identified by the delegation based on their position and expertise. However, the list of sources should not be considered exhaustive in terms of the scope and complexity of human rights issues in El Salvador, given the time constraints that the delegation had to undertake the mission. Meetings with interlocutors for the joint mission were coordinated by the office of the UNHCR in San Salvador and took place in the interlocutors' offices or at the UNHCR headquarters in San Salvador. Meetings with interlocutors for the IRB's second week were coordinated by the Canadian embassy in San Salvador and the UNHCR office in San Salvador; taking place at these locations or in the interlocutors' offices, with the exception of the interview with the Legal Office Assistance for Sexual Diversity in El Salvador (Asistencia Legal Para La Diversidad Sexual El Salvador, ALDES) which was conducted over the phone. All interviews were conducted in Spanish, with the exception of the one with ALDES which was conducted in English.

Interview questions posed to interlocutors were formulated in line with the Terms of Reference for the mission (see Appendix). Interviews were conducted using a semi-structured approach to adapt to the expertise of the interlocutor(s) being interviewed. The Terms of Reference were developed in consultation with joint mission participants, and the IRB's decision-makers from the Refugee Protection Division (RPD) and the Refugee Appeals Division (RAD). Interlocutors' responses to these questions varied depending on their willingness and preparedness to address them, and the length of time granted for the interview.

In accordance with the Research Directorate's methodology, which relies on publicly available information, interlocutors were advised that the information they provided would form the basis of a report on country conditions. This report would be publicly accessible and used by decision-makers adjudicating refugee claims in Canada. Furthermore, interlocutors were asked to consent to being cited by name for the information they provided.

This Paper is the first of two Issue Papers that present the information gathered by the IRB during the mission to El Salvador. This Paper examines the situation of crime, gangs, internal relocation, and state protection mechanisms available for victims of crime. A second, separate Paper, will provide information about the situation of gender-based and domestic violence against women, as well as the situation of LGBTI people, and the legal recourse available to them.

This Paper may be read in conjunction with several IRB publications, including Responses to Information Requests SLV104900 of 14 July 2014, SLV105258 of 1 September 2015, SLV105259 of 2 September 2015, SLV105260 of 8 September 2015, and SLV105261 of 18 September 2015.

---

### 3. OVERVIEW

---

El Salvador has an estimated population of 6,141,350 people and a land area of approximately 20,721 square kilometers; approximately the size of New Jersey.<sup>1</sup> From 1980 to 1992, a civil war occurred in El Salvador between the government and the Farabundo Martí National Liberation Front (Frente Martí para la Liberación Nacional, FMLN).<sup>2</sup> After the peace agreement of 1992, reforms on judicial independence and electoral reform were proposed and new institutions were created, including the National Civil Police (Policía Nacional Civil, PNC) and the National Council of the Judiciary (Consejo Superior de la Judicatura).<sup>3</sup>

In the 1990s, the US undertook large scale deportations of non-US citizens of Central American origin back to their countries of origin,<sup>4</sup> after serving time in jail.<sup>5</sup> Many of these deportees had fled from El Salvador during the civil war and went to the US but later became members of US-based gangs, the Mara Salvatrucha (MS-

13) and the Barrio 18 (M-18).<sup>6</sup> These gangs originated in Los Angeles, California, and spread to Central America via these deportations.<sup>7</sup> Sources explained that at the time when these deportations occurred in the early 1990s, the country's institutions were weak as the state was in the process of undertaking the reforms followed the 1992 peace accords that ended the civil war.<sup>8</sup> Sources indicate that in this historical context, the gang phenomenon in El Salvador grew, mutated, and became more powerful.<sup>9</sup> The Vice-Minister of Justice and Public Security noted that the origins of the gang problem are rooted in the erosion of the social fabric and the weak presence of the state following the war.<sup>10</sup> Other sources pointed to poverty as the breeding ground for gangs to prosper.<sup>11</sup>

In 2003, the Salvadoran government instituted *mano dura* (heavy handed) and *super mano dura* (super heavy handed) policies to deal with the rising violence committed by gangs<sup>12</sup> by adopting measures that included immediate imprisonment for certain appearances and behaviours, such as having a tattoo,<sup>13</sup> apparel and mode of dressing, hair cut style, and being in groups.<sup>14</sup> As a result, many people accused of being gang members were detained,<sup>15</sup> causing the prison population to rise to 8,000 prisoners in 2008, which was double the 2004 figure.<sup>16</sup> A study on the security situation in El Salvador between 2009 and 2014 undertaken by the Public Opinion University Institute (Instituto Universitario de Opinión Pública, IUDOP) at the José Simeón Cañas Central American University and provided by its Director during the meeting with the Research Directorate indicates that, according to statistics provided by the General Directorate of Penitentiaries (Dirección General de Centros Penales, DGCP), in 2003 there were 11,451 inmates in Salvadoran penitentiaries, 12,525 in 2005, 17,677 in 2007, 21,032 in 2009, 25,471 in 2011, and 26,848 in 2013.<sup>17</sup> Sources indicate that the gang problem, instead of improving, became worse, as gangs became more organized from within the prisons.<sup>18</sup> Presently, the government has not developed prevention programs with regards to the gang recruitment.<sup>19</sup> The main gangs currently operating in El Salvador are the Mara Salvatrucha and the Barrio 18. However, as journalist Carlos Martínez from El Faro indicated, in 2005, after a long process of internal purges and conflicts, the Barrio 18 splintered into two rival factions: Barrio 18 Revolucionarios and Barrio 18 Sureños.

During the mission, several sources described the level of crime in El Salvador as "critical."<sup>20</sup> The Director of the IUDOP indicated that weapons are widely available in El Salvador, and that, based on their assessment, 80 percent of crimes are committed with firearms. A report on homicides in 2015 produced by the Legal Medicine Institute (Instituto de Medicina Legal, IML) similarly indicates that 83.2 percent of homicides committed during that year involved a firearm.<sup>21</sup> Gangs are obtaining sophisticated high-caliber weapons to commit crimes.<sup>22</sup> According to IUDOP, civilians are also increasingly arming themselves given the security environment. El Salvador's homicide rate for 2015 was 103 homicides per 100,000 inhabitants,<sup>23</sup> while for 2014 it was 64.2.<sup>24</sup> A report on homicides for 2015 in El Salvador published by *La Prensa Gráfica*, a San Salvador-based newspaper, indicates that Central America's homicide rate for 2015 was 40.2.<sup>25</sup>

According to El Faro, the security problems due to gangs in El Salvador are "very complex." Dr. Mauricio Gaborit, Professor of Social Psychology at the Central American University "José Simeón Cañas" explained that although the government has what he described as a "very well designed strategic plan" on security, there are problems implementing it due to the lack of political will to negotiate with the political opposition. He gave the view that "the problem is not of resources, but lack of leadership and competent people to govern and carry out the projects. He also pointed out to existing corruption that impedes the efficient execution of government projects.<sup>26</sup> Other sources similarly indicated that corruption is "rampant"<sup>27</sup> and government institutions are very weak due to corruption, and

political and economic partisan interests. The US Department of State's *Country Reports on Human Rights Practices for 2015* for El Salvador similarly states that "[t]he law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity."<sup>29</sup>

The Society of Salvadoran Businesses and Industries (Sociedad de Comerciantes e Industriales Salvadoreños, SCIS) explained that there are three types of economies in El Salvador: the "formal economy," which is deeply affected by crime; the "informal economy," which represents between 70 and 72 percent of the Salvadoran economy and where most people are employed due to the current situation in the country; and the "criminal economy," which is controlled by the gangs and organized crime syndicates, and has a direct impact on both the formal and informal economies. According to SCIS, El Salvador is becoming what they describe as a "survival economy," due to the instability of economic livelihoods.

Journalists practice self-censorship and are vulnerable to criminal organizations.<sup>30</sup> The Association of Salvadoran Journalists (Asociación de Periodistas de El Salvador, APES) indicated that journalists are seen with suspicion by gangs who consider them to be police informants; they are subjected to intimidation, as well as the theft of cameras and forced erasure of filmed material. They are also threatened or killed for not giving broadcast access for gang members to appear in the media.<sup>31</sup> Reporters Without Borders (RSF) reports the killing of radio host Nicolás García on 10 March 2016 in El Carrizal, department of Ahuachapán, by the Mara Salvatrucha gang after refusing to cooperate with that gang by providing them with information on police movements in the vicinity.<sup>32</sup> APES also gave examples of journalists being forced by their employers to cover stories in conflict zones or face reprisal through dismissal.

### 3.1 The 2012-2013 Truce

The MS-13 and M-18 declared a truce with one another between 2012 and 2013 in order to establish a dialogue with the government. However, several sources indicated that during the truce, gangs became more powerful.<sup>33</sup> El Faro explained that the truce gave Salvadoran gangs a "new and visible political conscience, as well the notion of how to strategically administer violence in order to achieve their objectives."<sup>34</sup> With the truce, gangs emerged as relevant national actors with the power to influence the outcome in elections<sup>35</sup> and national security policy.<sup>36</sup> El Faro indicated that, with the truce, gangs came to understand the political importance of possessing territory, and they continue to use their territorial influence to negotiate with political candidates wishing to canvas for support inside territories controlled by the gangs.<sup>37</sup> El Faro gave the opinion that despite their political power, gangs are not interested, for the moment, in founding a political movement and are more interested in negotiating with their territorial influence to achieve their objectives. According to Dr. Gaborit, if the homicide rate decreases, it is not by the government's action, but that of the gangs decisions; and if extortions decrease, it is not by the government's actions, but because gangs have strategically determined to do so.<sup>38</sup> InSight Crime, an organization that analyzes and reports on organized crime in Latin America and the Caribbean,<sup>39</sup> also reports that gangs in El Salvador possess political influence.<sup>40</sup>

Sources indicate that despite the lowering of homicides during the truce, the number of extortions, threats,<sup>41</sup> and disappearances<sup>42</sup> increased. For more information, see section 4.5.

---

## 4. GANGS

---



El Faro indicated that gangs are the natural expression of the absence of the state. Dr. Gaborit explained that in El Salvador, the state has not invested in the population or in communities by providing adequate access to education, health care, and infrastructure, leaving people highly vulnerable to crime, living in poverty, and lacking employment opportunities. This creates the conditions for crime organizations to develop and grow.<sup>43</sup>

The Deputy Director of Investigations (Subdirección de Investigaciones) of the PNC indicated that the objective of gangs is territorial control and the income derived from extortions, commonly called "rent" (*renta*). Dr. Gaborit indicated that the territory gives gangs their identity, security, income, a large network of collaborators and sympathizers, and "a community that will not say anything to authorities."<sup>44</sup>

Information about the number of gang members in El Salvador varies. According to *La Nación*, a newspaper based in San José, Costa Rica, there are between 30,000 and 60,000 gang members in El Salvador.<sup>45</sup> However, *La Prensa Gráfica* reports that, according to a survey undertaken by the Ministry of Justice and Public Security (Ministerio de Justicia y Seguridad Pública) in 184 out of the 262 municipalities in the country between 2012 and 2013, there are about 29,325 gang members and 87,975 people with "affiliation" to gangs, for a total of 117,300 people associated with gangs.<sup>46</sup>

## 4.1 Territorial Presence

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

Gangs exert their influence all over the country.<sup>47</sup> Authorities have lost control over territory to gangs, as the latter decide who enters and who leaves from neighbourhoods.<sup>48</sup> Gangs are very vigilant in controlling their territories and they question whoever enters these territories.<sup>49</sup> According to El Faro, people in El Salvador know which gang exerts its influence in the neighbourhood in which he or she lives.

During the mission, several sources pointed out that gangs are seen as the de facto authorities in many communities. Sources indicated that gang control has taken deep roots inside their communities<sup>50</sup> to the point of changing the lifestyles of many Salvadorans.<sup>51</sup> El Faro indicated that there is no set of homogeneous norms inside communities, however. Some norms are unspoken, yet common. For example, people must advise gangs of any visit by someone from outside the neighbourhood to avoid problems, and the gang determines and controls the entry procedure a person must follow when entering the neighbourhood, such as turning off headlights or using high beams, lowering the windows, or honking. In some cases, a rumour about gangs can change the lifestyle of residents. El Faro provided the example of a rumour that gangs indicated that all women who work in downtown San Salvador

and who have their hair tinted blond would be killed because only the partners of gang members were permitted to have blond hair. The next day all women who were not gang partners and who had blond hair tinted it with another colour. "Nobody knew if the rumour was true or not, but a rumour is enough notice for people to change their behaviour."<sup>52</sup> Other press agencies have reported on similar incidents in other parts of the country.<sup>53</sup> The US Department of State's *Country Reports on Human Rights Practices for 2015* for El Salvador indicates that "[i]n many neighborhoods, armed groups and gangs targeted certain persons and interfered with privacy, family, and home life, and created a climate of fear that the authorities were not capable of restoring to normal."<sup>54</sup>

Gangs routinely impose curfews in neighbourhoods, especially when they want to take precautionary measures for an imminent attack or when they are going to execute an action.<sup>55</sup> Also, according to Dr. Gaborit, curfews and other methods of curbing the free movement of people, such as giving orders to stop bus transit, thereby paralyzing public transportation, are also used by gangs to signal their strength to the government; displaying that they have the power to exert such control.<sup>56</sup> Another way of controlling territory is by detaining people and asking for their identification documents (Documento Único de Identidad, DUI).<sup>57</sup> For example, when teachers must travel to a school in another neighbourhood where they are employed, gangs detain them, ask them to produce their DUI, and interrogate them in order to obtain information about the neighbourhood where they live, who their family members are, and what is the purpose of their presence in the neighbourhood.<sup>58</sup> Gangs also routinely ask visitors or strangers to produce their DUI to find out where that person comes from and which gang operates there.<sup>59</sup> They also post closed circuit TV cameras outside neighbourhoods to monitor and control the movement of people.<sup>60</sup>

The gang leaders in the community also intervene to settle conflicts among residents in the neighbourhood.<sup>61</sup> Sources indicated that when settling disputes with other members of their community, people usually go to the gang leader rather than to authorities.<sup>62</sup> El Faro provided the example of a woman who went to see the gang leader in her neighbourhood to complain about domestic violence and abuse by her husband. The gang leader reportedly threatened her husband and the violence against her ceased.<sup>63</sup> El Faro explained that the gangs do not want state authorities arriving in the neighbourhood and prefer to resolve conflicts themselves through threats of violence.

#### 4.1.1 Invisible Frontiers

---

The fight for territorial control among gangs creates invisible lines that act as de facto borders and affect the freedom of movement of inhabitants.<sup>64</sup> According to the Salvadoran Red Cross (Cruz Roja Salvadoreña), this phenomenon affects the entire population, especially impoverished people, women and young people. Sources indicated that when a person lives in a neighbourhood controlled by one gang, he or she cannot transit the territory of another gang without running the risk of being killed.<sup>65</sup> El Faro provided the example that if a person who lives in a territory controlled by one gang decides to visit a friend or a family member who lives in a neighbourhood controlled by the opposite gang, he or she could be killed by either gang because, on one hand, the gang in the neighbourhood the person is visiting considers it an offense that the person lives in a territory controlled by the other gang. On the other hand, the gang that controls the neighbourhood where the person lives might see him or her with suspicion for visiting the other gang's territory. Therefore, in order to go to work or school, people have to take alternative routes to avoid passing through opposite gangs' territory. If a school or educational institution is two blocks away but is controlled by the opposite gang, the student will not be able to go there. There have been cases of young people who have been killed for wearing the uniform of an institution which is located in opposing gangs'

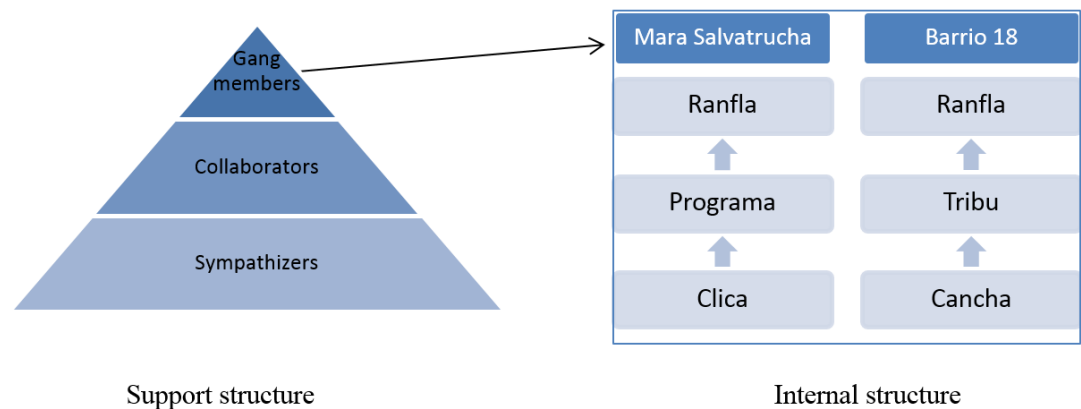
territories. Catholic churches change religious processions to avoid passing through opposing gangs' territories in order to avoid running the risk that parishioners will be hurt or killed.<sup>66</sup>

4.2 Structure

According to El Faro, gangs in Central America operate as a franchise, meaning, although a gang may share the same name, their structures, founding myths, the way they perceive themselves, and their territorial presence is very different from country to country. In El Salvador and Honduras, for example, gangs are present and exert their influence throughout the territory. In Guatemala, however, the gang phenomenon is mostly urban and they have not been able to establish a strong presence in rural, indigenous areas. In Los Angeles, where there are about 700 Latino gangs, all of them are subordinated to the Mexican Mafia gang, or "La Eme," and gang phenomenon in that region is stratified by race. Gangs along the eastern coast of the US, particularly Maryland, Washington DC, Virginia, and New York, are growing due to the presence of Salvadoran MS through migration flows. The MS in this part of the US does not have communication with the one in Los Angeles, but does communicate with the one in El Salvador to carry out extortion of Salvadorans living in these Eastern US states.<sup>67</sup>

Gangs are described by interlocutors as very sophisticated structures<sup>68</sup>. Gangs' internal structure is hierarchical.<sup>69</sup> El Faro explained that the Mara Salvatrucha's lowest organizational unit is the clique (*clica*). Cliques are organized into *programas* of different sizes, and in El Salvador there are 54 programas. The Barrio 18's lowest organizational unit are the *canchas*, and these are organized into *tribus*. The top echelon of the gangs is called the *ranfla*, who is usually in prison,<sup>70</sup> as prisons are gangs' operations centres where the leadership is located.<sup>71</sup> Each tribu and programa manages their own resources, which come mostly from extortion, and they use these resources for basic necessities for the gang such as lawyers for detained members, medical expenses for members injured or wounded, payments to family members of gang members who have been killed or imprisoned, and to buy weapons. They also spend the money on symbolic "luxury" goods that represent their status and gang membership, such as Nike Cortez sneakers, and marijuana, particularly in prisons. Gangs also invest money in buying drugs to resell.<sup>72</sup>

Diagram: Gangs' structure<sup>73</sup>



4.3 Recruitment

Recruitment into gangs usually starts as early as 11 years old,<sup>74</sup> but gangs use

children as young as 8 years old as look-outs (*postes*) to call the gangs on cellphones when the police or non-residents are entering the neighbourhood.<sup>75</sup> They also use children to collect extortion payments,<sup>76</sup> to eavesdrop on people, or to do other chores for the gang in exchange for a few dollars.<sup>77</sup> The PDDH further indicated that gangs use children and young people to commit crimes such as drug dealing on the street, theft, threats, and murder. Gangs target children from poor and broken families, or who live with their grandparents, children who have relatives in the US, or, those who have psychological problems or mental disabilities.<sup>78</sup> Recruitment takes place in local communities<sup>79</sup> and schools.<sup>80</sup>

During the mission, sources provided different views on whether recruitment was forced or voluntary. Sources indicated that there are cases of people who are reportedly forced to collaborate with gangs under the penalty of being killed or having family members killed in reprisal.<sup>81</sup> However, the Union of Public Education Teachers of El Salvador (Sindicato de Maestras y Maestros de la Educación Pública de El Salvador, SIMEDUCO) described recruitment as "half-forced and half-voluntary," as there are parents that perceive the gang as a "role model" for their children. For example, there are parents who feel privileged that a gang member "chooses" their daughter over others, because she will have social status and will have better living conditions. Also, children who avoid gang involvement are marginalized, humiliated and bullied, whereas a child who becomes involved with gang members becomes part of their circle of protection and will begin to build a reputation in the community. In this way, recruitment is "voluntary." However, as children spend time with gangs and become increasingly involved, later on, they will have no choice but to join, or feel obliged to join, hence, recruitment is also in a sense, "forced."<sup>82</sup> El Faro and the Foundation for the Study of Applied Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD), indicated that recruitment is "voluntary" in the vast majority of cases. There are many children and youth who want to become part of a gang because involvement in such activity is perceived to bring access to the criminal economic benefits associated with it, as the gangs are both respected and feared inside their communities.<sup>83</sup> Youth perceive the gangs as an opportunity to overcome poverty; they admire the gangs and their lifestyle<sup>84</sup> to the point of giving their lives for the gang.<sup>85</sup> El Faro indicated that young males perceive that being a gang member brings social status and admiration.

To avoid being recruited by gangs, those parents who can afford it send their children to private schools. Those who cannot afford to do so are forced to remain indoors in their houses without the possibility to go to school, work, or play on the street, so as not to risk being harmed by gangs.<sup>86</sup> Foundation Cristosal indicated that the same happens to displaced families with children who arrive in a new neighbourhood. According to SIMEDUCO, this is more prevalent for boys than girls.

#### 4.3.1 Women and Girls in Gangs

---

El Faro indicated that women are not accepted as full members of gangs due to the masculine-centric attitudes prevalent in Salvadoran society, which also permeate the gangs. Women used to be full, recognized members of the gangs until 2000 when the gangs decided not to recruit more women, as they were perceived as the "origin of too many conflicts."<sup>87</sup> Women are considered to be a "property" by gangs,<sup>88</sup> and they are used for different purposes such as collecting money from extortion on behalf of members, to deliver drugs into penitentiaries,<sup>89</sup> and to be sex partners for imprisoned gang members.<sup>90</sup> If a woman or a girl does not visit an imprisoned gang member as ordered, or, if she is seen accompanied by other men, she,<sup>91</sup> or a member of her family<sup>92</sup> would be killed.<sup>93</sup> FESPAD indicated that gangs choose girls as early as 12 years old. Similarly, the Salvadoran Women's Organization for Peace (Organización de Mujeres Salvadoreñas por la Paz, ORMUSA) indicated that the gangs choose girls 15 years old or younger, and that girls as early

as 12 years old are affected by sexual violence. Also, if a gang wants to kill another gang member and he cannot be found, the gang will kill his wife.<sup>94</sup> For additional information on the situation of women in El Salvador, refer to Part 2 of the information gathering mission report.

#### 4.3.2 Leaving Gangs

---

According to SIMEDUCO, a member of a gang may be permitted by the gangs to leave, if he is joining a religious congregation. However, if he is later found to be drinking alcohol or smoking, he could be killed.<sup>95</sup> Sources indicated that the penalty for quitting the gang is death, regardless of the motive.<sup>96</sup> Also, as El Faro explained, it is "very hard for gang members to cut ties with the imprisoned leadership because sooner or later he will end up in prison and he will have to settle scores with the gang."

### 4.4 Distinctive Traits

#### 4.4.1 Tattoos

---

El Faro indicated that gangs have taken different decisions in this regard. In the past, it was sometimes obligatory to have a tattoo,<sup>97</sup> while in other cases, gang members needed to earn a tattoo.<sup>98</sup> Usually, gang members who are 30 years old or older are completely tattooed.<sup>99</sup> Even though the use of tattoos has been decreasing in recent years to avoid being identified by authorities as gang members, gangs also use tattoos as a form of punishment for a mistake made by that member, or when his loyalty is questioned, for example, tattooing his face "to dissipate any doubt."<sup>100</sup>

#### 4.4.2 Style of Dress

---

Sources indicated that, presently, gang members are more discrete in the way that they dress in order to avoid being detected by the PNC.<sup>101</sup> Gang members tend not to wear loose clothes and Nike Cortez athletic shoes, as they had in the past, and rather, dress like any other person.<sup>102</sup> According to El Faro, "there is no distinctive trait to indicate who is a gang member." SCIS similarly indicated that some gang members "have the same appearance as middle class people." *La Página*, a San Salvador-based newspaper, also indicates that, according to the PNC, there is a new generation of gang members that [translation] "dress 'normally' and represent the figure of the honest and correct citizen."<sup>103</sup>

### 4.5 Activities

The mission heard from sources that some of the crimes committed by gangs include homicide, extortion, forced recruitment, forced disappearances, street-level drug trafficking (*narcomenudeo*), threats, and carjacking.

#### 4.5.1 Extortion

---

Extortion is a problem in El Salvador. All businesses, from the street vendor to transnational companies, pay extortion, or "rent," to the gangs.<sup>104</sup> The mission heard examples of extortion of teachers, students, telecommunication companies, municipalities, judicial workers, bus drivers, and businesses. Gangs also extort residents who are receiving remittances from abroad, and people who are successful in obtaining employment with higher pay.<sup>105</sup> According to SCIS, gangs calculate the "rent" to be paid by a business owner by sending a gang affiliate to surveil how

many customers receive on average, in order to estimate the income taken by the business. The "rent" usually ranges between 20 and 30 percent of the target's income.<sup>106</sup>

InSight Crime also reports that small and medium-sized enterprises pay between US\$30 million and US\$60 million per month in extortions.<sup>107</sup> Some companies and small businesses hire negotiators to arrange the rates they must pay for extortion.<sup>108</sup> According to the Association of Salvadoran Bus Companies (Asociación de Empresarios de Autobuses Salvadoreños, AEAS), the concept of extortion is institutionalized in El Salvador in the sense that companies and businesses declare in income tax forms the amount they pay for extortion as business costs for "special collaboration," and that banks take into account the amount of extortion a client pays in order to calculate loans. In a 16 September 2016 correspondence with the Research Directorate, El Faro similarly indicated that items such as "operational costs" and "special collaborations" are used by companies to incorporate, in their formal financial accounts and tax returns, amounts paid for extortion.

Methods used to extort people include sending a person, usually a minor, to hand over to the business owner or one of the employees, either a cellphone with a gang member on the line asking for the "rent," or a telephone number for the business owner to call, or a piece of paper with the extortion amount to be paid. The US Department of State's *Country Reports on Human Rights Practices for 2015 for El Salvador* indicates that

*[i]n some cases[,] the country's high crime rate negatively affected acceptable conditions of work, as well as workers' psychological and physical health. Some workers, such as bus drivers, bill collectors, messengers, and teachers in high-risk areas, reported being subject to extortion and death threats.<sup>109</sup>*

AEAS indicated that if someone does not pay the extortion, as a reprisal, gang members will kill the business owner, or an employee from that business, or shoot indiscriminately at the business. El Faro gave the example of a telecommunications company that started to subcontract technicians to go into gang-controlled territory in order to avoid paying extortion. When gangs noticed the move, they threatened to kill subcontracted technicians if the company did not pay the extortion.<sup>110</sup> Gangs also extort the following targets: government entities carrying out infrastructure projects, by threatening to kill workers on the project;<sup>111</sup> residential gated communities by asking the security guard to relay the message that everybody in the community has to pay a "rent," otherwise they will kill the guard; a business that wants to set up a billboard in an area controlled by the gangs;<sup>112</sup> and fishermen, by taking a portion of their catch, which the gangs then sell in the local market themselves.<sup>113</sup>

Bus companies are particularly affected by extortion. AEAS indicated that bus companies pay extortion amounts ranging between US\$0.25 to US\$1 per day, US\$50 per month, or, in some cases, up to US\$300 a month, per bus. The fare to ride a bus is US\$0.20. A bus driver has to pay the extortion to each gang of the territory that the driver transits. If the extortion is not paid, the gangs shoot at the buses, burn buses, or kill bus drivers or bus company employees. Bus drivers are also subjected to robberies and assaults. For these reasons, some bus companies offer life insurance to their employees.<sup>114</sup> AEAS indicated that in "recent years," gangs have killed around 1,000 employees and 125 business owners of bus companies. AEAS indicated that it is estimated that bus companies pay more than US\$35 million per year in extortion. *La Prensa*, a San Pedro Sula-based newspaper, reports that bus companies in El Salvador pay around US\$34 million per year.<sup>115</sup>

Many companies and businesses have closed due to extortion. AEAS indicated that, out of the 40 bus companies that existed in the past, only 3 are currently operating

and covering the neighbourhoods that other companies abandoned. According to SCIS, business people continue facing extortion and threats even after they closed their businesses. AEAS indicated that hiring bus drivers is "problematic" because the job is very dangerous.

Teachers also face extortion from gangs. Teachers are extorted by, for instance, receiving a phone call from a gang member in the prison to a student, who in turn passes the phone over to the teacher, who is then ordered to do such things as: reload funds onto the student's cellphone plan, give large sums of money for "emergencies," or give up his or her cellphone to the student.<sup>116</sup>

#### 4.5.2 Homicides and Forced Disappearances

---

According to Dr. Gaborit, the homicide rate of children between 16 and 17 years of age is higher than other age groups in the country. The IML report on homicides in 2015 indicates that, out of the 6,656 homicides committed during that year, the highest age groups for minor children were children aged 17 (318 deaths), children aged 16 (191 deaths), and children aged 15 (123 deaths). The highest age groups among adults were people 20 year-olds (304 deaths), and 25 year-olds with (273 deaths).<sup>117</sup>

El Faro indicated that gangs use violence as a means of communication. In some cases gangs want a particular killing to appear in news media in order for the public to know about the incident. However, if the target or victim does not have a high profile, the gang would prefer to "disappear" him or her. Reasons for "disappearing a person" include: infidelity of a female partner, being a family member of a gang member from an opposite gang, suspicion of being a PNC informant, and not paying extortion.<sup>118</sup> Elsalvador.com, a San Salvador-based electronic newspaper, similarly reports that, according to the General Attorney Office (Fiscalía General de la República, FGR), some of the motives to disappear a male person include: being a member of another gang, or if he is not a gang member, filing a complaint with the police, having an affair with a woman who is the partner of a gang member, or [translation] "running into problems with gangs."<sup>119</sup> The article also indicates that reasons to disappear a woman include: infidelity, speaking badly about gang members, not paying a visit to imprisoned gang members, not reporting all the money derived from the collection of the "rent" or from selling drugs on the street, or hanging out with members of the opposing gang.<sup>120</sup>

According to El Faro, in gang culture, killing a woman does not confer "status" on the gang member, explaining why almost half of the victims who have been disappeared and subsequently found buried in clandestine graves are women. Elsalvador.com reports that, according to Salvadoran authorities, of the 172 disappearances that were reported between 1 January and 22 February 2015, 71 percent of the victims were males. The same authorities also indicated that disappearances are more committed against males than females.<sup>121</sup> According to statistics provided by El Faro, before the truce there were around 600 cases of disappearances, but in 2013 the number rose to around 1,100, in 2014 to 2,300, and in 2015 to 2,600. Elsalvador.com reports that, according to statistics provided by the PNC, as of 31 December 2014, 2,392 people were reported as disappeared, of which 456 were found alive and 93 were found dead.<sup>122</sup>

#### 4.5.3 Violence in Schools

---

The level of violence at schools is serious and gangs intimidate teachers, administrative staff and students. According to SIMEDUCO, many youth at public schools have ties to gangs either directly or through a family member.<sup>123</sup> School principals are ordered by the gangs which students must be admitted to school, and who is not to be admitted. Also, teachers have to consider carefully whether to

discipline a student, as they often must consider whether that student is related to a gang member. SIMEDUCO stated that most of the teachers who have been killed were those who were perceived as "very strict."<sup>124</sup>

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

#### 4.5.4 Organized Crime

---

In October 2012, the US Department of the Treasury designated the Mara Salvatrucha as a "transnational criminal organization" for its "criminal activity, in the US and around the world," including human smuggling, drug trafficking, sex trafficking, extortions, and kidnapping.<sup>125</sup> However, El Faro gave the view that the gangs' connections are rather limited to aspects such as occasionally providing services as bodyguards for drug lords, storing drugs, and refueling vessels transporting drugs. They are also subcontracted as hired assassins by criminal organizations or individuals.<sup>126</sup>

---

## 5. LEGAL APPARATUS AND INSTITUTIONAL EFFICACY

---

The National Council for Citizens' Safety and Coexistence (Consejo Nacional de Seguridad Ciudadanía y Convivencia, CNSCC) was created by the government in September 2014 to [translation] "improve policies and national plans in the areas of justice and public safety". It is comprised of state agencies, local governments, churches, the media, private enterprises, political parties, several civil society organizations and the international community. The CNSCC developed the Plan Safe Salvador (Plan Salvador Seguro) which is composed of five "axis" (i.e. violence prevention, penal prosecution and control, rehabilitation and reinsertion, assistance and protection to victims, and institutional strengthening) and 124 "priority actions" to deal with violence and criminality, guarantee access to justice, and provide protection to victims of crime. The Plan is focused on 50 out of 262 municipalities, and some of its actions include promoting employment for young people, increasing the state's presence in municipalities of concern, and expanding security plans for public transportation.<sup>127</sup> The Vice-Minister of Justice and Public Security indicated that, under this Plan, the government has been providing training, employment opportunities, schooling, and the creation of "shared spaces for co-existence" in communities across the country. He also indicated that the government has created education, housing, and health committees.<sup>128</sup>

The Vice-Minister of Justice and Public Security indicated that the current government offers education, scholarships and employment to young people.<sup>129</sup> The government also has the Plan Safe School (Plan Escuela Segura), renamed in 2013 to Prevention and Security Plan for Schools (Plan de Prevención y Seguridad Escolar),<sup>130</sup> that provides security to Salvadoran schools by deploying the PNC and the military forces to schools<sup>131</sup>. However, SIMEDUCO indicated that the presence of authorities in schools puts students and teachers at risk because gangs target them for considering that the school is assisting authorities.

### 5.1 Police



The National Civil Police (Policía Nacional Civil, PNC) has around 28,000 police officers,<sup>132</sup> including 24,000 uniformed police officers and 3,600 who are part of the Division of Investigations of the PNC.<sup>133</sup> AEAS indicated that the monthly salary of a police officer is about US\$250.<sup>134</sup> In 2015, news sources reported that on average, a police officer earns approximately US\$400 per month,<sup>135</sup> but the net pay ends up being around US\$200 after deductions.<sup>136</sup> Recruitment into the PNC is undertaken by the National Public Security Academy (Academia Nacional de Seguridad Pública, ANSP). Candidates must have between 18 and 28 years of age and a high school diploma, and go through screening that includes a criminal background check, and psychosocial, general culture, medical tests. Recruit training lasts eight months at the ANSP. They receive an additional three months training at the PNC where they receive training in weapons, ethics, human rights, philosophy of the communitarian police, criminology, and the law and the constitution. Without providing further detail, the PDDH gave the view that the quality of the training curriculum is "good." After enrollment, the Office of the Inspector General of Public Security (Inspectoría General de Seguridad Pública, IGSP) provides an 80-hour training session on police conduct through its human rights division.<sup>137</sup>

The Deputy Director of Investigations of the PNC indicated that around 500 non-uniformed officers are employed in the technical area of investigation, which includes collection of evidence, ballistics analysis, dactyloscopy, serology, chemical-physics analysis, and document analysis. Since 2007, the PNC has been acquiring specialized equipment, such as the Integrated Ballistics Identification System (IBIS) to create a formal registry of bullets and firearms used to commit crimes. In 2009, the PNC established the Automated Fingerprint Identification System (AFIS) which was provided in part by the US Federal Bureau of Investigation, to store the fingerprints of detained people. In 2012-2013, the system was strengthened with the assistance of the Government of Japan. All 19 branches of the PNC across the country have AFIS stations to collect, analyze, and cross-reference fingerprints.<sup>138</sup>

According to the IGSP, most of the investigations against PNC officers are related to disciplinary aspects such as not reporting for duty, and failing alcohol and drug tests. He also stated that people do not file many complaints against members of the PNC, and that out of those that are investigated, 38 percent end up with sanctions against implicated PNC officers. The IGSP has an office in every department with one employee, except in six departments which has "more than one employee." The IGSP has a budget of US\$1.3 million per year and has 99 employees.<sup>139</sup>

According to the PDDH, PNC officers lack the necessary equipment to operate. Their weapons and vehicles are less powerful than those used by criminal organizations, and these resources are not enough to carry out their mandate.<sup>140</sup> The Association of Salvadoran Bus Companies (Asociación de Empresarios de Autobuses Salvadoreños, AEAS) similarly indicated that AEAS has to pay for private investigators to investigate cases of extortion because the PNC lacks resources. The US Department of State's *Country Reports on Human Rights Practices for 2015 for El Salvador* indicates that the lack of resources has "limited the PNC's effectiveness."<sup>141</sup>

Sources indicated that there are more private security guards than PNC officers.<sup>142</sup> *La Prensa Gráfica* reports that, according to Miguel Gil, President of the National Association of Private Security Firms (Unión Nacional de Agencias Privadas de Seguridad, UNAPS), there are 23,546 licensed private security guards, in addition to about 5,000 who operate without permits.<sup>143</sup> Dr. Gaborit indicated that there are many security firms whose hiring criteria are very lax and guards are poorly trained for "high stress situations." According to *La Prensa Gráfica*, private security guards receive a one-time 40-hour course provided by the National Academy of Public Security (Academia Nacional de Seguridad Pública, ANSP), where they receive

tactical training on handcuffing, using verbal persuasion techniques, and firearms training.<sup>144</sup> The ANSP training course also includes information about police labour rights, human rights issues, and mental health.<sup>145</sup>

Foundation Cristosal indicated that the Community Police (Policía Comunitaria) of the PNC is not effective, because "gangs have established a strong presence inside communities."

### 5.1.1 Arbitrary Detentions and Extrajudicial Executions

---

During the mission, there were reports of arbitrary detentions. El Faro indicated that the PNC routinely detains young people for 48 to 72 hours under the suspicion of being a gang member. El Faro gave the view that, to authorities, the mere fact of being a young person is suspicion enough to consider him or her a gang member. El Faro also provided the example of a young boy who was detained during a police raid in the neighbourhood and mistakenly detained. He has been in the prison for over two years without trial. FESPAD also indicated that authorities detain innocent people under the suspicion of being a gang member. IUDOP indicated that the PNC not only abuses gang members but also innocent members of communities that police perceive as connected to the gangs; they break down doors, beat people, and detain people, who are later set free due to lack of crime-related evidence. IUDOP gave the view that this has caused "indignation inside communities which translates into more support and legitimacy for the gangs."<sup>146</sup>

The IGSP indicated that his office does not receive "many" complaints against police officers for allegations of torture and that, as far as his office has investigated, there are no reports on extrajudicial executions committed by members of the PNC. The *US Country Reports on Human Rights Practices for 2015 for El Salvador* indicates, however, that local media has "reported on several allegations of extrajudicial killings that suggested police involvement."<sup>147</sup> The report also indicates that, as of July 2015, the IGSP reported that "eight PNC officers faced charges of homicide during the year."<sup>148</sup> Without specifying a time period, the PDDH indicated that approximately 60 percent of complaints it receives are against the PNC. The PDDH explained that most of the complaints relate to weak police procedures such as contamination of evidence, excessive use of force, and violations of human rights. The PDDH further indicated that in 2015, that office received complaints of the enforced disappearance of five persons by state security forces.

## 5.2 Justice System

The Vice-Minister of Justice and Public Security gave examples of actions that have been taken to counteract activity by gangs and criminal organizations. In penitentiaries, gang leaders have been "rotated" and isolated to prevent communication with connections outside the prisons and to prevent committing and coordinating crimes from inside the prisons. Their access to legal assistance is "virtual" and trials are done through videoconference. Also, there are more joint operations between the PNC and military forces to lower homicides, extortions and other crimes. The overcrowding of women's prisons, which was at 900 percent of prison capacity, has been reduced by creating prison farms for convicted women with children, with programs that include sewing and education for their children.<sup>149</sup>

Sources indicated that the justice system is inefficient, with high levels of impunity.<sup>150</sup> The PDDH also indicated that the justice system is weak and investigations are not comprehensive. The National Coordinating Committee of Unions and Associations of Workers in the Judiciary (Coordinadora Nacional de

Sindicatos y Asociaciones del Órgano Judicial, CONASOJ) indicated that there are 634 judges in El Salvador, including 12 "special tribunals" that hear cases related to gangs, but the workload is so high that it contributes to the inefficacy of the justice system.<sup>151</sup> Also, the Chief Justice of the Criminal Chamber of Supreme Court of Justice (Corte Suprema de Justicia, Sala de lo Penal, CSJ-SP) indicated that prosecutors have around 400 to 500 cases each, which means that not all of them get investigated as [translation] "they need to prioritize." An annual report produced by the FGR indicates that, as of May 2016, prosecutors had an average of 358 cases each.<sup>152</sup> The FGR report also indicates that the FGR has 1,031 judicial employees and 772 administrative staff.<sup>153</sup> Despite the rise in homicides and crimes, resources to investigate all complaints and crimes continues to be limited.<sup>154</sup> The CSJ-SP gave the view that efforts to address impunity are not sufficient.

Sources indicated that there have been accusations of judges and lawyers being bribed,<sup>155</sup> and that some prosecutors and judges are co-opted by gangs.<sup>156</sup> CONASOJ indicated that outside courthouses, *sacadores* (lawyers who offer their services to get someone out of prison) charge between US\$10,000 and \$20,000, in apparent collusion with judges, to get a person out of prison. AEAS gave the example that when a gang member is detained, the clique extorts bus companies with amounts ranging between US\$10,000 and US\$15,000 to pay for a lawyer for his release.

The PDDH indicated that around 5 to 7 percent of complaints lodged with authorities lead to sentences. Foundation Cristosal indicated that, in the last five years, authorities received around 120,000 complaints. Of the 40,000 that went to trial, a verdict was reached in 6,000 cases, and in 2,000 of these cases, a sentence was reached.<sup>157</sup> The FGR annual report indicates that, out of the complaints lodged with authorities between June 2015 and May 2016, 94,338 cases were opened by prosecutors involving 115,152 accused persons.<sup>158</sup> During the same period, the justice system put 42,694 cases to trial, involving 65,292 accused persons, of which 8,997 were convicted and 2,423 were acquitted.<sup>159</sup> FESPAD also indicated that some judges who have been threatened by gangs avoid them and leave these cases to be put to trial by a substitute judge.

Sources indicated that people prefer not to file complaints with authorities due to either fear of reprisals or retaliation,<sup>160</sup> or due to lack of confidence in public institutions receiving complaints.<sup>161</sup> The IGSP indicated that there have been isolated cases of collusion between members of the PNC with gangs. Other sources stated that if someone files a complaint against a gang or gang member, the person will likely face reprisals as gangs have infiltrated many state institutions, including the PNC.<sup>162</sup> AEAS indicated that gangs also blackmail and threaten police officers into passing them information. Sources also indicated that gangs surveil police stations through cameras clandestinely posted in trees located at the front of these stations in order to monitor people going into the police station. For this reason, many people also decide not to file complaints with the police.<sup>163</sup> Sources indicate that people who file complaints with authorities are stigmatized in their communities and are considered "traitors"<sup>164</sup> or are killed.<sup>165</sup>

Investigations into extortion are also deficient. AEAS indicated that police officers often tell victims of extortion that "it is better to pay the extortion than to be killed." SIMEDUCO gave the view that when the union assists teachers who are victims of extortion in filing complaints with authorities, the response from authorities is inadequate. A high percentage of teachers are extorted, however many do not file complaints for fear of reprisals from the gangs. There were accounts that officials from the Ministry of Education tell teachers that "it is better to get along with gang members and pay extortion to avoid being killed."<sup>166</sup>

According to Dr. Gaborit, the majority of homicides are not investigated, nor go to

trial, and of those that do go to trial, only a minority reach a verdict. APES indicated that the General Attorney Office (Fiscalía General de la República, FGR) does not conduct a thorough investigation, especially in gang-related cases where prosecutors often rule the case as "a gang-related crime" and the dossier is closed. The CSJ-SP similarly indicated that when authorities consider that a crime was committed by a gang, it "seems to be an informal practice that it should not be investigated." The CSJ-SP also explained that due to the high number of homicides committed in the country, "quantitatively and qualitatively," the capacity of the justice system to respond has been overwhelmed. The Salvadoran Red Cross indicated that authorities are not diligent in the investigation of a crime because they are overwhelmed and lack adequate resources to respond. According to the interlocutor, "it is quite unusual for a complaint to be fully investigated." The Red Cross provided the example of a woman who went to the PNC to report the disappearance of her 14 year-old daughter. Four police officers conducted the interview "in an environment [the complainant] considered unwelcoming" and when she later went to the PNC to inquire about the progress of the complaint, the police officers, annoyed with her visits, asked her, "why are you still looking for her; she is already dead."<sup>167</sup>

Working conditions of judicial workers in El Salvador are poor. Sources indicated that court officers responsible for delivering court summonses or notices to appear have been beaten and robbed in communities controlled by gangs. There are also cases where gangs prevent court officers from entering gang-controlled territory in which court officers have to pay a gang member in order to deliver the summons.<sup>168</sup> According to the CSJ-SP, the court officer must seek permission or assistance from community centres in order to enter some neighbourhoods. CONASOJ indicated that due to this problem, around 26 percent of summonses cannot be delivered in person to the summoned party. When a summons must be delivered to a person living in an area where the court officer cannot enter, the courthouse uses other methods of delivery, including telephone calls, emails, or displaying public posters outside the city hall, containing the names of persons who have been issued summonses. Around 6 percent of cases are closed due to the inability to deliver a summons.<sup>169</sup>

Also, forensic technicians responsible for removal and collection of deceased victims occasionally pay a "rent" of around US\$5, cigarettes or alcoholic beverages in order to enter a gang controlled territory to remove human remains. Coroners work up to 48 hours per week and when working until late at night, they must stay overnight at the IML, as it would be too dangerous to travel to their neighborhood at that time. Gangs also threaten psychologists, social workers, educators, and probation officers when they enter gang-controlled communities.<sup>170</sup> According to CONASOJ, the reason why gang members do not allow judicial workers to enter their territory is because they are seen as agents of the PNC. According to the CSJ-SP, "these workers live in permanent danger."

### 5.3 Witness Protection Program

The witness protection program, which is run by the Executive Technical Unit (Unidad Técnica Ejecutiva, UTE), is available for victims and witnesses of crime only during the trial process, after which the person loses government protection.<sup>171</sup> According to the PDDH, there are no program to assist witnesses once they leave the program. In order to access the program, the person has to be referred by the FGR.<sup>172</sup> The Vice-Minister of Justice and Public Security indicated that due to lack of resources, protection is only offered during trial. The Vice-Minister of Justice and Public Security indicated, and without providing further details, that, in some cases, the UTE facilitates exit from the country, but the economic resources to fund these initiatives are limited.<sup>173</sup>

Sources interviewed by the mission indicated that the program has many deficiencies. According to the Salvadoran Red Cross, the program does not guarantee the lives of witnesses. Sources indicated that some witnesses and victims of crime who were in the witness protection program continue receiving threats,<sup>174</sup> and that some witnesses who are currently receiving protection have been the target of threats and attacks.<sup>175</sup> There are many cases of protected witnesses that have been killed.<sup>176</sup> Some of the protected witnesses are relocated to "safe houses" (casas de seguridad or casas seguras) where there have been cases of abuse by guards.<sup>177</sup> Government officials are not eligible to access any protection program, and their spouses and children are threatened.<sup>178</sup> For additional information on the witness protection program, see Response to Information Request SLV105258 of 1 September 2015.

---

## 6. INTERNAL DISPLACEMENT

---

Internal forced displacement is a growing problem.<sup>179</sup> Sources stated that internal forced displacement is not recognized by the state.<sup>180</sup> According to APES, this phenomenon is only noticed when there is a large group of people being displaced, but not at the individual level. A report produced by the Internal Displacement Monitoring Centre (IDMC) indicates that, as of the end of 2014, there were 288,900 people internally displaced in the country.<sup>181</sup>, <sup>182</sup> However, in contrast, according to Dr. Gaborit, internal displacement is a phenomenon that has not been studied in depth and its dimension is unknown. He also gave the opinion that internal displacement has been overstated and "it certainly does not amount to more than 100,000 people as some studies indicate." The Human Rights Institute of the Central American University "José Simeón Cañas" (Instituto de Derechos Humanos de las Universidad Centroamericana "José Simeón Cañas," IDHUCA) indicated that it has documented 30 cases of internal displacement between 1 January and 20 April 2016.

Internal displacement is due mainly to gangs.<sup>183</sup> It is also caused by actions of the PNC and the army.<sup>184</sup> Sources indicated that displacement is kept "secret" by victims as they want to avoid being re-victimized.<sup>185</sup> Even though some churches provide shelter to internally displaced people, the situation was characterized by those affected as that of "confinement," as displaced people are responsible for their own protection and must not leave the church, in order to avoid detection by the agents of persecution.<sup>186</sup>

Some persons who are deported back to El Salvador face displacement upon their return to the country. Without providing further details, the PDDH indicated that young people who are deported back to El Salvador are at risk of being re-victimized. Foundation Cristosal indicated that upon their arrival to communities, they start to be questioned by the gangs. Dr. Gaborit indicated that many deportees enter in a situation of displacement, moving "two or three times just to get enough money to leave the country again."

Internal relocation is "difficult" in El Salvador due to the close-knit nature of its communities where everybody knows one another.<sup>187</sup> The LGBTI Justice Clinic (Asistencia Legal para la Diversidad Sexual-El Salvador, ALDES) indicated that relocation for people fleeing the gangs is "very difficult" as the reach of these structures mean they are able to find a person anywhere in the country. Sources indicated that when a person moves from one community to another, he or she is investigated by the gang in the new location.<sup>188</sup> When a person moves from a community dominated by one gang into a community dominated by the same gang, the clique in the new place will collect information about that person to cross-reference it with the clique that operates in the place of origin.<sup>189</sup> Also, when the

person moves to a territory controlled by another gang, he or she could be killed.<sup>190</sup> According to Foundation Cristosal, this is a mechanism communities have to "protect themselves from strangers." Dr. Gaborit explained that gangs have a sophisticated communications network, with a comprehensive network for spying and sharing information.<sup>191</sup> Sources indicated that gangs collect information in different ways, such as through their legal businesses, stores and car wash spots within the neighbourhood.<sup>192</sup> They also infiltrate companies, call centres, and supermarkets.<sup>193</sup> Gangs have the capability to find out, within a short time, where a displaced person has moved.<sup>194</sup> According to the IGSP, internal relocation for victims and witnesses of crime is possible in El Salvador, but added that if the party in pursuit is committed to find the victim, it is "very probable that the person will be found."

## 6.1 Access to Education, Health Care, and Employment

The Salvadoran Red Cross explained that the organization offers psychological assistance to victims of crime as state institutions are lacking in this respect. They also offer legal assistance. However, it is difficult to follow up with displaced people as they are threatened or have to move. Some state institutions offer legal services and psychological assistance but only during the "crisis" period and do not follow up on cases. From 2013 to February 2016, the Red Cross provided assistance to 370 crime victims.<sup>195</sup>

School-age children from families who have been displaced do not go to school as gangs either control, do surveillance or are present in many of them, and reportedly collect information about new students.<sup>196</sup> In many cases, parents prefer to keep their children inside their homes at all times to avoid being re-victimized.<sup>197</sup> Access to health care is also difficult for displaced people due to the mobility problems moving from one neighbourhood to another.<sup>198</sup>

Sources indicated that there are employers and entrepreneurs who have policies not to hire people who come from troubled communities.<sup>199</sup> According to the Vice-Minister of Justice and Public Security, "it is a tacit form of social exclusion." When seeking employment, some businesses require applicants coming from communities controlled by gangs, particularly young people, to pass a polygraph test and take off their clothes in order to show that they do not have tattoos or ties to the gangs.<sup>200</sup>

---

## NOTES ON INTERLOCUTORS

---

### **Asistencia Legal para la Diversidad Sexual - El Salvador, ALDES (LGBTI Justice Clinic)**

AALDES is an NGO based in San Salvador that promotes "the health, security, dignity and human rights of the LGBTI community in El Salvador through the legal empowerment of LGBTI individuals." On 18 April 2016, the Research Directorate conducted a telephone interview with Dr. Ana Montano, a lawyer with ALDES.

### **Asociación de Empresarios de Autobuses Salvadoreños, AEAS (Association of Salvadoran Bus Companies)**

AEAS is an organization of bus companies that provide public transportation in 262 municipalities across the country. On 14 April 2016, the joint mission met with Genaro Ramírez, President, and Alfredo Villareal, Director of Relations of Public Transit Associations.

### **Asociación de Periodistas de El Salvador, APES (Association of Salvadoran**

**Journalists)**

APES is a not-for-profit, non-political organization that was founded in 1936 and represents journalists and academics who specialize in journalism. On 18 April 2016, the Research Directorate held a meeting with Serafín Valencia, President.

**Coordinadora Nacional de Sindicatos y Asociaciones del Órgano Judicial, CONASOJ (National Coordinating Committee of Unions and Associations of Workers in the Judiciary)**

CONASOJ is an umbrella organization of 10 organizations that advocates for the rights of workers in the judicial system. On 12 April 2016, the joint mission met with Roswal Solórzano, National Coordinator.

**Corte Suprema de Justicia, Sala de lo Penal, CSJ-SP (Supreme Court of Justice, Criminal Chamber)**

The CSJ-SP hears appeals on criminal cases sentenced on second instance by the District Criminal Court. Other functions include supporting the modernization of the judicial system, and presiding over the board of directors of the Legal Medicine Institute (Instituto de Medicina Legal, IML). On 14 April 2016, the joint mission met with Justice Doris Luz Rivas Galindo, Chief Justice of the CSJ-SP.

**Cruz Roja Salvadoreña (Salvadoran Red Cross)**

The Salvadoran Red Cross provides assistance to victims of natural disasters, national emergencies, and violations of human rights. Two years ago they launched a project to assist victims of violence with the support of the Spanish Red Cross and the European Union. It also provides assistance to victims of internal displacement and coordinates with other entities to provide assistance to victims of gender violence. On 19 April 2016, the Research Directorate conducted held a meeting with Amanda Castro, Coordinator of the Unit for the Assistance to Victims of Social Violence.

**El Faro**

El Faro is an electronic newspaper based in La Libertad that does investigative journalism on issues such as corruption, organized crime, migration, culture, and human rights. Carlos Martínez, journalist and founder of El Faro, has researched for the past five years the gangs in El Salvador and to some extent in Guatemala. On 14 April 2016, the joint mission conducted an interview with Carlos Martínez, Journalist and Founder; Daniel Valencia, Editor; and Fred Ramos, Photojournalist. On 16 September 2016, the Research Directorate received further correspondence from Carlos Martínez.

**Fundación Cristosal (Foundation Cristosal)**

Foundation Cristosal is an independent, Episcopal non-profit organization that works on issues related to forced displacement by violence and the protection of victims. On 11 April 2016, the joint mission held a meeting with Celia Medrano, Chief Program Officer.

**Fundación de Estudios para la Aplicación del Derecho, FESPAD (Foundation for the Study of Applied Law)**

FESPAD is an organization that promotes constitutional and democratic state building and the rule of law. It also promotes the protection of human rights on the basis of the dignity, freedom and equality of the human person, through the knowledge and application of the law and contributes to the development of just and democratic societies. It is dedicated to labour rights, criminal justice, and the prevention of violence against children, youth, women, and LGBTI people. On 19 April 2016, the Research Directorate held a meeting with Abraham Abrego, Executive Director.

**Inspectoría General de Seguridad Pública, IGSP (Office of the Inspector General of Public Security)**

The IGSP is the government agency responsible for overseeing the PNC and the National Academy of Public Security (Academia Nacional de Seguridad Pública, ANSP). The IGSP works under the authority of the Minister of Justice and Public

Security. On 11 April 2016, the joint mission met with Tito Edmundo Zelada Mejía, Inspector General.

**Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas," IDHUCA (Human Rights Institute of the Central American University "José Simeón Cañas")**

IDHUCA was created in 1985 by priest Segundo Montes Mozo with the objective of undertaking research on the situation of Salvadoran refugees and to promote human rights in the country. IDHUCA researches and investigates serious human rights violations, and advocates for the efficacy in the justice system. On 11 April 2016, the joint mission met with Mirla Carvajal and Pedro Martínez, members of the Transitional Justice Working Team.

**Instituto Universitario de Opinión Pública, IUDOP (Public Opinion University Institute), Universidad Centroamericana "José Simeón Cañas" (Central American University "José Simeón Cañas")**

IUDOP is an institute that is part of the Central American University "José Simeón Cañas" that undertakes public opinion surveys and research on victimization, security, extrajudicial executions, institutional efficacy, and the justice system. On 20 April 2016, the Research Directorate met with Jeannette Aguilar Villamariona, Director.

**Dr. Mauricio Gaborit, Professor of Social Psychology, Central American University "José Simeón Cañas"**

Dr. Gaborit specializes in violence, social cognition, gender, and historical memory. He has published extensively on these areas as well as on migration in Central America. Among his publications are "Recalibrando la mirada al pasado: reconciliación y perdón en el posconflicto" [Reassessing A Look at the Past: Reconciliation and Forgiveness in the Post-conflict] in *Estudios Centroamericanos* (2015), "Psychological Homelessness and Enculturative Stress among US-Deported Salvadorans: A Preliminary Study with a Novel Approach" in *Journal of Immigrant and Minority Health* (2014), and the book *La esperanza viaja sin visa: Jóvenes y migración indocumentada de El Salvador* which was published in 2012. The Research Directorate held a meeting with Dr. Gaborit on 21 April 2016.

**Ministerio de Relaciones Exteriores de El Salvador, Viceministerio para los Salvadoreños en el Exterior, Dirección General de Vinculación con Salvadoreños en el Exterior (Ministry of Foreign Affairs of El Salvador, Vice-ministry for Salvadorans Abroad, General Directorate of Relations with Salvadorans Abroad)**

The Vice-ministry for Salvadorans Abroad is responsible for strengthening social, economic, cultural, and political linkages with Salvadorans abroad, and for promoting the protection of their human rights and their families. On 19 April 2016, the Research Directorate held a meeting with Daniel Enrique Ortiz, Director of Follow-up and Reinsertion of Returned Salvadorans; and Ana Irma Rodas, Director of Assistance and Human Rights Protection.

**Organización de Mujeres Salvadoreñas Por la Paz, ORMUSA (Salvadoran Women's Organization for Peace)**

ORMUSA is a feminist organization that promotes gender equality and the economic, social, and political empowerment of women. One of the areas that ORMUSA works is public safety and as such, it has a national observatory that collects information on violence against women. On 12 April 2016, the joint mission met with Janneth Urquilla, Director, and Silvia Juárez, Representative.

**Policía Nacional Civil, Subdirección de Investigaciones (National Civil Police, Office of the Deputy Director of Investigations)**

On 21 April 2016, the Research Directorate met with Juan Carlos Martínez, Deputy Director.

**Procuraduría para la Defensa de los Derechos Humanos, PDDH (Office of the Ombudsperson for the Defence of Human Rights)**



The PDDH is an independent institution that is part of the Public Ministry (Ministerio Público) and is responsible for human rights education, protection, and promotion. On 11 April 2016, the joint mission conducted an interview with Sandra Rivera, Deputy Ombudsperson for Civil and Political Rights.

**Sindicato de Maestras y Maestros de la Educación Pública de El Salvador, SIMEDUCO (Union of Public Education Teachers of El Salvador)**

SIMEDUCO is the teachers union in public education schools that advances the political, economic, social and cultural rights of its affiliates. On 20 April 2016, the Research Directorate met with Francisco Zelada, Secretary General; and Marisol Galdámez, Secretary of National and International Relations.

**Sociedad de Comerciantes e Industriales Salvadoreños, SCIS (Society of Salvadoran Businesses and Industries)**

SCIS represents businesses and industries in El Salvador. On 21 April 2016, the Research Directorate held a meeting with Victor Rodríguez, President; José Ángel Reyes, Secretary; and William Pereira, Director.

**Viceministerio de Justicia y Seguridad Pública (Vice- ministry of Justice and Public Security)**

On 20 April 2016, the Research Directorate held a meeting with Luis Roberto Flores, Vice-Minister.

---

## REFERENCES FOR PRINTED SOURCES

---

Aguilar Villamariona, Jeannette. 2006. "Los efectos contraproducentes de los Planes de Mano Dura." Quórum. No. 16. 81-94.

Associated Press (AP). 22 June 2015. "Pandillas en El Salvador prohíben pelo rubio a las mujeres." <<http://www.prensalibre.com/internacional/pandillas-en-el-salvador-prohiben-pelo-rubio-en-mujeres>> [Accessed 20 July 2016]

ContraPunto. 16 June 2015. Bryan Avelar. "Policías: Este salario obliga a vivir cerca de pandilleros." <<http://www.contrapunto.com.sv/sociedad/sociedad-civil/policias-este-salario-obliga-a-vivir-cerca-de-pandilleros>> [Accessed 14 July 2016]

El Salvador. 2016a. Instituto de Medicina Legal (IML). *Homicidios año 2015*. <<http://www.transparencia.oj.gob.sv/Filemaster/InformacionGeneral/documentacion/c-40/7065/HOMICIDIOS%20A%C3%91O%202015.pdf>> [Accessed 8 July 2016]

\_\_\_\_\_. 2016b. Fiscalía General de la República (FGR). *Memoria de labores 2015-2016*. <<http://www.fiscalia.gob.sv/wp-content/uploads/memoria-2015-2016/files/assets/downloads/publication.pdf>> [Accessed 8 July 2016]

\_\_\_\_\_. 15 January 2015. Consejo Nacional de Seguridad Ciudadana y Convivencia. *Plan El Salvador Seguro, Resumen ejecutivo*. Provided to the Research Directorate during the meeting with the General Directorate of Relations with Salvadorans Abroad of the Ministry of Foreign Affairs of El Salvador, 19 April 2016.

Elsalvador.com. 24 November 2015. Raymundo Solano. "Policías piden aumento de sueldo." <<http://www.elsalvador.com/articulo/nacional/policias-piden-aumento-sueldo-94037>> [Accessed 14 July 2016]

\_\_\_\_\_. 14 May 2015. "Maras imponen reglas de maquillaje en Villa Mariona." <<http://www.elsalvador.com/articulo/sucesos/maras-imponen-reglas-maquillaje-villa-mariona-72508>> [Accessed 20 July 2016]

\_\_\_\_\_. 1 April 2015. Jaime López. "2014: 1.843 desaparecidos." <<http://www.elsalvador.com/articulo/sucesos/2014-1843-desaparecidos-68966>>

[Accessed 11 July 2016]

*Foreign Policy*. 19 January 2016. Douglas Farah. "Central America's Gangs are All Grown Up." <<http://foreignpolicy.com/2016/01/19/central-americas-gangs-are-all-grown-up/>> [Accessed 11 July 2016]

Gómez Hecht, Juan Ricardo. 2013. "El Crimen Organizado en las cárceles: Las extorsiones desde los Centros Penales en El Salvador." *Revista Policía y Seguridad Pública*. Year 3, Vol. 1.131-171.

Hume, Mo. 2007. "Mano Dura: El Salvador responds to Gangs." *Development in Practice*. Vol. 17, No. 6. 739-751.

InSight Crime. 10 March 2016. Mimi Yaboub. "Comentarios de funcionario de El Salvador dan en el centro del dilema de seguridad ciudadana." <<http://es.insightcrime.org/analisis/comentarios-funcionario-el-salvador-dan-centro-dilema-seguridad-ciudadana>> [Accessed 11 July 2016]

\_\_\_\_\_. 27 January 2015. Elyssa Pachico. "'Nueva tregua entre pandillas' es anunciada en El Salvador." <<http://es.insightcrime.org/analisis/nueva-tregua-pandillas-anunciada-el-salvador>> [Accessed 14 July 2016]

\_\_\_\_\_. N.d. "About Us." <<http://www.insightcrime.org/about-us>> [Accessed 13 July 2016]

Instituto Universitario de Opinión Pública (IUDOP). February 2015. *Evaluación del país a finales de 2014*. No. 137. <<http://www.uca.edu.sv/iudop/wp-content/uploads/INFORME-137.pdf>> [Accessed 11 July 2016]

\_\_\_\_\_. 2014. *La situación de la seguridad y la justicia 2009-2014: Entre expectativas de cambio, mano dura militar y treguas pandilleras*. Provided to the Research Directorate during the meeting with Dr. Jeannette Aguilar Villamariona, IUDOP, 20 April 2016.

International Displacement Monitoring Centre (IDMC). May 2015. *Global Overview 2015: People Internally Displaced by Conflict and Violence*. <<http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf>> [Accessed 8 July 2016]

*La Nación*. 8 August 2015. Gustavo Arias R. "Así funcionan las pandillas en El Salvador." <[http://www.nacion.com/mundo/centroamerica/como-funcionan-pandillas-El\\_Salvador\\_0\\_1504449607.html](http://www.nacion.com/mundo/centroamerica/como-funcionan-pandillas-El_Salvador_0_1504449607.html)> [Accessed 22 Sept. 2016]

*La Página*. 4 March 2012. Israel Serrano. "La nueva generación de pandilleros en El Salvador." <<http://www.lapagina.com.sv/ampliar.php?id=63372>> [Accessed 11 July 2016]

*La Prensa*. 1 July 2015. "'Imperios de la extorsión' están en Honduras y El Salvador." <<http://www.laprensa.hn/honduras/854572-410/imperios-de-la-extorsi%C3%B3n-est%C3%A1n-en-honduras-y-el-salvador>> [Accessed 11 July 2016]

*La Prensa Gráfica*. 19 January 2016. Susana Peñate, Flor Lazo, and Marcos Salguero. "Clases inician junto a plan de prevención y seguridad escolar." <<http://www.laprensagrafica.com/2016/01/19/clases-inician-junto-a-plan-de-prevencion-y-seguridad-escolar>> [Accessed 22 July 2016]

\_\_\_\_\_. 3 January 2016. Edwin Segura. "El Salvador con más homicidios en C.A." <<http://www.laprensagrafica.com/2016/01/03/el-salvador-con-mas-homicidios-en-c-a>> [Accessed 7 June 2016]

\_\_\_\_\_. 15 March 2015. Jessica Ávalos. "El emporio de la seguridad privada."

<<http://www.laprensagrafica.com/2015/03/15/el-emporio-de-la-seguridad-privada>> [Accessed 11 July 2016]

\_\_\_\_\_. 25 September 2013. Ricardo Flores. "MINED reconoce pocos resultados en plan escolar." <<http://www.laprensagrafica.com/2013/09/25/mined-reconoce-pocos-resultados-en-plan-escolar>> [Accessed 22 July 2016]

\_\_\_\_\_. 25 May 2013. Jessel Santos. "470,264 personas afines a pandillas." <<http://www.laprensagrafica.com/470-264-personas-afines-a-pandillas>> [Accessed 14 July 2016]

López Ramírez, Augusto Rigoberto. 2015. "Pandillas en escuelas públicas de El Salvador." *Revista Policía y Seguridad Pública*. Year 5, Vol. 1.

Reporters Without Borders (RSF). "Gang Members Kill 23-year-old Radio Journalist." <<https://rsf.org/en/news/gang-members-kill-23-year-old-radio-journalist>> [Accessed 2 Aug. 2016]

Sampó, Carolina and Mariano Bartolomé. 2014. "Reflexiones sobre el cumplimiento de la tregua entre maras en El Salvador." *Estudios Internacionales*. No. 177. 89-106.

Stratfor. 9 February 2016. "El Salvador: Bleak Prospects in the Face of Criminal Violence." <<https://www.stratfor.com/analysis/el-salvador-bleak-prospects-face-criminal-violence>> [Accessed 7 June 2016]

United Nations (UN). 1992-1993. Comisión de la Verdad para el Salvador. *De la locura a la esperanza: La guerra de 12 años en El Salvador*. <<http://www.pddh.gob.sv/memo/verdad>> [Accessed 7 June 2016]

\_\_\_\_\_. N.d. Office on Drugs and Crime (UNODC). *Intentional Homicide, Counts and Rates per 100,000 Population*. <<https://data.unodc.org>> [Accessed 7 June 2016]

United States (US). 23 May 2016. Central Intelligence Agency (CIA). "El Salvador." *The World Factbook*. <<https://www.cia.gov/library/publications/the-world-factbook/geos/es.html>> [Accessed 6 June 2016]

\_\_\_\_\_. 15 April 2016. Department of State. "El Salvador." *Country Reports on Human Rights Practices for 2015*. <<http://www.state.gov/documents/organization/253225.pdf>> [Accessed 7 June 2016]

\_\_\_\_\_. 5 June 2013. Department of the Treasury. "Treasury Sanctions Significant Members of MS-13." <<https://www.treasury.gov/press-center/press-releases/Pages/jl1971.aspx>> [Accessed 22 Sept. 2016]

Wilkinson, Michael. 2008. "Security and Democracy in El Salvador: An Undeniable Connection." *Stanford Journal of International Relations*. Vol. X, No. 1.

---

## APPENDIX

---

### Terms of Reference

#### 1. Witnesses to crime and corruption

- a. Current extent of individuals who report police corruption or witness a crime by a criminal gang especially with regard to drug-trafficking, kidnapping, and public sector malfeasance:

- i. Statistics: national, state, and local;
  - ii. Legislative framework: national and state level.
- b. Government and police effectiveness in assisting individuals who witness police wrongdoing or a criminal activity:
  - i. Police protection measures; whether a special police unit exists to investigate these types of crimes; availability and effectiveness of protection at the national, state and local levels;
  - ii. Accessibility to justice system: complaints procedure, whether protection for witnesses/whistleblowers is addressed; police response to complaints; judicial process for these types of complaints (e.g. are witness protection orders available and to what extent are they enforced);
  - iii. Whether special training of police and judiciary in dealing with witness protection cases exists;
  - iv. Whether police response to witnesses is measured or evaluated, including results;
  - v. Existence, scope and effectiveness of any witness protection programs.
- c. Ability of victims to seek relocation:
  - i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);
  - ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the state and national levels;
  - iii. Level of communication among law enforcement agencies at the local, state, and federal levels;
  - iv. Known cases of victims being found by agents of persecution.

2. Gangs

- a. Structure of main gangs
  - i. Hierarchical division of main gangs as a whole and as cliques; scope of communication between leadership and cliques and within cliques; how are orders transmitted and executed;
  - ii. The role of women in the maras;
  - iii. Number of cliques and members.
- b. Recruitment

- i. Methods of recruitment; have they changed after the *mano dura* policies? Target population (i.e. age, gender, social class, etc.);
- ii. Initiation process and processes practiced for promotion within;
- iii. Information on how to leave a gang; treatment of former gang members or people who try to leave; information about former gang members (also known as *calmados*); whether they are still active or collaborate with gangs.

c. Areas of operation

- i. Territorial division of gangs and cliques; how are territorial divisions established (*rifa del barrio*);
- ii. Conflicts and disputes between cliques and gangs for territorial presence;
- iii. Presence in rural areas.

d. National/transnational activities

- i. Local criminal activities: kidnapping, extortion, homicides; statistics;
- ii. International activities: drug trafficking, killings for hire; statistics;
- iii. Whether gangs can be considered transnational crime syndicates; relationship with drug cartels and other organized criminal organizations.
- iv. Capability to flee from gangs without being found; scope of their reach at the national and transnational levels.

e. State efforts

- i. Legislative framework;
- ii. Anti-gang units: whether a special police unit exists to combat gangs and investigate crimes committed by them; information on effectiveness, training, and resources; instances of corruption or excessive use of force; whether their effectiveness is measured or evaluated; statistics on arrests.
- iii. Accessibility to justice system: complaints procedure; police response to complaints; judicial process for these types of complaints; statistics on charges, convictions, and jail terms;
- iv. State protection programs: existence, scope and effectiveness of any witness protection program; whether the protection for victims, witnesses, and former gang members is addressed; accessibility to databases to find a victim; level of security used by authorities to protect these databases; known cases of victims being found.

3. Violence against Women

- a. Current extent of gender-based violence, including: domestic violence, sexual harassment and violence (including rape), and stalking:
  - i. Statistics: national, state-level, and local;
  - ii. Legislative framework; whether there have been any new developments nationally; or at the state-level.
- b. Effectiveness of the police and judiciary in addressing gender-based violence:
  - i. Police records; arrests and complaints; numbers of persons charged/arrested for committing gender-based crimes (as outlined in section a); numbers of those convicted; length of jail term (if found guilty); numbers of those released;
  - ii. Police protection measures; whether special police units exist to investigate these types of crimes; protection orders and enforcement;
  - iii. Accessibility to justice system: Complaints procedure, police response to complaints; judicial process for these types of complaints (e.g. are protection orders available);
  - iv. Whether special training of police and judiciary in dealing with gender-based cases exists;
  - v. Whether police response to gender-based violence is measured or evaluated by government agencies.
- c. Status of emergency shelter system:
  - i. Number of government-run shelters in operation and the capacity of each of these shelters (e.g., number of beds per shelter, trained staff);
  - ii. Accessibility and length of stay allowed;
  - iii. Options available after individual leaves shelter; whether social services follow-up with victim.
- d. Ability of victims to seek relocation:
  - i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);
  - ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the national and state level;
  - iii. Known cases of victims being found by their ex-partners.

4. Sexual Orientation

- a. Treatment by society; current extent of homophobia, discrimination, and harassment against members of the

Lesbian, Gay, Bisexual, and Transgendered (LGBT) community:

i. Statistics on homophobic violence/hate crimes: national, state-level, and local;

ii. Incidents of homophobic violence against LGBT members (widespread, minimal, under-reported, etc.);

iii. Types of violations sustained by LGBT members (e.g., insults, harassment, discrimination, physical violence, homicide);

iv. Legislative framework; whether there have been any new developments nationally; or at the state-level.

b. Police effectiveness in addressing wrongdoing/violence against LGBT individuals:

i. Police records; arrests and complaints; numbers of those charged for committing homophobic crimes (as outlined in section a); numbers of those convicted; length of jail term (if found guilty); numbers of those released (without conviction);

ii. Police protection measures; whether a special police unit exist to investigate these types of crimes;

iii. Accessibility to justice system: Complaints procedure, police response to complaints; judicial process for these types of complaints (e.g. are protection orders available);

iv. Whether special training of police and judiciary in dealing with LGBT cases exists;

v. Whether police response to LGBT violence is measured or evaluated.

c. Ability of victims to seek relocation:

i. Capability to flee from aggressor without being found (e.g., the level of risk & socio-economic factors);

ii. Accessibility to databases to find a victim (e.g., school registries, etc.); what are the main national registries and identity cards that are issued by the government? Which authorities and at what level are able to access these registries? Level of security used to protect these databases; surveillance systems in place at the national and state level;

iii. Known cases of victims being found.

---

## ENDNOTES

---

[1] US 23 May 2016.  
[2] UN 1992-1993, 1, 19, 21.  
[3] Ibid. 189, 191-192.  
[4] Meeting with El Faro; Wilkerson 2008, 39.  
[5] Wilkerson 2008, 39.

- [6] Meeting with El Faro.
- [7] Meeting with El Faro; meeting with PDDH.
- [8] Meeting with El Faro; IUDOP 2014, x.
- [9] Meeting with El Faro; IUDOP 2014, xi.
- [10] Meeting with the Vice-minister of Justice and Public Security.
- [11] Meeting with Dr. Gaborit; meeting with SIMEDUCO; meeting with El Faro.
- [12] Stratfor 9 Feb. 2016; Aguilar Villamariona 2006, 81.
- [13] Hume 2007, 739, 745; Aguilar Villamariona 2006, 81.
- [14] Aguilar Villamariona 2006, 81-82.
- [15] Hume 2007, 745; Stratfor 9 Feb. 2016.
- [16] Stratfor 9 Feb. 2016.
- [17] IUDOP 2014, 113.
- [18] Stratfor 9 Feb. 2016; Aguilar Villamariona 2006, 85.
- [19] IUDOP 2014, xi.
- [20] Meeting with SCIS; meeting with El Faro; meeting with SIMEDUCO.
- [21] El Salvador 2016a, 14.
- [22] Meeting with IUDOP; meeting with APES.
- [23] *La Prensa Gráfica* 3 Jan. 2016.
- [24] UN n.d.
- [25] *La Prensa Gráfica* 3 Jan. 2016.
- [26] All information originates from the meeting with Dr. Gaborit.
- [27] Meeting with El Faro; meeting with SCIS.
- [28] Meeting with IDHUCA; meeting with Foundation Cristosal.
- [29] US 13 Apr. 2016, 15.
- [30] Meeting with APES; meeting with SCIS.
- [31] Meeting with APES.
- [32] RSF 23 Mar. 2016.
- [33] Meeting with SIMEDUCO; meeting with Dr. Gaborit.
- [34] See also Sampó and Bartolomé 2014, 100-103.
- [35] Meeting with El Faro; Sampó and Bartolomé 2014, 101.
- [36] Meeting with Dr. Gaborit.
- [37] See also Sampó and Bartolomé 2014, 100-103.
- [38] All information originates from the meeting with Dr. Gaborit.
- [39] InSight Crime n.d.
- [40] InSight Crime 27 Jan. 2015.
- [41] Meeting with SIMEDUCO.
- [42] Meeting with Dr. Gaborit; meeting with El Faro.
- [43] Meeting with Dr. Gaborit.
- [44] Meeting with Dr. Gaborit; see also López Ramírez 2015.
- [45] *La Nación* 8 Aug. 2015.
- [46] *La Prensa Gráfica* 25 May 2013.
- [47] Meeting with Foundation Cristosal; meeting with El Faro.
- [48] Meeting with SIMEDUCO; meeting with Dr. Gaborit.
- [49] Meeting with Foundation Cristosal; meeting with FESPAD.
- [50] Meeting with Foundation Cristosal; meeting with El Faro.
- [51] Meeting with Foundation Cristosal; meeting with El Faro.
- [52] All information originates from the meeting with El Faro.
- [53] *Elsalvador.com* 14 May 2015; AP 22 June 2015.
- [54] US 15 Apr. 2016, 10.
- [55] Meeting with El Faro.
- [56] Meeting with Dr. Gaborit.
- [57] Meeting with SIMEDUCO; meeting with FESPAD.
- [58] Meeting with SIMEDUCO.
- [59] Meeting with FESPAD.
- [60] Meeting with SIMEDUCO; meeting with SCIS.
- [61] Meeting with El Faro.
- [62] Meeting with Foundation Cristosal; meeting with El Faro.
- [63] All information originates from the meeting with El Faro.
- [64] Meeting with Dr. Gaborit; meeting with the Salvadoran Red Cross.
- [65] Meeting with Dr. Gaborit; meeting with El Faro.
- [66] All information originates from the meeting with El Faro.
- [67] All information originates from the meeting with El Faro.



- [68] Meeting with El Faro; meeting with Dr. Gaborit.
- [69] Meeting with the Deputy Director of Investigations of the PNC; Gómez Hecht 2013, 138.
- [70] All information originates from the meeting with El Faro; see also Gómez Hecht 2013.
- [71] Meeting with Dr. Gaborit; meeting with PDDH.
- [72] All information originates from the meeting with El Faro.
- [73] The diagram was developed by the Research Directorate based on information provided by interlocutors.
- [74] Meeting with El Faro.
- [75] Meeting with SIMEDUCO; meeting with SCIS.
- [76] Meeting with AEAS; meeting with SIMEDUCO; meeting with PDDH.
- [77] Meeting with SIMEDUCO.
- [78] Meeting with SIMEDUCO.
- [79] Meeting with El Faro; meeting with SIMEDUCO.
- [80] López Ramírez 2015, 259; meeting with SIMEDUCO.
- [81] Meeting with Foundation Cristosal; meeting with PDDH.
- [82] All information originates from the meeting with SIMEDUCO.
- [83] Meeting with El Faro; meeting with FESPAD.
- [84] Meeting with FESPAD.
- [85] Meeting with SIMEDUCO.
- [86] All information originates from the meeting with SIMEDUCO.
- [87] Meeting with El Faro.
- [88] Meeting with El Faro; meeting with ORMUSA.
- [89] Meeting with El Faro.
- [90] Meeting with ORMUSA.
- [91] Meeting with ORMUSA; meeting with El Faro.
- [92] Meeting with FESPAD.
- [93] Meeting with ORMUSA; meeting with FESPAD.
- [94] Meeting with El Faro.
- [95] Meeting with SIMEDUCO.
- [96] Meeting with SIMEDUCO; meeting with FESPAD.
- [97] Meeting with El Faro; Foreign Policy 19 Jan. 2016.
- [98] Meeting with El Faro.
- [99] Meeting with El Faro.
- [100] Meeting with El Faro.
- [101] Meeting with El Faro; *La Página* 4 Mar. 2012.
- [102] Meeting with El Faro.
- [103] *La Página* 4 Mar. 2012.
- [104] Meeting with El Faro; meeting with SCIS.
- [105] Meeting with SCIS.
- [106] Meeting with SCIS.
- [107] InSightCrime 10 Mar. 2016.
- [108] Meeting with AEAS; meeting with El Faro.
- [109] US 15 Apr. 2016,
- [110] Meeting with El Faro.
- [111] Meeting with El Faro; meeting with SCIS; meeting with FESPAD.
- [112] Meeting with AEAS.
- [113] Meeting with SCIS.
- [114] All information originates from the meeting with AEAS.
- [115] *La Prensa* 1 July 2015.
- [116] Meeting with SIMEDUCO.
- [117] All information originates from El Salvador 2016a, 2.
- [118] All information originates from the meeting with El Faro.
- [119] Elsalvador.com 1 Apr. 2015.
- [120] Elsalvador.com 1 Apr. 2015.
- [121] Elsalvador.com 1 Apr. 2015.
- [122] Elsalvador.com 1 Apr. 2015.
- [123] Meeting with SIMEDUCO.
- [124] All information originates from the meeting with SIMEDUCO.
- [125] US 5 June 2013.
- [126] Meeting with Dr. Gaborit; meeting with APES.

- [127] All information originates from El Salvador 15 Jan. 2015.
- [128] Meeting with the Vice-minister of Justice and Public Security.
- [129] Meeting with the Vice-minister of Justice and Public Security.
- [130] *La Prensa Gráfica* 25 Sept. 2013.
- [131] *La Prensa Gráfica* 19 Jan. 2016.
- [132] Meeting with the IGSP; meeting with PDDH.
- [133] Meeting with the Deputy Director of Investigations of the PNC.
- [134] Meeting with AEAS.
- [135] *ContraPunto* 16 June 2015; *Elsalvador.com* 24 Nov. 2015.
- [136] *Elsalvador.com* 24 Nov. 2015.
- [137] All information originates from the meeting with the IGSP.
- [138] All information originates from the meeting with the Deputy Director of Investigations of the PNC.
- [139] All information originates from the meeting with the IGSP.
- [140] Meeting with PDDH.
- [141] *US* 15 Apr. 2016, 6.
- [142] Meeting with Dr. Gaborit; *La Prensa Gráfica* 15 Mar. 2015.
- [143] *La Prensa Gráfica* 15 Mar. 2015.
- [144] *La Prensa Gráfica* 15 Mar. 2015.
- [145] *La Prensa Gráfica* 15 Mar. 2015.
- [146] Meeting with IUDOP.
- [147] *US* 15 Apr. 2016, 2.
- [148] *US* 15 Apr. 2016, 2.
- [149] All information originates from the meeting with the Vice-minister of Justice and Public Security.
- [150] Meeting with Foundation Cristosal; meeting with FESPAD; *US* 15 Apr. 2016, 1.
- [151] Meeting with CONASOJ.
- [152] *El Salvador* 2016b, 124.
- [153] *El Salvador* 2016b, 18.
- [154] Meeting with the Deputy Director of the PNC; meeting with PDDH.
- [155] Meeting with CONASOJ; meeting with FESPAD.
- [156] Meeting with SCIS.
- [157] Meeting with Foundation Cristosal.
- [158] *El Salvador* 2016b, 125-126.
- [159] *El Salvador* 2016b, 129-130.
- [160] Meeting with the Salvadoran Red Cross; meeting with PDDH.
- [161] Meeting with AEAS; meeting with the Salvadoran Red Cross.
- [162] Meeting with APES; meeting with the Salvadoran Red Cross; meeting with SCIS.
- [163] All information originates from the meeting with SIMEDUCO and the meeting with SCIS.
- [164] Meeting with the Salvadoran Red Cross.
- [165] Meeting with SCIS.
- [166] Meeting with SIMEDUCO.
- [167] All information originates from the meeting with the Salvadoran Red Cross.
- [168] All information originates from meetings with the CSJ-SP and CONASOJ.
- [169] All information originates from the meeting with CONASOJ.
- [170] All information originates from the meeting with CONASOJ.
- [171] Meeting with PDDH; meeting with the Vice-minister of Justice and Public Security.
- [172] Meeting with IDHUCA.
- [173] Meeting with the Vice-minister of Justice and Public Security.
- [174] Meeting with IDHUCA; meeting with PDDH.
- [175] Meeting with the Vice-minister of Justice and Public Security.
- [176] Meeting with IDHUCA.
- [177] Meeting with Foundation Cristosal.
- [178] Meeting with Foundation Cristosal.
- [179] Meeting with the Salvadoran Red Cross; meeting with IDHUCA.
- [180] Meeting with APES; meeting with the Salvadoran Red Cross; meeting with IDHUCA.
- [181] *IDMC* May 2015, 16.
- [182] *IDMC* calculated the number of displaced people in El Salvador based on a

survey report produced by IUDOP which was conducted in November 2014 (Norway May 2015, 83). The sample of the IUDOP survey consisted of 1,246 interviews in 89 municipalities in the 14 departments of the country. The margin of error is 2.77 percent (IUDOP Feb. 2015, 5).

[183] Meeting with APES; meeting with Foundation Cristosal.

[184] Meeting with Foundation Cristosal.

[185] Meeting with APES; meeting with SIMEDUCO.

[186] Meeting with Foundation Cristosal.

[187] Meeting with Foundation Cristosal; meeting with FESPAD.

[188] Meeting with APES; meeting with SIMEDUCO.

[189] Meeting with Foundation Cristosal; meeting with Dr. Gaborit.

[190] Meeting with Foundation Cristosal; Meeting with Dr. Gaborit.

[191] Meeting with Dr. Gaborit.

[192] Meeting with Foundation Cristosal.

[193] Meeting with AEAS.

[194] Meeting with Dr. Gaborit.

[195] All information originates from meeting with the Salvadoran Red Cross.

[196] Meeting with Foundation Cristosal.

[197] Meeting with Foundation Cristosal; meeting with SIMEDUCO.

[198] Meeting with Foundation Cristosal.

[199] Meeting with the Salvadoran Red Cross; meeting with the Vice-Minister of Justice and Public Security.

[200] Meeting with El Faro.

[Top of Page](#)

 [Print](#)

Date modified: 2016-10-04



[Terms and Conditions](#) | [Transparency](#)

**About the Board**

Organizational Structure  
Biographies  
Members  
Decisions  
Interpreters  
Legal and Policy References  
Publications  
Statistics  
Job Opportunities

**News**

Latest News  
Notices  
Speeches  
Information Sheets  
Media Relations

**Research Program**

National Documentation  
Packages  
Recent Research  
Responses to Information  
Requests

**Contact Us**

By email  
Employees  
Offices

**Stay Connected**

Twitter  
News Feeds

**Quick Find**

What's New  
Forms  
Frequently Asked Questions

[HEALTH](#) [TRAVEL](#) [SERVICE CANADA](#) [JOBS](#) [ECONOMY](#)

[Canada.ca](#)