Central American Gang-Related Asylum

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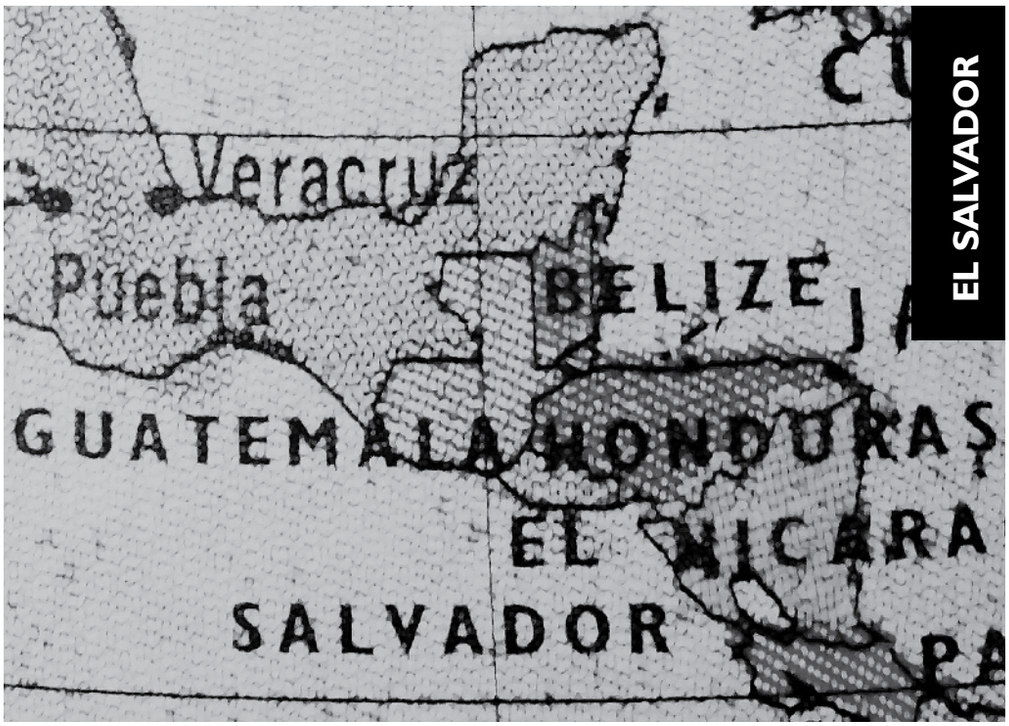

Gangs in El Salvador[1]

Historical Background

Full-scale civil war broke out in El Salvador between guerrillas and security forces in early 1981 following a long history of tension between the Salvadoran government—dominated by the armed forces from the 1930s to the 1970s—and peasant groups, labor and student activists, and others. The guerrilla movement emerged in the 1970s. The assassination of Archbishop Oscar Romero in March 1980 by a right-wing death squad led to a cycle of protest and repression. Worried about communist expansion, the Reagan administration gave economic and military aid to the Salvadoran government throughout the war. In the first three years of the war, over 40,000 people were killed, the overwhelming majority of them civilians killed by military or paramilitary groups because of their suspected support for the guerrillas. Over the next five years, the war shifted to the countryside where the government carried out brutal counter-insurgency campaigns designed to destroy the civilian support base for the guerrillas. Hundreds of thousands of people became refugees; eventually, over a million Salvadorans, about 20 percent of the population, fled the country, most to the United States.[2] In January 1992, after two years of negotiations, the government and the FMLN signed a peace agreement under which the FMLN guerrillas agreed to lay down their arms in exchange for guarantees for their security, a reform of military and security forces, and other conditions. The FMLN became a political party, which it remains today. The civil war in El Salvador claimed over 75,000 lives.

In 1996, the U.S. Congress passed the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRIRA), which expanded the categories of eligibility for deportation and specifically mandated the deportation of "criminal aliens."[3] So, in the immediate post war period, a time of significant instability, El Salvador began to receive both criminal and non-criminal deportees from the United States in large numbers. In El Salvador by the time of the civil war of the 1980s, local street gangs had developed.

The Washington Office on Latin America (WOLA)

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The so-called Central American gangs MS-13 and the 18th Street gang have their origins in Los Angeles neighborhoods where Central American refugee youth, "at risk" for gang involvement due to a history of violence, socioeconomic exclusion and other factors, encountered well-established Los Angeles gangs. *Mara Salvatrucha* and the 18th Street emerged as these immigrant youth organized themselves in response to these existing gangs. But during the 1990s with the deportation of Salvadorans who had been living in the United States, the street gangs *Mara Salvatrucha* and 18th Street, named for street gangs in Los Angeles, emerged as the dominant "confederated" gangs that are now found in Guatemala, Honduras and El Salvador.[4]

Despite the end of the civil conflict in El Salvador in 1992, many forms of violence continue to seriously affect citizen security and economic development. In the years since the implementation of enforcement-only anti-gang laws (*mano dura* laws) in 2003, gangs in El Salvador have restructured themselves and gained more sophisticated internal organization, systems and norms, and organizational objectives. In response to *mano dura* laws, gang members in El Salvador have changed their behavior so as not to engage in activities/customs that have come to be associated with gang membership. Some of these modified behaviors include tattooing themselves less and in less visible places, dressing and wearing their hair in a more traditional manner and refraining from using hand signals in public. One of the effects of these changes is that the gangs are now active not only in marginal neighborhoods, but in more places with less visibility. The change to a more clandestine mode of operation has translated into gangs organizing beyond the neighborhoods with which they had originally been associated. This in turn moves gang members away from their communities of origin and families, making rehabilitation and re-integration more difficult. The recent shift of gangs from defending geographical territory, such as a block in a neighborhood, to defending "symbolic territory," which can be created anywhere, has contributed to the spread of gangs throughout the country.[5]

Number and Type of Gangs in El Salvador

It is extremely difficult to estimate the number of people involved in gangs in El Salvador because of the lack of a common definition of "gang," the dynamic nature of gangs and the fact that gangs are increasingly clandestine. We believe the most reliable estimates come from the Interior Ministry, which estimates 15,000 gang-involved individuals in El Salvador (Tenorio y Varela 2005). Other estimates for gang membership in the 1990s include: 17,000, 30,000–35,000; and 10,500.[6]

Characteristics of Gang Members in El Salvador

The most recent survey of gang members in prison in El Salvador found that:[7]

- 95.3 percent were men and 4.7 percent were women
- 60.1 percent are between 19 and 26 years old, while 8.2 percent are older than 30.
- There is a trend toward younger and younger children getting involved in the gangs. The average age of gang members is 24 years old

Although gangs have been stigmatized and associated with delinquency for more than a decade, studies show that until recently they were not primarily involved in serious violent crime or delinquent behavior. Today, the gang phenomenon has been reconfigured, partly as gangs adapt to repressive government policies; violence between rival gangs, towards their own members, and toward citizens has increased dramatically.[8] Gangs in El Salvador are becoming more sophisticated in their actions and the logistical capacity to plan and execute illicit activities. The most common delinquent activities of gang members include homicide, extortion, drug sales and drug possession, possession of firearms, and car theft.[9]

Gang Organization[10]

In order to avoid infiltration, gangs have begun to make entry into a particular gang more difficult. The 18th Street gang has reportedly stopped allowing new members. The gangs are undergoing a process of institutionalization and now have assigned roles for different members including "*palabreros*" who act as spokespersons, "*misioneros*" who are assigned important tasks or missions for the gangs, and "*soldados*" who are in charge of operations like defending territory. This division of labor has resulted in a more effective coordination of gang activities.

Gangs and Anti-Gang Policies and Legislation

In 2003, then President Francisco Flores implemented *mano dura* (iron fist) laws in response to the gang phenomenon. These laws: 1) criminalize membership or association with a gang with up to 6 years in prison, and 2) allow membership in a gang to be determined based on tattoos or the use of hand signals. These heavy-handed, zero-tolerance policies resulted in massive detentions of youth and were criticized by human rights organizations internationally.[11] The *mano dura* law was deemed unconstitutional six months after its implementation. Nonetheless, the government followed it up with the similar *super mano dura* laws, implemented in 2005. The *super mano dura* laws were outlined as a four-phase planned response to gangs including: 1) regular raids as a tactic to arrest suspected gang members (still identified by association), 2) citizen participation (i.e. government information campaigns and "voluntary" home searches), 3) an "anonymous tip" campaign to collect intelligence on gang activities, and 4) deployment of military patrols to combat gangs.[12] These laws are still in effect and have not succeeded in reducing levels of violence or the presence of gangs in El Salvador. In many respects these laws have contributed to increased levels of violence and impunity for perpetrators of violence against youth perceived to be gang members.[13]

When *super mano dura* was imposed, President Antonio Saca also created *plan mano amiga* (friendly hand) and *plan mano extendida* (outstretched hand) as counterparts to the repressive policing strategies. Civil society organizations and academics have said that these prevention and rehabilitation programs have received very little funding in comparison to the amount of public relations the government has done promoting them. Despite widespread criticism that these policies are not working to reduce the violence associated with gangs, the Salvadoran government continues to use and enforce the laws.

Gangs and the Prison System

Since 2003, incarcerated gang members have been segregated into separate facilities for *Mara Salvatrucha* and 18th Street in order to reduce prison conflicts between the gangs. Segregation of prison populations by gang has resulted in several unanticipated problems. These problems include an enabling of greater communication and coordination among gang leaders within the prison system and the ability for each gang to take almost absolute control of particular prisons. Gang identity is consolidated and feelings of loyalty and cohesion are fostered, while feelings of hate toward rival gangs increase. Gang participation in criminal activities also increases as a result of these gang-specific prisons.

Gang Members Who are Victims

Gang members are victims of violence or the threat of violence from both within their organizations and from outside forces. From within the gangs, young people are frequently coerced into joining and may be physically assaulted, harassed, or threatened with death if they refuse.[14] Female recruits experience gender-based violence in recruitment and initiation rites, which can include ritualized gang rape.[15] Gang members are typically associated with their role as victimizers by police and are therefore rarely protected when victimized by rival gangs, state agents,

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social cleansing groups, individual citizens, or members of their own gangs.

Gang members also face increasing attacks from vigilantes and extra-judicial executions that police are alleged to commit. While they are often victimizers, gang members are also members of a highly vulnerable population.[16] Although hard statistics are not available, murders of gang members committed with military weapons and bodies found with signs of torture are becoming more common and are suspected to be the work of groups like *La Sombra Negra*, a vigilante group that was known for targeting former guerrillas in the mid-1990s. There is also some suspicion that members of the police are involved in "social cleansing" campaigns aimed at gangs.[17] In 2005, the office of the plan *super mano dura* of the National Civil Police reported 1,700 deaths of gang members. This was 45 percent of all homicides in the country that year.[18]

Crimes attributed to gang members 2004-2005

Crimes	2004	2005
Homicides	432	964
Illicit association	3,873	8,419
Disorderly conduct	1539	2,149
Resisting arrest	558	950
Robbery	372	603
Petty theft	129	200
Threats	264	430
Identifying as a gang member	299	N/A
Assault	197	362
Pertaining to a gang	7720	N/A
Possession of illegal firearms	197	536
Extortion	N/A	97
Others	427	448
Total	16007	15,158

Source: National Civil Police (PNC)

Endnotes

1 The information in this summary comes from the most recent diagnostic of the gang phenomenon in El Salvador, written by Jeannette Aguilar (2007), unless otherwise cited. Aguilar's study, *Situación Actual de las pandillas en El Salvador*. Instituto Universitario de Opinión Pública (IUDOP) de la Universidad Centroamericana José Simeón Cañas (UCA), 2007, is part of the comparative project "Transnational Youth Gangs in Central America, Mexico and the United States," in which WOLA also conducted research and which is housed at the Instituto Tecnológico Autónomo de México (ITAM) and funded by the Kellogg Foundation. The full text of Aguilar's report and the entire study is available in Spanish at http://www.wola.org/media/Gangs/diagnostico_salvador%281%29.pdf.

2 According to the U.S. Census, Salvadoran Foreign Affairs Ministry, Salvadoran Ministry of the Interior 90% of Salvadorans outside of El Salvador in the year 2000 were in the United States. See Katharine Andrade-Eekhoff, *Migration and Development in El Salvador: Ideals Versus Reality*. Migration Information Source, 2006. http://www.migrationinformation.org/Feature/display.cfm?id=387.

3 Michael J Garcia and Larry M. Eig. *Immigration Consequences of Criminal Activity*. Congressional Research Service Report, 2004. RL32480 http://digital.library.unt.edu/govdocs/crs/permalink/meta-crs-7848:1.

4 Washington Office on Latin America (WOLA). *Transnational Youth Gangs in Central America, Mexico and the United States. Executive Summary*: (Washington DC, 2007). http://www.wola.org/media/Gangs/executive_summary_gangs_study.pdf.

5 Aguilar, 2007.4 Aguilar uses the term "symbolic territory" to refer to the expansive, non-geographically defined sense of territory now being used by gangs in El Salvador.

6 Aguilar, 2007 9.

7 Ibid., 12.

8 Ibid.

9 Ibid.

10 Ibid.

11 Ibid., 25.

12 Alfonso Gonzales, *Rethinking US involvement in Central America's War on Gangs: The Case of El Salvador*. (2005). http://www.ips-dc.org/downloads/gonzales-war_on_gangs.pdf.

13 Human Rights Program Harvard Law School. *No Place to Hide: Gangs, State, and Clandestine Violence in El Salvador*. (Harvard Law School: International Human Rights Clinic, 2007), 7. http://www.law.harvard.edu/programs/hrp/documents/FinalElSalvadorReport(3-6-07).pdf.

14 Ibid., 30.

15 Ibid., 32.

16 Aguilar, 2007: 43.

17 Diario Mundial, "Serie de ejecuciones en el país.", June 20, 2006 section i, p 3.

18 Aguilar, 2007: 45.