

Northern Central America

Impact of Organized Crime on Women and Girls





OEA/Ser.L/V/II.
Doc. 9/23
February 17, 2023
Original: español

Inter-American Commission on Human Rights

Northern Central America

Impact of Organized Crime on Women and Girls

2023

Approved by the Inter-American Commission on Human Rights on
February 17, 2023

OAS Cataloging-in-Publication Data

Inter-American Commission on Human Rights. Northern Central America: Impact of Organized Crime on Women and Girls: Approved by the Inter-American Commission on Human Rights on February 17, 2023. p. ; cm. (OAS. Official records; OEA/Ser.L)

ISBN **978-0-8270-7802-4**

1. Human rights--Central America. 2. Organized Crime--Central America. 3. Women's rights--Central America. 4. Children's rights--Central America. I. Title. II. Series.

OEA/Ser.L/V/II.doc.9/23

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Chapter 1

Introduction

Introduction

A. Purpose and rationale of the report

1. The purpose of this thematic report is to explore and shed light on the situation of women and girls in the context of the violence and insecurity reigning in El Salvador, Guatemala, and Honduras, studying the behavior of the various players in organized crime, as well as government responses to this situation, given the international obligations of the States and inter-American standards in this regard.
2. Despite the efforts of the States to make progress in guaranteeing the rights of women and girls, the InterAmerican Commission on Human Rights (hereafter “the Commission” or “the IACHR”) notes the persistence of serious challenges connected with structural gender discrimination, which engenders different forms and degrees of gender violence against them, furthers the persistence of high rates of impunity, and prevents them from exercising their human rights on an equal footing¹.
3. Violence against women and girls is associated with discriminatory social and cultural patterns rooted in gender stereotypes and misconceptions about women’s so-called inferiority and subordination found in every country in the hemisphere². Furthermore, not all women are equally affected by this discrimination and violence³; some are at higher risk of having their human rights violated due to the intersection of gender and other vulnerability factors such as racial and/or ethnic origin, age, sexual orientation, real or perceived gender identity, and disability⁴ or of particular risk contexts, such as the breakdown of democratic institutions, corruption, and organized crime⁵.
4. In the past decade, the Latin America and Caribbean region has exhibited high levels of crime and violence that in many cases, though not exclusively, are the result of the upsurge

¹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 7; IACHR. Press Release No. 44/18. [On International Women’s Day, the IACHR Urges States to Refrain from Adopting Measures that Would Set Back Respect for and Protection of Women’s Rights](#). March 8, 2018.

² IACtHR. [Case of González et al. \(“Cotton Field”\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009](#). Series C No. 205, para. 401; IACHR. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 94.

³ IACHR. [Indigenous Women and Their Human Rights in the Americas](#). OEA/Ser.L/V/II.Doc. 44/17. April 17, 2017, para. 38.

⁴ IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233 November 14, 2019, para. 3.

⁵ In addition to those cited, the IACHR has identified deprivation of liberty, migration, natural disasters, humanitarian emergencies, and armed conflicts as high-risk situations. IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233 November 14, 2019, para. 4.

in criminal groups operating clandestinely outside institutional frameworks and the law and controlling large swaths of territory. The Commission has noted that the activities of these organized groups, their influence in the public sphere, and their ability to infiltrate and co-opt government institutions result in serious multidimensional human rights violations, with economic and social repercussions⁶, and particularly grave impacts on historically excluded individuals, groups, and communities⁷. In sum, these factors hinder the consolidation of democratic institutions, impede the effective rule of law, and limit the full enjoyment of human rights recognized by the American Convention on Human Rights (hereafter “the ACHR”) for everyone⁸.

5. The IACHR has therefore been monitoring the general human rights situation in El Salvador⁹, Guatemala¹⁰, and Honduras¹¹, where large swaths of territory are overrun by gangs, or *maras* as they are commonly known¹². It has focused particularly on citizen

⁶ IACHR. [Violence, Children, and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 72, 78; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 190;

⁷ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021, para. 337; IACHR. [Corruption and Human Rights](#). OEA/Ser.LV/II. Doc. 236. December 6, 2019, paras. 73 and 160; IACHR. [Situation of Human Rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 13; IACHR. Resolution 1/17. [Human Rights and the Fight against Impunity and Corruption](#). September 12, 2017, pg. 2.

⁸ In this regard, see: IACHR. [Annual Report 2019. Chapter IV.A Human Rights Developments in the Region](#). April 6, 2020, para. 385; OAS. Press Release Reference: E-036/19. [UFECIC-MPMACCIH-OAS Team Presents Twelfth Case of Integrated Criminal Investigation, entitled "Narco-politics"](#). May 24, 2019.

⁹ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021. See also: IACHR. [Hearing on the general situation of human rights in El Salvador](#), 2021, during the Commission’s 180th Period of Sessions; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019

¹⁰ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc 208/17. December 31, 2017.; IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality, and Exclusion](#). OEA/Ser.LV/II. Doc 43/15. December 31, 2015.; IACHR. [Hearing on Obstacles, Setbacks, and Challenges for the Advancement of Human Rights in Guatemala](#). October 4, 2019.

¹¹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019; IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc 42/2015. December 31, 2015; IACHR. Press Release 035A/17. [Hearing on the general situation of human rights in Honduras during the IACHR's Period of Sessions. March 22, 2017](#).

¹² Boerman, Thomas and Knapp. Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017

security and democratic institutions in each of these States¹³, as well as the situation of especially vulnerable groups, including human rights defenders¹⁴; lesbian, gay, bisexual,

¹³ IACHR. [Hearing on repression and the militarization of public security in El Salvador during the IACHR'S 177th Period of Sessions](#). October 15, 2020; IACHR. [Hearing on violence and citizen security in El Salvador during the IACHR's 174th Period of Sessions](#), November 11, 2019; IACHR. [Hearing on Reports of Threats to Judicial Independence in Guatemala during the IACHR's 172nd Period of Sessions](#). May 29, 2019; IACHR. [Hearing on human rights and the appointment of Honduras' attorney general during the IACHR's 168th Period of Sessions](#). May 11, 2018; IACHR. Press Release 041A/18. [Hearing on allegations of human rights violations in the post-electoral context of Honduras during the IACHR's 167th Period of Sessions](#). March 2, 2018; IACHR. Press Release 157/17. [Hearing on transparency in the mechanisms for designating high-ranking authorities of the justice system in Central America during the IACHR's 164th Period of Sessions](#). September 5, 2017; IACHR. Press Release 157/17. [Hearing on access to justice in the context of the declaration of unconstitutionality of the Amnesty Law in El Salvador during the IACHR'S 164th Period of Sessions](#). October 12, 2017; IACHR. Press Release 157/17. [Hearing on reports of threats to judicial independence in Guatemala during the IACHR'S 164th Period of Sessions](#). October 12, 2017.

¹⁴ IACHR. Annex to Press Release 253/20. [Hearing on impunity in murders and other attacks against human rights defenders in Guatemala during the IACHR'S 177th Period of Sessions](#). October 15, 2020.; IACHR. Annex to Press Release 301/19. [Hearing on violations of the human rights of defenders in Guatemala during the IACHR's 174th Period of Sessions](#). November 20, 2019; IACHR. Press Release 220A/18 [Hearing on protecting defenders of the human rights of women, LGBTI people, and children in El Salvador during the IACHR's 169th Period of Sessions](#). October 5, 2018; IACHR. Press Release 220A/18 [Hearing on reports of grave human rights violations in the disappearance of social and peasant leaders in Guatemala during the IACHR's 169th Period of Sessions](#). October 5, 2018; IACHR. Press Release 157/17. [Hearing on reports of attacks on human rights defenders by extractive companies in Guatemala during the IACHR's 164th Period of Sessions](#). July 7, 2017; IACHR. Press Release 035A/17. [Hearing on the protection mechanism for human rights defenders in Honduras during the IACHR's 161st Period of Sessions](#). March 22, 2017; IACHR. Press Release 035A/17. [Hearing on reports of criminalization of human rights defenders who oppose hydroelectric projects in Guatemala during the IACHR's 161st Period of Sessions](#). March 22, 2017.

trans, and intersex persons, (LGBTI)¹⁵; children and adolescents¹⁶; migrants¹⁷; Indigenous people¹⁸; people deprived of liberty¹⁹; and women's and children's rights²⁰.

6. In this regard, the Commission has noted that women and girls are at high risk of falling victim to gender violence at the hands of gangs and members of other organized criminal groups, or as a result of crime-fighting policies in the Northern Triangle countries of Central America²¹. Narcotrafficking, murders, extortion, kidnappings, robbery, the control of migrant

¹⁵ IACHR. Annex to Press Release 035/17. [Hearing on the human rights of LGBTI people in El Salvador](#) during the IACHR's 164th Period of Sessions. March 22, 2017.

¹⁶ IACHR. Annex to Press Release 248/19. [Hearing on Reports of Violations from Central America, Mexico, and the United States on Violations of the Human Rights of Migrant Children and Adolescents](#). during the IACHR's 173rd Period of Sessions. October 4, 2019; IACHR. Press Release 157/17. [Hearing on the human rights situation of children in contexts of violence in Honduras](#) during the IACHR's 164th Period of Sessions. July 7, 2017.

¹⁷ IACHR. Annex to Press Release 311/20. [\[Press Release number has been corrected.\] Hearing on the human rights situation of people in movement in Mexico and the Northern Triangle](#) during the IACHR's 178th Period of Sessions. December 23, 2020; IACHR. Annex to Press Release 301/19. [Hearing on forced displacement due to violence in El Salvador](#) during the IACHR's 174th Period of Sessions. November 20, 2019; IACHR. Annex to Press Release 248/19. [Hearing on reports of restrictions on access to asylum and refuge in the United States for citizens of countries in the Northern Triangle](#) during the IACHR'S 173rd Period of Sessions. October 4, 2019; IACHR. Annex to Press Release 271/18. [Regional hearing on the human rights situation of the people in the migrant caravan](#) during the IACHR's 170th Period of Sessions December 18, 2018; IACHR. Annex to Press Release 220/18 [Hearing on the rights of people who have been subject to forced internal displacement in Honduras](#) during the IACHR's 169th Period of Sessions. October 5, 2018; IACHR. Press Release 157/17. [Hearing on reports on violence and insecurity of migrants, refugees, or asylum-seekers returned to countries of the Northern Triangle](#) during the IACHR's 164th Period of Sessions. July 7, 2017.

¹⁸ IACHR. Annex to Press Release 220/18. [Hearing on the rights of Indigenous Q'eqc'ij' Maya families affected by forced evictions in Guatemala](#) during the IACHR's 169th Period of Sessions. October 5, 2018; IACHR. Annex to Press Release 41/18. [Hearing on the situation of the cultural rights of Indigenous women in Guatemala](#) during the IACHR's 167th Period of Sessions. March 2, 2018.

¹⁹ IACHR. Press Release 311/20. [Hearing on the situation of people deprived of their freedom during the COVID-19 pandemic in El Salvador, with a gender perspective](#) during the IACHR's 178th Period of Sessions. December 23, 2020.; IACHR. Annex to Press Release 253/20. [Hearing on the situation of persons who are deprived of liberty in Honduras during the COVID-19 pandemic](#) during the IACHR'S 177th Period of Sessions. October 15, 2020; IACHR. Annex to Press Release 55/20. [\[Press Release number corrected, per title of English annex\] Hearing on violations of the human rights of people who are deprived of their freedom](#) during the IACHR'S 175th Period of Sessions. March 18, 2020; IACHR. Annex to Press Release 104/18. [Hearing on the impact of extraordinary measures on the rights of persons deprived of their liberty in El Salvador](#) during the IACHR's 168th Period of Sessions. May 11, 2018.

²⁰ IACHR. Annex to Press Release 165/21. [Hearing on the human rights situation of women in Guatemala](#) during the IACHR's 180th Period of Sessions. July 5, 2021; IACHR. Annex to Press Release 165/21. [Hearing on the situation of sexual and reproductive rights in Honduras](#) during the IACHR's 180th Period of Sessions. July 5, 2021; IACHR. Annex to Press Release 38/19. [Hearing on the situation of sexual and reproductive rights in Honduras](#) during the IACHR's 171st Period of Sessions. February 20, 2019; IACHR. Annex to Press Release 104/18. [Hearing on women's human rights situation in the context of the criminalization of drugs in the Americas](#) during the IACHR's 168th Period of Sessions. May 11, 2018.

²¹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, paras. 234 and onward; IACHR. [Situation of Human Rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, paras. 210 and 362; IACHR. [Violence, Children, and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, paras. 134 and 145.

routes, arms trafficking, migrant smuggling, human trafficking, etc., for which women and girls are particularly recruited, are perpetrated by criminal organizations dominated by men with macho hierarchies and extremely violent practices. Adolescent girls and young women are particularly vulnerable to various forms of sexual violence, exploitation, cruel, humiliating, and degrading treatment, and murder by members of criminal groups that use their position of power to commit violence against them²². Thus, the high level of structural gender violence against women and girls in these countries²³ is compounded by the violence committed by gangs and other participants in organized crime²⁴.

7. Notwithstanding, the link between organized crime activities and gender violence against women has not been explored in depth. The United Nations Development Programme (UNDP) has pointed out that to date, no conceptual framework has been developed to shed light on the relationship between violence against women and organized crime. The literature in this regard does not employ a gender perspective or recognize power and gender relations, and, since the majority of the victims of violence associated with organized crime are men, the differential impact on women and girls is rendered invisible²⁵. Furthermore, due to fear of reprisals, women do not report this violence, and therefore, the phenomenon has not even been substantiated or adequately addressed, nor have attempts been made to prevent it and adequately protect women²⁶.
8. The IACHR further notes that in countries marked by structural violence and high crime rates, gender violence against women resulting from this context is rendered invisible. While authorities are aware of violence against women, there are weaknesses when it comes to specifically tackling it²⁷, notably the absence of efficient measures employing a

²² IACHR. Annex to Press Release No. 11/18. [Conclusions and Observations on the IACHR's Working Visit to El Salvador](#), January 29, 2018.

²³ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 261; IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 102.

²⁴ IACHR. [Violence and Discrimination against Women and Girls](#) OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 192.

²⁵ Spotlight Initiative - Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado](#). Centroamérica, Colombia, México y República Dominicana [Spanish only]. 2021, pg. 7.

²⁶ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

²⁷ Information obtained during a virtual consultation with experts on June 16-17, 2021 during the preparation of this report. File IACHR.; USAID, UNDP, InfoSegura. [La Cara Escondida de la Inseguridad: Violencia contra las mujeres de Centroamérica y República Dominicana](#). 2020, pg. 11; Boerman, Thomas and Knapp. Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017, pg. 2.

gender perspective to address the differentiated impact of violence on women in these contexts²⁸.

B. Methodology, scope, and structure of the report

9. In its Strategic Plan 2017–2022, the Commission decided to prioritize the Central American subregion through three strategic lines focused on technical cooperation, the expansion of human rights, and special projects targeting groups historically discriminated against, along with the crosscutting themes established in the plan itself, such as democratic institutions, human rights institutions, judicial independence, access to justice, security, and institutional violence. Under this program, the Commission conducted *in loco* visits and prepared reports on the human rights situation in Guatemala, (2017)²⁹, Nicaragua (2018)³⁰, Honduras (2019)³¹ and El Salvador (2021)³². It also published papers on topics ranging from forced displacement in Central America’s Northern Triangle (2019)³³ to the forced migration of Nicaraguans to Costa Rica (2019)³⁴, the situation of persons deprived of liberty in Nicaragua (2020)³⁵, and the preparation of basic guidelines for investigating crimes against human rights defenders in the Northern Triangle (2021)³⁶.
10. The IACHR is currently preparing a series of reports with specific recommendations for the Northern Triangle countries of Central America on urgent issues such as the economic, social, and cultural rights situation of Indigenous and tribal Afro-descendant peoples; the situation of defenders; and the impact of organized crime on the human rights of children and young people, as well as women’s rights, the latter being the object of this report. In this regard, the Commission would like to thank the Swiss Agency for Development and Cooperation (SDC) for its contribution to the preparation of this report, which is part of an

²⁸ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, paras. 190 and onward.

²⁹ IACHR. [Situation of Human Rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017.

³⁰ IACHR. [Gross Human Rights Violations in the Context of Social Protests in Nicaragua](#), OEA/Ser.L/V/II. Doc. 86. June 21, 2018.

³¹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019.

³² IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.L/V/II. Doc. 278, October 14, 2021.

³³ IACHR, [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#), OEA/Ser.L/V/II. Doc. 101, July 27, 2018.

³⁴ IACHR, [Forced Migration of Nicaraguans to Costa Rica](#). OAS/Ser.L/V/II. Doc. 150, September 7, 2019.

³⁵ IACHR, [Persons Deprived of Liberty in Nicaragua in connection with the Human Rights Crisis that Began on April 19, 2018](#), OEA/Ser.L/V/II. Doc. 287. October 5, 2020.

³⁶ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.L/V/II. Doc. 110. June 1, 2021.

ongoing project aimed at coordinating strategies with key global, regional, and national actors to monitor, promote, and protect the human rights of groups in situations of vulnerability in the Northern Triangle, with emphasis on the aforementioned groups.

11. In this report, the term *women* will include girls and older women, who are particularly vulnerable due to their age and stage of life³⁷ – this, from a gender and age perspective – notwithstanding the report’s approach and analysis of the impact of organized crime on the rights of children and youth in the Northern Triangle. The Commission furthermore understands women’s rights as the rights of all people recognized as women, including trans and intersex women³⁸. Moreover, when possible, it has attempted to approach the different themes from an intersectional standpoint, with special emphasis on the additional vulnerability factors it has identified.
12. With respect to the concept of *organized crime*, the IACHR observes that the United Nations Convention against Transnational Organized Crime (UNTOC) does not contain a precise definition of the term or list what types of crimes would constitute it. In this report, therefore, the Commission will generally refer to *organized crime* as the behavior of “an organized criminal group,” which, according to UNTOC, is “A structured group of three or more persons; The group exists for a period of time; It acts in concert with the aim of committing at least one serious crime” described by [this] Convention “To obtain, directly or indirectly, a financial or other material benefit”³⁹.
13. Notwithstanding, the IACHR notes that the information gathered for this report dealt mainly with the activities of gangs, whose territorial influence and control are characteristic of the Northern Triangle countries; however, when the available information has permitted, other types of crime or criminal groups have been considered. It should also be noted that this report does not attempt to differentiate among or establish a typology of the various forms that crime can take, nor does it aim to provide an indepth analysis of the specific dynamics, structures , or ways in which criminal groups operate. Nevertheless, the IACHR has

³⁷ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 10.

³⁸ The IACHR has consistently included references to trans women in statements that have traditionally been conceived in terms of cisgender women: IACHR. Press Release No. 61/19. [On International Women's Day, the IACHR Calls on States to Promote and Strengthen the Political Participation and Representation of Women in the Americas](#). March 8, 2019.; IACHR. Press Release No. 65/19 [IACHR Expresses Concern over Recent Violent Attacks against LGBTI People in the Americas](#). March 14, 2019. In addition, the IACHR has noted that the Convention of Belém do Pará is a “living instrument” and thus, that when its Article 9 refers to the obligation of the State to take special account of the vulnerability of women to violence, by reason of various factors, “among others”, these latter necessarily include sexual orientation and gender identity. IACHR. [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#). OEA/Ser.LV/II. Rev.2.Doc. 36. 2015. para. 39.

³⁹ [United Nations Convention against Transnational Organized Crime](#), adopted by Resolution 55/25 of the General Assembly on November 15, 2000, Art. 2.a.

addressed these topics to assess the impact of the activities of this type of group on women's enjoyment of their rights.

14. To prepare this thematic report, the IACHR gathered important and relevant information through its various monitoring, protection, and human rights defense mechanisms. It includes information received during its working and *in loco* visits to the Northern Triangle countries and from petitions, individual cases, and precautionary measures issued in the exercise of its authority, public hearings requested and held, the preparation of thematic and country reports, and its thematic and geographic monitoring. The Commission also held two virtual meetings with experts from civil society, academia, and other non-state entities⁴⁰, whom it thanks for the information they furnished for the preparation of this report.
15. As secondary sources, the Commission considered: i) official information from government sources; ii) reports, resolutions, and pronouncements of intergovernmental agencies; iii) studies by nongovernmental organizations, both domestic and international; iv) academic research; and v) articles and press releases. It also considered resolutions, comments, and general recommendations, reports, and statements issued by mechanisms of the regional and universal human rights protection systems. It should be noted that the references to action by the States and mentions of specific cases in this report do not represent a prejudgment regarding an eventual petition to the Inter-American system alleging violations of the rights protected under the American Convention and other applicable instruments.
16. The Commission based its findings particularly on information gathered over the past five years (2017–2021), a time frame corresponding to the implementation period of the Commission's Strategic Plan, which identified the rights of women and girls as a priority issue for its mandate⁴¹. Furthermore, during this period, the Commission closely monitored the human rights situation in the Northern Triangle through its various work mechanisms, thereby obtaining consistent updated information. Finally, this time frame coincides with an international situation marked, *inter alia*, by the impact of the policies on Central America adopted by the United States of America – in particular, its foreign policies with objectives

⁴⁰ The participants in these virtual sessions, held June 16-17, 2021, were representatives from UN Women El Salvador and Guatemala, ECPAT-Guatemala (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes); Save the Children; Centro de Derechos de Mujeres (CDM); Seattle International Foundation; Grupo Guatemalteco de Mujeres (GGM); Red Nacional de Defensoras de Derechos Humanos en Honduras; Cristosal; Red de la No Violencia contra las Mujeres en Guatemala (REDNOVI); Instituto de Estudios de la Mujer (CEMUJER); Organización de Mujeres Salvadoreñas por la Paz (ORMUSA); Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos (IM-Defensoras); Centro por la Justicia y el Derecho Internacional (CEJIL); and Amnesty International.

⁴¹ IACHR. *Strategic Plan 2017-2021*. Approved by the Inter-American Commission on Human Rights during its 161st Period of Sessions, held in March 2017, pp. 31 and 33.

aimed at fighting organized crime in the Northern Triangle⁴². Notwithstanding, when deemed relevant, the IACHR also considered documentation issued prior to the period in question when it could shed light on the topics addressed in this report.

17. It should be noted that the Commission had problems obtaining information on the theme of this report, since many victims of violence remain silent for fear of reprisals⁴³. Furthermore, given the risk run by journalists and investigators in this area, studies and information may sometimes be scarce or not publicly available⁴⁴. Moreover, the difficulty obtaining information becomes even more visible when differentiated approaches are employed, revealing the persistent invisibility of certain multiply vulnerable groups in citizen security studies. The Commission therefore hopes that through its use of an intersectional perspective, this report will serve as an opportunity to describe and clarify the dynamics that seriously undermine the enjoyment and exercise of women's and girls' rights in Honduras, El Salvador, and Guatemala.
18. The Commission approved the draft report on October 8, 2022, notifying the States pursuant to the provisions of Article 60 of its Rules of Procedure. It received comments on the draft from El Salvador on November 7, 2022; Honduras, on November 14, 2022; and Guatemala, on December 9, 2022. The pertinent parts of the comments received were incorporated in the final version of the present report approved by the IACHR.
19. Based on the aforementioned considerations, this report is divided into six chapters. Following this introductory chapter (Chapter 1), the IACHR analyzes women's rights in the context of insecurity and violence in the Northern Triangle countries (Chapter 2). Next, it describes the gender dynamics that permeate criminal organizations and gangs (Chapter 3) and examines the different forms of violence linked with organized crime to which women in these countries are exposed (Chapter 4). It also examines the responses of the States and their duty to take action to combat this phenomenon (Chapter 5). Finally, the Commission offers comments and recommendations to guarantee women and girls their right to live free of gender violence in these contexts (Chapter 6).

⁴² Congressional Research Service. *Central American Migration: Root Causes and U.S. Policy*. March 31, 2021; New York Times. *Trump Turns U.S. Policy in Central America on Its Head*. March 30, 2019; Department of State – United States of America. *Los programas y la colaboración de los EE. UU. promueven la prosperidad, la seguridad y un mejor gobierno en América Central*. May 2018.

⁴³ USAID, UNDP, InfoSegura. *La Cara Escondida de la Inseguridad: Violencia contra las mujeres de Centroamérica y República Dominicana*. 2020, pp. 128 and 199; Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region*. April 2012, [Spanish version appears to have been published a year later. Page number is therefore omitted, as it is not clear which page the information can be found on, since Spanish is wordier than English.]

⁴⁴ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

C. Duty to protect and guarantee human rights in the context of organized crime activities

20. Since the beginning of its jurisprudence, the Inter-American Court of Human Rights (hereafter “the Court” or “the Inter-American Court”) has repeatedly held that, under Article 1.1 of the Convention, States are obligated to respect and guarantee the human rights recognized therein. Regarding the obligation to guarantee, the Court has determined that:

it may be fulfilled in different ways, based on the specific right that the State must guarantee and on the specific needs for protection⁴⁵. This obligation refers to the duty of the States to organize the entire government apparatus and, in general, all the structures through which public authority is exercised, so that they are able to ensure by law the free and full exercise of human rights⁴⁶.

21. As part of that obligation, the Court has stated that the State has a legal duty “to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation⁴⁷.” In this context, what is decisive is to determine “whether a violation [...] has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible”⁴⁸.
22. With regard to citizen security, and in light of its duty to guarantee human rights, the IACHR has established that, having a monopoly on the use of legitimate force, the States must

⁴⁵ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009.](#) Series C No. 205, para. 236; *Cfr.* [Case of the “Mapiripán Massacre” v. Colombia. Merits, Reparations, and Costs. Judgment of September 15, 2005.](#) Series C No. 134, paras. 111 and 113; [Case of Perozo v. Venezuela, supra note 22,](#) para. 298, and [Case of Anzualdo Castro v. Peru. Preliminary objection, Merits, Reparations, and Costs. Judgment of September 22, 2009.](#) Series C No. 202, para. 62

⁴⁶ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009.](#) Judgment of November 16, 2009. Series C No. 205, para. 236; *Cfr.* [Case of Velásquez Rodríguez v. Honduras, Merits. Judgment of July 29, 1988.](#) Series C No. 4, para. 166; [Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs. Judgment of April 3, 2009.](#) Series C No. 196, para. 137, and [Case of Anzualdo Castro v. Peru. Preliminary objection, Merits, Reparations, and Costs. Judgment of September 22, 2009.](#) Series C No. 202, para. 62.

⁴⁷ IACtHR. [Case of Velásquez-Rodríguez v. Honduras, Merits. Judgment of July 29, 1988.](#) Series C No. 4, para. 174 and [Case of Anzualdo Castro v. Peru. Preliminary Objection, Merits, Reparations and Costs. Judgment of September 22, 2009.](#) Series C No. 202, para. 62.

⁴⁸ IACtHR. [Case of Velásquez-Rodríguez v. Honduras, Merits. Judgment of July 29, 1988.](#) Series C No. 4, para. 174; [Case of Godínez-Cruz v. Honduras. Merits. Judgment of January 20, 1989.](#) Series C No. 5, para. 183, and; [Case of Gangaram-Panday v. Suriname. Merits, Reparations and Costs. Judgment of January 21, 1994.](#) Series C No. 16, para. 62.

assume the functions of prevention, deterrence, and suppression of violence and criminal conduct⁴⁹. For the security situation to enable all members of society to exercise their rights with the lowest possible level of threat to their personal safety and human rights, the IACHR has underscored that the States must promote “the strengthening of violence prevention and reduction efforts, in conjunction with traditional crime control and repression methods⁵⁰”.

23. Concerning the State’s responsibility for the potential acts of non-state actors – as in the case of organized crime activities⁵¹ – according to inter-American jurisprudence, this can derive from a failure to comply with the obligations *erga omnes* contained in Articles 1.1 and 2 of the Convention –this, because the duty to respect and ensure respect for the norms of protection “extend their efforts beyond the relationship between its agents and the persons subject to its jurisdiction, because they are also manifest in the positive obligation of the State to adopt the necessary measures to ensure the effective protection of human rights in inter-individual relations⁵²”.
24. However, according to the Inter-American Court, the nature *erga omnes* of the States’ duty to guarantee does not imply its unlimited responsibility for any act or deed of private individuals⁵³. In order to determine the responsibility of the State for failure to comply with the duty of due diligence to prevent the rights of a specific individual or group of individuals from being violated, the Court has held that two conditions must be met: i) it must be established that the State was aware of a real and imminent danger and, ii) an evaluation must be conducted to determine whether reasonable measures were adopted to prevent or avoid the danger in question. Regarding the reasonableness of the action taken by the State, the Court has considered: i) those that address the problem of violence “in general;” and ii) those adopted in the specific case, once it became aware of the risk of a serious human rights violation⁵⁴.

⁴⁹ IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.LV/II. Doc. 57. December 31, 2009, para. 10 [Paragraph number (2) is incorrect. Content is found in para. 10.] of the Executive Summary and para. 23.

⁵⁰ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, paras. 21 and 484.

⁵¹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 250.

⁵² IACtHR. [Case of the Pueblo Bello Massacre v. Colombia](#). Judgment of January 31, 2006. Series C No. 140. para. 113.

⁵³ IACtHR. [Case of López Soto et al. v. Venezuela](#). Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362, para. 138. See also: Cfr. [Case of the Pueblo Bello Massacre v. Colombia](#). Merits, Reparations, and Costs. Judgment of January 31, 2006. Series C No. 140, para. 123, and [Case of Carvajal Carvajal et al. v. Colombia](#). Merits, Reparations, and Costs. Judgment of March 13, 2018. Series C No. 352, para. 161.

⁵⁴ Therefore, and in the context of the violence experienced by women in Venezuela, see IACtHR. [Case of López Soto et al. v. Venezuela](#). Merits, reparations and costs. Judgment of September 26, 2018. Series C No. 362, para. 141.

25. In this context, in cases of gender violence against women, the Inter-American Court has held that, in addition to the generic obligations contained in the American Convention, States have a reinforced obligation under the Convention of Belém Do Pará. They therefore have a reinforced duty to act with due diligence to prevent, investigate, and punish violence against women. Furthermore, they must adopt comprehensive prevention strategies that address risk factors and at the same time strengthen institutions to effectively respond to cases of violence against women. Moreover, in the face of specific risks brought to the attention of the authorities, they must adopt preventive measures and ensure access to effective protection and judicial guarantees⁵⁵.
26. Thus, concerning acts of gender violence against women by non-state actors such as criminal groups, the State's responsibility comes into play when the authorities are or should be aware of a real and imminent risk to specific women or girls, and if they fail to act with due diligence to reasonably prevent that risk from happening⁵⁶. Moreover, the IACHR considers that the analysis of state responsibility in organized crime should give special consideration to the involvement of state actions in the offenses, which could even result in assumptions of responsibility in specific cases owing to a violation of the duty to respect through the direct action or acquiescence of its state agents⁵⁷.
27. Finally, under Article 32 of the ACHR, the IACHR recognizes that individuals also have duties under International Law. In this regard, that precept stipulates that every person has responsibilities to his family and community and that the rights of each person "are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society".

⁵⁵ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009.](#) Series C No. 205, paras. 258, 282-285; IACtHR. [Case of Favela Nova Brasília v. Brazil. Preliminary objections, merits, reparations and costs.](#) Judgment of February 16, 2017; IACHR. [The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to Be Free from Violence and Discrimination.](#) OEA/Ser.LV/II.117 Doc. 1, Rev. 7 March 2003, paras. 103-105.

⁵⁶ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009.](#) Series C No. 205, para. 280; IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls.](#) OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 62; IACHR. Report No. 33/16. Case 12.797. [Report No. 33/16. Case 12.797. Report on the Merits. Linda Loaiza López Soto and Relatives.](#) Venezuela. 2016, para. 163; IACHR. [Second Report on the Situation of Human Rights in Peru. Chapter VII.](#) OEA/Ser.LV/II.106. Doc. 59, Rev. June 2, 2000, para. 18. In this regard, for example, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that, when committed by non-state agents, gender-based executions can constitute arbitrary executions and incur responsibility for a State if – among other things – it fails to act with due diligence to prevent the arbitrary deprivation of the life of one or more specific persons exposed to a real and imminent risk due to the unlawful acts of a third party that were or should have been made known to the State. [AHRC/3523](#), para. 50 onward.

⁵⁷ On the determination of state responsibility for the duty of respect in relation to the acts of third parties, see: IACtHR. [Case of Yarce et al. v. Colombia.](#) Preliminary objection, Merits, Reparations and Costs. Judgment of November 22, 2016. Series C No. 352, para. 180; IACtHR. [Case of Vereda La Esperanza v. Colombia,](#) Preliminary objection, merits, reparations and costs. Judgment of August 31, 2017. Series C No. 341, para. 152.

Chapter 2

Persistent violence against women and girls in contexts of organized crime

Persistent violence against women and girls in contexts of organized crime

28. The right of women and girls to live free of violence is widely recognized in inter-American⁵⁸ and universal⁵⁹ human rights law. The Inter-American System recognizes that gender violence is a manifestation of the historically unequal power relations between men and women, which are both a cause and a consequence of discriminatory practices and attitudes toward women⁶⁰. This recognition has been manifested in the principle of strict prohibition of violence and discrimination against women⁶¹, having become a principle of customary international law.⁶²
29. The IACHR has identified a series of structural factors that perpetuate discrimination and gender violence against women. These factors include machismo, patriarchy, and the prevalence of sexist stereotypes, as well as the historical discrimination ingrained in the social fabric and social tolerance of violence against women in all its dimensions⁶³. It must therefore be stressed that violence against women is not an isolated phenomenon but a structural problem fueled by discriminatory patterns and gender stereotypes⁶⁴. Moreover, these structural factors heighten women's vulnerability in during crises, such as domestic

⁵⁸ United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and United Nations Convention on the Rights of the Child (Convention on the Rights of the Child – CRC)

⁵⁹ American Convention on Human Rights (American Convention or ACHR); American Declaration on the Rights and Duties of Man (American Declaration, Declaration or ADRDM); Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém Do Pará); and Protocol of San Salvador.

⁶⁰ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205, para. 401](#); IACtHR. [Case of Digna Ochoa and Family Members v. Mexico. Preliminary objections, merits, reparations and costs. Judgment of November 25, 2021. Series C No. 447, para. 123](#); IACHR. [Violence and Discrimination against Women and Girls. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 108](#); IACHR. [Poverty and Human Rights in the Americas OEA/Ser.L/V/II.164. Doc. 147. 2017, para. 187](#); IACHR. [Informe No. 28/07. Casos 12.496-12.498. Fondo. Claudia Ivette González y otras. 2007](#); IACHR. [Access to Justice for Women Victims of Violence in the Americas. OEA/Ser.L/V/II. Doc. 68 2007, para. 151](#); IACHR. [Derecho de las mujeres a una vida libre de violencia y discriminación en Haití. OEA/Ser.L/V/II. Doc. 64, 2009, paras. 78 and 168](#); IACHR. [Violence and Discrimination against Women in the Armed Conflict in Colombia. OEA/Ser.L/V/II. Doc. 67. 2006, para. 43](#); IACHR. [Report No. 54/01. Case 12.051. Merits. Maria da Penha Maia Fernandes. Brazil. 2001.](#)

⁶¹ IACHR. [Violence and Discrimination against Women and Girls. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 1.](#)

⁶² CEDAW Committee. [General recommendation No. 35 \(2017\) on gender based violence against women, updating general recommendation No. 19 \(1992\). CEDAW/C/GC/35. 2017, para. 2.](#)

⁶³ IACHR. [Violence and Discrimination against Women and Girls. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 94](#); IACHR. [Press Release No. 062/17. IACHR Condemns Killings of Women and Urges States to Intensify Prevention Efforts. May 16, 2017.](#)

⁶⁴ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. Series C No. 205, para. 401](#); IACHR. [Press Release No. 250/18. International Day on the Elimination of Violence Against Women - 25 November 2018.](#)

armed conflicts, health emergencies, violence and citizen insecurity, and other situations reflecting the breakdown of democratic institutions, and at the same time determine the forms and consequences of the violence they experience in these contexts.

30. Thus, violence against women is constant, is expressed in multiple ways, and occurs at all stages of life in different contexts. In this *continuum*⁶⁵, violence is ever-present everywhere, leading to the understanding that it is women's lot. The continuity of gender violence is also observed in its persistence and the transmission of paradigms and dynamics from one generation of women to the next within families, intimate relationships, communities, work, and everyday activities and interactions⁶⁶.
31. In situations marked by social violence and high crime rates, the risk of gender violence against women and girls increases⁶⁷. In such scenarios, all forms of violence against women and the people who perpetuate are compounded and exacerbated, becoming another expression of the historically constructed patriarchal relations⁶⁸. The daily violence that women experience is therefore compounded by the violence resulting from contexts related to the presence and influence of members of organized crime groups. Thus, the violence against women committed by these individuals is simply a continuation of the other forms of violence they experience in different areas of their lives⁶⁹, the roots of which lie in the structural factors of gender discrimination.
32. The Commission points out that gender violence against women committed by and resulting from organized crime goes unnoticed⁷⁰, is normalized, and receives less attention from the State and institutions than other types of social violence⁷¹ despite its troubling dimensions, incidence, and impact on the exercise of other rights. Furthermore, gender

⁶⁵ The concept of a *continuum* of violence against women refers to inertia and the continuity of violence, especially against women, in which their daily lives are spent in a continuum where the norm and constant is violence against them – always, everywhere, and committed by different actors. See: COCKBURN, Cynthia. *The Continuum of Violence: A Gender Perspective on War and Peace*. In *Sites of Violence: Gender and Conflict Zones*. Los Angeles: University of California Press, 2004.

⁶⁶ InfoSegura. *El Continuum de la violencia contra las mujeres en la región centroamericana*. January 2017.

⁶⁷ UNHCR. *Women on the Run*. 2015.

⁶⁸ Padilla, Ambar. *Patriarchal Power and Gender-Based Violence in Guatemala and El Salvador*. Global Majority E-Journal, 2016.

⁶⁹ The Dialogue. *Nowhere to Turn: Gender-Based Violence in the Northern Triangle and its Impact on Migrations*. August 9, 2019.

⁷⁰ IACHR. *Violence and Discrimination against Women and Girls*. OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 198. Citing: Boerman, Thomas and Knapp. Jennifer, *Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala*. Immigration Briefings, 17-03. March 2017.

⁷¹ InfoSegura. *El Continuum de la violencia contra las mujeres en la región centroamericana*. January 2017.

violence against women having been normalized in these contexts, the impunity surrounding it is also characteristic of the vulnerable situation of women and girls⁷².

33. Here, the Commission notes that the situation of women in the Northern Triangle reflects this structural discrimination and persistent gender violence, which worsens in certain contexts. The IACHR has found that the patterns of structural discrimination against women are deeply ingrained in Salvadoran⁷³, Honduran⁷⁴, and Guatemalan⁷⁵ society and have led to an increased risk of gender violence, its normalization and social tolerance, and widespread impunity for such crimes.
34. Discrimination and gender violence against women are more tolerated and normalized in rural areas. The available information shows that in western Honduras, 51% of rural women justify gender violence by male partners when women are unfaithful to them⁷⁶. In El Salvador, 54.5% and 34.1% of married women in rural and urban areas, respectively, believe that even if they disagree with their husbands, they must obey them. In Guatemala, 78% of rural women believe that women should take orders from their spouse or partner, as opposed to 52.7% of urban women⁷⁷. Furthermore, in rural areas such as San Marcos and Huehuetenango, opium and marijuana production centers and the drug trafficking and smuggling corridor, fatherless girls and women without a male partner are especially vulnerable, evidence of the patriarchal notion that women belong to men and should be kept as objects by a male figure⁷⁸.
35. While the Commission has positively viewed the adoption of legal frameworks and public policies, programs, and mechanisms to prevent violence against women and girls in El

⁷² La Brújula. [¿Dónde están? un grito interminable en El Salvador](#). May 11, 2021.

⁷³ IACHR. [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278. October 14, 2021, para. 10; IACHR. Press Release 2019/335. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. Similarly, IACHR. Annex to [Conclusions and Observations on the IACHR's Working Visit to El Salvador](#), January 29, 2018.

⁷⁴ IACHR. Press Release No. 171/18. [Observaciones Preliminares de la visita de IACHR a Honduras](#). August 3, 2018.

⁷⁵ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; See: IACHR. [2019 Annual Report. Chapter V. Follow-up on Recommendations Issued by the IACHR in Its Country Reports or Thematic Reports Guatemala](#). April 6, 2020, paras. 103-104; UN Women. [Guatemala Country Background](#). 2017.

⁷⁶ SAID. Monitoring and Evaluation Support for Collaborative Learning and Adapting (MESCLA) Activity Gender-based violence study in Western Honduras, February 2019, pg. 24.

⁷⁷ Padilla, Ambar. Patriarchal Power and Gender-Based Violence in Guatemala and El Salvador. *Global Majority E-Journal*, 2016, pg. 46.

⁷⁸ Stephen, Lynn. [Violencia transfronteriza de género y mujeres indígenas refugiadas de Guatemala](#). *Revista CIDOB d'Afers Internacionals*, No. 117. 2017. pg. 40.

Salvador⁷⁹, Guatemala⁸⁰, and Honduras

⁷⁹ With regard to **El Salvador**, the IACHR has noted the legal framework adopted, as well as the opening of Ciudad Mujer [Women's City]; programs to support victims of violence; and the creation of Specialized Courts for Women for a Life Free of Violence and Discrimination. Furthermore, the IACHR has viewed positively the adoption of the Comprehensive Special Law for a Life Free of Violence for Women (2010) and the Law on Equality, Equity, and the Eradication of Discrimination against Women (2011). It also notes the National Data, Statistics, and Information System on Violence against Women (SNDVM); the Action Plan of the National Policy for a Life Free of Violence 2021-2026; the National Council on Children and Adolescents' Committees for the Protection of Dependent Children and Adolescents, introduced in 2016; the Comprehensive Child and Adolescent Protection Act (LEPINA) (2009), and the National Policy for Comprehensive Protection of Children and Adolescents (PNPNA). In addition to these measures, the State of El Salvador informed the IACHR of the National Policy for Women's Access to a Life Free of Violence (2013); the Strategy for Mainstreaming the Principle of Equality, Equity, and the Eradication of Discrimination and Right of Women to a Life Free of Violence of the Salvadoran Institute for Women's Development (ISDEMU); and the ISDEMU National Support System for Women Dealing with Violence. Republic of El Salvador. Observaciones al proyecto de informe "El impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica", November 2022, pg. 3. IACHR archive. See also: IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, paras. 36-39; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. In this same vein, see: Inter-American Development Bank (IDB). [Women's City: An Integrated Model to Promote Women's Empowerment 2021.](#); Ministry of Economy – General Directorate of Statistics and Census, El Salvador. [National Data, Statistics, and Information System on Violence against Women, El Salvador](#). 2021.; Salvadoran National Institute for Women's Development. [ISDEMU is in the process of validating the Action Plan of the National Policy for a Life Free of Violence](#). January 19, 2021; UNICEF El Salvador. Program - [Protección de la niñez frente a la violencia](#). 2021.

⁸⁰ With regard to **Guatemala**, the IACHR notes the Law for the Prevention, Punishment, and Eradication of Domestic Violence. (1996); the Law to Combat Femicide and Other Forms of Violence against Women (2008); the Law to Combat Sexual Violence, Exploitation, and Human Trafficking (2009); The Law for an Immediate Search for Missing Women (2016); and Law No. 5178 on the National Sex Offender Register and the Genetic Databank for the identification and prosecution of persons responsible for these crimes (2017); the Prosecutor's Office for Women; the 24-hour Criminal Court of First Instance for Crimes of Femicide; the Special Prosecutor's Office for Children and Adolescents; the Support Model for Victims of Violence (IXQUEM – MAIMI); and the Comprehensive Support Model for Children and Adolescents (MAINA). It likewise takes note of the National Coordinating Office for the Prevention of Domestic Violence and Violence against Women (CONAPREVI); the Presidential Secretariat for Women (SEPREM); and the National Plan for the Prevention and Eradication of Violence against Women (PLANOVI, 2020-2029). The State also reported approval of the Judicial Policy to Support Victims of Gender-based Violence related to the Crime of Femicide, other Forms of Violence against Women, and Sexual Violence, and its Strategic Plan 2019-2023; as well as the expansion of the Comprehensive Support System for Victims of Violence against Women (SAI). Government of Guatemala. [Comentarios al Proyecto de Informe "El Impacto del Crimen Organizado en las Mujeres, Niñas y Adolescentes en los países del Norte de Centroamérica"](#), December 9, 2022, pp. 7-9. IACHR archive. See also: IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 95; Office of the Attorney General, Guatemala. [Procuraduría de la Niñez y Adolescencia](#). 2021.

⁸¹, and to support and protect victims, it has also noted a gap between the standards and policies adopted and implemented, on the one hand, and the persistence of high levels of gender violence on the other⁸².

36. In this regard, the IACHR has observed a downward trend in the overall homicide rate in the Northern Triangle countries⁸³. In 2020 in particular, public data suggest that government restrictions imposed to combat the COVID-19 pandemic contributed to a temporary reduction in both the number of homicides and the crime rate in the initial

⁸¹ With regard to **Honduras**, the Commission appreciates the adoption of the National Plan to Combat Violence against Women 2014-2022; the opening of Ciudad Mujer centers; the creation of Specialized Prosecutor's Offices under the Public Ministry, significant among them the Specialized Prosecutor's Offices for Human Rights, Children, and against Impunity and Corruption; the creation of the Comprehensive Specialized Support Model (MAIE); the installation of the Interinstitutional Commission for Monitoring the Killings of Women and Femicide; and the creation and official establishment of the First Comprehensive System to Guarantee the Rights of Children and its National Council to fully respect, promote, protect, restore, and reestablish the rights of children. Furthermore, in 2020, the IACHR took note of the steps taken by the State to reduce violence against women during the pandemic and of the November launch of the National Observatory on Gender. See: IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, paras. 94 and 257; IACHR. [2020 Annual Report, Chapter IV.A. Human Rights Developments in the Region](#). 2020, para. 510 [Paragraph 510 is in the Mexico section]; Government of the Republic of Honduras. Official Document No. SSDH-O-PROMO-072-202. Informe referente al Capítulo IV, del Volumen 1 Sección "A" del Reglamento de the Comisión Interamericana de Derechos Humanos. October 15, 2020, para. 69. See also: Inter-American Development Bank (IDB). [Women's City: An Integrated Model to Promote Women's Empowerment](#). 2021; UNICEF Honduras. Press Release. [Se instala oficialmente Primer Sistema Integral de Garantía de Derechos de Niñez y su Consejo Nacional](#), November 12, 2019; SIGADENAH, Honduras. [¿Qué es SIGADENAH?](#), 2021;. INAM. [Lanzamiento del Observatorio Nacional de Género](#), November 17, 2021. The State of Honduras provided information on measures to support, protect, and prevent violence against women and girls, coinciding with those identified by the Commission within the period covered by this report (2017-2021). Procuraduría General de la República. [Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica](#), November 14, 2022, para. 14. IACHR archive.

⁸² IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017, para. 357; ECLAC. [ECLAC: The Persistence of Violence against Women and Girls in the Region and Femicide, its Maximum Expression, is Troubling](#). November 24, 2020.

⁸³ In **El Salvador**, 3,340 murders were reported in 2018, 15% fewer than in 2017. In the first 11 months of 2019, 2,252 murders were reported, while the figure in 2020 was 1,322. From January to November 2, 2021, 936 murders were reported. In **Honduras**, in 2018 the homicide rate fell by 6% with respect to 2017, with a rate of 41.4 per 100,000 population. However, in 2019, it rose to 42.8. In 2020, it fell again to 37.57 and in June 2021, it was 23.17, though with a projection of up to 39.0. In **Guatemala**, despite a slight decrease in the past 10 years, the total homicide rate is still one of the highest in Latin America and the Caribbean. In the first quarter of 2021, it reported a 14% increase in total homicides over the same period the previous year. See: IACHR. [2021 Annual Report, Chapter IV.A. Human Rights Development in the Region](#). May 26, 2022, paras. 525 and 657; IACHR. [2020 Annual Report, Chapter IV.A Human Rights Development in the Region](#). April 16, 2021, paras. 347 and 493; IACHR. [2019 Annual Report, Chapter IV.A Human Rights Developments in the Region](#). April 6, 2020, paras. 263 and 387; IACHR. [2018 Annual Report, Chapter IV.A Overview of the Human Rights Situation by Country](#). March 17, 2019, paras. 195 and 290; IACHR. [Situation of Human Rights in Guatemala](#). December 31, 2017, para. 13. Likewise: InSight Crime. [InSight Crime's 2020 Homicide Round-Up](#). January 29, 2021; InfoSegura, USAID, UNDP. [Homicidios en el año del COVID-19: Centroamérica y República Dominicana](#). January 20, 2021; InfoSegura. [Guatemala, seguridad ciudadana, 1er. Semestre 2021](#). 2021.

months of the year⁸⁴; however, the violence rebounded with the gradual lifting of restrictions⁸⁵. In this scenario, the IACHR notes with extreme concern that gender-based killings of women have not fallen in the same proportion⁸⁶; that, on the contrary, such violence intensified during the COVID-19 pandemic⁸⁷; and that high rates of gender violence against women generally persist in the three countries.

37. In Honduras, according to data from the InfoSegura Observatory, between 2013 and 2020, murders of women fell more slowly than those of men⁸⁸. Furthermore, information provided by the State indicates that while in 2021, the male homicide rate fell to less than half the level of 2011, the rate of violent deaths from homicide among women did not fall to even half that of 2011. Thus, 2020 ended with 328 murders of women reported, 222 of which were classified as femicides⁸⁹. During the first half of 2021, official data reported 139 killings of women and femicides⁹⁰; however, civil society organizations reported 150 cases

⁸⁴ This, because some criminal groups were forced to put the brakes on their illicit activities due to business disruptions, movement restrictions, and a greater presence of state security agents to enforce the preventive health measures. Thus, March 2020 was one of the least violent months in years, especially in El Salvador and Guatemala. See: Council on Foreign Relations. Central America's Turbulent Northern Triangle. July 1, 2021; International Crisis Group. Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle. November 13, 2020; InfoSegura, USAID, UNDP. Análisis sobre la Situación de Violencia y Seguridad Ciudadana 1er. Semestre 2020, September 18, 2020, pg. 11; El Mundo. August 10, 2020; La Prensa. Más de 770 casos de hondureños desaparecidos siguen sin resolverse desde 2019. April 27, 2021; Diario el mundo. Denuncias de extorsión disminuyen 48% por la pandemia. August 10, 2020; La Prensa. Más de 770 casos de hondureños desaparecidos siguen sin resolverse desde 2019. April 28, 2021.

⁸⁵ International Crisis Group. Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle. November 13, 2020; France24. Repunta la violencia en Centroamérica después de breve tregua por COVID-19. August 22, 2020.

⁸⁶ IACHR. Situation of Human Rights in Guatemala. OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 357; IACHR. Situation of Human Rights in Honduras. OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 256; El Mundo. Los 'feminicidios' en Centroamérica, camino de convertirse en una 'epidemia'. February 16, 2021.

⁸⁷ IACHR. 2020 Annual Report. Chapter IV.A Human Rights Development in the Region. April 16, 2021, para. 428; Instituto Salvadoreño para el Desarrollo de la Mujer. Informe Sobre el Estado de la Violencia Contra las Mujeres en El Salvador. November 2020; InfoSegura. Violencia contra las mujeres, El Salvador 2020. June 18, 2021; InfoSegura. Violencia contra las mujeres, Guatemala 2020. June 18, 2021; InfoSegura. La seguridad ciudadana en Honduras. 2021; Distintas Latitudes, Red LATAM de Jóvenes Periodistas, International Women's Media Foundation. Morir silenciadas: mujeres atravesadas por la violencia en medio de la crisis, November 11, 2020; Distintas Latitudes, Red LATAM de Jóvenes Periodistas, International Women's Media Foundation. Falta de cifras oficiales invisibilizan la violencia contra las mujeres, November 11, 2020; CARE, UN Women. Análisis rápido de género para la emergencia de COVID-19 en América Latina y el Caribe. May 2020; UNDP InfoSegura. Análisis sobre la Situación de Violencia y Seguridad Ciudadana 1er. Semestre 2020. [Page not found.] August 2020, pg. 11.

⁸⁸ InfoSegura. La seguridad ciudadana en Honduras. 2021.

⁸⁹ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022. Annex: Secretaría de Seguridad. Violencia contra las mujeres a lo largo del ciclo de vida, 2021. IACHR archive.

⁹⁰ INAM. Boletín Trimestral sobre muertes violentas de mujeres y femicidios "MVMYF" en Honduras. November 9, 2021.

during that same period, rising to 342 at year's end⁹¹. In addition, the available information indicates that from 2009 to December 2017, there were 29 killings of lesbians and 92 of trans women⁹².

38. The IACHR observes that while the majority of murders of both men and women are from gunshots, in the case of women, stabbing, blunt force trauma, and strangulation predominate⁹³. It further notes that these crimes are committed with particular viciousness against women and exhibit a pattern of extreme violence against them that includes kidnappings, disappearances, torture in *casas locas* (hangouts)⁹⁴, mutilations, dismemberment, face crushing, burns all over the body, and other hate crimes⁹⁵. The IACHR has also noted that, despite the classification of violent killings of women as femicide, a situation of impunity reigns, since in over 90% of the cases, women's murders remain unsolved⁹⁶.
39. It further observes the persistence of high levels of sexual violence in the country. According to InfoSegura data, in 2019, 3,417 reports of sex crimes were filed, the victims of which were largely adolescents and girls under 15⁹⁷; in 2020, 2,461 reports were filed, 88% of them by women. In 2021, according to civil society data, 133 cases of sexual abuse or rape were reported⁹⁸. Here, it is worth noting the child and adolescent pregnancy situation and its close connection with sexual violence. While current information for the country is lacking, in 2018, the United Nations Population Fund (UNFPA) estimated the adolescent birth rate at 89 births per 1000 women aged 15-19. It also indicated that in while in

⁹¹ Centro de Derechos de las Mujeres. [Observatorio de Violencias contra las Mujeres 2021](#). 2021.

⁹² Somos Muchas. [Informe sobre la situación de las mujeres en Honduras elaborado en el marco de la visita in loco de la CIDH a Honduras](#). 2018.

⁹³ InfoSegura. [La seguridad ciudadana en Honduras](#). 2021.

⁹⁴ "Hangouts" or "destroyer houses" are generally buildings abandoned by their residents or confiscated by gangs under threat. Specifically, these are places where women and girls from the neighborhood are brought to be sexually abused, subjected to different forms of violence, and even killed and buried. See: International Crisis Group. [Life Under Gang Rule in El Salvador](#). November 26, 2018; El Heraldillo. [Diccionarios de las maras: los términos que utilizan los pandilleros de Centroamérica para comunicarse](#). June 15, 2019; Proceso Digital. [Localizan media docena de "Casas Locas" y capturan 10 pandilleros en Tegucigalpa](#). May 15, 2014;

⁹⁵ Centro de Estudios de la Mujer – Honduras (CEMH). [Informe del Centro de Estudios de la Mujer presentado ante the IACHR en su visita oficial a Honduras](#). July 30, 2018; Observatorio de Seguridad y Violencia del Foro de Mujeres por la Vida. Information provided to the IACHR during its *in loco* visit to Honduras. June 26, 2018.

⁹⁶ IACHR. [Informe sobre la situación de las mujeres en Honduras elaborado en el marco de la visita in loco de la CIDH a Honduras](#). July 30, de 2[rest of date missing]

⁹⁷ InfoSegura. [La seguridad ciudadana en Honduras](#). 2021.

⁹⁸ Centro de Derechos de las Mujeres. [Observatorio de Violencias contra las Mujeres 2021](#). 2021.

2016-2019, institutional births among adolescents aged 15-19 fell by 13.7%, there was a 10.9% increase among girls aged 10-14 during that same period⁹⁹.

40. Concerning the situation of missing women and girls in Honduras, between May 2019 and May 2021 there were 1,178 reports of missing women, the majority of whom were found alive. According to information provided by the State, the main reasons for their disappearance included their own volition, romantic reasons, migration, mental health problems, detention, and kidnapping¹⁰⁰. However, according to civil society information, most of the reports of disappearances involved young and adolescent girls and appeared to be connected with crimes such as human trafficking and sexual exploitation¹⁰¹.
41. El Salvador continues to report the most killings of women in the region¹⁰², despite a slow decline in recent years¹⁰³. According to data from the Economic Commission for Latin America and the Caribbean (ECLAC), in 2018, at least 232 femicides were reported countrywide, while in 2019 the figure was 113, reflecting a 3.5-point decline in the rate per 100,000 population¹⁰⁴. Civil society, in turn, reported 130 killings of women in 2020, the majority of them occurring during the lockdowns imposed during the COVID-19 pandemic, while in 2019, the figure was 230¹⁰⁵. At the same time, official data from the State showed 61 cases classified as femicide in 2020¹⁰⁶, while in the period January to November 2021, 71 were reported¹⁰⁷, representing 69.61% of women's killings reported that year. According

⁹⁹ Rodríguez Gustá, Ana Laura (Coord). Evaluación Final del VIII Programa de País de UNFPA en Honduras (2017-2021), 2021. pg. 15.

¹⁰⁰ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022, para. 8. IACHR archive; Committee on Enforced Disappearances. Información complementaria presentada por Honduras con arreglo al artículo 29, párrafo 4, de la Convención, CED/C/HND/AI/1, November 1, 2021, paras. 39-40

¹⁰¹ Agencia Ocate. Las que no olvidan: mujeres y organizaciones que buscan a desaparecidas en Honduras. September 7, 2020.

¹⁰² IACHR. Situation of human rights in El Salvador. OEA/Ser.LV/II. Doc. 278. December 14, 2021, para. 179. In the same vein: OHCHR. Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to El Salvador. November 17, 2017; El Economista. 14 de los 25 países con más feminicidios se ubican en América Latina, November 20, 2018.

¹⁰³ Government of El Salvador. El Salvador cerró 2020 con la reducción de un 43.9% en la cifra de asesinatos de mujeres en comparación con 2019. January 4, 2021; REDFEM. Balance del Derecho de las mujeres a una vida libre de toda forma de violencia. November 25, 2019. La Prensa Gráfica. Feminicidios disminuyeron a la mitad de 2019: UDHUCA. February 21, 2020.; El Salvador Times. Asesinan por asfixia a una mujer en Santa Ana, la PNC sospecha del esposo. April 27, 2018.

¹⁰⁴ ECLAC. Gender Equality Observatory for Latin America and the Caribbean. Indicators (Femicide).

¹⁰⁵ Observatory on Gender Violence. Femicides in El Salvador, January-December 2020, February 23, 2021.

¹⁰⁶ Republic of El Salvador. Observaciones al proyecto de informe "El impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica", November 2022, pg. 1

¹⁰⁷ Digestyc. El Salvador, Muertes Violentas, January-September 2021. 2021.

to the Institute of Forensic Medicine, the main perpetrators were the victims' intimate partners or people they knew¹⁰⁸. The IACHR also notes signs of special hatred and cruelty in women's killings, as in cases of strangulation, hanging, and machete attacks¹⁰⁹.

42. Furthermore, between January and June 2020, 50 women per day were victims of violence, for a total of 9,176 cases involving acts of sexual, physical, economic, employment-related, psychological, and other violence; 1,569 of the reported cases involved women under the age of 18¹¹⁰. According to the local press, during the first five months of 2020, the Office of the Attorney General of the Republic (hereafter, the Attorney General's Office) opened 2,044 cases on reported sexual violence and more than 300 cases on threats of violence against women¹¹¹. Between January and September 2021, civil society organizations documented 940 reports of domestic violence¹¹²; and in 2021, a total of 3,284 complaints of sexual violence against women, 75.21% of which involved girls under the age of 17¹¹³. Worth noting in this regard is the information compiled by civil society indicating that 10.5% of the total maternity care enrollments recorded by the Ministry of Health in 2021 – that is, 5,975 cases – were girls between the ages of 9 and 17¹¹⁴.
43. The high number of missing women in El Salvador is likewise very troubling. While there is no single registry of disappearances¹¹⁵, the available information from police reports since 2010 indicates that girls and women account for 30% and 40% of the victims,

¹⁰⁸ Data obtained from the [Transparency Portal of the Supreme Court of Justice of the Government of El Salvador](#)

¹⁰⁹ La Prensa Gráfica. [Un cadáver dentro de una bolsa, un feminicidio y un asesinato por arma de fuego reportados durante este miércoles](#). December 22, 2021.

¹¹⁰ IACHR. [2020 Annual Report. Chapter IV.A Human Rights Development in the Region](#), para. 353, citing [El Salvador.com. El Salvador: Cada día, 50 mujeres fueron víctimas de violencia entre enero y junio de 2020](#). January 11, 2021.

¹¹¹ IACHR. [2020 Annual Report. Chapter IV.A Human Rights Development in the Region](#), para. 353, citing [El Salvador. Mujeres, entre la violencia sexual y feminicidios](#). June 14, 2021.

¹¹² Observatory of Gender Violence. [Número de casos de violencia intrafamiliar por mes](#). 2021. Data as of December 31, 2021.

¹¹³ Observatory of Gender Violence. [Delitos de violencia sexual, enero-diciembre 2021](#). Data as of December 31, 2021. According to information from UNFPA, the high figures for sexual violence against adolescents aged 12-17 in El Salvador have been constant, with 3,433 cases in 2017, 3,282 in 2018, and 3,564 in 2019. UNFPA. [Llegar a cero embarazos en niñas y adolescentes – Mapa El Salvador 2020](#). October 2021. pg. 44

¹¹⁴ Observatory of sexual and reproductive rights. [Embarazos de enero a diciembre de 2021](#). 2021

¹¹⁵ Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 55.

respectively¹¹⁶. In this regard, according to civil society data, in 2020 there were 541 cases, and in September 2021, 707¹¹⁷.

44. In the case of Guatemala, the IACHR has expressed concern about the persistence of violence against women, particularly killings, and the general situation of impunity surrounding them¹¹⁸. According to data from the Public Ministry (OMMP) Women's Observatory, in 2020, 454 violent murders of women were reported, while in 2021, the figure was 544¹¹⁹. In 2020, Guatemala's National Institute of Forensic Sciences (INACIF) performed 504 autopsies on women whose deaths were linked to criminal activities, including 278 from gunshots, 35 from strangulation, and 92 from hanging¹²⁰.
45. The Commission likewise observes that violence against women, especially sexual violence, is the country's most reported crime¹²¹. According to OMMP data, in 2020, there were 54,907 reports of violence against women and 12,308 reports of sexual assaults; in 2021, these figures rose to 60,999 and 15,553, respectively¹²². In 2020, INACIF performed 5,738 medical examinations in connection with sexual assaults against women¹²³, and in 2021, it performed 7,251¹²⁴. According to OMMP data, of the 7,419 rapes reported in 2020 and the 9,001 reported in 2021, roughly half had been committed against young and adolescent girls¹²⁵. In this regard, the IACHR has noted that Guatemala has the highest adolescent fertility rate in Central America¹²⁶. Civil society

¹¹⁶ Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 55.

¹¹⁷ Observatory of Gender Violence. [541 mujeres desaparecieron en año 2020; 707 mujeres desaparecidas de enero a septiembre de 2021](#). Data as of December 31, 2021

¹¹⁸ IACHR. [Situation of Human Rights in Guatemala: Diversity, Inequality, and Exclusion](#). OEA/Ser.LV/II.Doc. 43/15. 2015, para. 238; IACHR. [Situation of Human Rights in Guatemala](#) OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 357.

¹¹⁹ OMMP. [Portal estadístico](#). Data as of December 31, 2021.

¹²⁰ INACIF – Guatemala. [Necropsias realizadas en las sedes periciales de INACIF, a nivel nacional por causa de muerte según grupo quinquenal de edad y sexo del 01 de enero al 31 de diciembre de 2020](#). Undated.

¹²¹ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 360; IACHR. [2020 Annual Report. Chapter IV.A Human Rights Development in the Region](#). 2020, para. 444.

¹²² OMMP. [Portal estadístico](#). Data as of December 31, 2021.

¹²³ INACIF – Guatemala. [Evaluaciones médicas realizadas en las sedes periciales de INACIF, a nivel nacional por diagnóstico según grupo quinquenal de edad y sexo del 01 de enero al 31 de diciembre de 2020](#). Undated.

¹²⁴ INACIF – Guatemala. [Evaluaciones médicas realizadas en las sedes periciales de INACIF, a nivel nacional por diagnóstico según grupo quinquenal de edad y sexo del 01 de enero al 31 de diciembre de 2021](#). Undated.

¹²⁵ OMMP. [Portal estadístico. Periodos 2020 y 2021](#). Data as of December 31, 2021.

¹²⁶ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 253

data indicate that in 2021, there were 2,124 pregnancies among girls aged 10-14 and 97,478 among adolescents aged 15-19¹²⁷; in 2020, there were 4,105 and 86,831 pregnancies in these age ranges, respectively¹²⁸.

46. The IACHR also notes with concern the high number of missing women and girls in the country. According to OMMP data, from the launch of the Alerta Isabel-Claudina [Isabel-Claudina Alert] system in 2018 to December 2021, the disappearances of 5,483 women were reported¹²⁹. Furthermore, data from the Alerta Alba-Kenneth [Alba-Kenneth Alert] system indicate that more than 60% of the minors reported missing are girls, the majority of them between the ages of 13 and 17¹³⁰; in 2021, 883 cases were reported¹³¹. Here it should be noted that the disappearance of women and girls is usually accompanied by other crimes, including sexual assault, torture, and murder¹³².
47. The Commission reiterates that the persistent violence against women at all stages of their lives and heightened in certain contexts is the consequence of discriminatory structural factors that legitimize, promote, and exacerbate it. It therefore urges the States of El Salvador, Honduras, and Guatemala to adopt practical and effective transformative measures to guarantee and protect the rights of women and girls, considering the complexity inherent in the multiple forms of violence committed against them by different actors in numerous contexts. It especially urges them to identify and diligently take steps to modify the structural causes, social norms, and cultural patterns underlying the high rates of gender violence against women, including machismo and social tolerance, to once and for all interrupt the continuum of violence they face¹³³. Furthermore, considering the structural nature of gender discrimination and its roots in societal norms, the Commission urges the States to cooperate with all relevant sectors, including civil society, children, and adolescents, to take both women and men into consideration in the measures adopted to alter social viewpoints and achieve a transformation toward gender equality¹³⁴.

¹²⁷ Observatory on Reproductive Health. [Embarazos y registro de nacimientos de madres adolescentes](#). 2021

¹²⁸ Observatory on Reproductive Health. [Embarazos adolescentes entre 10 y 19 años al 4 de noviembre del 2020](#). 2020

¹²⁹ OMMP. [Servicios. Alerta Isabel-Claudina](#). Data as of December 31, 2021. Calculation performed by adding the numbers reported from August 2018 to December 2021.

¹³⁰ CIPRODENI. Observatorio de los derechos de la niñez. [Boletín de Análisis No. 13 año 5](#). November 2020, pg. 11.

¹³¹ InfoSegura. [Guatemala. Análisis sobre la incidencia delictiva enero a diciembre 2021](#), pg. 4

¹³² Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

¹³³ Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 2019, pg. 36. International Crisis Group. [Virus-proof Violence: Crime and COVID-19 in Mexico and the Northern Triangle](#). November 13, 2020.

¹³⁴ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, paras. 41 and 42.

Chapter 3

Organized crime, gangs, and gender dynamics

Organized crime, gangs, and gender dynamics

48. El Salvador, Guatemala, and Honduras are harder hit by the scourge of social violence and insecurity due to the presence and activities of members or associates of organized crime groups, especially gangs¹³⁵. In particular, the market for illegal drugs has contributed to the emergence of these groups, which control, or compete to control, the illicit narcotics market and its enormous profits¹³⁶. In pursuit of this goal, these criminal groups clandestinely operate outside the institutional framework and the law, control extensive swaths of territory, and influence the public sphere¹³⁷.
49. In addition to illegal drug and narcotics trafficking, these groups are involved in a range of illicit activities that can include human trafficking (also known as trafficking in persons), forced labor, sexual exploitation, and arms trafficking, as well as robbery, kidnapping, extortion, murder, and other forms of violence that pose serious human rights challenges¹³⁸, especially for women and girls. Moreover, gender patterns are not only replicated in criminal structures and dynamics but amplified, exposing women and girls linked or interacting with criminal groups to extreme gender violence.

A. Criminal groups and activities in the Northern Triangle of Central America

50. As stated earlier, the UNTOC does not contain a precise definition of organized crime or include a list of offenses that could constitute it¹³⁹. It refers only to transnational crimes, specifically those committed in more than one State; those occurring in one State but committed by groups operating in more than one State; and those committed in one State that have a substantial impact in another¹⁴⁰.
51. UNDP has noted that most organized crime in Latin America and the Caribbean is transnational. This implies not only international crimes but those in which transborder transfer is an essential part of the criminal activity. In the case of Mesoamerica, narco trafficking has had and continues to have a significant impact; however, organized

¹³⁵ New York Times. [Inside Gang Territory in Honduras: 'Either They Kill Us or We Kill Them'](#). May 4, 2019.

¹³⁶ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 3.

¹³⁷ IACHR. [Violence and Discrimination against Women and Girls](#) OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 191.

¹³⁸ IACHR. [Violence, Children and Organized Crime](#) OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 3.

¹³⁹ [United Nations Convention against Transnational Organized Crime](#), adopted by General Assembly Resolution 55/25 on November 15, 2000, Art. 2.a).

¹⁴⁰ [United Nations Convention against Transnational Organized Crime](#), adopted by General Assembly Resolution 55/25 on November 15, 2000, Art. 3 “Scope of application”.

crime has expanded into other illicit activities, encountering opportunities in migrant corridors inside and outside national territories for kidnapping, extortion, murder, forced migrant membership in criminal organizations, human trafficking, sexual assault, the charging of “rents” or “taxes” for the use of transportation, etc. According to UNDP, in addition to its international connection, transnational organized crime is more structured than other types of criminal activity¹⁴¹.

52. The Commission observes that criminal groups in the Central American and Caribbean countries can be divided into two major categories: territory-bound organized crime groups, on the one hand; and transnational trafficking groups or networks, also known as *transportistas* (transporters), on the other¹⁴². This first group includes predatory groups, or *tumbadores*, and street gangs, or *maras*¹⁴³. Its goal is not the economic benefit itself but a means of controlling the territory¹⁴⁴. The second group consists of economic entities that “operate very much like any licit transportation company”¹⁴⁵, and their goal is not to control territory but to bring merchandise from point A to point B.
53. In understanding the phenomenon of organized crime and gangs in particular, the IACHR takes note of the different approaches that have been used in criminal law in the Northern Triangle countries. Generally, the transnational crimes attributable to *maras* are also varied: human trafficking and smuggling; narcotrafficking; arms and uranium trafficking; contraband; cybercrime; illegal mining; illicit natural resource and animal trafficking; counterfeiting of foreign exchange, goods, and trademarks; child pornography and the sexual exploitation of children, adolescents, and adults; modern slavery; robbery and trafficking in goods such as mobile phones and cars; extortion; kidnapping; fraud; and money laundering¹⁴⁶.

¹⁴¹ Spotlight Initiative – Latin America Regional Programme – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 8.

¹⁴² The Commission particularly notes that according to UNODC, the goal of territory-bound groups is to control the territory and levy taxes within it, while the trafficking groups are basically networks of suppliers, transporters, and receivers. See: UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 21.

¹⁴³ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 27.

¹⁴⁴ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#) September 2012, pg. 27.

¹⁴⁵ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 26.

¹⁴⁶ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020.

54. Guatemala and Honduras do not have specific laws banning the formation of gangs but punish this conduct as illicit association or criminal organizing¹⁴⁷. El Salvador has a law banning gangs and criminal groups, associations, and organizations¹⁴⁸. In this regard, the Commission observes that while a necessary element of any type of criminal association is an organizational structure for the commission of crimes, in the case of gangs, only the commission of crimes by two or more people is required, dispensing with that structure as an element of the type of organization. However, the legal definition of *gang* distinguishes between *gang* and *criminal association* by requiring the display of symbols and territorial control. While strictly speaking, these elements are absent in the laws governing criminal associations, they are closer to the sociological reality that, beyond the fact that they are criminal organizations, gangs are also identity groups with membership rules and codes of conduct¹⁴⁹.

Origin and composition of criminal gangs in El Salvador, Honduras, and Guatemala

55. Gangs emerged with the mass expulsion of irregular migrants, including members of the MS 18 and *Mara Salvatrucha* gangs, from the United States beginning in the late 1990s¹⁵⁰. These groups found limited opportunities for social integration in the Central American States, allowing the *mara* model to take root in these countries¹⁵¹. In its report *Violence, Children and Organized Crime*, the Commission examined the emergence and evolution of *mara* and *pandilla* criminal gangs in El Salvador, Guatemala, and Honduras¹⁵², understanding it as a

¹⁴⁷ In **Guatemala**, Article 2 of the Organized Crime Act, approved by Decree 21-2006, defines an organized criminal group or organization as any group made up of three or more individuals, existing during a certain time, and acting in concert to commit one or more crimes listed in the Narcoactivity Act, the Money or Other Asset Laundering Act, and the Migration Act, as well as crimes linked with corruption, terrorism, kidnapping, murder, aggravated robbery, fraud, trafficking, etc. See: Government of Guatemala. *Ley Contra la Delincuencia Organizada*. Decreto Número 21-2006. 2006. In **Honduras**, the Criminal Code defines a criminal group as “any organized group of three (3) or more persons existing during a certain time and acting in concert to commit one or more serious crimes classified as such under this Code.” See: La Gaceta. Diario Oficial de la República de Honduras. [Decree 130](#). 2017.

¹⁴⁸ In El Salvador, this act defines *gang* as a group of people that act to disrupt public order or subvert decorum and good custom and, moreover, meets several or all of the following criteria: habitual meetings, territorial control, and identifying symbols. It specifically states that: “[...] *pandillas* or *maras* such as the self-described *Mara Salvatrucha*, *MS-13*, *Pandilla Dieciocho*, *Mara Máquina Mara Mao Mao*, and criminal groups, associations, and organizations such as *Sombra Negra* are illegal and prohibited [...]”. This ban also applies to “*pandillas* or *maras* and criminal groups, associations, or organizations, regardless of the name they take or even if they have no name”. See: Legislative Assembly of the Republic of El Salvador. [Decree No. 458](#).

¹⁴⁹ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020.

¹⁵⁰ BBC Mundo. ["La violencia no es lo que define a las pandillas": la experiencia única de Juan Martínez d'Aubuisson, el antropólogo que vivió un año con la Mara Salvatrucha en El Salvador](#). May 23, 2017.

¹⁵¹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 165.

¹⁵² IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 165.; Programa Nacional de Prevención, Rehabilitación y Reinserción Social, Honduras. [Situación de maras y pandillas en Honduras](#). 2012, pg. 13.

product of the convergence of a series of risk factors¹⁵³, including unmet basic needs, limited access to education, rending of the social fabric, little or no facilities for recreation or youth organizing, lack of employment opportunities, and an inadequate system for dealing with youth offenders.

56. Furthermore, the Commission has been informed that in transnational criminal organizations linked with the higher echelons of power, *maras* operate as junior partners of larger narcotrafficking and other organized crime groups operating in Mesoamerica¹⁵⁴, providing services such as the distribution and sale of drugs, arms, and migrants; murder for hire; extortion; kidnapping; etc.¹⁵⁵ According to the available information, they are extremely hierarchical organizations with transnational connections, decentralized operations, and significant territorial control. In the communities and territories under their control, they have imposed a parallel legal system sustained by threats and violence¹⁵⁶. Moreover, gangs are not simply criminal groups but an alternative for economic survival, a source of protection in contexts with high levels of social violence, and a way of life that creates a strong sense of belonging among members¹⁵⁷.
57. The Commission notes the general lack of reliable data and statistics on the scope, composition, and members of the gangs operating in the Northern Triangle countries. According to the United Nations Children's Fund (UNICEF), estimates of the number of gang members in Central America vary widely: some sources put the number at 69,000-200,000, while others put it at 200,000-500,000¹⁵⁸. According to UNODC data, the rate gang membership per 100,000 population is 323 in El Salvador, 153 in Guatemala, and 149 in Honduras¹⁵⁹. UNICEF likewise notes the lack of data on gang composition, including, for example, demographic data on members (whether they are primarily adolescents or young adults), the age at which they typically join a gang, or the main

¹⁵³ IACHR. [Violence, Children and Organized Crime](#) OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, paras. 6, 63, and 159

¹⁵⁴ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.; Martínez Ventura, Jaime. *Maras en El Salvador y su relación con el crimen organizado transnacional*. Friedrich Ebert Stiftung. 2020.

¹⁵⁵ Boerman, Thomas and Golob, Adam. *Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking*. Journal of Human Trafficking. March 16, 2020.

¹⁵⁶ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.; Murillo Zamora, Carlos. *El crimen transnacional organizado como insurgencia no política: la experiencia Centroamérica*. 2016.

¹⁵⁷ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 167.

¹⁵⁸ UNICEF. [What We Know and What We Don't Know about Youth Gangs in Latin America](#). September 27, 2018.

¹⁵⁹ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 29.

reasons for joining¹⁶⁰. The Commission observes that, while there is generally little reliable and systematized data, obtaining information disaggregated by gender is even more challenging, demonstrating the invisibility and lack of priority accorded the gender perspective when addressing this phenomenon¹⁶¹.

58. In particular, notwithstanding the presence of other groups in the region¹⁶², the Commission notes that the main *maras* operating in these three countries are *Mara Salvatrucha* (MS-13) and *Mara 18* (M-18), the latter also known as the *Barrio 18* (B-18) gang. These rival groups operate in the three countries, and in El Salvador alone have up to 60,000 active members and a support network or “social safety net” of some 500,000 persons, or roughly 8% of that country’s total population¹⁶³. *Mara Salvatrucha*, with some 40,000 members in El Salvador, is believed to operate in 247 of the country’s 262 municipalities, where it extorts nearly 70% of businesses and forcibly ejects entire communities from their homes¹⁶⁴. According to public information, their major source of income – roughly US\$31.2 million annually – is extortion¹⁶⁵. In Honduras, gangs other than MS-13 and M-18 in the country can be divided into three categories: “derivatives¹⁶⁶,” militias¹⁶⁷, and “supporters”¹⁶⁸.

59. The Commission has also heard of the presence of other organized criminal groups in Guatemala. In addition to MS-13 and M-18, the main territory-bound groups include the

¹⁶⁰ UNICEF. [What We Know and What We Don't Know about Youth Gangs in Latin America](#). September 27, 2018.

¹⁶¹ Information obtained during a virtual consultation with experts, held during the preparation of this report on June 16-17, 2021. IACHR archive.

¹⁶² Ahmed, Azam. [Inside Gang Territory in Honduras: 'Either They Kill Us or We Kill Them'](#). New York Times. May 4, 2019.

¹⁶³ In this regard, see: IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021, para. 42; UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pp. 27-28; International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#). Report No. 62 Latin America & Caribbean April 6, 2017; International Crisis Group. [El Salvador's Politics of Perpetual Violence](#). Report No. 64 Latin America & Caribbean. December 19, 2017, pg. 9.

¹⁶⁴ The New York Times. [Killers on a Shoestring: Inside the Gangs of El Salvador](#). November 21, 2016.

¹⁶⁵ The New York Times. [Killers on a Shoestring: Inside the Gangs of El Salvador](#). November 21, 2016.

¹⁶⁶ “Derivatives” are organized crime groups that emerged from *maras* MS-13 and M-18 and other organizations. In this regard, see InSight Crime and ASJ. [Gangs in Honduras](#). April 21, 2016, pg. 37.

¹⁶⁷ “Militias” are groups comprised of civilians who have become a force to fight street gangs. Although they claim to protect the community from organized crime, they have become violent organizations supplanting the gangs. In this regard, see InSight Crime and ASJ. [Gangs in Honduras](#). April 21, 2016, pg. 37.

¹⁶⁸ “Supporters” are groups comprised of fans from soccer clubs that, in some cases, may link up with the gangs – MS13 and M-18 among them –, for example, giving them a point of entry to a larger drug market than they could find in low-income areas. In this regard, see InSight Crime and ASJ. [Gangs in Honduras](#). April 21, 2016, pg. 37.

Mendoza, Chamalé, Lorenzana, Zetas, Ex Leones, and Pacific Cartel groups¹⁶⁹. Other criminal organizations that may be present are the Caraduras, the Huistas, Jairo Orellana, Villatorio, and Organización Sarceño¹⁷⁰. Their main criminal activities are human trafficking¹⁷¹, drug dealing¹⁷², drug trafficking and transport, and smuggling¹⁷³. Other criminal organizations engaged in transnational trafficking, known as *transportistas*, also operate in the three countries – for example, the Texas Cartel, established in El Salvador, where drugs from Honduras are trafficked through the country to Guatemala¹⁷⁴; and Los Perrones, which also traffics drugs from El Salvador to Guatemala, Honduras, Nicaragua, and Costa Rica¹⁷⁵.

B. Impact of organized crime from a human rights perspective

60. The IACHR notes that the activities of criminal organizations have resulted in a range of human rights violations in the Northern Triangle countries of Central America¹⁷⁶. These countries continue to report troubling rates of social violence, especially homicides, with figures among highest in the region¹⁷⁷ and the world¹⁷⁸. In particular, the Commission has received information on the impact of illegal drug trafficking on security and crime in these countries, making the transport of drugs through their territories to other countries in the

¹⁶⁹ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 24.

¹⁷⁰ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#) 2016, pp. 95 and 96.

¹⁷¹ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, pg. 95.

¹⁷² CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, pg. 96; InSight Crime. [Guatemala's Los Huistas Continue to Build Influence Network](#). February 17, 2021.

¹⁷³ In this regard, see UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 25.

¹⁷⁴ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 26.

¹⁷⁵ UNODC. [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#). September 2012, pg. 26.

¹⁷⁶ The Commission has monitored the activities of organized crime groups in El Salvador, Guatemala, and Honduras and the impact of their presence on human rights. See: IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its in loco visit to El Salvador](#). December 27, 2019; IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017; IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019.

¹⁷⁷ According to the most recent data available, in 2020 Honduras, along with Venezuela and Jamaica, was named one of the three most violent countries in the hemisphere, followed by El Salvador, in eighth place, and Guatemala, in eleventh. See: InSight Crime. [InSight Crime's 2020 Homicide Round-Up](#). January 29, 2021; El Heraldo. [¿Honduras es el país más violento de Centroamérica?](#) June 23, 2021; La Vanguardia. [El Salvador cierra el 2020 con 1.322 homicidios, un 45% menos que en 2019](#), January 2, 2021; DW. [Guatemala registra aumento de homicidios durante 2021](#). September 23, 2021.

¹⁷⁸ Instituto Español de Estudios Estratégicos. ["Crimen organizado transnacional y maras en el Triángulo Norte de Centroamérica"](#), 64/2021. May 2021, pg. 3; Maydeu-Olivares, Sergio. [La violencia, el talón de Aquiles de Centroamérica](#). CIDOB. February 2016, pg. 1.

region one of the main factors behind the rising levels of violence¹⁷⁹. Other factors contributing to the presence and influence of these criminal organizations in Central America are its geographical position and weak institutions. For example, the organizations involved in narcotrafficking are present throughout Honduras, especially along the Caribbean coast and in the departments of Cortes and Copán, which serve as the main corridor for the transport of cocaine from South America to the U.S. and European markets¹⁸⁰.

61. It should further be noted that organized crime also affects rural areas, especially those that have been impacted by conflicts or are in the post-conflict period, as in the case of El Salvador and Guatemala¹⁸¹. Moreover, according to the available information, police repression of gangs in recent years has led many of their members to shift from cities to rural locations, where the gang situation is even worse, as these are more extensive areas with an extremely limited government presence, leaving the population highly unprotected and vulnerable¹⁸². For example, in rural Guatemala, where communities are isolated and have no significant contact with government institutions, a high rate of impunity has been documented in cases of sexual violence perpetrated by a relative against girls under the age of 14¹⁸³.
62. Furthermore, the IACHR has noted that gangs pose a significant challenge to security in these countries¹⁸⁴. To illustrate, in his final statements following his visit to El Salvador, the United Nations High Commissioner for Human Rights stated, “I thoroughly condemn the violence perpetrated by gangs and organized crime that blights the lives of so many Salvadorans” and that he “heard how the high levels of violence have seriously affected people’s lives...”¹⁸⁵. The illicit or criminal activities of organized crime negatively impact the daily life of all people, with particular repercussions in the institutional, economic, and

¹⁷⁹ Information obtained during the virtual consultation with experts during the preparation of this report. June 16-17, 2021. IACHR archive.

¹⁸⁰ CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive.

¹⁸¹ Gil Baizan, Paula. *The humanitarian effects of violence in the Northern Triangle of Central America and Mexico*. September 2014.

¹⁸² Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 3, 2019.

¹⁸³ Boerman, Thomas and Knapp, Jennifer. *Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala*. Immigration Briefings. March 2017, pg. 7.

¹⁸⁴ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 162.

¹⁸⁵ OHCHR. [Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to El Salvador](#). November 17, 2017.

social sphere¹⁸⁶. Their greatest impact in the region, however, is the violence they generate, directly and indirectly putting people's lives, primarily those of women and girls, in jeopardy¹⁸⁷. Thus, given the profound consequences of organized crime on the full enjoyment of human rights, there is a duty to address and prevent its causative factors.

63. With respect to El Salvador, the Commission has observed that violence in the country is related to the presence and activities of different criminal organizations, mainly *pandillas* and *maras*, such as *Mara Salvatrucha* (MS-13) and the *Barrio 18* (B-18) gang¹⁸⁸. As extensively documented, these gangs exert significant control and influence over some territories in the country, businesses, and the daily life of individuals, who are commonly subjected to threats, extortion, or widespread violence due to rivalries and confrontations among these groups or with government forces¹⁸⁹. In addition, these organizations are responsible for grievous acts of sexual violence, sexual servitude, and human trafficking of women and girls for sexual exploitation purposes¹⁹⁰, as well as high levels of murder¹⁹¹, the internal forced displacement of entire families, and migrant flows to other countries in the region¹⁹². The IACHR has also received information that some parts of the country have

¹⁸⁶ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 191.

¹⁸⁷ Spotlight Initiative – Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado](#). Centroamérica, Colombia, México y República Dominicana. 2021, pg. 8.

¹⁸⁸ International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#), Report No. 62–Latin America & Caribbean. April 6, 2017; International Crisis Group. [El Salvador's Politics of Perpetual Violence](#). Report No. 64 Latin America & Caribbean. December 19, 2017, pg. 9.

¹⁸⁹ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.L/V/II. Doc. 278. October 14, 2021, para. 30; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; OHCHR. [Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to El Salvador](#). February 5, 2018.

¹⁹⁰ UN: Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#) A/HRC/33/46/Add.1. August 3, 2016.

¹⁹¹ For example, according to public information, up to March 22, 2022, 163 murders had been reported that month, 83 of which occurred in a single weekend. In this regard, see: Asamblea Legislativa, [Pleno legislativo aprueba régimen de excepción para frenar ola de violencia](#). March 27, 2022; Permanent Mission of El Salvador, MPOEA-OEA-034/2022, March 27, 2022, IACHR archive. El Salvador, Decreto No. 333/2021, considerando II; and La Prensa Gráfica, [Marzo suma 163 homicidios, tras alza de violencia](#), March 28, 2022.

¹⁹² In 2018, the Special Rapporteur on the human rights of internally displaced persons stated that internal displacement is a hidden crisis not publicly acknowledged in El Salvador. Victims of violence and internal displacement commonly act at their own initiative to ensure their security and protection, since there is no effective government protection for internally displaced persons. UN: Human Rights Council. [Informe de la Relatora Especial sobre los derechos humanos de los desplazados internos acerca de su visita a El Salvador](#). A/HRC/38/39/Add.1. August 23, 2018.

become ungovernable, and criminal organizations, mainly *pandillas* and *maras*, have taken over the territory¹⁹³.

64. With respect to Guatemala, the Commission has viewed with concern the situation of women, children, Indigenous people, Afro-descendants, human rights defenders, and LGBTI people in the prevailing context of violence and insecurity¹⁹⁴. Most of the crime committed in the country is attributable to *maras*, narcotrafficking cartels, and other members of organized criminal groups, who represent one of the country's most significant security problems¹⁹⁵. Furthermore, while the Commission has noted that internal displacement in Guatemala is a multicausal phenomenon, its principal underlying factors include extortion and threats, the presence of organized crime, and narcotrafficking. The IACHR has also been informed that forced displacement may also be due to the fragility of the State, influenced by military, political, and economic elites, some of them linked with illicit activities¹⁹⁶. Moreover, in Guatemala, organized crime is an additional factor in intimidation, threats, and violence against journalists¹⁹⁷.
65. In Honduras, the State has indicated that major factors driving violence are drug trafficking and organized crime, which have infiltrated various government institutions¹⁹⁸. Furthermore, the IACHR has noted that children and adolescents are one of the groups most affected by gang and organized crime activities in Honduras, as they are likely to become linked with the violent activities of these groups, including kidnappings, assaults, killings, confrontations with rival gang members, and the police or security forces, as well as internal violence within the gangs, such as initiation rituals¹⁹⁹. The Commission has also observed that, added to factors such as poverty, inequality, and discrimination, violence and fear of gangs force children and adolescents to flee the country²⁰⁰. In these scenarios, girls experience differentiated harm due to their gender²⁰¹, as will be seen in the upcoming sections.

¹⁹³ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

¹⁹⁴ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 13.

¹⁹⁵ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 337.

¹⁹⁶ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 209. In this regard, see: Instituto de Investigación y Proyección sobre Dinámicas Globales y Territoriales de la Universidad Rafael Landívar. Documento síntesis del Diagnóstico de desplazamiento interno en Guatemala (2010-2016), pg. 1. IACHR archive.

¹⁹⁷ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, paras. 249 and 267.

¹⁹⁸ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019.

¹⁹⁹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, paras. 234 and 235

²⁰⁰ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 251

²⁰¹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 235.

66. Notwithstanding, the Commission observes that the poor quality of the data make it hard to clearly determine what proportion of social violence is perpetrated by gangs versus other criminal groups. It should also be noted that gangs or criminal groups are not the only ones who commit crimes; other perpetrators include law enforcement personnel, entrepreneurs, and even private citizens unconnected with gangs or other organized crime groups²⁰². Therefore, determining which crimes are committed by individuals and which by criminal organizations is often complicated.
67. One example of this is the killing of women (femicides/feminicides), where establishing a direct link with the activities of criminal groups is not always possible²⁰³. According to information from El Salvador's Ministry of Justice and Public Security, analysis of violent deaths among women due to their gang connections reveals that the degree of knowledge about this connection is minimal and available data are still scarce²⁰⁴. In turn, following her visit to that country, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, stated that while not all deaths are attributable to gang violence and the incidence of domestic violence and killings is high, a significant percentage are gang related²⁰⁵.

C. Interactions of women and girls with gangs

Gender dynamics in gang culture

68. The gang phenomenon is a reaction to precarious social settings, created by factors such as marginalization, inequality, and exclusion; limited access to public services; and the weak institutional presence of the State²⁰⁶. In these contexts, the social order imposed by gangs replaces that of the State²⁰⁷; through violence, the gang imposes a series of informal rules known to all members of the community. Similarly, gangs are governed by a complex code

²⁰² El PACCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020.

²⁰³ Information obtained during a virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive. See: Revista Factum. [Así viven y mueren las mujeres pandilleras en El Salvador](#). March 11, 2016; Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 55.

²⁰⁴ Ministry of Justice and Public Security. [Informe Anual: Hechos de Violencia contra las Mujeres 2018](#). 2019, pg. 17.

²⁰⁵ OHCHR. [Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to El Salvador](#). A/HRC/38/39/Add.1., April 23, 2018, para. 28.

²⁰⁶ Asociación para una sociedad más justa, Gobierno de Honduras, UNDP. [Estudio de la situación de las Maras y Pandillas en Honduras](#). 2019.

²⁰⁷ Salas, Ricardo. [Las Maras e institucionalidad posterior a la guerra salvadoreña](#). 2011.

that creates a group identity that can be renounced only by following the rules established by the group²⁰⁸. Furthermore, in the gang structure, relations mediated by violence and strong ties centered around family, friendship, or community relations predominate; thus the distinction between gang and community is not always clear²⁰⁹.

69. In this context, the Commission notes that the structural factors of discrimination against women that are present in Latin American societies are replicated and reinforced in the dynamics that characterize the culture and dynamics of gang-type criminal groups²¹⁰. According to various researchers:

...youth gangs, as they are traditionally organizations consisting of a group of men, shaped by men, conceived by men, and designed by men, in which women are a quantitative minority, exhibit all the stereotypes, prejudices, imbalances, and inequalities between men and women prevailing in a patriarchal society, heightened by the violence and marginality prevailing in gangs [...] The gang machismo is an enhanced replica of extensive societal patriarchy²¹¹.

70. Thus, gang culture is based on promoting the hypermasculinity of male members and their domination of women²¹², who are considered inferior to men because of their gender²¹³. Thus, in the gang dynamic, male members must control and subjugate women

²⁰⁸ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020.

²⁰⁹ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020; Revista Factum. [Así viven y mueren las mujeres pandilleras en El Salvador](#). March 11, 2016.

²¹⁰ UNDP. [Estudio sobre la Situación de las Maras y Pandillas \(MoPs\) en Honduras 2019](#). December 10, 2020; CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive.; Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

²¹¹ Estrada, Óscar. [Cambios en la sombra: Mujeres, maras y pandillas ante la represión](#). Perspectivas, N.06/2017. July 2017, pg. 4. Cfr.; Instituto Universitario de Opinión Pública, Universidad Centroamericana "José Simeón Cañas". ["Segundos en el aire": mujeres pandilleras y sus prisiones](#). San Salvador, El Salvador, 2010, pg. 74; Rocío Pérez Domenech. [The Dangerous and Complex Reality of Women Who Join Central American Gangs](#), Global Voices, December 3, 2015.

²¹² Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

²¹³ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021; Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

through various forms of violence²¹⁴. Gang members are even threatened and/or beaten if they show signs of weakness through the inability to “control *their* woman,” including if a woman challenges their orders or refuses to “know her place.” For example, there is a record of a gang member who was killed by fellow gang members because he could not “control” his partner, after she reported the violence to which she had been subject to the authorities, resulting in a heightened police presence in the neighborhood controlled by this criminal group²¹⁵.

71. Hypermasculinity in social and community relations, in turn, buttresses the gender stereotypes of women. According to findings from civil society:

The gender construct in a macho culture holds that women must be “good” according to socially constructed codes. This implies that being “good” means caring for, protecting, feeding, covering, covering up for, defending, obeying, accepting, enduring, giving oneself to and being faithful to their male counterparts. In the gang world’s image of the feminine, women must forgive and endure as many times as necessary, because “that is women’s lot”²¹⁶.

72. Thus, the prevalence of discriminatory gender stereotypes related to concepts of “femininity” and “masculinity” are reinforced in the areas and dynamics controlled by these criminal groups²¹⁷. Consequently, in countries such as El Salvador, Honduras, and Guatemala, characterized by troubling statistics on violence against women, the extreme violence committed by these criminal groups and, in particular, their contempt for women and the postulate of their supposed inferiority and subordination, exacerbates gender violence and exposes women to extreme misogynistic cruelty and abuse²¹⁸.

²¹⁴ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana*. 2021, pg. 36.

²¹⁵ Boerman, Thomas and Knapp. Jennifer. *Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala*. Immigration Briefings, 17-03. March 2017.

²¹⁶ Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America’s Northern Triangle Region*. April 2012.

²¹⁷ Reséndiz Rivera, Nelly. *Mujeres, pandillas y violencia en Guatemala*. Cuadernos Inter.c.a.mbio sobre Centroamérica y el Caribe, Universidad de Costa Rica. Vol. 14, No. 1, pp. 50-75. 2017; UNDP. *Estudio sobre la Situación de las Maras y Pandillas (MoPs) en Honduras 2019*. December 10, 2020.

²¹⁸ IACHR. *Violence and Discrimination against Women and Girls*. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 194. See also: Boerman, Thomas and Knapp. Jennifer. *Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala*. Immigration Briefings, 17-03. March 2017.; Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras*. 2019.

The role of women and girls in gangs

73. The IACHR observes that while gangs in the Northern Triangle of Central America consist primarily of men, women are present in multiple ways in the lives of gang members as mothers, sisters, girlfriends, friends, or fellow gang members²¹⁹. Here, it observes that few studies have considered the role of women and gender dynamics in gangs. The Commission therefore notes the difficulty of accurately determining the number of women and girls involved in the gangs operating in El Salvador, Guatemala, and Honduras, given the lack of reliable information, the complex nature of the different degrees of women's involvement in the gang structure, the different situations in each of the three countries examined in this report, and the absence of women as research subjects²²⁰.
74. The Commission further notes that the information gap concerning the ways women and girls interact with gangs is due to the fact that their participation is a matter protected by these groups due to the prevailing community and gang culture in which violence against women is acceptable, the need to protect the gang's essential family ties, and the desire to protect women from the aggression of rival gangs or police action²²¹. The Commission observes that here, knowledge generation has largely fallen to civil society organizations and academia²²², creating a better understanding of women's roles in gangs and their interactions with them²²³.
75. In this regard, the available information shows a steady increase in the number of women who are members of these criminal groups and participate in their criminal activities²²⁴. While the numbers of women in gangs are small compared to those of men, their presence is growing. Data collected in 2007 already showed that women's participation had reached 20%-40%²²⁵. More recent studies report an increase and even gang cells with practically

²¹⁹ CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive.; InSight Crime. *Women and Organized Crime in Latin America: Beyond Victims and Victimizers*. April 13, 2020.

²²⁰ University of Costa Rica. *Mujeres, pandillas y violencia en Guatemala*. February 20, 2017.

²²¹ El PAcCTO. *Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho*. August 2020.

²²² Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

²²³ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana*. 2021, pg. 36; USAID. *A Study of Gang Disengagement in Guatemala*. December 2020; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. *Si Somos Americanos*, Vol. 16, No. 2. 2016, pp. 127-142.

²²⁴ El PAcCTO. *Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho*. August 2020, pg. 7; InSight Crime. *Women and Organized Crime in Latin America: Beyond Victims and Victimizers*. April 13, 2020.

²²⁵ Demoscopía. *Maras y pandillas, comunidad y policía en Centroamérica. Hallazgos de un estudio integral*. October 2007, pg. 36

the same number of men and women²²⁶. For example, a 2019 study in Honduras found that 56% of gang members are men, revealing that the proportion of women in criminal organizations had risen to 44%²²⁷.

76. Concerning the connection of women and girls with criminal groups, the Commission has observed that many are forcibly recruited by these groups through pressure tactics, threats, and harassment, while others are caught up after being trafficked or abducted²²⁸. It has also observed that for reasons that sap their will, their membership in groups appears to be *voluntary*²²⁹, a decision based on the supposed advantages of belonging to a group that, in addition to protection, provides women with money and recognition in a social context marked by poverty, discrimination, and gender violence against women. As it has been reported, “one of the weightiest factors leading [women] to become actively involved with these criminal groups is that many of them have been born into environments or communities where delinquency and crime are part of their daily lives²³⁰.”
77. In the particular case of young and adolescent girls, the Commission notes that multiple economic, social, and personal factors push them to join gangs, including social inequality, sexual violence, child abuse, dropping out of school, unemployment, easy access to weapons and drugs, and in all cases, growing up in an environment of social violence in neighborhoods and communities with a gang presence²³¹. Many join gangs to escape violence and multiple economic deprivations in their home. Moreover, many girls enter into unions at an early age and join the gang as a strategy to flee their own family situation of

²²⁶ Fiaapp. [Women in criminal gangs in Central America](#), August 22, 2019; Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen](#). Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.

²²⁷ Asociación para una sociedad más justa (ASJ), Gobierno de la República de Honduras. Programa Nacional de Prevención, Rehabilitación y Resinserción Social, UNDP, [Estudio de la situación de maras o pandillas en Honduras I 2019](#). December 10, 2020, pg. 37.

²²⁸ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 195; IACHR. [Internal Displacement in the Northern Triangle of Central America: Public Policy Guidelines](#). OEA/Ser.LV/II. Doc 101. July 27, 2018, para. 34.; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015. See also: Prensa Libre. [Pandillas reclutan a menores a través de las redes sociales](#). June 18, 2021; ILO. [Nuevas formas de trabajo infantil: Utilización y reclutamiento de niños, niñas y adolescentes para la realización de actividades ilícitas en las pandillas de El Salvador](#). 2018.

²²⁹ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 194.

²³⁰ CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive.

²³¹ InSight Crime. [Women and Organized Crime in Latin America: Beyond Victims and Victimizers](#). April 13, 2020.

overcrowding and gender violence²³². Here, it has been observed that girls are used by criminal organizations because, on the one hand, at their age they are irreproachable, and on the other, they can go unnoticed by the authorities because of their age and sex²³³.

78. The IACHR observes that gender patterns in the gang culture determine the role of women and girls in these criminal organizations²³⁴. While there is no single role for women, many accept the fact that the organization will assign them a secondary or peripheral role²³⁵. As a result, women are not generally considered when decisions are made and tend to occupy the lowest rungs of the organizational ladder²³⁶ and the roles with the lowest pay²³⁷. In narco-trafficking, their most common roles are drug dealing and local transport. In human trafficking, women often serve as recruiters or logistics coordinators in a repetitive cycle: the recruited women and their victims are forced to recruit other women to secure their freedom and, thus, continue to perpetuate this form of violence²³⁸.
79. At the same time, women play a key role in reproducing social patterns that facilitate the continuity of gangs and contribute in different ways to the self-support of both the community and the gang²³⁹. In this regard, the Commission notes that in gang-dominated communities and territories, many women known as “collaborators” are responsible for

²³² Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region*. April 2012; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.

²³³ ILO. *Nuevas formas de trabajo infantil: Utilización y reclutamiento de niños, niñas y adolescentes para la realización de actividades ilícitas en las pandillas de El Salvador*. 2018.; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.

²³⁴ USAID. *A Study of Gang Disengagement in Guatemala*. December 2020, pg. 32.

²³⁵ Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras*. 2019; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. Si Somos Americanos, Vol. 16, No 2. 2016, pp. 127-142.

²³⁶ See: Reséndiz Rivera, Nelly. *Mujeres, pandillas y violencia en Guatemala*. Cuadernos Inter.c.a.mbio sobre Centroamérica y el Caribe, University of Costa Rica. Vol. 14, No. 1, pp. 50-75. 2017. In this same vein, the Commission notes that during the “truce” declared in El Salvador in 2012, women had no participation or voice, evidencing the secondary role assigned to them. However, women and girls are not disinterested bystanders in these situations. While they are still a minority of gang members, they play a key role in families and communities marked by the gang phenomenon and can be both victims and victimizers of these organizations.

²³⁷ InSight Crime. *Women and Organized Crime in Latin America: Beyond Victims and Victimiziers*. April 13, 2020.

²³⁸ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado*. Centroamérica, Colombia, México y República Dominicana. 2021, pg. 36.

²³⁹ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR Archive; Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras*. 2019; Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.

running the household, caring for the children, cooking, and cleaning. Moreover, it is women who are generally responsible for bringing shoes, clothing, medicine, and other items to imprisoned gang members. These women serve as a communication channel, bringing information back and forth and serving go-betweens for gang members in the neighborhood and those in prison²⁴⁰. During its *in loco* visit to El Salvador, the IACHR confirmed that women were the majority of the visitors to men's detention centers, especially those where gang members were housed. This role has grown, since many men avoid bringing themselves to the attention of the authorities by entering jails or cannot do so because of their criminal background. This situation causes women to be used to smuggle drugs or other contraband into detention centers²⁴¹.

80. Likewise, while some women and girls collaborate with gangs in their criminal activities to a certain extent, not all of them are formally recognized as gang members nor do all of them commit crimes²⁴². Thus, although women are increasingly taking on tasks traditionally performed by male gang members, it has not meant their disengagement from the traditional roles of girlfriend, wife, mother, caregiver, or housekeeper²⁴³. In other words, in addition to their role in committing crimes, they often retain their key role in maintaining family ties and caregiving, so it can be said they have a double workload²⁴⁴.
81. Furthermore, according to the information obtained, one constant that emerges from the accounts of women gang members is their desire to stop participating in violent or illegal activities and to leave the gang once they become mothers, seeking to shield their children from violent environments²⁴⁵. However, while men and women are threatened or punished if they wish to leave the gang or are disobedient, women receive threats, punishments,

²⁴⁰ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region.](#) April 2012.

²⁴¹ In this regard, the Commission has noted that security systems have shown that women are the source of the illicit items smuggled into prisons – this, coupled with the additional discrimination they will face from their association with gang members. In El Salvador, this dynamic contributed to a nonviolent protest by 11,000 prison inmates in 2009. According to the Interpeace investigation, this protest was caused in part by anger over the physical search of female visitors that led to reports of physical and verbal abuse. See: Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region.](#) April 2012.

²⁴² El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho.](#) August 2020.

²⁴³ UMDP. [Estudio sobre la Situación de las Maras y Pandillas \(MoPs\) en Honduras 2019.](#) December 10, 2020.

²⁴⁴ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region.](#) April 2012.

²⁴⁵ Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen.](#) Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.

specific gender-based violence where sexual violence is used as a form of punishment, and are often killed in an especially cruel and misogynistic way²⁴⁶.

82. The Commission further notes the particular situation of women and girls who are the sexual partners of gang members. In these cases, the women, known as *jainas*, are not always gang members themselves, since not all of them go through an initiation to join the group, but are linked to the group through their sexual partner²⁴⁷. According to the available information, many women consent to romantic relationships with gang members because of the protection that such a relationship can provide²⁴⁸. However, women, including girls, are often harassed and bullied by gang members until they agree to become their sexual partners²⁴⁹. In both cases, the women are considered the “property” of their partner, and by extension, the criminal group and may be forced to participate in illegal activities, such as transporting arms and drugs, engaging in extortion and the collection of protection money, providing information about rival gangs and the police, smuggling contraband into prisons, and deception to facilitate robberies, kidnappings, or murders. When women are identified by law enforcement or arrested for engaging in these activities, they or their families are punished by the gang and commonly murdered²⁵⁰.
83. The Commission likewise notes that in gang-dominated territories, even if women are not members or do not participate in the gangs’ criminal activities, they live in an environment of violence, fear, and threats and are at constant risk of being raped, especially if they are girls or adolescents²⁵¹. In the case of the latter, the risk of being sexually assaulted by members of criminal groups on the way to school causes many families to keep them from their studies to protect them²⁵².

²⁴⁶ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 196.

²⁴⁷ Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen](#). Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142.; BBC Mundo. ["Piensan que somos más débiles, pero matar, matamos igual": el peligroso doble papel de las mujeres en las pandillas de Centroamérica](#). December 12, 2017.

²⁴⁸ Plaza Pública. [Las sombras de la sombra: reclutas del crimen organizado](#). October 28, 2012.

²⁴⁹ ElSalvador.com. [El infierno que viven las niñas esclavas sexuales de la pandilla MS en El Salvador](#). June 26, 2018.

²⁵⁰ Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

²⁵¹ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 22; International Crisis Group. UNHCR. [Mafia of the Poor: Gang Violence and Extortion in Central America](#). Report No, 62 Latin America & Caribbean, April 6, 2017; InfoSegura. [El Continuum de la violencia contra las mujeres en la región centroamericana](#). January 2017.

²⁵² Europa Press. [Los riesgos de ir a la escuela en Centroamérica](#). June 15, 2019.

84. The situation is even more serious in the case of forced pregnancies resulting from rape, given their disproportional consequences for women, particularly young and adolescent girls. Among these consequences, the Commission has observed a greater risk to the mother's life and health due to complications of pregnancy; lack of access to education; harassment, marginalization, and rejection by their family and community; difficulty obtaining work and sources of income; social isolation, and even suicide; and generally, a significant change in their life plans²⁵³ – all of which reinforces the gender discrimination patterns already present in their social environment.
85. Furthermore, women and girls who have been the victims of violence by one or more members of a gang, and even several gangs, are forced to live with their victimizers and are often revictimized²⁵⁴. In addition, those involved with gangs endure multiple forms of violence, among them psychological violence, including harassment and threats; domestic and family violence; sexual violence, including gang rape, sexual servitude, and forced prostitution; forced unions, engagements, or marriages; control of their reproductive processes, such as pregnancies or forced abortions; human trafficking; disappearances; and gender-based killings²⁵⁵.
86. To conclude, the IACHR emphasizes that the lack of statistics, reliable official data, and analytical research on the dynamics of women's and girls' interactions with criminal groups reveal the lack of a gender approach by the States in efforts to tackle criminal violence in Central America's Northern Triangle. The Commission therefore calls on the States of the subregion to take the necessary steps to generate knowledge about this problem from a public policy and human rights standpoint to shed light on the situation of vulnerability and risk facing women and girls and to design appropriate policies and programs to put an end to it.

²⁵³ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, paras. 253-265. See also: MESECVI. [Hemispheric Report on Child Pregnancy in the States Party to the Belém do Pará Convention](#). 2016

²⁵⁴ CDM. [Las hijas de la muerte](#). Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.; Interpeace. [Violent Women and Violence Against Women](#). [Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region](#). April 2012.

²⁵⁵ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 195, citing: IACHR. Annex to Press Release No. 11/18. Conclusions and observations on the IACHR working visit to El Salvador. January 29, 2018; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II.Doc. 40/15. November 11, 2015, paras. 239 and 243; International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#), , Report No. 62 – Latin America & Caribbean, April 6, 2017; CNN in Spanish. [Pandillas usan cuerpos de mujeres para "venganza y control" en El Salvador](#). June 15, 2018.

Chapter 4

Violence against women and girls linked with the presence and activities of criminal groups

Violence against women and girls linked with the presence and activities of criminal groups

87. In territories and areas dominated by gangs and criminal bands, daily life in communities is controlled by these groups through various forms of social violence. Violence is one of the main strategies employed by these groups, not simply to impose territorial domination but to legitimize male power, establish a hierarchy, and oversee the entry of members, command their respect, and exert control over them²⁵⁶. In this regard, while violence as a control mechanism is committed against both women and men, gender violence in particular is one way of exerting control over women and girls, who are subjected to forms of violence that specifically target them²⁵⁷.
88. In addition, the IACHR notes that gender violence against women and girls is a way for criminal groups to control entire communities, using women's bodies as an opportunity for violent domination to send the rest of the community a message about power, control, and submission, and as a display of power among peers in the criminal group²⁵⁸. Thus, violence against women is a key tool in the behavior of many criminal groups and the perpetuation of their illicit activities²⁵⁹ that heightens the risk and vulnerability of women and girls in areas where these groups operate. The Commission notes in particular that women in these contexts are subject to various forms of gender violence, including sexual violence; forced marriages or unions; gender-based killings; disappearances; torture; slaverylike conditions, including criminal exploitation; forced labor; sexual servitude; and human trafficking.

²⁵⁶ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012

²⁵⁷ Internal Displacement Monitoring Centre (IDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. [A Web of Violence: Crime, corruption and displacement in Honduras](#). Thematic study. March 2019, pg. 25

²⁵⁸ CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive; Internal Displacement Monitoring Centre (IDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. [A Web of Violence: Crime, corruption and displacement in Honduras](#). Thematic study. March 2019, pg. 26; CNN. [Pandillas usan cuerpos de mujeres para "venganza y control" en El Salvador](#). June 15, 2018; Sampó, Carolina. [El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen](#). Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and other street gangs of Central America's Northern Triangle Region](#). April 2012.

²⁵⁹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, paras. 191-193.

A. Sexual violence as a way of joining the group

89. The available information reveals that joining a gang is generally a lengthy process in which both men and women must carry out the group's orders²⁶⁰. Here, it is noted that while not all women and girls are forced to join pandillas or maras, in every case, joining entails violence²⁶¹. Within this context, three ways of joining a gang stand out: the first, commit a murder, as instructed by the group or its leader; the second, submit to a beating by the other members of the group; and third, have sex with several members or every member of the group²⁶². The last way, sexual violence, is largely reserved for women and girls²⁶³.
90. According to accounts obtained by civil society organizations and people researching this topic, how women join the group determines their role, respect, and security in the gang²⁶⁴. Those who submit to the same initiation test as men, such as a beating, will receive the same respect as men in the gang structure, since they are considered courageous and strong – attributes considered positive and associated with virility and masculinity. In contrast, women who join by submitting to sexual violence are considered weaker members of the criminal organization and therefore run a greater risk of losing the group's protection and being constantly revictimized²⁶⁵.
91. The Commission also observes that while some women can choose how to join the group, not all can do so, and in many cases, end up as rape victims²⁶⁶. In this regard, the existing accounts reveal that women are not in a position to consent to the sex acts they are

²⁶⁰ Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012.

²⁶¹ El PACCTO. *Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho*. August 2020.

²⁶² International Crisis Group. *Mafia of the Poor: Gang Violence and Extortion in Central America*. Report No. 62 – Latin America & Caribbean, April 6, 2017; Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012.

²⁶³ Sampó, Carolina. *El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen*. Si Somos Americanos, Vol. 16, No. 2. 2016, pp. 127-142; Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012.

²⁶⁴ Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012.

²⁶⁵ Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras*. 2019; Interpeace. *Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region*. April 2012.

²⁶⁶ Pacific Standard. *The Girl Gangs of El Salvador*. September 15, 2018.

subjected to or to the individuals with whom they will have sex²⁶⁷. This practice, moreover, is characterized by acts of violence designed to subdue and humiliate the women²⁶⁸. In this method of joining the group, sexual violence is a way to impose male dominance over women in a context of threats and intimidation.

92. In this regard, the Commission recalls that the Inter-American Court has recognized rape as a form of sexual violence²⁶⁹ and a traumatic experience with severe consequences for women. Rape causes significant physical and psychological damage, leaving the victim physically and emotionally humiliated – a situation hard to overcome with the passage of time, unlike other traumatic experiences. From this it follows that rape inherently causes the victim extreme suffering. In this regard, the Inter-American Court has stated that women rape victims experience severe psychological and social harm²⁷⁰. It has also noted that, as in the case of torture, rape generally has other objectives, including intimidating, degrading, humiliating, punishing, or controlling the person who experiences it²⁷¹. Furthermore, sexual abuse is a type of crime that victims tend not to report because of the stigma attached to it²⁷² and is a paradigmatic form of violence against women, the consequences of which even transcend the personhood of the victim²⁷³.

B. Forced unions

93. While some women voluntarily agree to romantic relationships with gang members, in many cases the gang members harass and bully women, even girls, into becoming their

²⁶⁷ Tager Rosado, Ana Glenda and Argueta, Otto. Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras. 2019.

²⁶⁸ Sampó, Carolina. El rol de las mujeres en las maras: una aproximación a la violencia que sufren e infringen. Si Somos Americanos, Vol. 16, No 2. 2016, pp. 127-142; Interpeace. Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region. April 2012.

²⁶⁹ IACtHR. Case of J v. Peru. Preliminary objection, merits, reparations and costs. Judgment of November 27, 2013. Series C No. 275, para. 359.

²⁷⁰ IACtHR. Case of Espinoza González v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 20, 2014. Series C No. 289, para. 193.

²⁷¹ IACtHR. Case of Fernández Ortega et al. v. Mexico. Preliminary Objections, Merits, Reparations, and Costs Judgment of August 30, 2010. Series C No. 215, para. 127.

²⁷² IACtHR. Case of Espinoza González v. Peru. Preliminary objections, merits, reparations and costs. Judgment of November 20, 2014. Series C 289, para. 150.

²⁷³ IACtHR. Case of Fernández Ortega et al. v. Mexico. Preliminary Objections, Merits, Reparations, and Costs Judgment of August 30, 2010. Series C No. 215, para. 119; IACtHR. Case of Rosendo Cantú et al. v. Mexico. Preliminary Objections, Merits, Reparations and Costs. Judgment of August 31, 2010. Series C No. 216, para. 109.

sexual partners²⁷⁴. Here, the Commission observes with concern that in both cases, women and girls are at serious risk of becoming victims of multiple forms of gender violence.

94. In the gang world, women are considered the property of their sexual partners and, by extension, the gang, putting them in a situation of extreme control, submission, and the particular risk of different forms of gender violence, not only by their partner but by all the other members of the group²⁷⁵. Furthermore, based on the stereotype of women's supposed weakness and unreliability, the men of the group tend to consider them disloyal to both their partners and the group²⁷⁶, causing the rules governing loyalty and obedience in gang culture, while applicable to all members, to include mechanisms for controlling and surveilling women, even when their partners are in jail, as well as periods of home confinement, "fidelity tests," forced pregnancies, sexual violence, and violent killings²⁷⁷. Furthermore, according to the information obtained, as the partners of gang members, women and girls live with the threat that should their partner be killed, they might be as well²⁷⁸.
95. The IACHR is also aware that these women have no choice and cannot make decisions that go against the wishes of their male partners. Under the group's code, this would mean challenging male authority, which for women, is punishable by sexual violence and generally death²⁷⁹. The Commission observes, in particular, that women and girls have no escape from these violent relationships. Thus, many of them are forced to live with their

²⁷⁴ EISalvador.com. [El infierno que viven las niñas esclavas sexuales de la pandilla MS en El Salvador](#). June 26, 2018.

²⁷⁵ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado](#). Centroamérica, Colombia, México y República Dominicana. 2021, pg. 36; Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

²⁷⁶ BBC Mundo. ["Piensan que somos más débiles, pero matar, matamos igual": el peligroso doble papel de las mujeres en las pandillas de Centroamérica](#). December 12, 2017; Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

²⁷⁷ American Institutes for Research & Florida International University. [A Study of Gang Disengagement in Guatemala](#). 2020, pg. 44; Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017; Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁷⁸ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012; El país. [Ellas ven oyen y callan](#). August 26, 2015.

²⁷⁹ Boerman, Thomas and Knapp, Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017; RT. [Escapar de la violencia hacia más violencia: cómo es la vida de las mujeres en las maras](#). December 7, 2015.

assailants, exposed to constant abuse by them or the other members of the gang, and even to being killed²⁸⁰.

96. Especially troubling is the situation of young and adolescent girls, who are forced to become sexually involved with gang members from around the age of 12 onward.²⁸¹ In her visit to El Salvador, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, stated that gangs were responsible for forced disappearances, forced recruitment of children, and the subjugation of women, which included “forcing young women and girls to become gang members’ sexual partners”²⁸². Thus, in gang-controlled neighborhoods, girls receive clear messages that both they and their bodies “belong” to the gang and its members, who control and commit violence against them with impunity, making them unable to refuse due to death threats against them and their families²⁸³. Furthermore, the control exerted over their bodies extends to their reproductive processes, such as pregnancy and forced abortion²⁸⁴.
97. The Inter-American Court has held that the complete autonomy of the individual to choose with whom he or she wishes to enter into a permanent marital relationship, whether it be a natural one (*de facto* union) or a formal one (marriage), derives directly from the principle of human dignity²⁸⁵. In this same vein, authorities of the universal system for the protection of human rights have held that a marriage or *de facto* union is understood as forced when it is lacking the full and valid consent of at least one of the parties, or one of them is unable to end the union due, among other things, to coercion or intense social or family pressure²⁸⁶; “in its most extreme form (...) forced marriage can involve threatening behavior, abduction,

²⁸⁰ Interpeace. [Violent Women and Violence Against Women. Gender Relations in the Maras and Other Street Gangs of Central America's Northern Triangle Region](#). April 2012.

²⁸¹ Committee on the Rights of the Child. [Concluding observations on the combined fifth and sixth periodic reports of El Salvador](#). CRC/C/SLV/CO5-6, November 29, 2018, para. 27.

²⁸² UN: Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). HRC/33/46/Add.1. August 3, 2016.

²⁸³ The Atlantic. [El Salvador's Gangs Are Targeting Young Girls](#). March 4, 2018.

²⁸⁴ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 195.

²⁸⁵ IACtHR. [Gender Identity, and Equality and Non-discrimination of Same-Sex Couples \(Interpretation and Scope of Articles 1\(1\), 3,7, 11\(2\), 13, 18 and 24 in relation to Article 1 of the American Convention on Human Rights](#). Advisory Opinion OC24/17 of November 24, 2017, para. 225.

²⁸⁶ UN: Human Rights Council. [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/HRC/31/57. January 5, 2016, para. 63; UN: General Assembly. [Report of the Secretary-General. In-depth study on all forms of violence against women](#) A/61/122/Add. 1. July 6, 2006, para. 122.

imprisonment, physical violence, rape, and in some cases, murder²⁸⁷.” Thus, forced marriage has been understood as a little-documented form of violence against women²⁸⁸.

98. It is likewise understood that there is a lack of “full and valid” consent when one of the contracting parties is not mature enough to make an informed decision about their partner²⁸⁹. In this regard, the IACHR has maintained that de facto child marriages or unions²⁹⁰ are an expression of forced marriage, since one of the partners is not mature enough to select their partner on the basis of full free and informed consent and there is a clearly unequal power relationship between spouses²⁹¹. Furthermore, this practice, which is considered to be grounded in discrimination by reason of sex, gender, and age, constitutes a violation of the human rights of girls and has a significant impact on their lives by reducing their opportunities for personal, educational, and professional development, and on their ability to make important decisions about their lives, including their economic independence. It reproduces cycles of poverty and women’s exclusion and puts them at greater risk of gender-based exploitation, abuse, and violence, especially sexual violence, and in some cases homicide²⁹². This is exacerbated by the child and adolescent pregnancy that usually results from forced de facto marriages or unions. UNICEF has declared that when children and adolescents are victims of this practice, it is a form of sexual abuse and exploitation²⁹³.

C. Gender-based killings of women and girls (femicides/feminicides)

99. While accurate information on the link between violent deaths of women and the criminal groups operating in El Salvador, Honduras and Guatemala is not always available, the

²⁸⁷ UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women](#). A/61/122/Add. 1. July 6, 2006, para. 122.

²⁸⁸ UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women](#). A/61/122/Add. 1. July 6, 2006, paras. 111 and 122.

²⁸⁹ UNICEF. [Hojas informativas sobre la protección de la infancia: Matrimonio infantil](#). 2006, pg. 18.

²⁹⁰ De facto early or premature unions have been regarded as an informal form of child marriage in that they follow informal patterns of family ties. See: Girls Not Brides. [The global partnership to end child marriage: Matrimonio Infantil en América Latina y el Caribe](#). 2017.

²⁹¹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233, November 14, 2019, para. 215. Similarly: CEDAW Committee and Committee on the Rights of the Child. [Joint general recommendation No. 32 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices](#). CEDAW/C/GC31/CRCC/GC/18. November 14, 2014, para. 20.

²⁹² IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, paras. 216 and 222; Similarly: UN: General Assembly. Report of the Secretary-General. [In-depth study on all forms of violence against women A/61/122/Add. 1](#). July 6, 2006, para. 122.

²⁹³ UNICEF. [Hojas informativas sobre la protección de la infancia: Matrimonio infantil](#). 2006, pg. 18.

information obtained suggests that numerous cases of femicides/feminicides are connected in various ways with the dynamics of these criminal groups²⁹⁴. In this regard, the past decade has witnessed an increase in particularly vicious killings of women that may be connected with the growing activities of organized crime networks in the illegal businesses of drug and arms trafficking, trafficking in women and migrants, etc.²⁹⁵

100. The IACHR notes that the criteria for classifying women's killings as femicides/feminicides²⁹⁶ – garnered in different ways from the legislation/regulations of each country – are deficient in that additional information is required that is not collected for all violent death record systems – e.g., the misogynistic nature of the murder or the relationship between victim and perpetrator. Thus, classifying certain murders of women as femicides or feminicides is a challenge²⁹⁷. The challenge is even greater in the case of violent killings of women connected with organized crime²⁹⁸. Here, the IACHR has observed that many of these cases are not duly investigated in terms of determining the identity of the perpetrators and the motive for the crime, though many appear to be associated with organized crime²⁹⁹. Similarly, UNDP notes that:

Up to now, the collateral issue of organized crime has not been explored; many of these femicides are invisible, as they are viewed as homicides. There are no detailed studies on the motive for femicide. There is a need to review homicide data and

²⁹⁴ Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 55. Information obtained during the virtual consultation with experts held June 16-17, 2021 during the preparation of this report. IACHR archive. See: Ministry of Justice and Public Security. [Informe Anual: Hechos de Violencia contra las Mujeres 2018](#). 2019, pg. 17; Revista Factum. [Así viven y mueren las mujeres pandilleras en El Salvador](#). March 11, 2016.

²⁹⁵ CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive.; La Prensa Gráfica. [Un cadáver dentro de una bolsa, un feminicidio y un asesinato por arma de fuego reportados durante este miércoles](#). December 22, 2021; Voice of America. [UNHCR identifica la violencia de género como un motor de la migración desde el Triángulo Norte](#), December 6, 2021; Tager Rosado, Ana Glenda and Argueta, Otto. [Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras](#). 2019.

²⁹⁶ The MESECVI Committee of Experts has defined femicide/feminicide as “the violent killing of women because of gender, whether it occurs within the family, domestic unit, or any interpersonal relationship, within the community, by any individual, or when committed or tolerated by the State or its agents, either by act or omission.” See: MESECVI. [Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls \(Femicide/Feminicide\)](#), 2018.

²⁹⁷ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 154 onward; InfoSegura, [América Latina enfrenta el reto de medición del femicidio](#). March 28, 2019.

²⁹⁸ Spotlight Initiative – Regional Programme for Latin America – UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 36; CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive.

²⁹⁹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II.Doc. 40/15. November 11, 2015, para. 242.

distinguish between homicide and femicide related to organized crime. There are no studies of this type. Clear criteria are lacking³⁰⁰.

101. Furthermore, according to the information obtained, half the killings of women in Central America's Northern Triangle are recorded as "motive unknown," a figure as high as 85% in El Salvador³⁰¹. These cases are deaths with insufficient information about the context, circumstances, or motives for the killings and in which there is a deliberate attempt to leave behind no clues or trace of them, a characteristic of some femicides connected with organized crime³⁰². Furthermore, in women's killings with a "known motive," which includes gangs/criminals, robbery, drugs/territorial disputes/extortion, and police shootings, some of them may be connected with organized crime, though it is impossible to know what percentage has been classified as femicide/feminicide and whether the investigations link them directly with organized crime³⁰³.
102. In the case of Honduras, civil society studies note the absence of adequate information and the difficulty of relating women's killings to individuals involved in organized crime and gangs³⁰⁴. For example, according to data from the Violence Observatory of *Instituto Universitario en Democracia, Paz y Seguridad* (IUDPAS), in 2019 it was reported that 9.1% of femicides were gangrelated and 11.7% were the result of narcotrafficking. However, if the deaths linked with contract killings are added, the percentage soars to 56.5%³⁰⁵. Moreover, according to information received for the preparation of this report, at least one third of all femicides characterized as such by IUDPAS occurred in the context of organized crime – a percentage that may even be higher if the 24% of femicides classified as "undetermined," many of which may be related to these contexts, are included³⁰⁶. It has also been noted

³⁰⁰ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.* 2021, pg. 31.

³⁰¹ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.* 2021, pg. 30.

³⁰² Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.* October 2020. IACHR archive.

³⁰³ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.* 2021, pg. 30

³⁰⁴ Tager Rosado, Ana Glenda and Argueta, Otto. *Relaciones, roles de género y violencia en las pandillas en El Salvador, Guatemala y Honduras.* 2019, pg. 31.

³⁰⁵ Observatorio Nacional de la Violencia. *Resultados del análisis enero-diciembre 2019.* October 5, 2021.

³⁰⁶ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.* October 2020. IACHR archive.

that personnel involved in the administration of justice have differing opinions on the percentage of femicides connected with organized crime, since, on the one hand, staff from prosecutor's offices believe that the figure is lower than IUDPAS statistics indicate, while staff from the Medical Examiner's office believe that the percentage is even higher, perhaps as high as 80% of all femicides³⁰⁷. At the same time, the information provided by the State indicates that the majority of women's murders up to the third quarter of 2021 and 2022 were attributable to criminality due to social conflict rather than organized crime, narcoactivity, and gangs³⁰⁸.

103. In many cases, the killings show signs of being committed with extreme cruelty and are attributable to perpetrators who do not always have intimate, family, or close ties with the victim. According to the information obtained, women's murders linked with the activities of organized crime differ from others in that they are more violent than other femicides and far more violent than the killings of men, inflicting great pain with the explicit intention of sending a message or warning to a rival group³⁰⁹. Women's dismembered bodies are usually stuffed into bags or wrapped in sheets, with evidence of torture, multiple fractures, or written messages. Furthermore, while the killings are not always preceded by rape, in most cases, the bodies are found semi-nude and often dismembered, burned, or with mutilation of their breasts or genitalia³¹⁰. As a prosecutor in El Salvador stated in an interview with UNDP:

In the gang world, men and women who violate an established rule in organized crime or gangs are not killed in the same way. A person whose job is extortion or collecting protection money from the population and keeps it, whether a man or a woman, will probably be punished with death. But how different will it be? The man will be killed directly; the woman, in contrast, will be sexually assaulted and her body put on display with her genitals exposed so that all society can see it, because that is the highest

³⁰⁷ CDM. Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.

³⁰⁸ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022, paras. 6 and 13. IACHR archive. Citing UNDP. [Boletín Análisis sobre la situación de la violencia y seguridad ciudadana al 3er trimestre \(enero-septiembre 2022\)](#), October 2022

³⁰⁹ USAID, UNDP, InfoSegura. [La Cara Escondida de la Inseguridad: Violencia contra mujeres de Centroamérica y República Dominicana](#). 2020, pg. 245.

³¹⁰ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR Archive; BBC Mundo. ["Piensan que somos más débiles, pero matar, matamos igual": el peligroso doble papel de las mujeres en las pandillas de Centroamérica](#). December 12, 2017.

*expression of the objectification of the body and contempt for women's bodies. It reaffirms male dominion over all that is feminine*³¹¹

104. Furthermore, the Commission notes that with the steady increase in women's and girls' involvement in criminal groups, their risk of becoming femicide victims also increases. For example, because they rank lowest in the narco-trafficking division of labor, they are much more vulnerable to this form of violence because they are "easily replaceable" – something that occurs less with men. Moreover, many women engage in activities that put them at greater risk – such as drug dealing, transport, and storage and overseeing and monitoring territories – since when the group considers it necessary, they can kill them to avoid being betrayed³¹². Extortion is another activity that puts women at greater risk, since they can be killed when they are unable to collect the protection money, when they steal or keep part of it, or when they have information about the group's activities. The same holds true for women involved in activities linked with the administration of the group's property or money laundering or who serve as "frontmen"³¹³.
105. The Inter-American and universal human rights systems have recognized that violent, gender-based killings of women are the most extreme and irreversible manifestation of violence against them and that they are not an isolated problem but part of a continuum of violence symptomatic of a pattern of structural discrimination against women.³¹⁴ In this regard, they coincide in recognizing that gender is the underlying cause and principal element of these killings. In this regard, the MESECVI Committee of Experts has stated that femicide/femicide, which it defines as "the violent killing of women because of gender" is rooted in the structural inequality existing between men and women and is an extreme act of hatred that "has consolidated the male hegemonic vision over women as an

³¹¹ Spotlight Initiative – Regional Programme for Latin America – UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana.* 2021, pg. 37.

³¹² See: Reséndiz Rivera, Nelly Erandy. *Mujeres, pandillas y violencia en Guatemala.* Cuadernos Intercambio sobre Centroamérica y el Caribe. 2017, 14(1), 50-75.

³¹³ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras.* October 2020. IACHR archive; InSight Crime. *Women and Organized Crime in Latin America: Beyond Victims and Victimiziers.* April 13, 2020.

³¹⁴ IACHR. *Violence and Discrimination against Women and Girls.* OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 154 onward; MESECVI. *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls (Femicide/Feminicide)*, 2018, pg. 11; CEDAW Committee. *General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992).* CEDAW/C/GC/35. July 26, 2017, paras. 14-20; Human Rights Council. *Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions on a gender-sensitive approach to arbitrary killings.* A/HRC/35/23, paras. 14 and 15 onward; Human Rights Council. *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo.* A/HRC/20/16. May 23, 2012, paras. 15 onward.

object of transgression and weakness; it is a configuration of the dominating system of patriarchal power”³¹⁵.

106. Furthermore, despite the international duty of the States concerning enhanced due diligence, the IACHR has noted that the murders of women are also characterized by impunity in a context of limited access to justice for the victims, stereotyped patterns, and social permissiveness³¹⁶. In this regard, the Commission recalls that, pursuant to the obligations derived from the Convention of Belém do Pará, when a women or girl is killed in a general context of gender violence, the States have a duty to officially investigate the potential discriminatory implications of the act, whether committed in a public or private setting³¹⁷. Thus, as authorities of the universal system assert, when women are killed because of gender, “the political, societal, and economic context in which it takes place [should be taken into account], including the responses of men to women’s empowerment; the political, legal, and societal reaction to such killings; the principle of the continuum of violence; and patterns of structural discrimination and inequality that continue to form part of the reality of women’s lives”³¹⁸.

D. Disappearances and torture

107. The Commission notes that gang exercise of territorial control extends to everyone who lives, crosses into, and does business in these areas, especially women and girls³¹⁹. As stated earlier, in these contexts, women are not only forced to have sex or enter into unions with gang members but often are individually targeted and abducted while going about their daily business or out in public and are generally taken to *casas locas*³²⁰. According to the available information, some disappearances are temporary, while others are permanent. In

³¹⁵MESECVI. [Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-related Killing of Women and Girls \(Femicide/Feminicide\)](#), 2018, pp. 11-13.

³¹⁶ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009](#). Series C No. 205. Judgment of November 16, 2009. Series C No. 205, paras. 399-401; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 154; IACHR. Press Release No. 062/17. [IACHR Condemns Killings of Women and Urges States to Intensify Prevention Efforts](#). May 16, 2017.

³¹⁷ IACtHR. [Case of Veliz Franco et al. v. Guatemala](#). Preliminary objections, merits, reparations and costs. Judgment of May 19, 2014. Series C No. 277, para. 187; IACtHR. [Case of Barbosa de Souza et al. v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of September 7, 2021. Series C No. 435, para. 130.

³¹⁸ Human Rights Council. [Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo](#). AHRC/20/16. May 23, 2012, para. 18.

³¹⁹ Internal Displacement Monitoring Centre (iDMC); Cristosal; Refugee Law Initiative - School of Advanced Study University of London. [A Web of Violence: Crime, corruption and displacement in Honduras](#). Thematic study. March 2019, pg. 26.

³²⁰ Boerman, Thomas and Knapp. Jennifer. [Gang Culture and Violence against Women in El Salvador, Honduras and Guatemala](#). Immigration Briefings, 17-03. March 2017.

most cases, the women and girls are subjected to different forms of gender violence, including torture, sexual violence, and murder.

Acts of torture

108. The information gathered indicates that gang abductions of women and girls, especially in Honduras and El Salvador, primarily take two forms. The first is temporary confinement, during which they are assaulted and abused, subjected to numerous forms of sexual violence, and released after several hours or days, having suffered serious physical and psychological harm. The second is confinement that ends in the victims' murder and the disappearance of their bodies. The reasons for disposing of their remains in clandestine graves are to prevent their bodies from being located by the authorities, perpetuate their dehumanization, inspire fear in the community, and intensify their families' pain³²¹.
109. Furthermore, the IACHR points out that the circumstances and motives for gang abductions of women and girls and their disappearance are gender-related, since in many of these cases, sexual violence, extreme cruelty, and viciousness predominate³²². These disappearances are used to punish women who have refused to collaborate with the group, have rebuffed the attentions of a gang member, have had relationships with rival gang members, or as punishment for individuals or families who stop paying protection money or refuse to give in to extortion. For example, in a case in Honduras:

[...] [G]ang members threatened to kill a woman after her family could no longer afford to pay protection money for the family business. Several gang members with guns, including a local crime leader, abducted the woman off the street, threw her into a truck, and took her to the leader's house, where he beat and raped her. She was abducted a total of 15 times in two months, and during each abduction was raped multiple times by the same man, who told her if she fought back the process would be bloodier for her. One perpetrator held an iron to his victim's leg during an abduction and rape, leaving a severe burn and deep scar³²³.

110. In light of this, the IACHR recalls that Article 5 of the ACHR generally enshrines the right to personal integrity, physical, mental, and moral. Article 5.2 specifically prohibits subjecting a

³²¹ Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 61.

³²² Fundación de Estudios para la Aplicación del Derecho – FESPAD. [La Desaparición de Personas y el Contexto de la Violencia Actual en El Salvador: Una Aproximación Inicial](#). April 2021, pg. 60.; The Atlantic. [El Salvador's Gangs Are Targeting Young Girls](#). March 4, 2018.

³²³ The Advocates for Human Rights, IANSA, CLADEM. [Honduras. Universal Periodic Review – 22nd Session – Honduras. Violence Against Women](#). 2015, para. 14.

person to torture or cruel, inhuman, or degrading punishment – a prohibition that today is enshrined in international law (*jus cogens*)³²⁴. In this regard, the Inter-American Court of Human Rights (IACtHR) has held that an act of torture can be perpetrated through acts of physical violence and acts that cause the victim to suffer physical, psychological, or moral anguish³²⁵. Thus, starting with the recognition that rape is an extremely traumatic experience that causes significant physical and psychological harm³²⁶, it has held that it and other forms of sexual violence against women can constitute cruel, inhuman, or degrading treatment, and even acts of torture, if they satisfy the elements of its definition³²⁷. Authorities of the European³²⁸ and universal³²⁹ human rights systems have made similar pronouncements.

111. Moreover, the IACtHR has recognized that the concept of torture is not limited solely to its commission by public authorities and that the responsibility of the State attaches not only by the direct action of its agents but by the instigation, consent, acquiescence, and failure

³²⁴ IACtHR. [Case of Maritza Urrutia v. Guatemala. Merits, Reparations and Costs](#). Judgment of November 27, 2003. Series C No. 103, para. 92; IACtHR. [Case of Espinoza González v. Peru. Preliminary objections, merits, reparations and costs.](#) Judgment of November 20, 2014. Series C No. 289, para. 141.

³²⁵ IACtHR. [Case of Cantoral Benavides v. Peru. Merits](#). Judgment of August 18, 2000. Series C No. 69, para. 100, 102; IACtHR. [Case of Rosendo Cantú et al. v. Mexico. Preliminary objections, Merits, Reparations and Costs.](#) Judgment of August 31, 2010. Series C No. 216, para. 114.

³²⁶ See Chapter 4. Section A of this report: *Sexual violence as a way of joining the group*.

³²⁷ In light of Article 5.2 of the American Convention and in line with the jurisprudence of the Inter-American Court, an act of torture exists when the mistreatment: i) is intentional; ii) causes severe physical and mental anguish, and iii) is committed for any reason or purpose. IACtHR. [Case of the Miguel Castro-Castro Prison v. Peru](#). Judgment of November 25, 2006. Series C No. 160, para. 312; [Case of López Soto et al. v. Venezuela](#). Judgment of September 26, 2018. Series C No. 362, para. 184.; [Case of Bedoya Lima et al. v. Colombia. Merits, reparations and costs.](#) Judgment of August 26, 2021. Series C No. 431, para. 101.

³²⁸ European Court of Human Rights. [Case of Aydin v. Turkey, No. 23178/94](#). [Translator could not find an equivalent link in English.] Judgment of September 25, 1997, para. 86. Furthermore, the European Court has ruled on the positive obligations deriving from Article 3 of the European Convention (Prohibition of torture) in cases of rape and sexual abuse. See, *inter alia*: European Court of Human Rights. [M.G.C. v. Rumania, No. 36934/08](#). [Translator could not find an equivalent link in English.] Judgment of May 24, 2016, para. 52; European Court of Human Rights. [M.C. Vs. Bulgaria, No. 39272/98](#). [Translator could not find an equivalent link in English.] Judgment of December 4, 2003, para. 153.

³²⁹ Committee for the Elimination of Discrimination against Women. [General recommendation No. 35 \(2017\) on gender-based violence against women, updating general recommendation No. 19 \(1992\)](#) CEDAW/C/GC/35. July 26, 2017, para. 16: “[I]gender-based violence against women may amount to torture or cruel, inhuman, or degrading treatment in certain circumstances, including in cases of rape, domestic violence or harmful practices”; Human Rights Council. [Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#). A/HRC/31/57. January 5, 2016, paras. 31 and 51; Human Rights Council. [Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak](#). A/HRC/7/3. January 15, 2008, paras. 28 – 31; Committee against Torture. [General comment No. 2 \(2007\) on the implementation of article 2 by States parties](#) CAT/C/GC/2. January 24, 2008, para. 18; Human Rights Committee. [General comment No 28: Article 3 \(The equality of rights between men and women\)](#) HRI/GEN/1/Rev.7. 2000, paras. 11 and 20.

to act when it could prevent such acts and did not do so.³³⁰ It has therefore held that, based on the new normative framework of the Convention of Belém do Pará, which should permeate the evolutive interpretation of conduct and acts of violence against women that may be categorized as torture, “acts of violence by private individuals cannot be excluded when they are committed with the State’s tolerance or acquiescence because it has deliberately failed to prevent them”³³¹. It has also added that violence against women also encompasses the private sphere; therefore, “it is necessary to recognize that intentional acts perpetrated by a private individual that cause a woman severe physical, sexual, or psychological suffering may constitute acts of torture and deserve a punishment adapted to their severity to achieve the goal of their eradication”³³².

Disappearances of women and children

112. The Commission observes with great concern the high figures for disappearances of women, particularly girls and young women, in Central America’s Northern Triangle³³³, noting that many of these disappearances may be linked to individuals involved in organized crime, especially in areas under its control. In Guatemala, for example, many women’s disappearances have been linked to the growth of narcotrafficking in certain parts of the country, as well as to gangs and personal vendettas among their members.

³³⁰ IACtHR. [Case of López Soto et al. v. Venezuela. Merits, reparations and costs.](#) Judgment of September 26, 2018. Series C 362, paras. 192, 195, and 196. In this regard and with respect to the evolutive approach, the Court has recognized that historically, the framework of protection against torture and mistreatment has developed in response to acts and practices verified mainly during the interrogatory in connection with an inquiry or trial for the commission of an offense, as well as in response to confinement as an instrument of punishment or intimidation. However, the international community has gradually recognized that torture and other inhuman treatment can also take place in other situations involving custody, dominance, or control, in which the victim is defenseless. IACtHR. [Case of I.V. v. Bolivia. Preliminary objections, merits, reparations and costs.](#) Serie 329. Judgment of November 30, 2016, para. 263, citing UN. Report of the Special Rapporteur on violence against women, its causes and consequences; Radhika Coomaraswamy. Policies and practices that impact women’s reproductive rights and contribute to, cause or constitute violence against women. E/CN.4/1999/68/Add.4. January 21, 1999, para. 44; Report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment., Juan E. Mendez, A/HRC/22/53. February 1, 2013, para. 15; Committee against Torture. General comment No. 2 on the implementation of article 2 by States parties. CAT/C/GC/2. January 24, 2008, para. 15.

³³¹ IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs.](#) Judgment of September 26, 2018. Series C No. 362, para. 197.

³³² IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs.](#) Judgment of September 26, 2018. Series C No. 362, para. 194. Similarly, referring to Article 1 of the United Nations Convention against Torture, the Special Rapporteur on torture, noted that violence against women outside direct State control “has frequently been used to exclude women from the scope of protection of CAT. However, [...] the language used in [that article] concerning consent and acquiescence by a public official clearly extends State obligations into the private sphere and should be interpreted to include State failure to protect persons within its jurisdiction from torture and ill-treatment committed by private individuals”. [Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3](#), January 15, 2008, para. 31.

³³³ See Chapter 2 of this report: *Persistent violence against women and girls in the context of organized crime.* [Chapter title in the footnote changed to match the title at the start of the chapter]

Furthermore, comparing the figures on disappearances in areas where criminal groups are present, investigative reporting has revealed that the areas with more reports of disappearances per square meter coincide with the presence of gangs³³⁴. In El Salvador, disappearances are perpetrated to exact vengeance or punishment, as in the case of women whose intimate partners are responsible for their disappearance. Such disappearances are linked with femicide, the use of bodies to mark territories, reprisals for refusing to take part in criminal activities or join a gang, personal or family revenge, or because the victim crossed into an area controlled by a rival gang³³⁵.

113. At the same time, the Commission takes note of the steps taken by El Salvador, Honduras, and Guatemala to address the disappearance of women and girls. Significant among them are the introduction of alerts to search for children and adolescents in the three countries³³⁶, as well as the search for women in Guatemala³³⁷. In addition, Honduras has created the Missing Persons Immediate Search Unit under the Police Investigation Office (DPI)³³⁸. El Salvador has implemented the Institutional Strengthening Project for missing persons cases associated with organized crime to reduce impunity in El Salvador 2017-2019, under the Attorney General's Office (FGR)³³⁹; created and implemented the Urgent Action Protocol (PAU) and the Missing Persons Search Strategy, developed by the

³³⁴ Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

³³⁵ La Brújula. [¿Dónde están? un grito interminable en El Salvador](#). May 11, 2021.; El Salvador. "Las adolescentes suelen ser desaparecidas por miembros de pandillas o por agresores sexuales", advierte defensora de derechos humanos. November 6, 2021.

³³⁶ **El Salvador** has introduced the "Ángel Desaparecido" [Missing Angel] Alert (AAD) under the Attorney General's Office (FGR) to immediately search for, locate, and rescue child and adolescent victims of abduction, human trafficking, and other crimes that deprive them of their liberty. See: El Salvador. [Alerta Ángel Desaparecido](#), 2021. **Guatemala** has the "Alba Keneth" system for locating children and adolescents, which has its own operations unit under the National Ombudsman's (PGN) Office for Children and Adolescents. The alert involves coordination with the International Criminal Police Organization (INTERPOL), which, in turn, activates an immediate 30-day search protocol beyond Guatemala's borders. See: Procuración General de la Nación, Guatemala. [Procuraduría de la Niñez y Adolescencia – Alerta Alba-Keneth](#). 2021. **Honduras** has the Early Amber Alert for locating children and adolescents. This system is comprised of 12 institutions, among them the Office for Children, Adolescents, and Families (DINAF), the Secretariat of Security, the National Telecommunications Commission (CONATEL), and the Public Ministry's Children's Prosecutor's Office. See: Tribunal Superior de Cuentas, Honduras. [Decreto No. 119-2015 - Ley de Alerta Temprana "AMBER", para localizar y proteger a niños, niñas y adolescentes desaparecidos o secuestrados](#). Adopted December 30, 2016; Honduras. [Alerta Amber Honduras](#). 2021; and, La Prensa. [Habilitan Alerta Temprana Amber para buscar a menores desaparecidos en Honduras](#). February 5, 2021.

³³⁷ Guatemala has the Isabel Claudina Alert, in which 10 State institutions participate. See: Congreso de la República de Guatemala. [Decreto No. 9-2016. Ley de Búsqueda Inmediata de Mujeres Desaparecidas](#). Published March 1, 2016.

³³⁸ International Committee of the Red Cross (ICRC). [Honduras: the missing](#). April 22, 2020.

³³⁹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

FGR in coordination with other State agencies³⁴⁰; produced specific instructions for police action in missing persons cases³⁴¹; amended the Criminal Code to recognize disappearances attributable to private parties as a crime³⁴²; created a special missing persons unit in the FGR that coordinates activation of the PAU to search for and locate missing persons and criminally investigate and prosecute cases³⁴³; and created the PNC's Missing Persons Portal, which enables the public to fill out an online form with relevant information and file a missing person's report³⁴⁴.

114. Notwithstanding, the Commission notes that the numerous challenges in reporting, investigating, and solving cases of missing women and girls in these countries include the persistent absence of a gender perspective in search and investigation procedures and the lack of information, provisions, or methodologies to link this form of violence against women with the activities of criminal groups. It further notes that, given the threats and intimidation to which women and girl victims of violence and their families are subject, these crimes are generally not reported to the authorities³⁴⁵. In addition to perpetuating their risk and heightening the impunity surrounding these crimes³⁴⁶, this results in a lack of understanding of the phenomenon and its scope and impedes the adoption of appropriate measures to combat it³⁴⁷.
115. The Commission finds that when women's disappearances are committed for reasons that are gender-based, they constitute a form of violence against women under the terms of the

³⁴⁰ In this regard, see: FGR. [Fiscal General presentó Instructivo para la Búsqueda de Personas Desaparecidas](#). August 12, 2019; InfoSegura, Guatemala, Honduras y El Salvador, [intercambian experiencias en Registro de Personas Desaparecidas](#). [Page not found] February 6, 2019.

³⁴¹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

³⁴² Fundación de Estudios para la Aplicación del Derecho. [Comunicado: Desaparición de Personas en El Salvador](#). April 7, 2021.

³⁴³ IACHR. Press Release No. 335/19 [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. See also: Fiscalía General de la República - El Salvador. [Fiscal General presentó Instructivo para la Búsqueda de Personas Desaparecidas](#), August 12, 2019.

³⁴⁴ In this regard, see: PNC, El Salvador. [PNC lanza portal de aviso sobre personas desaparecidas](#). September 25, 2019; PNC, El Salvador. [Portal de Personas Desaparecidas](#). 2021.

³⁴⁵ Revista Factum. [Así viven y mueren las mujeres pandilleras en El Salvador](#). March 11, 2016, pg. 12.

³⁴⁶ See Chapter 5, Section B of this report, [Access to justice and due diligence](#).

³⁴⁷ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

Convention of Belém Do Pará³⁴⁸. It also notes their close connection with other forms of violence prohibited by the Convention, since they create an enabling environment for the commission of additional acts of gender violence, such as sexual violence and femicide/femicide³⁴⁹. The Inter-American Court has therefore held that, in general contexts of violence against women, an obligation of strict due diligence arises when reports of missing women are filed to immediately conduct thorough search operations in the first hours and days to discover their whereabouts³⁵⁰. This obligation is reinforced when the disappearance of girls is involved, considering the greater risk to them due to their gender and age³⁵¹. Furthermore, in light of the obligation of strict due diligence, search and investigation procedures should include a gender perspective and be conducted by competent, impartial authorities trained in the matter³⁵².

E. Slavery-like practices

116. In contexts dominated by organized crime, women and girls are forced through threats, coercion, and multiple forms of violence to engage in activities that may constitute slavery-like practices. This includes tasks related to its illicit activities³⁵³, as well as activities characteristic of traditional gender roles, such as managing the household and caregiving. Furthermore, situations have been reported in which women and girls are forced to become the sexual partners of members of criminal groups and submit to other practices analogous to sexual slavery³⁵⁴. In this regard, the Commission recalls that the right not to

³⁴⁸ MESECVI Committee of Experts. [General Recommendation No. 2: Missing Women and Girls in the Hemisphere](#), 2018, pg. 13. [Translator could not find identical link and substituted this link to the same content]. The Working Group on Enforced or Involuntary Disappearances (WGEID) made a similar pronouncement: [General comment on women affected by enforced disappearances adopted by the Working Group on Enforced or Involuntary Disappearances](#), A/HRC/WGEID/982, 2013, para. 3

³⁴⁹ IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs](#). Judgment of September 26, 2018. Series C No. 362, para. 145; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 163; MESECVI Committee of Experts. [General Recommendation No. 2: Missing Women and Girls in the Hemisphere](#), 2018, pg. 13.

³⁵⁰ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009](#). Series C No. 205, paras. 283 and 293; IACtHR. [Case of Velásquez Paiz et al. v. Guatemala](#). Judgment of November 19, 2015. Serie C. No. 307, para. 122.

³⁵¹ IACtHR. [Case of Veliz Franco et al. v. Guatemala](#). Judgment of May 19, 2014. Series C No. 277, para. 134; IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 212.

³⁵² IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009](#). Series C No. 205, para. 455; IACtHR. [Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C No. 289, para. 242.

³⁵³ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#) OEA/Ser.LV/II. Doc 101. July 27, 2018, para. 34.

³⁵⁴ OHCHR. ["Protect the victims, particularly women and children" – UN expert on contemporary slavery urges El Salvador](#). April 29, 2016; IDMC. [A Web of Violence: Crime, corruption and displacement in Honduras](#). March 2019, pg. 26.

be subject to slavery, servitude, forced labor, or the slave trade and traffic in women enshrined in Article 6 of the ACHR is an essential provision of the American Convention and one of the core non-derogable rights³⁵⁵.

Forced labor and criminal exploitation

117. The Commission has learned about the situation of women who, under threats, are forced to care for children who are not theirs. According to public information, in communities in El Salvador, various women have been compelled to raise the sons and daughters of gang members as their own, while the gang members, their partners, or the parents of these children are in prison or outside the country³⁵⁶. The U.S. Department of State has also reported this situation in El Salvador³⁵⁷. According to its information, this phenomenon is found in at least three Salvadoran communities controlled by the *Barrio 18* gang. While at least 12 such cases have been found in one of these communities³⁵⁸, the IACHR indicates that the real extent of the phenomenon is still unknown.
118. According to accounts gleaned from the press, children are handed over to women in the community, who are forced to become their caregivers and even take on the role of mother through threats and intimidation without receiving any additional resources or financial compensation. These women are in no position to refuse and are not given any additional information about the children under their care. Once they begin caring for a child, they are hounded, harassed, and under constant surveillance³⁵⁹. For example, one of the women in this situation stated that:

[...] Around 2:00p.m., the phone rang. A man's voice told me they were putting the boy in my care and that whatever happened to him would be my fault. Did I understand? And they knew my family, so it wasn't very easy to get out of something that could be held against me [...] I didn't need to present him as child of theirs. We have simply learned what's what. Because just hearing how they speak is terrifying. Terrifying. [...]

³⁵⁵ IACtHR. *Case of the Hacienda Brasil Verde Workers v. Brazil*. Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, paras. 243 and 249; IACHR. Press Release No. 110/17. *In the World Day against Trafficking in Persons, the IACHR call on States to Adopt a Human Rights Approach in Response to the Diverse Forms of Human Trafficking* [Title is exactly as it appears in the Press Release, complete with mistakes in English.] July 31, 2017.

³⁵⁶ Revista Factum. *Las niñeras del Barrio 18*. December 6, 2017.

³⁵⁷ Boerman, Thomas y Golob, Adam. *Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking*. *Journal of Human Trafficking*. 1March 6, 2020, pp. 175-176.

³⁵⁸ Revista Factum. *Las niñeras del Barrio 18*. December 6, 2017.

³⁵⁹ Revista Factum. *Las niñeras del Barrio 18*. December 6, 2017.

They told me that if anything happened to the boy, they would know it. “They.” “We.” He said that they already knew where they could hurt me. In other words, they were talking about the gang. They told me that I already knew what they were. This was the only such call. But as time passed, they would call me, and all I could hear on the other end was heavy breathing. They just stayed like that. I thought they wanted to hear the boy, but what they wanted was for me to hear that breathing, as if to warn me that the animal was near³⁶⁰.

119. Fearing reprisals against themselves or their families, these women do not report this situation to the authorities charged with protecting the rights of children and adolescents. Moreover, the accounts reveal that the children involved have no identification papers, and there is no formal adoption, making it hard for such children to gain access to basic services (i.e. health and education) and at the same time preventing the women who care for them from making decisions on their behalf. Here, the Commission recalls the duty of special protection, which, in contexts of insecurity and violence, implies the duty to adopt adequate and appropriate special measures to protect the rights of children and adolescents in this situation³⁶¹.
120. Furthermore, the Commission observes that in territories controlled by organized crime, women and girls are forced to participate in the illicit activities of these groups, including robberies, the collection of protection money, the transport and sale of drugs, and the planning of kidnappings and murders. In addition, some activities are entrusted specifically to women, such as visiting jails; maintaining communication between incarcerated gang leaders and members in their neighborhood; or serving as sexual partners or “companions”³⁶².
121. In the case of women and girls who fail to engage in the forced activities or attempt to leave a gang, the threats or punishments include specific gender-based violence, including sexual violence and particularly grisly killings committed with misogynistic cruelty³⁶³. As the Special Rapporteur on contemporary forms of slavery, its causes and consequences has stated, once children and women are forcibly recruited into gangs, they are unable to leave and must remain in them and perform the tasks imposed on them. The Special Rapporteur

³⁶⁰ Revista Factum. [Las niñeras del Barrio 18](#). December 6, 2017.

³⁶¹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 269-277

³⁶² IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 196; UNHCR. [Women on the Run. First-hand accounts of refugees fleeing El Salvador, Guatemala, Honduras and Mexico](#). October 2015.

³⁶³ IACHR. [Violence, Children, and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 8.

expressed alarm at the reports describing this situation, stating that this could constitute contemporary forms of slavery.³⁶⁴

122. Here, the Commission recalls, that as established by the Inter-American Court, the definition of forced or compulsory labor has two basic elements: the work or service is exacted under the menace of a penalty, and it is performed involuntarily³⁶⁵. The menace can consist of the real and actual presence of a threat, which can assume different forms and degrees, the most extreme of which are those that imply coercion, physical violence, isolation or confinement, or the threat to kill the victim or his next of kin.³⁶⁶ The involuntary nature of the work or service (i.e., unwillingness to perform it) consists of the absence of consent or free choice at the time the situation of forced labor begins or continues, which can occur for different reasons, such as illegal deprivation of liberty, deception, or psychological coercion³⁶⁷.
123. The Commission further notes that the activities forced on women, such as childcare, are influenced by the gender stereotypes and roles that society assigns to men and women, as well as the social normalization of what is expected of them³⁶⁸. In particular, it notes that caregiving is very demanding, limiting women's ability to advance toward economic, physical, and decision-making independence³⁶⁹ and reproducing the patterns of discrimination and exclusion to which they have historically been subject. In this regard, the Commission recalls that Article 6 of the Convention of Belém do Pará expressly states that the right of women live free of violence includes the right "to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination." Furthermore, Article 8(b) of that same Convention obligates the

³⁶⁴ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). A/HRC/33/46/Add.1. August 3, 2016, para. 35, 36

³⁶⁵ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 155-160; IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, paras. 291 and 92.

³⁶⁶ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 161.

³⁶⁷ IACtHR. [Case of the Ituango Massacres v. Colombia](#). Judgment of July 1, 2016, para. 164; IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, para. 293.

³⁶⁸ IACHR. Report No. 04/01. Case 11.625. Merits. María Eugenia Morales de Sierra. Guatemala. 2001, para. 52; IACHR. Report No. 51/13. Case 12.551. Merits. Paloma Angélica Escobar Ledezma et al. Mexico. 2013, para.119. See also IACHR. Report on Poverty and Human Rights in the Americas. OEA/Ser.LV/II.164 Doc. 147. 2017, para. 186. IACHR. Access to Justice for Women Victims of Violence in the Americas. OEA/Ser.LV/II. Doc. 68. 2007, para. 151. IACHR. [Annex I. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 3.

³⁶⁹ UN Women. [El Trabajo de Cuidados: Una Cuestión de Derechos Humanos y Políticas Públicas](#). May 2018, pg. 220. [Page and English version not found]

States Party to gradually adopt specific measures, including programs “to modify social and cultural patterns of conduct of men and women” that underlie the different forms of violence against women.

Sexual slavery

124. The Special Rapporteur on contemporary forms of slavery, its causes and consequences noted that while in El Salvador, she had received multiple reports of slavery-like practices in the context of gang violence. These practices took various forms, including the sexual enslavement of women and girls³⁷⁰. According to the accounts she received, one of the most common forms of sexual and other forms of exploitation through extortion consists of forcing women and girls to provide sexual services to imprisoned gang members³⁷¹. As the Rapporteur states in her report:

Gang members reportedly threaten women and their families with violence or death in order to force them to repeatedly make conjugal visits to gang leaders and members in prisons. In many instances, they are also forced to smuggle telephones and weapons into the prisons. In some situations, women and girls are reportedly forced to comply with a regular schedule of conjugal visits compiled by gangs. Some young girls in school have been told they have been selected as a “gift” for a gang leader. As a result, one mother of young girls told [the Special Rapporteur] that she would not allow her daughters to attend secondary school for fear of them falling prey to gangs that target girls in schools...”³⁷²

125. Similarly, investigators who obtained statements from women victims cite the case of Lidia in El Salvador, about whom it is said:

After killing her brother, the Barrio 18 gang claimed Lidia as “property” in order to punish him in the grave and forced her to begin visiting one of the gang’s leaders in prison. For over three years she was forced to make conjugal visits under threat of death, during which Lidia endured extreme violence, including being forced to have humiliating, painful sex. She often left the prison bruised from the abuse and states that while the prison staff clearly recognized that she was injured, the authorities never said anything about it or intervened [...] After she fled the community to

³⁷⁰ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). A/HRC/33/46/Add.1. August 3, 2016, para. 32.

³⁷¹ UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). A/HRC/33/46/Add.1. August 3, 2016, para. 33.

³⁷² UN, Human Rights Council. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her mission to El Salvador](#). A/HRC/33/46/Add.1. August 3, 2016, para. 33.

*escape, Barrio 18 members abducted a member of Lidia's family and tortured him to coerce her into returning*³⁷³.

126. Likewise, many women and girls report having been forced to become or are at risk of becoming the “girlfriends” of gang members, which involves numerous forms of violence, such as early unions, forced unions, physical and psychological violence, as well as sexual violence. Regarding the latter, the Commission points to numerous reports of women being subjected to forms of sexual slavery. Once recruited, they are forced under threat to submit to a range of sexual practices, being objects of sexual violence and rape, sometimes for prolonged periods and, on many occasions by several male gang members³⁷⁴.
127. According to the Special Rapporteur on contemporary forms of slavery, its causes and consequences, the forced recruitment of girls and young women into gang activities, and especially their forced prostitution through “conjugal visits” to gang members in prison, are extreme forms of sexual exploitation and human degradation that involve the exercise of powers similar to property rights over these individuals³⁷⁵.
128. In this regard, the Inter-American Court has held that the two basic elements that define a situation as slavery are the status or condition of a person, on the one hand, and the exercise of some of the powers attaching to the right of ownership, on the other – in other words, the enslaver exercises power or control over the enslaved person to the point of obliterating the personality of the victim³⁷⁶. This latter includes the restriction or control of an individual's autonomy; the loss or restriction of freedom of movement; the accruing of some gain to the perpetrator; the absence of the victim's consent or free will, or it is rendered impossible or irrelevant by the threat or use of force or other forms of coercion, the fear of violence, deception, or false promises; the use of physical force or psychological oppression; the victim's position of vulnerability; detention or captivity; and exploitation³⁷⁷. Moreover, it is important to consider the victims' perspective when interpreting their

³⁷³ Boerman, Thomas y Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). *Journal of Human Trafficking*. March 16, 2020.

³⁷⁴ The Guardian. ['It's a crime to be young and pretty': girls flee predatory Central America gangs](#). November 23, 2016.

³⁷⁵ OHCHR. [“Protect the victims, particularly women and children” – UN expert on slavery urges El Salvador](#). April 29, 2016.; The Guardian. ['It's a crime to be young and pretty': girls flee predatory Central America gangs](#). November 23, 2016.

³⁷⁶ IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary Objections, Merits, Reparations and Costs. Judgment of October 20, 2016. Series C No. 318, para. 269; IACtHR. [Case of López Soto et al. v. Venezuela](#). Merits, Reparations, and Costs. Judgment of September 26, 2018. Series C No. 362, para. 174.

³⁷⁷ IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Judgment of October 20, 2016. Series C No. 318, para. 272.

perception of the coercion to which they are subjected³⁷⁸, especially when the victims are women and girls³⁷⁹.

129. The Inter-American Court has held that sexual slavery is a particular form of slavery in which sexual violence³⁸⁰ plays a preponderant role in the exercise of the powers attaching to the right to ownership of a person. In such cases, factors related to limitations on the victim's sexual autonomy and activity can constitute indicators of the exercise of control. Furthermore, the Court has held that the element of slavery is determinant to differentiate such acts from other forms of sexual violence. The identification of such conduct as a form of slavery renders all obligations associated with the nature *jus cogens* of its prohibition applicable; that is, the absolute and non-derogable nature of the obligations³⁸¹. In addition, it should be emphasized that the Court has noted the need to underscore the “sexual” nature of this form of slavery to recognize this more specific characteristic that disproportionately affects women, because it exacerbates the historic and persistent subordination/ domination relationship between men and women, constituting a manifestation of discrimination against women³⁸².

³⁷⁸ Written version of the assessment presented by Daniela Kravetz during the public hearing before the Inter-American Court on February 6, 2018 (Merits file, Vol. I, folio 830), citing UN. Systematic rape, sexual slavery and slavery-like practices during armed conflict: *Final report submitted by Special Rapporteur Gay McDougall*, E/CN.4/Sub.2/1998/13, 2000, para. 29.

³⁷⁹ IACtHR. [Case of López Soto et al. v. Venezuela, Merits, reparations and costs](#). Merits, Reparations and Costs. Judgment of September 26, 2018. Series C No. 362, para. 175.

³⁸⁰ “Sexual violence” is understood as “any violence, physical or psychological, carried out through sexual means or by targeting sexuality”. It covers both physical and psychological attacks on a person's sexual characteristics, such as forcing a person to strip naked in public, mutilating a person's genitals, as well as situations intended to inflict severe humiliation on the victims, such as compelling two victims to perform sexual acts on one another or forcing others to watch acts of sexual violence to intimidate them. UN: Sub-Commission on the Prevention of Discrimination and Protection of Minorities [\[Sub-Commission indicated in the actual document\]](#). [Systemic rape, sexual slavery and slavery-like practices during armed conflict Final report submitted by Ms. Gay J. McDougall, Special Rapporteur](#). E/CN.4/Sub.2/1998/13. June 22, 1998, paras. 21 and 22.

³⁸¹ IACtHR. [Case of López Soto et al. v. Venezuela, Merits, Reparations and Costs](#). Judgment of September 26, 2018. Series C No. 362, para. 176. The United Nations Special Rapporteur on contemporary forms of slavery has made similar statements. UN: Sub-Commission on the Prevention of Discrimination and Protection of Minorities [\[See comment immediately above\]](#). [Systemic rape, sexual slavery and slavery-like practices during armed conflict. Final report submitted by Ms. Gay J. McDougall, Special Rapporteur](#). E/CN.4/Sub.2/1998/13. June 22, 1998, paras. 8, 27, and 29.

³⁸² IACtHR. [Case of López Soto et al. v. Venezuela, Merits, Reparations and Costs](#). Judgment of September 26, 2018. Series C No. 362, para. 181.

F. Violence against women and girls in situations of human mobility

130. The Commission has observed that in the Northern Triangle of Central America, the roots of forced displacement³⁸³, both internal and international³⁸⁴ lie, *inter alia*, in the violence, insecurity, and systematic human rights violations committed by organized crime in these countries³⁸⁵. In this regard, the Commission announces that the causes, consequences, and impacts of forced displacement will be examined in depth in its report *Regional Protection of Persons in Contexts of Human Mobility in Central and North America: The situation of migrants, refugees, and returnees*. In this section, therefore, the Commission will focus on the intersection of gender components with the causes and consequences of human mobility linked with the activities of organized crime.

³⁸³ The Commission has recognized that human mobility is a multicausal phenomenon that is either voluntary or forced. In the first case, people migrate without any type of coercion; in the second, people are compelled to migrate because their lives, safety, or liberty is in jeopardy from different causes, such as armed conflict, widespread violence, natural disasters, etc. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc 46/15. December 31, 2015. para. 3.

³⁸⁴ La IACHR has stated that human mobility includes both international and internal migration. International migration occurs when a person or group of persons crosses one of their country's internationally recognized borders with the intention of settling, either temporarily or permanently, in another country. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.LV/II. Doc 46/15. December 31, 2015, para. 2.

³⁸⁵ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#) OEA/Ser.LV/II. Doc.101/18. July 27, 2018, para. 29; IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.LV/II. Doc 46/15. December 31, 2015, para. 19, 45. With regard to **El Salvador**, the IACHR has learned that the Constitutional Chamber of the Supreme Court of Justice handed down amparo judgement 411/17 of July 13, 2018, which recognizes that the roots of forced displacement lie in the prevailing context of violence and insecurity in areas of the country controlled by gangs, and in the systematic human rights violations committed by organized crime. IACHR. Press Release No. 178/18. [IACHR and the UN's Special Rapporteur on the Human Rights of Internally Displaced Persons Welcome Decision Made by El Salvador's Constitutional Chamber on Internal Displacement Caused by Violence](#). August 10, 2018. With regard to **Honduras**, the IACHR has observed that internal displacement is due, among other things, to the levels of violence and the activities of criminal organizations. IACHR. Press Release No. 014/21. [Honduras: UN and IACHR Experts Urge Immediate Adoption of Law to Protect Internally Displaced People](#). January 27, 2021. Similarly, UNHCR has stated that in Honduras, those most responsible for forced displacement are organized crime groups. UNHCR. [¿Es el desplazamiento forzado otro ejemplo de la feminización de la violencia en Honduras? Investigación sobre violencia sexual y femicidios como causas del desplazamiento forzado](#). September 22, 2021, pg. 44. This is also confirmed in the report by the Interinstitutional Committee for the Protection of Persons Displaced by Violence, which concluded that the new types of territorial groups in the region, fueled by the illicit funds generated by drug trafficking and the diversification of criminal activities (extortion, kidnapping, etc.), have created complex situations of violence, one of whose consequences is forced displacement. Interinstitutional Committee for the Protection of Persons Displaced by Violence. [Caracterización del Desplazamiento Interno en Honduras](#). November 2015, pg. 22. With respect to **Guatemala**, the IACHR has noted that the causes of internal displacement include extortion, threats, the presence of organized crime, and drug-trafficking. IACHR. 2018 Annual Report. [Chapter V. Follow-up of Recommendations Issued by the IACHR in Its Country Thematic Reports. The Human Rights Situation in Guatemala](#). 2018, pg. 658. IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 209. Furthermore, the Office of the Human Rights Ombudsman (PDH), determined that between 2017 and 2018, there were 110 cases of individuals forcibly internally displaced due to violence. Office of the Human Rights Ombudsman. [Diagnóstico sobre desplazamiento forzado interno desde el análisis de expedientes de La Procuraduría de los Derechos Humanos, periodo 2017-2018](#). Undated.

131. The IACHR observes that a common feature of human mobility in the three countries examined in this report is that women are generally the majority of people in situations of forced displacement. In its report on internal mobility, the Government of El Salvador noted that, as in the entire population, the women in the families surveyed are also the majority (54%) of the population mobilized by violence³⁸⁶. In Guatemala, according to a report from the Human Rights Ombudsman (PDH), the majority of forcibly internally displaced persons between 2017 and 2018 (72%) were women³⁸⁷. Furthermore, according to a study characterizing internal displacement in Honduras, 55% of the members of displaced households are women³⁸⁸. In the case of the migrant population, the information gathered indicates that women account for 49.1% of Salvadoran migrants³⁸⁹, 50.03% of Honduran migrants³⁹⁰, and 50.72% of Guatemalan migrants³⁹¹.
132. The information obtained for the preparation of this report indicates that across the board, the high rates of gender violence against women and the context created by the presence and activities of criminal groups influences women's decision to uproot themselves and move to other areas of the country or to migrate to other countries³⁹². Added to this is the lack of protection from the relevant authorities when allegations of violence are reported³⁹³. Moreover, not only are women the largest displaced population group, but they have greater

³⁸⁶ Ministry of Justice and Public Security. Government of El Salvador. [Caracterización de la Movilidad Interna a Causa de la Violencia en El Salvador, Informe Final](#). March 2018.

³⁸⁷ Office of the Human Rights Ombudsman. [Contribución del Procurador de los Derechos de Guatemala sobre “el nexo entre los desplazamientos forzados y las formas contemporáneas de esclavitud” en ocasión del 48o período de sesiones del Human Rights Council de las Naciones Unidas](#). March 2021.

³⁸⁸ Inter-institutional Committee for the Protection of Persons Displaced by Violence. [Estudio de Caracterización del desplazamiento interno por violencia en Honduras 2004-2018](#), December 2019, pg. 31.

³⁸⁹ Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017.

³⁹⁰ UN: Population Division. [International Migrant Stock 2020](#). 2020.

³⁹¹ UN: Population Division. [International Migrant Stock 2020](#). 2020.

³⁹² In this regard, UNHCR has determined that asylum-seekers from the Northern Triangle of Central America have certain “risk profiles,” including persons pursued by gangs, persons engaged in activities likely to be the targets of extortion, victims and witnesses of crimes committed by gangs or members of law enforcement, children and youth in areas where gangs operate, women and girls in areas where gangs operate, and LGBTI people. In this regard, UNHCR notes that some regional instruments, such as the Cartagena Declaration, clearly require that refugee status be granted to people fleeing generalized violence in their countries, as in the Northern Triangle countries of Central America. UNHCR. [Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador](#). HCR/EG/SLV/16/01. March 2016. See also: Amnesty International. [Home Sweet Home? Honduras, Guatemala and El Salvador's Role in a Deepening Refugee Crisis](#). October 14, 2016, pg. 27.

³⁹³ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#), OEA/Ser.L/V/II. Doc. 101. July 27, 2018, para. 29; UNHCR. [UNHCR urges more effective action against gender-based violence in the north of Central America](#). December 6, 2021.

problems related to displacement³⁹⁴ and are at constant risk of falling victim to different forms of gender violence in the course of their migration³⁹⁵.

Causes of forced internal and international displacement of women and girls

133. In the particular case of Central America's Northern Triangle, many women and girls feel compelled to flee³⁹⁶ the violence and control exerted by gangs and criminal groups over them and their families. Many women abandon their home, undertaking dangerous journeys to save themselves or the lives of their families when they have been victims of violence³⁹⁷, witnesses to acts of violence³⁹⁸, victims of extortion, threatened (including with death), or fear that their sons and daughters will fall victim to the rampant social violence in the country³⁹⁹. According to the available information, those who face higher levels of persecution by criminal groups are young women, female heads of household, and trans women⁴⁰⁰.
134. Consistent with the above, the IACHR observes that many women decide to leave these countries to protect their children on seeing them threatened if they do not to join criminal

³⁹⁴ IACtHR. [Case of Yarce et al. v. Colombia. Preliminary Objection, Merits, Reparations and Costs](#). Judgment of November 22, 2016. Series C No. 325, para. 243.

³⁹⁵ The CEDAW Committee has recognized that internal and international displacement has specific gender dimensions and that the CEDAW Convention applies at every stage of the displacement cycle: during flight, in settlement, and upon return. CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25.

³⁹⁶ See: IACHR. [Audiencia regional sobre protección de personas en movilidad humana en Centro y Norteamérica. La situación de personas migrantes, refugiadas y retornadas](#), 181st Period of Sessions of the IACHR, October 26, 2021

³⁹⁷ UN. [La Agencia de la ONU para los Refugiados solicita ayuda urgente para un millón de desplazados centroamericanos](#). May 15, 2021; The Intercept. [Despite U.S. Asylum Ban, Honduran Women Fleeing Violence Remain Undeterred](#). October 8, 2019; UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

³⁹⁸ Ministerio de Justicia y Seguridad Pública, Gobierno de El Salvador. [Caracterización de la Movilidad Interna a Causa de la Violencia en El Salvador, Informe Final](#). March 2018, pg. 23.

³⁹⁹ Inter-American Development Bank (IDB). [La migración desde una perspectiva de género: ideas operativas para su integración en proyectos de desarrollo](#). [\[Link goes to Mafia of the Poor article of the International Crisis Group\]](#). March 2021; Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017; El Faro. [Mujeres que Migran](#). December 17, 2019; Willers, Susanne. [Migración y Violencia: Las Experiencias de Mujeres Migrantes Centroamericanas en Tránsito por México](#). *Sociológica (Mex.)* Vol. 31 No. 89. 2016.

⁴⁰⁰ Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017; El Faro. [Mujeres que Migran](#). December 17, 2019.

groups or engage in illicit activities on their behalf⁴⁰¹. Furthermore, extortion, the main economic engine of criminal groups in the region, “is one of the leading causes of forced displacement in gang-controlled communities through the threat it poses to powerless civilians, especially women and children⁴⁰²”. In fact, in numerous accounts received by UNHCR, women in Honduras, Guatemala, and El Salvador say they are victims of extortion by criminal groups. Many of them say they have been compelled to move or migrate outside the country after being threatened or assaulted to pay “rent” or taxes on the income they receive from their economic activities or to pay it for relatives who have emigrated⁴⁰³.

135. Furthermore, the information received is consistent in indicating that, in addition to organized crime and gang activities, gender-based violence, including that perpetrated by criminal groups, is driver of the forced displacement of women and girls and the families that accompany them⁴⁰⁴. Here, the Commission notes that many leave their homes to flee the gender violence perpetrated by criminal groups, particularly that associated with abusive, violent, or forced relationships with gang members⁴⁰⁵. Accounts received by UNCHR confirm this situation⁴⁰⁶. For example:

⁴⁰¹ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰² International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#), Report No. 62 – Latin America & Caribbean, April 6, 2017.

⁴⁰³ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰⁴ IACHR. [Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines](#). OEA/Ser.LV/II. Doc.101. July 27, 2018, para. 33; IACHR. 2018 Annual Report. [Chapter V. Follow-up of Recommendations Issued by the IACHR in Its Country Thematic Reports. The Human Rights Situation in Guatemala](#). 2018, pg. 658; IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 209; IACHR. Press Release 17/18. [IACHR Has Concluded its visit to Honduras and Presents its Preliminary Observations](#). August 3, 2018. In this regard the CEDAW Committee has recognized that violence against women and girls is one of the main forms of persecution that they endure and can therefore be a reason to grant them refugee status and asylum or residence permits for humanitarian reasons. CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. See also: UNHCR. [UNHCR urges more effective action against gender-based violence in the north of Central America](#). December 6, 2021; UNHCR. [¿Es el desplazamiento forzado otro ejemplo de la feminización de la violencia en Honduras? Investigación sobre violencia sexual y femicidios como causas del desplazamiento forzado](#). September 22, 2021, pg. 47.; NBC News. [Sexual, Gender Violence Driving Central American Youths to Flee Their Countries](#). May 4, 2017

⁴⁰⁵ International Crisis Group. [Mafia of the Poor: Gang Violence and Extortion in Central America](#). Report N°62, April 6, 2017. In this regard, following her visit to El Salvador, the Special Rapporteur on the human rights of internally displaced persons stated, “Street gangs pose a constant threat to young women and girls, who are particularly vulnerable to threats, intimidation and violence. Sexual violence by gangs is commonplace, and high levels of femicide have been reported. The general risk to girls from the gangs leads many families to leave. For those who remain and become voluntarily or through coercion associated with gang activities, this can result in violence or prison for some.” See: Report of the Special Rapporteur on the human rights of displaced persons on her visit to El Salvador, [AHRC/38/39/Add.1](#), April 23, 2018, para. 27.

⁴⁰⁶ CIDEHUM and UNHCR. [Forced Displacement and Protection Needs produced by New Forms of Violence and Criminality in Central America](#). May 2012.

“He said that no woman had ever turned him down and if I refused to be his “girlfriend”, he would kill me and my family. I didn’t want to leave home, but after that, we couldn’t stay; we left for Mexico in the middle of the night” – Account of Sara, a Salvadoran girl⁴⁰⁷.

“Gangs treat women much worse than men. They want us to become members but make us be gang members’ ‘girlfriends’ by threatening us, and it’s never just sex with one of them; it’s forced sex with all of them. Women are raped by them, tortured by them, and abused by them” – Account of Nelly, a Honduran girl.⁴⁰⁸

136. The reasons for displacement in the particular case of LGBTI women in El Salvador and Honduras, include the abuse, intimidation, and violence they experience because of their sexual orientation, gender expression, and/or gender identity⁴⁰⁹. In this regard, the IACHR has been informed that trans women, who are stigmatized and discriminated against in different areas of their daily lives due to patriarchal societal norms, are especially vulnerable to violence, persecution, and extortion at the hands of gangs⁴¹⁰.

⁴⁰⁷ The Guardian. [‘It’s a crime to be young and pretty: girls flee predatory Central America gangs](#). November 23, 2016.

⁴⁰⁸ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴⁰⁹ According to UNHCR, 88% of LGBTI asylum-seekers and refugees from the Northern Triangle interviewed for this study reported having experienced sexual and gender violence in their countries of origin. See: Amnesty International. [Sin Lugar que me Proteja: Solicitantes de Asilo en Mexico por Razón de su Orientación Sexual y/o Identidad de Género Provenientes de El Salvador, Guatemala y Honduras](#). October 2017, pg. 7.

⁴¹⁰ Equipo de Reflexión, Investigación, and Comunicación (ERIC); Casa Alianza Honduras; Red Lésbica Cattrachas; Asociación Pop Noj; Comunicando y Capacitando a Mujeres Trans con VIH en El Salvador (COMCAVIS); Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (IDHUCA); Asociación Salvadoreña por los Derechos Humanos (ASDEHU); el Centro por la Justicia y el Derecho Internacional (CEJIL), and Amnesty International. Request for a Thematic Hearing during the IACHR’s 164th Period of Sessions on: “The invisible crisis of migrants, refugees, or asylum-seekers returned to the Northern Triangle of Central America”. May 31, 2017. IACHR archive; Ministry of Foreign Affairs of El Salvador. [Mujeres, niñez y migración: La experiencia de El Salvador](#). Reunión extraordinaria de la Mesa Directiva de la Conferencia Regional sobre Población y Desarrollo. November 7-9, 2017;

137. The IACHR further notes that another reason for the displacement of women and girls in contexts dominated by organized crime is lack of protection from the relevant authorities⁴¹¹. On the one hand, it observes that most women do not report such violence or seek protection from government mechanisms for fear of reprisals by criminal groups and because they distrust the authorities, whom they often consider “corrupt, inept, or collaborating with the illegal groups⁴¹²”. On the other, the information obtained indicates that the few women who do report the violence against them have serious difficulty obtaining protection or assistance, leaving them no option but to abandon their home and move elsewhere in the country or across borders, largely toward the north⁴¹³.
138. In this regard, the available information indicates that the situation is more serious in the case of Indigenous⁴¹⁴ and LGBTI⁴¹⁵ women. Specifically, the Commission has been informed of the particular lack of protection for trans women, who are regularly harassed,

⁴¹¹ IACHR. *Internal Displacement in the Northern Triangle of Central America. Public Policy Guidelines*. OEA/Ser.LV/II. Doc.101. July 27, 2018, para. 29; UNHCR. *UNHCR urges more effective action against gender-based violence in the north of Central America*. December 6, 2021. Furthermore, accounts received by UNHCR indicate that 64% of the 160 women interviewed in El Salvador, Guatemala, Honduras, and Mexico who requested asylum described being “targets of direct threats and attacks by members of armed criminal groups as one of the primary reasons for their flight [...] the women consistently stated that police and other law enforcement authorities were not able to provide sufficient protection from the violence. More than two-thirds tried to find safety by fleeing elsewhere in their own country, but said this did not ultimately help. Sixty per cent of the women interviewed reported attacks, sexual assaults, rapes, or threats to the police or other authorities. All those women said that they received inadequate protection or no protection at all. Forty per cent of the women interviewed for this study did not report harm to the police; they viewed the process of reporting to the authorities as futile.” See: UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

⁴¹² Cristosal. *Desplazamiento Forzado Interno en Guatemala*. May 2021; UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

⁴¹³ UNICEF. *Death threats and gang violence forcing more families to flee Northern Triangle – UNHCR and UNICEF survey*. December 17, 2020; Pulte Institute for Global Development, University of Notre Dame. *Addressing the Sex and Gender-Based Violence in Guatemala, Honduras and El Salvador Fueling the US Border Crisis: Impunity, and Violence Against Women and Girls*. April 2020, pg. 7; UNHCR, World Vision. *Niñez migrante, un viaje sin derechos*. July 2019; Internal Displacement Monitoring Centre (IDMC), Policy Research Institute. *Cause or Consequence? Reframing violence and displacement in Guatemala*. September 2018; KIND (Kids in Need of Defense), Latin America Working Group, Women’s Refugee Commission. *Sexual and Gender Based Violence (SGBV) & Migration Fact Sheet*. January 2017; UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015. Coordinadora de Instituciones Privadas Por las Niñas, Niños, Adolescentes, Jóvenes y sus derechos (COIRPODEN), Coordinadora de Promoción de los Derechos de la Niñez (COPRODENI) Guatemala, Red de Infancia y Adolescencia de El Salvador (RIA). *Reports of violations of the human rights of migrant children and adolescents in Central America, Mexico, and the United States, request for a hearing during the IACHR’s 173rd Period of Sessions*. IACHR archive; *Red por los derechos de la Infancia en México, Seropis violations of the human rights of migrant children and adolescents in Central America, Mexico, and the United States, request for a hearing during the IACHR’s 173rd Period of Sessions*. IACHR archive.

⁴¹⁴ Stephen, Lynn. *Violencia transfronteriza de género y mujeres indígenas refugiadas de Guatemala*. *Revista CIDOB d’ Afers Internacionals*, No. 117. 2017.

⁴¹⁵ UNHCR. *Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico*. October 2015.

intimidated, and assaulted by police personnel and government authorities. Moreover, when they are crime victims, they encounter serious obstacles to accessing justice from law enforcement authorities, who discriminate against them and rarely investigate their cases, ultimately increasing their risk and lack of protection⁴¹⁶.

Risks and consequences of the forced internal and international displacement of women and girls

139. From the point of origin, through the journey, to the destination and return, the migration process entails numerous risks for all people in situations of human mobility⁴¹⁷, whether displaced in their own country or migrating to other countries⁴¹⁸. In this regard, the Commission has expressed its grave concern about the situation of migrant women, who because of their gender, are highly vulnerable to different forms of violence along the migration path⁴¹⁹.
140. According to the available information, women migrants have been victims of physical violence; sexual violence, including rape; disappearances; kidnapping; murder; or have been threatened with them. Furthermore, the information gathered indicates that migrant flows also fuel criminal human trafficking networks and in more than a few cases, someone

⁴¹⁶ Equipo de Reflexión, Investigación y Comunicación (ERIC); Casa Alianza Honduras; Red Lésbica Cattrachas; Asociación Pop Noj; Comunicando y Capacitando a Mujeres Trans con VIH en El Salvador (COMCAVIS); Instituto de Derechos Humanos de la Universidad Centroamericana José Simeón Cañas (IDHUCA); Asociación Salvadoreña por los Derechos Humanos (ASDEHU); el Centro por la Justicia y el Derecho Internacional (CEJIL), and Amnesty International. Request for a thematic hearing during the IACHR's 164th Period of Sessions: "The invisible crisis of migrants, refugees, or asylum-seekers returned to the Northern Triangle of Central America". May 31, 2017. IACHR archive.

⁴¹⁷ In this regard, the Commission has noted that migrants are often victims of various human rights violations, including kidnapping, sexual violence, robbery, disappearances, and human trafficking. IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, para. 317; IACHR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017, para. 233.

⁴¹⁸ UNHCR. [Displacement in Central America](#). Undated.; International Organization for Migration (IOM). [Derechos humanos de personas migrantes - Manual Regional](#). February 28, 2019.

⁴¹⁹ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#) OEA/Ser.L/V/II. Doc.46/15. December 31, 2015, para. 32. Likewise, see: CEDAW Committee. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. See also: International Organization for Migration (IOM). [Derechos humanos de personas migrantes - Manual Regional](#). February 28, 2019.

who begins their journey as a migrant ends up a trafficking victim⁴²⁰ – a situation to which women and girls are especially exposed⁴²¹.

141. The IACHR observes with great concern that the risk of falling victim to sexual violence is a constant in the displacement of women and girls. Numerous accounts by women who migrate north coincide in stating that it is usual to employ protective strategies, such as dressing like a man or using contraceptives before and during their journey, given the high probability of being sexually assaulted⁴²². Moreover, numerous reports containing their accounts indicate that they have been assaulted, forced into prostitution, or compelled to perform sex acts in exchange for protection, transportation, or shelter⁴²³. The following are examples of some accounts:

A guide for a group of migrants [from Honduras] separated an adolescent girl who was traveling alone and repeatedly raped her over the course of five days. Another man offered to help a woman who was crossing a river and then raped her in front of her 2-year-old son⁴²⁴.

A woman from Guatemala who was traveling with her daughter said that the coyote raped her every day of her 20-day journey. She said that the coyote offered her a reduced smuggling fee if she continued having sex with him. She agreed because she feared he would kill or rape them⁴²⁵.

⁴²⁰ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴²¹ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 25. In this regard, the Committee has held that trafficking in women and girls violates specific provisions of the Convention on the Status of Refugees and should therefore be recognized as a legitimate reason for invoking international protection in law and practice in specific cases.

⁴²² UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015.

⁴²³ Pulte Institute for Global Development, University of Notre Dame. [Addressing the Sex and Gender-Based Violence in Guatemala, Honduras and El Salvador Fueling the US Border Crisis: Impunity, and Violence Against Women and Girls](#). April 2020, pg. 4. Similarly, the CEDAW Committee has stated that migration and displacement heighten women's vulnerability to various forms of exploitation, especially at transit points, at the very least because of the greater need to use the services of human traffickers or other types of clandestine or criminal networks to travel internally or internationally to evade border checkpoints. CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020.

⁴²⁴ The Advocates for Human Rights, The International Action Network on Small Arms (IANSA), CLADEM Honduras, Joint Submission, Examen Periódico Universal, Honduras, 22nd Session, May 2021. para.19.

⁴²⁵ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico](#). October 2015, pg. 43

“In Guatemala, the police made everyone get off the bus and robbed one of the migrants. The rest of us voluntarily paid. Then five police officers took a good-looking girl off the bus. We were pretty sure they took her off to rape her”⁴²⁶.

142. The Commission further notes that, in addition to controlling access to borders from Honduras and El Salvador, organized crime groups and networks control many of the territories and routes traveled by people migrating north. According to the available information, many local gangs are affiliated with more powerful transnational criminal organizations, especially in Guatemala and the Mexico-Guatemala border. As a result, women and girls fleeing violence once again find themselves facing the risk and vulnerability they were attempting to escape – this time exacerbated by their displaced person status⁴²⁷, often finding themselves compelled to resort to these criminal groups to facilitate their journey⁴²⁸.
143. In addition to exposing women and girls to a greater risk of different forms of gender violence, forced displacement has profound economic and social repercussions for their lives, due to their gender and other vulnerability factors. In this regard, the heightened vulnerability of displaced persons is reinforced by their rural origins and, in general, heavily impacts women, who are often heads of household. In the particular case of girls, displacement caused by violence and threats from organized crime has serious mental health implications and adversely affects their life plans⁴²⁹. Here, it should be noted that leaving their home means changing schools and, in many cases, dropping out⁴³⁰. Furthermore, displacement entails extraordinary expenses and the loss of income for

⁴²⁶ UNHCR. [Women on the Run. First-hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico.](#) October 2015, pg. 43.

⁴²⁷ International Displacement Monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala.](#) September 2018, pg. 28; The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs.](#) November 23, 2016

⁴²⁸ Stephen, Lynn. [Fleeing rural violence: Mam women seeking gendered justice in Guatemala and the U.S.](#) The Journal of Peasant Studies. December 14, 2018; Coordinadora de Instituciones Privadas Pro las Niñas, Niños, Adolescentes, Jóvenes y sus Derechos (COIPRODEN), World Vision Honduras, Aldeas Infantiles SOS de Honduras, Coordinadora de Promoción de Derechos de Niñez (COPRODENI) Guatemala, Red de Infancia y Adolescencia de El Salvador (RIA). Annex to the request for a thematic hearing during the IACHR's 174th Period of Sessions, entitled “Thematic Report of Guatemala, Honduras, and El Salvador to the Inter-American Commission on Human Rights, IACHR”. October 9, 2019. IACHR archive.

⁴²⁹ The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs.](#) November 23, 2016.

⁴³⁰ According to the Ministry of Education, 66,000 girls changed schools or dropped out in El Salvador in 2014 and 2015. See also: The Guardian. [It's a crime to be young and pretty: girls flee predatory Central America gangs.](#) November 23, 2016.

households, requiring girls to work to support their family or spend their time doing household chores⁴³¹.

144. Furthermore, displacement is often accompanied by the breakdown of community and family ties, as well as the need to secure new livelihoods and means of protection. Added to this is the problem of lack of knowledge or skills to find other formal employment and sources of income, together with discrimination and exploitation in hiring⁴³², requiring women, especially displaced Indigenous or LGBTI women, to grapple with additional forms of discrimination⁴³³. This may put many girls and women in these situations at serious risk of entering into or continuing abusive relationships, not to mention becoming the victims of labor or sexual exploitation⁴³⁴. The IACHR notes in particular that the potential for abuse, especially in the case of single women or mothers lacking economic means or family contacts, is high and includes the risk of falling prey to human trafficking⁴³⁵.
145. In this regard, the Commission has learned that El Salvador and Honduras officially recognize internal forced displacement⁴³⁶ and have taken action to protect the rights of internally displaced persons. In El Salvador, the “Special Law for Comprehensive Support and Protection of People in Situations of Internal Forced Displacement⁴³⁷” led to the creation of the Internal Forced Displacement Unit, which provides particular support to women and girl victims of physical, sexual, and psychological violence⁴³⁸. Still absent,

⁴³¹ Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 3, 2019, pg. 51.

⁴³² CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 26.

⁴³³ International Displacement monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala](#). September 2018, pg. 24.

⁴³⁴ International Displacement monitoring Centre. [Cause or Consequence? Reframing violence and displacement in Guatemala](#). September 2018, pg. 24.

⁴³⁵ Human Rights Council. [Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to El Salvador](#). AHRC/38/39/Add.1, April 23, 2018, para. 26

⁴³⁶ The State of Honduras has the Inter-institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV), founded in 2013 to devise policies and measures to prevent displacement. In January 2020, the Salvadoran authorities passed the Special Law for the Comprehensive Support and Protection of People in Situations of Internal Forced Displacement, which gave rise to the National System for the Comprehensive Support and Protection of Internally Displaced Persons. However, that system has yet to get off the ground. These entities have national jurisdiction and as yet, there are no regional agencies that address this issue, See: Cristosal. [Desplazamiento Forzado Interno en Guatemala](#). May 2021.

⁴³⁷ El Salvador. [Ley especial para la atención y protección integral de personas en condición de desplazamiento forzado interno](#). January 23, 2020

⁴³⁸ Portal de Transparencia PGR. [Unidad de Desplazamiento Forzado Interno](#). 2021

however, is a framework for protection that includes safe temporary shelters, especially for internally displaced women and girls at risk of violence⁴³⁹.

146. In the case of Honduras, the IACHR notes the promulgation of the Executive Decree of the Interinstitutional Commission for the Protection of Persons Displaced by Violence⁴⁴⁰. In 2020, Secretariat of Human Rights created the Office for the Protection of Persons Internally Displaced by Violence to provide such people with humanitarian assistance and protection⁴⁴¹. The Commission notes that Guatemala, in contrast, has not officially recognized internal displacement, making it hard to introduce measures to support people internally displaced by violence⁴⁴².
147. In light of this, the Commission recalls that forced displacement is a continuing and multiple violation of human rights, resulting in the duty of the States to introduce policies, laws, and all necessary measures to ensure comprehensive protection for the people affected, employing a holistic human rights approach in keeping with international standards, including the Guiding Principles on Internal Displacement⁴⁴³. In the case of women and girls, this action must consider their specific needs based on their gender and other intersectional factors that expose them to greater vulnerability at all stages of the displacement cycle. Thus, in contexts dominated by organized crime, the measures adopted to protect forcibly displaced persons should take into account the influence of criminal groups in the causes of displacement and the specific risks they pose to protecting the rights of displaced women and girls.
148. In addition, the IACHR has expressed its concern about the heightened insecurity and serious risk of violations of the human rights of women, children, and adolescents as a result of restrictive immigration policies and the criminalization of migration, which has

⁴³⁹ Human Rights Council. [Report of the Special Rapporteur on the human rights of internally displaced persons on her visit to El Salvador, A/HRC/38/39/Add.1](#), April 23, 2018, para. 59.

⁴⁴⁰ Government of Honduras. Decreto Ejecutivo Número PCM-053-2013. [Crear the Commission Interinstitucional para la Protección de las Personas Desplazadas por la Violencia, la cual tendrá como objeto impulsar la formulación de políticas y la adopción de medidas para la prevención del desplazamiento forzado por la violencia, así como para la atención, protección y soluciones para las personas desplazadas y sus familiares \(2013\)](#). May 25, 2013.

⁴⁴¹ Gobierno de la República de Honduras - Secretaría de Derechos Humanos. [La SEDH brinda atención, asistencia humanitaria y protección a las personas desplazadas internamente](#). June 21, 2021.

⁴⁴² Cristosal. [Desplazamiento Forzado Interno en Guatemala](#). May 2021. Citing the Observatory of Internal Displacement. Vacíos de datos sobre el desplazamiento interno causado por violencia en El Salvador, Guatemala y Honduras, 2019. See also: Dirección de Investigación en Derechos Humanos – Guatemala. [Contribución del Procurador de los Derechos de Guatemala sobre “el nexo entre los desplazamientos forzados y las formas contemporáneas de esclavitud” en ocasión del 48o período de sesiones del Consejo de Derechos Humanos de las Naciones Unidas](#). March 2021.

⁴⁴³ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021, paras. 267 and 268.

resulted in the proliferation of unsafe informal border crossing points⁴⁴⁴. Here, it notes that the gender-neutral provisions of the States' migration policies contribute to the exacerbation of risks and limitations on women's access to safe migration routes⁴⁴⁵. Therefore, pursuant to the obligations contained in the Convention of Belém Do Pará, the States must take special account of the heightened vulnerability of women to violence by reason of their status as migrant women⁴⁴⁶. Moreover, among people on the move, women and girls are in situations of particular vulnerability and require special protection due to their gender⁴⁴⁷. In this regard, the Commission reiterates that effective protection of the rights of migrant women and girls requires a comprehensive approach from a gender and migrants' rights perspective. Furthermore, in the case of migrant girls, priority must be given to the specific obligations that follow from their status as children⁴⁴⁸.

G. Human trafficking

149. As United Nations officials note, human trafficking is the third most profitable illegal activity in the world. It is a complex crime committed in multiple domestic and international scenarios by organized criminal groups with resources and transnational operating capabilities. It involves numerous actors, including families, local intermediaries, international crime networks, and immigration authorities, and is linked with various types of organized crime, such as

⁴⁴⁴ IACHR. Press Release 27/20. [IACHR Urges El Salvador, Guatemala, Honduras, and Mexico to Guarantee the Rights of Migrants and Refugees Traveling Through the Region](#). February 7, 2020.

⁴⁴⁵ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020, para. 26. The IACHR has pointed out that the violence and discrimination endured by migrant women has historically not figured in the public agenda and judicial systems of the countries of the hemisphere. IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 32.

⁴⁴⁶ OEA. [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará](#). Articles 7, 8, and Chapter III on the duties of the States. In this same vein, the CEDAW Committee has stated that gender-based violence against women is influenced and often exacerbated in contexts of displacement and migration. CEDAW. [General recommendation No. 35 \(2017\) on gender based violence against women, updating general recommendation No. 19 \(1992\)](#). July 26, 2017.

⁴⁴⁷ IACHR. Press Release No. 37/19. [IACHR Urges Honduras and Guatemala to Guarantee the Rights of People in the Migrant and Refugee Caravan](#). February 19, 2019; IACHR. [IACHR expresses concern over the situation of the "Migrant Caravan" from Honduras and calls on the States of the Region to adopt measures for their protection](#). October 23, 2018.

⁴⁴⁸ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 33. See also: United Nations General Assembly. [Resolution A/RES/54/166 on "Protection of migrants"](#). February 24, 2000.

narcotrafficking, illicit arms trafficking, and migrant trafficking⁴⁴⁹. In this scenario, the IACHR observes that most human trafficking victims are women and children⁴⁵⁰.

150. In the Central American countries, the poverty, exclusion, violence, and psychological and emotional vulnerability of victims is fertile ground for human trafficking as both a social phenomenon and a crime⁴⁵¹. Here, the IACHR notes that, according to the information gathered, the Central America and Caribbean region has the highest rates of identified human trafficking victims per 100,000 population of any region in the world. Some 79% of trafficking victims in this region are women and girls. These latter represent the majority of sexual exploitation victims identified⁴⁵².
151. Given its transnational nature, trafficking has similar characteristics in the countries of this region but particular expressions in each. According to the available information, from a regional standpoint, Central America is primarily a region for the recruitment of victims who follow the migration route toward northern destinations in the hemisphere, such as Mexico, the United States, and to a lesser degree, Canada, as well as Europe. However, Central America is also a locus for the recruitment, transit, and exploitation of trafficking victims among the countries of the region for various purposes. This means that all these countries have cases of domestic and international trafficking in which the crimes are committed chiefly for the purpose of commercial sexual exploitation, labor exploitation, and sexual tourism. In Guatemala, it manifests as irregular adoptions, and in Honduras, as organ and tissue harvesting⁴⁵³.
152. In this complex scenario marked by different actors, including agents of the State, operating outside the law and across Central American borders, the Commission has been advised of the difficulty obtaining accurate information about the real scope of the human trafficking phenomenon in the region⁴⁵⁴. If the problem of human trafficking is generally characterized by a lack of information and accurate statistics, obtaining detailed and

⁴⁴⁹UNODC. [Global Report on Trafficking in Persons 2020](#). January 2021; UNHCR. [Trafficking in persons](#). Undated; UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006.

⁴⁵⁰ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#) 2006, pg. 51.

⁴⁵¹ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁵² UNODC. [Global Report on Trafficking in Persons 2020](#). January 2021.

⁴⁵³ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁵⁴ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017.

truthful up-to-date information on the commission of this crime by criminal groups in these countries is an even greater challenge⁴⁵⁵.

153. In this regard, according to the available information in the Northern Triangle countries of Central America, gang activities include human trafficking, especially for the sexual and labor exploitation of women and girls⁴⁵⁶. Furthermore, as noted earlier, local gangs are connected with more powerful transnational criminal groups, such as cartels from other countries in the region or criminal groups trafficking in merchandise, drugs, arms, and migrants⁴⁵⁷.
154. In addition, the criminal gangs operating in these territories rely basically on coercion and force to maintain control over women and girls and compel them to provide services to the organization⁴⁵⁸. In Guatemala, for example, two girls were rescued by the National Civil Police when they were about to be transferred to El Boquerón jail to be raped by a prisoner⁴⁵⁹. Furthermore, women and girls are given the job of dealing drugs, transporting arms, participating in extortion, spying on rival gangs, and monitoring the points of entry to gang territory, looking for police and people outside the community. For example, in the Magdalena case in Honduras, identified by *Tribuna de Mujeres Gladys Lanza*⁴⁶⁰:

“a girl was a victim of forced recruitment by the Barrio 18 gang, which abducted her from her home, forced her to have sex with every member of the gang, and serve as a bandera 461. After her family rescued her, they decided to send her out of the country, due to the absence of protection and assistance by State authorities. Magdalena, who was pregnant after the multiple rapes, traversed the migration route, but was

⁴⁵⁵ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 51.

⁴⁵⁶ IACHR. [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278. October 14, 2021, para. 45.

⁴⁵⁷ Boerman, Thomas and Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). Journal of Human Trafficking. March 16, 2020.

⁴⁵⁸ Boerman, Thomas and Golob, Adam. [Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala: A Non-Traditional Model of Human Trafficking](#). Journal of Human Trafficking. March 16, 2020; OHCHR. [Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian](#). A/HRC/24/43. July 1, 2013.

⁴⁵⁹ Red Contra la Trata de Personas - Guatemala. [La Trata de Personas en Guatemala: Mirada desde la Sociedad Civil](#). 2020, paras. 13 onward.

⁴⁶⁰ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children, Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America, during the IACHR's 178th Period of Sessions. September 2020. IACHR archive.

⁴⁶¹ Term referring to people who watch and report to the gang on the movements and traffic of people on certain streets, a lookout.

assaulted again in Mexico by the coyote who was transporting her. This victim lost her baby and is currently being exploited in that country”⁴⁶².

155. It is common knowledge that girls are often abducted by these criminal groups from schools under their control and influence⁴⁶³. There are numerous cases of recruitment due to gang members “falling in love,” in which the girls are later exploited by the gang⁴⁶⁴. Moreover, girls who are unaccompanied or have been separated from their family or other support systems as a result of forced displacement are especially vulnerable to trafficking⁴⁶⁵. The Commission learned, for example, about the case of two Salvadoran girls aged 14 and 16 who were brought to Guatemala by a human trafficker who promised them work in a restaurant. When they arrived in Guatemala, they were taken to a high-security prison, where they were raped by imprisoned gang members in exchange for payment to the gang⁴⁶⁶.
156. The Commission recalls that human trafficking as a both concept and a crime has been redefined in the universal setting, clearly differentiating it from migrant trafficking. While the terms “human trafficking” and “migrant trafficking” have often been used interchangeably, they refer to different situations. The IACHR therefore points out that the main objective of human trafficking is the exploitation of people, and for this crime to be committed, it is not essential for people to cross borders⁴⁶⁷. In this framework, human trafficking consists of using people for the traffickers’ own benefit, such that the exploitation includes, at a minimum, exploitation of the prostitution of others or other

⁴⁶² Case in the files of Asociación Calidad de Vida.

⁴⁶³ KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017.

⁴⁶⁴ Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas (CICESCT). [Informe anual - Denuncias, Investigaciones, Judicializaciones y Sanciones Penales](#). 2015, pg. 40.

⁴⁶⁵ CEDAW. [General recommendation No 38 \(2020\) on trafficking in women and girls in the context of global migration](#). November 20, 2020.

⁴⁶⁶ KIND. [Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala](#). May 2017, pp. 6-7

⁴⁶⁷ UNHCR. [Trafficking in persons](#). Undated.

forms of sexual exploitation, forced labor or services, slavery or slavery-like practices, servitude, or the removal of organs⁴⁶⁸.

157. In this regard, the Commission observes that in recent years, the States of Central America's Northern Triangle have made efforts to investigate and prosecute traditional forms of human trafficking and taken steps to offer protection and services to victims of this crime, considering, moreover, the children's rights approach. In this regard, the IACHR has learned about the signing of a trilateral agreement by the vice presidents of El Salvador, Guatemala, and Honduras to strengthen international coordination to handle human trafficking cases⁴⁶⁹. It has also noted progress in the adoption of regulatory frameworks to address this crime⁴⁷⁰;

⁴⁶⁸ To determine the scope of human trafficking/trafficking in persons in the Inter-American System, the Commission considers it relevant to consider the definition provided in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, also known as the "Palermo Protocol." The definition of trafficking in persons has three elements: 1) acts, 2) means used to commit the acts, and 3) motive. The Palermo Protocol defines trafficking in persons as "the recruitment, transportation, transfer, harboring, or receipt of persons [acts] by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person [means] for the purpose of exploitation [motive]." This includes "the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." See: [IACHR. Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico](#). OEA/Ser.L/V/II. Doc. 48/13. December 30, 2013, para. 348, citing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime, Article 3.a.; [IACHR. Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.L/V/II. Doc 46/15. December 31, 2015, para. 220.

⁴⁶⁹ U.S. Department of State. [2021 Trafficking in Persons Report- Guatemala](#). June 2021.

⁴⁷⁰ For example, in El Salvador, the IACHR has information about a law being studied to regulate the trafficking in persons as a replacement for the special law enacted in 2014 to make progress in fighting this crime. It also has a law to fight organized crime and complex crime, creating special courts for these cases. See: Asamblea Legislativa, El Salvador. [A estudio una nueva Ley para regular la trata de personas](#). December 7, 2020; El Salvador. [Decreto No. 190 - Ley contra el crimen organizado y delitos de realización compleja](#). February 5, 2015. The Commission observes, however, that the law covers homicide, kidnapping, and extortion, ignoring other illicit activities of these groups. See: [IACHR. 2020 Annual Report. Chapter IV.A. Human Rights Development in the Region](#), para. 356; [IACHR. Public Hearing "Situación de los Derechos Humanos de las Víctimas de Trata de Personas en la Región"](#), 178th Period of Sessions. December 3, 2020.

national plans⁴⁷¹; the implementation of interinstitutional coordination mechanisms⁴⁷²; the development of special programs and models of care⁴⁷³; training sessions for judicial personnel, members of the security forces, immigration personnel, and municipal government leaders, both male and female⁴⁷⁴; as well as the implementation of prevention and victim assistance mechanisms⁴⁷⁵. In the case of Honduras, the IACHR has also learned

⁴⁷¹ In Honduras, see: Plan de Acción Nacional contra la Explotación Sexual Comercial y Trata de Personas 2016-2020, Plan Estratégico 2018-2027, and Plan Operativo 2018-2019 para combatir la trata de personas y el tráfico ilícito de personas migrantes. See: IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 33.

⁴⁷² In **Guatemala**, the Institutional Coordination Office to Fight Labor Exploitation and Child Labor (CICELTI) was created in 2019 to establish mechanisms for the interinstitutional coordination of human trafficking cases in its modalities of labor exploitation and forced labor. It is comprised of the Ministry of Labor and Social Welfare (MINTRAB), the Office of the Attorney General (PGN) through the Ombudsman's Office for Children and Adolescents, the Public Ministry, and the Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking (SVET). See: Procurador de los Derechos Humanos. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos 2020](#). 2021, pg. 200. As for **Honduras**, the Commission notes the existence of the Interinstitutional Commission to Fight Sexual and Commercial Exploitation and Human Trafficking (CICESCT), whose purpose is to combat human trafficking and provide assistance to victims. In this regard, see: CICESCT. [Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas](#). 2021; La Gaceta, Honduras. [Decreto No. 059-2012](#), issued July 6, 2012. The Commission also notes the existence of other actors involved in this work, such as the Human Rights Commission, the Office of Children, Adolescents, and Family (DINAF) and entities of the Secretariat for Security, the Transnational Investigation Unit (UTIC) and the Special Crimes section of the Police Investigation Office (DPI). In this regard, see: OEA, CICESCT and Secretariat of Security of Honduras. [Catálogo de Instituciones con Servicios Disponibles para Víctimas de Trata de Personas en Honduras](#). December 4, 2019.

⁴⁷³ In Guatemala, the Comprehensive Support Model for Child and Adolescent Victims of Sexual Violence, Exploitation, and Human Trafficking was created in 2020 under the Secretariat of Social Welfare's (SBS) Special Program for Child and Adolescent Victims of Sexual Violence, Sexual Exploitation and Human Trafficking to establish pathways and procedures for sheltering, protecting, and providing specialized support for trafficking victims and to guarantee the restoration of their rights with a culturally appropriate gender approach. See: Procurador de los Derechos Humanos. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos 2020](#). 2021, pg. 204.

⁴⁷⁴ In **Guatemala**, for example, in 2020, the Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking (SVET) organized trainings on this topic. See: U.S. Department of State. [2021 Trafficking in Persons Report- Guatemala](#). June 2021. In **Honduras**, training and awareness-raising activities were held for groups at high risk of trafficking and potential first responders through online platforms, as was CICESCT training on sexual exploitation, trafficking, and violence against women and girls for staff from the Secretariat for Human Rights (SEDH). See: U.S. Department of State. [2021 Trafficking in Persons Report- Honduras](#). June 2021. Secretariat for Human Rights, Honduras. [Personal técnico de la SEDH son capacitados en el tema explotación sexual, trata y violencia contra las mujeres y las niñas](#). January 19, 2021.

⁴⁷⁵ Guatemala has the Prevention of Human Trafficking Unit under the Office of Defenders and Specialized Units of the Ombudsman's Office (PDH), created and called the Ombudsman's Office for Human Trafficking Victims since 2013, whose purpose is to comprehensively tackle the scourge of human trafficking and shed light on how this type of crime operates. See: Procurador de los Derechos Humanos, Guatemala. [Defensoría de las Personas Víctimas de Trata](#). 2021.

about action taken to address the causes facilitating the recruitment of girls by organized crime groups⁴⁷⁶.

158. While these are positive developments, the Commission has been informed of deficiencies in addressing other exploitation modalities and purposes in human trafficking, resulting in women and girls who are not considered trafficking victims being denied the benefits of protection and rehabilitation measures and instead, facing criminal prosecution⁴⁷⁷. For example, it has learned of cases in Honduras and Guatemala, where children and adolescents recruited by criminal groups have been criminalized for illicit acts committed because of the exploitation to which they have been subject, instead of being recognized as victims requiring protection⁴⁷⁸. It has also learned of cases of women and girls in El Salvador who, having been subjected to sexual exploitation and forced labor, have been jailed for associating with criminal organizations⁴⁷⁹. In this regard, the Commission takes note of the 2021 amendments to Articles 153 and 154 of the Criminal Code to categorize the illegal use of persons in situations of vulnerability and introduce the possibility of permitting waivers and limited liability for persons who have been used to commit crimes⁴⁸⁰.

⁴⁷⁶ Significantly: strengthening of the Gang Resistance Education and Training Program (GREAT); ii) the creation of the “Honduras Joven”, “Por mi Barrio”, and “Mi Segunda Oportunidad” prevention programs, which offer seed capital to young people in conjunction with the Tegucigalpa Chamber of Commerce; and iii) the strengthening of 65 Youth Outreach Centers (CDAJ) in seven departments of the country to encourage the creative use of free time and provide job training and tutoring. See: IACHR. [Situation of Human Rights in Honduras](#) OEA/Ser.L/V/II. Doc. 146. August 27, para. 57.

⁴⁷⁷ Information provided to the IACHR by ECPAT during the consultation with experts, June 16, 2021; U.S. Department of State. [Trafficking in Persons Report, 20th edition](#). June 2020, pg. 158; Boerman, T. y Knapp. J. [Gang Culture and Violence Against Women in El Salvador, Honduras, Guatemala](#). March 2017, pp. 11-12.

⁴⁷⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR Archive; OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin American during the IACHR’s 165th Period of Sessions, August 3, 2017. IACHR Archive; Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador). Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive; Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁴⁷⁹ Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador). Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive. Likewise, following her visit to El Salvador, the Special Rapporteur on contemporary forms of slavery, its causes and consequences called on the State to avoid the criminalization of women and children who have been forced to become involved in criminal activities. OHCHR. [“Protejan a las víctimas, particularmente a mujeres y niños” – Experta de la ONU sobre esclavitud contemporánea pide a El Salvador](#), April 29, 2016

⁴⁸⁰ Republic of El Salvador. Observaciones al Proyecto de Informe “El impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del triángulo Norte de Centroamérica”, November 7, 2022, pg. 11. IACHR archive.

159. Here, the Commission notes that human trafficking is a complex phenomenon, characterized by lack of knowledge about its scope and impact and failure to adequately address it. There is little understanding of who its main victims are and its differentiated impacts on women and girls. Furthermore, the inability to identify the different types of trafficking victims and their misclassification and potential criminalization remain a challenge, especially for the judicial personnel who have first contact with potential victims⁴⁸¹. This can be verified by the percentage of victims identified, the majority of whom are victims of sexual exploitation⁴⁸². It is therefore essential to improve the ability to identify other exploitation modalities, such as forced labor, slavery, servitude, mendicancy, and forced recruitment into criminal activities⁴⁸³.
160. Furthermore, the available information shows that the statistics in this area are unreliable⁴⁸⁴. Specifically, high underreporting of cases is observed in the countries examined in this report, since very few come to the authorities' attention⁴⁸⁵. In this regard, the IACHR notes that "[T]rafficked women and girl victims rarely report their situation to the authorities and are often unwilling to cooperate with law enforcement officials if identified and rescued. Their reasons include: fear of reprisals from traffickers; lack of trust in the authorities; the belief that the authorities cannot, or will not help; rejection by their families; and lack of opportunities in their home countries⁴⁸⁶". Thus, while the number of trafficking cases and victims reported is

⁴⁸¹ U.S. Department of State. [Trafficking in Persons Report, 20th edition](#). June 2020, pp. 158; U.S. Department of State. [2020 Trafficking in Persons Report: El Salvador](#). 2020; U.S. Department of State. [2019 Trafficking in Persons Report: Honduras \(Tier 2\)](#). 2019.

⁴⁸² U.S. Department of State. [2020 Trafficking in Persons Report: El Salvador](#). 2020; CICESCT. [Informe de País en materia de prevención, atención a víctimas y combate de los delitos de explotación sexual comercial y trata de personas en Honduras](#). 2019, pg. 19; Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking. [Informe del Estado de Guatemala sobre trata de personas 2019](#). July 2020, pp. 83, 86, and 94.

⁴⁸³ U.S. Department of State. [Trafficking in Persons Report, 20th edition](#). June 2020, pg. 195 (El Salvador), 228 (Guatemala), 240 (Honduras).

⁴⁸⁴ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR's 165th Period of Sessions, August 3, 2017. IACHR archive; UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 84.

⁴⁸⁵ In **Guatemala**, despite the efforts of the State to identify and investigate human trafficking and provide victim support, there are still few convictions for this crime. For example, in 2019, 23 judgments were handed down, and as of mid-2020 only 5 were related to human trafficking. See: Secretariat to Combat Sexual Violence, Exploitation, and Human Trafficking, Guatemala. [Informe del Estado sobre la Trata de Personas](#). July 30, 2020. In **Honduras**, the government reported that it had investigated 145 cases of alleged human trafficking in 2018, in comparison with 121 cases in 2017 and at least 41 cases in 2016. See: 2020; U.S. Department of State. [2019 Trafficking in Persons Report: Honduras \(Tier 2\)](#). 2019. In **El Salvador**, 2019 witnessed the highest number of convictions, the Attorney General's Office hired 11 new prosecutors to work on human trafficking cases, and the government cooperated with other governments in joint investigations, one of which resulted in a conviction and prison sentence for the trafficker. See: U.S. Department of State. [El Salvador 2020 TIP Report](#). 2020

⁴⁸⁶ UN Women. [Ending violence against women: From words to Action. Study of the Secretary-General](#). 2006, pg. 84.

low, the number of cases prosecuted by the justice systems and the number of traffickers convicted is even lower⁴⁸⁷.

161. At the same time, the IACHR observes with great concern the close connection between human trafficking and corruption in the region⁴⁸⁸. This crime by its very nature requires the collaboration of certain sectors of the State – especially in border areas, at migration checkpoints, among the police, customs officials, etc.⁴⁸⁹ Thus, corruption is an instrument habitually employed by criminal bands⁴⁹⁰ and plays a key role in both ensuring that crime goes undetected and the high incidence of impunity⁴⁹¹; this, in turn, results in many

⁴⁸⁷ Save the Children. *Violencia y trata de personas en Centroamérica: oportunidades de intervención regional*. 2012.; UN Women. *Ending violence against women: From words to Action. Study of the Secretary-General*. 2006, pg. 84. In the case of Honduras, the Commission notes that a new Criminal Code went into effect in 2019 that, while including the definition of these crimes adopted in international law, significantly reduced the sentences for sexual exploitation and human trafficking. In this regard, see: El Sol De Honduras. *Honduras aprueba plan de trabajo 2018-2027 contra la Trata de Personas y Tráfico Ilícito de Migrantes*. 2018; CICESCT. *CICESCT presenta informe “Estado de Situación de la Trata de Personas en Honduras en el 2019”*. March 10, 2020; U.S. Department of State. *2021 Trafficking in Persons Report- Honduras*. June 2021.

⁴⁸⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; OHCHR. Folleto Informativo No. 36. *Los derechos humanos y la trata de personas*. 2014; Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala) and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive.

⁴⁸⁹ IACHR. *Corruption and Human Rights*. OEA/Ser.L/V/II. Doc. 236. December 6, 2019, para. 472.

⁴⁹⁰ Save the Children. *Violencia y trata de personas en Centroamérica Oportunidades de intervención regional*. 2013, pg. 161.

⁴⁹¹ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR’s 165th Period of Sessions, August 3, 2017. IACHR archive.

challenges for obtaining adequate redress⁴⁹². According to the information obtained, public servants receive payment in the form of money or sexual services forcibly provided by the victims as a consideration⁴⁹³. The situation is even more complicated when the human trafficking operation is run by the government apparatus.

162. To enable the crime to be committed, public servants create “rings of protection”⁴⁹⁴. The first such ring mainly involves police forces and municipal inspectors, who provide protection for the organizations that control the places where the exploitation occurs⁴⁹⁵. This includes lack of controls on nightclubs, permitting migrant women and children to enter and turning a blind eye to the falsified documentation of victims who have been deceived by human trafficking networks, among other things⁴⁹⁶. A second ring of protection may lie in the judiciary, including among politicians (for example, city mayors). Finally, a third ring may exist when corrupt officials control the criminal enterprise⁴⁹⁷.

⁴⁹² Compensation is a right deriving from the United Nations Convention against Transnational Organized Crime (Palermo Convention) and its protocols. In this regard, specifically in the context of human trafficking, States must ensure that “their domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered”. This means the adoption of domestic measures or mechanisms that ensure effective exercise of the right of human trafficking victims to compensation. As reported to the IACHR, even though the legal frameworks of the three countries examined in this report provide for compensation and for that reason, their human trafficking laws provide for the creation of a fund to comprehensively support and compensate victims, they have not been implemented. In **El Salvador**, none of the judgments handed down in 2019 granted decent compensation to the victims, while the support fund mentioned in the law is inoperative due to the failure to allocate funds from the State budget for this purpose. In **Honduras**, the 2019 country report published by the Interinstitutional Commission for Combatting Sexual Exploitation and Human Trafficking (CICESCT) lacks information on victim compensation, as there is no evidence of cases in which the victims have been adequately compensated. Moreover, lack of a budget prevents implementation of the fund. In **Guatemala**, studies of judgments handed down show that the majority of cases ending in a conviction do not provide for compensation, violating the victims’ right to it. Guatemala’s legal system lacks a procedure or legal action to force people convicted of the crime to pay compensation; therefore, its payment, and hence, effectiveness, depends not only on the financial means of the convicted person but on his willingness to pay. Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America, September 23, 2020. IACHR archive.

⁴⁹³ EUROSociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

⁴⁹⁴ El País. [Funcionarios corruptos, un eslabón imprescindible en la trata de personas](#). July 19, 2020.

⁴⁹⁵ EUROSociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

⁴⁹⁶ Information provided to the IACHR by ECPAT during the consultation with experts, June 16, 2021.; El País. [Funcionarios corruptos, un eslabón imprescindible en la trata de personas](#). July 19, 2020.

⁴⁹⁷ EUROSociAL- Cooperation Programme between Latin America and the European Union. [Corrupt Officials, an essential link in human trafficking](#). October 16, 2020.

163. As gleaned from the information available to the Commission, organized crime groups are closely allied with political power in Guatemala and Honduras. In Guatemala, government officials participate in human trafficking as “users”, covering it up or tolerating it, or as managers of the illicit enterprise⁴⁹⁸. Specifically, municipal officials and employees have been identified as “users” of the sexual services of girls, as have police officers and judicial officials, who receive sexual favors in exchange for not prosecuting or favorable rulings⁴⁹⁹. Added to this are groups of police who directly engage in the trafficking business as owners, serving as frontmen for brothels and passing off their earnings as legal by investing in minibuses and taxis⁵⁰⁰. In Honduras, security forces and military personnel have been the accomplices of criminal trafficking groups that exploit people for domestic work as well as sexual services⁵⁰¹. In addition, immigration authorities receive sexual favors from victims, who become “currency” to pay off the debts of traffickers⁵⁰².
164. In light of the above, the Commission points out that, in addition to its prohibition by the ACHR⁵⁰³, trafficking in women “in all its forms” is a form of violence against women under the terms of the Convention of Belém Do Pará. It is a human rights violation that deeply scars its victims and breaks social bonds in the communities where it occurs⁵⁰⁴. Human trafficking victims must therefore receive support and protection, which not only implies assistance during judicial proceedings, but psychological care and support during their social reintegration⁵⁰⁵ – this, with a gender and children’s rights perspective to meet the specific needs of women and girls.
165. Under their duty to act with due diligence in cases of violence against women and girls, the States have obligations related to prevention, protection, punishment, and redress for this form of violence. In prevention, the IACHR particularly notes the need to address the structural factors that promote human trafficking in the region, including the dynamics created

⁴⁹⁸ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, pp. 38, 92, and 94.

⁴⁹⁹ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016,

⁵⁰⁰ CICIG and UNICEF. [Human Trafficking for Sexual Exploitation Purposes in Guatemala](#). 2016, 2016, pg. 92.

⁵⁰¹ Reporteros de investigación. [El tormento después de la trata de personas en Honduras](#). March 6, 2019.

⁵⁰² ACV and Trocaire. [Impacto socioeconómico en las Mujeres Víctimas de Trata de Personas después de ser reinsertadas a la vida social](#). 2018, pp. 14, 41, 42, and 45.

⁵⁰³ IACtHR. [Case of the Hacienda Brasil Verde Workers v. Brazil](#). Preliminary objections, merits, reparations and costs. Judgment of October 20, 2016. Series C No. 318, para. 281.

⁵⁰⁴ Save the Children. [Violencia y trata de personas en Centroamérica: oportunidades de intervención regional](#). 2012.

⁵⁰⁵ Lawyers without Borders Canada, Tribuna de Mujeres Gladys Lanza (Honduras), Asociación para la Eliminación de la Explotación Sexual, Pornografía, Turismo y Tráfico Sexual de Niñas, Niños y Adolescentes en Guatemala (ECPAT/Guatemala), and Save the Children (El Salvador), Request for a thematic hearing on violations of the human rights of human trafficking victims in the Northern Triangle of Central America. September 23, 2020. IACHR archive.

by the presence and activities of organized crime groups⁵⁰⁶, as well as social and economic factors. The Commission also recalls that the States have a duty to identify corruption and complicity linked with trafficking and to take steps to combat it – a duty that should be considered part of the more general obligation to prevent trafficking⁵⁰⁷. Concerning protection, the Commission has noted the need to introduce concrete measures to support women and girl victims of human trafficking, such as providing safe shelters⁵⁰⁸.

166. With regard to investigation, punishment, and redress, in addition to the obligation to conduct a domestic investigation into events occurring in their own territories, States are also subject to a duty to cooperate effectively with the relevant authorities of other interested States in the investigation of events that occurred outside their territories, particularly when one or more of the events in the chain leading to human trafficking have taken place in their territory or impacted one of their nationals⁵⁰⁹. They must also enable victims to participate freely, safely, and fully informed in judicial proceedings. To guarantee this, the States must offer victims a genuine opportunity to explore their legal options and, should they decide to participate, provide them with all the assistance, support, and protection they need to do so⁵¹⁰, considering all this from a gender perspective and intersectional and intercultural approach.

⁵⁰⁶ OBSERVA LA TRATA, Request for a thematic hearing on human trafficking in Latin America during the IACHR's 165th Period of Sessions, August 3, 2017. IACHR archive.

⁵⁰⁷ OHCHR [Fact Sheet No. 36: Human Rights and Human Trafficking](#), 2014, pg. 56.

⁵⁰⁸ IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.LV/II. Doc. 278. October 14, 2021.

⁵⁰⁹ IACHR. [Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American System](#). OEA/Ser.LV/II. Doc.46/15. December 31, 2015, para. 167.

⁵¹⁰ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children, Main points of the presentation during the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America, during the IACHR's 178th Period of Sessions. September 2020. IACHR archive.

Chapter 5

**Responses and obligations
of the state with respect to
organized crime from the
standpoint of women's and
girls' rights**

Responses and obligations of the state with respect to organized crime from the standpoint of women's and girls' rights

167. Citizen security is defined as a situation in which people are able to live free of threats posed by violence and crime and the State has the necessary means to guarantee and protect the human rights directly threatened by violence and crime⁵¹¹. In this regard, the IACHR recognizes that in the Northern Triangle countries of Central America, preventing and protecting people from violence and crime are extremely complex undertakings, given the high indices of social violence and territorial control exerted by gangs and other organized crime groups.
168. However, the Commission has monitored the security strategies introduced by the States of Central America's Northern Triangle to fight organized crime, noting that they are characterized primarily by repression and the deployment of military forces in security operations. It has further noted that such strategies do not consider risk factors or the specific needs of women in these contexts, leading to a lack of protection and guarantee of their rights on the one hand, and an increase in the jailing of women associated with criminal groups on the other. This is compounded by additional challenges in access to justice, characterized by fear of reprisals and, in particular, the connivance or participation of agents of the State in activities linked with organized crime.

A. Citizen security strategies from the standpoint of women's rights

Strategies adopted to fight organized crime in the Northern Triangle of Central America

169. In their efforts to fight organized crime, the States in the Northern Triangle of Central America have introduced largely repressive, heavy-handed public security policies in their approach to gangs and other criminal groups linked largely to the production, handling, and export of drugs categorized as illicit⁵¹². In this regard, it has been observed

⁵¹¹ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II. Doc. 40/15. November 11, 2015, para. 281; IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.L/V/II. Doc. 57. December 31, 2009, paras. 20 and 221.

⁵¹² IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.L/V/II. Doc. 278. October 14, 2021, para. 23, 31; IACHR. [Hearing on Violence and Citizen Security in El Salvador](#) during the IACHR's 174th Period of Sessions, November 11, 2019; [Revista Factum. Dilemas y paradojas de la Fuerza Armada de El Salvador](#). August 19, 2020; [El PAcCTO. Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020, pg. 9; Fundación Heinrich Böll-México Centroamérica y El Caribe. [El rol del ejército en la seguridad interna en El Salvador: lo excepcional convertido en permanente](#). In *Re conceptualización de la violencia en el Triángulo Norte*. 2016.

that one of the main measures employed in these policies is use of the armed forces in citizen security operations.⁵¹³

170. In El Salvador, for example, the implementation of “extraordinary or exceptional measures” by the Executive Branch in April 2016 led to the deployment of military personnel – in conjunction with members of the National Civil Police – to combat the violence and insecurity prevailing in the country⁵¹⁴. In this context, the operations of the Specialized Reaction Force of El Salvador (FES) – a rapid response group comprised of military and police personnel – resulted in multiple complaints of human rights violations, excessive use of force, and extrajudicial executions of gang members⁵¹⁵. Although the Human Rights Ombudsperson at the time would allege that these measures violated human rights, they were extended for one year in May 2017⁵¹⁶ and permanently approved for penitentiaries in August 2018⁵¹⁷.

⁵¹³ This has included the militarization of schools, increasing the number of military and national police personnel in and around them. See: Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 3, 2019, pg. 43.

⁵¹⁴ From 2009 to 2014, the armed forces were assigned to security tasks, even in the penitentiary system, through at least seven initially temporary executive decrees under a group of “extraordinary measures” to combat violence and insecurity that prolonged their participation. In 2016, the Executive Branch continued the participation of military personnel and ordered an increase in their numbers, as well as the creation of joint task forces with the National Civil Police, known as: the Territorial Intervention and Recovery Forces (FIRT), comprised of 600 military personnel and 200 police officers; the El Salvador Specialized Reaction Force (FES), comprised of 600 military personnel and 400 police officers; the Historic Center Task Force, comprised of 400 reservists and 400 police officers, as well as the Joint Community Support Groups (GCAC). In a report issued in late 2016, the Attorney for the Defense of Human Rights (PDDH) stated that the office had received 1,012 complaints of human rights violations committed by the PNC and the army, the majority of them related to extrajudicial executions, threats, mistreatment, torture, illegal detention, and intimidation. The highest proportion were reported between April and May, coinciding with the launch of the FES and FIRT. See: IACHR. [Situation of human rights in El Salvador](#). OEASer.LVII. Doc. 278. October 14, 2021, para. 47 [Paragraph number was incorrect. Correct number substituted.] In this same vein, see: PDDH, [Informe especial de la señora Procuradora para la defensa de los derechos humanos, Licenciada Raquel Caballero de Guevara, sobre las ejecuciones extralegales atribuidas a la Policía Nacional Civil en El Salvador, período 2014-2018](#). August 2019; Fundación Heinrich Böll-México Centroamérica y El Caribe. [El rol del ejército en la seguridad interna en El Salvador: lo excepcional convertido en permanente](#). In [Reconceptualización de la violencia en el Triángulo Norte](#). 2016; La prensa gráfica. [Aprueban segunda prórroga de medidas extraordinarias](#). April 6, 2016.

⁵¹⁵ In this regard, see: See: IACHR. [Hearing on extrajudicial executions in El Salvador](#) during the IACHR’s 164th Period of Sessions, September 5, 2017; Notimérica. [El Salvador crea una nueva fuerza militar para combatir a los pandilleros](#). April 20, 2016. Furthermore, concerning potential cases of extrajudicial executions committed in armed confrontations between agents and alleged gang members, see also: IACHR. [Situation of human rights in El Salvador](#). OEASer.LVII. Doc. 278. October 14, 2021; OHCHR. [El Salvador End of Mission Statement](#). Agnes Callamard, Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions. February 2018.

⁵¹⁶ IACHR. [Hearing on extrajudicial executions in El Salvador](#) during the IACHR’s 164th Period of Sessions, September 5, 2017.

⁵¹⁷ La prensa gráfica. [Con 71 votos se aprueba que medidas extraordinarias en sistema penitenciario sean permanentes](#). August 16, 2018.

171. Furthermore, in June 2019, new decrees were approved authorizing use of the armed forces “on an exceptional basis” to maintain public security under the Territorial Control Plan⁵¹⁸. This plan, which consists of centralized activities in 12 (of the 262) municipalities in El Salvador where criminal groups wield significant control, is aimed at reducing crime and restoring governance in the territories⁵¹⁹. During its first phase, the plan recruited 3,000 new armed forces personnel to “fight crime”⁵²⁰. In this regard, civil society organizations have called for greater transparency and participation in that policy and have criticized the growing use of the armed forces in this effort⁵²¹. Moreover, there are serious questions about the effectiveness of the Territorial Control Plan and alleged informal understandings between gangs and the government⁵²².
172. In addition, concerning the State’s punitive response to insecurity and violence, the IACHR is troubled by the persistent application of anti-terrorism laws to alleged gang members⁵²³. On various occasions the Commission has held that the principle of legality in antiterrorism laws is one of the basic guarantees of due process and the right to a fair trial, which the States must observe with particular attention in their antiterrorism strategies⁵²⁴.

⁵¹⁸ In this regard, see: Disposiciones especiales transitorias para la participación de la fuerza armada, en operaciones de mantenimiento de la paz interna. [Executive Decree No. 36](#). November 25, 2019.

⁵¹⁹ This plan has three phases: the first, primary prevention and a visible National Police presence; the second, rebuilding of the social fabric by prosecuting and preventing crime; and the third, modernizing the tools, infrastructure and resources of the security forces. See: IACHR, [2019 Annual Report. Chapter IV.A Human Rights Developments in the Region. 2019, para. 263](#). IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; IACHR. [Hearing on Violence and Citizen Security in El Salvador](#) during the IACHR’s 174th Period of Sessions, November 11, 2019.

⁵²⁰ Twitter account of Nayib Bukele, President of El Salvador (@nayibbukele), published July 17, 2019.

⁵²¹ IACHR. [2019 Annual Report. Chapter IV.A Human Rights Developments in the Region. 2019, para. 263](#); IACHR. [Hearing on Violence and Citizen Security in El Salvador](#) during the IACHR’s 174th Period of Sessions, November 11, 2019

⁵²² International Crisis Group, [Miracle or Mirage? Gangs and Plunging Violence in El Salvador](#). July 8, 2020.

⁵²³ In this regard, in 2015, the Supreme Court of Justice upheld a series of amendments to the Special Law against Acts of Terrorism declaring some gangs terrorist groups. As a result, arrests for membership in terrorist groups soared from 16 in 2014 to 482 in 2015, criminalizing mainly young people and adolescents⁵²³. [Is this footnote an error?] Furthermore, according to data from the Office of the Attorney General of the Republic, between 2016 and September 2019, 18,356 people were indicted under the terrorist organization provision, 3,086 of whom were convicted and 6,983 of whom were acquitted after spending approximately two years in provisional detention. IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.L/V/II. Doc. 278. October 14, 2021, para. 39 [Correct paragraph number substituted]; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; IACHR. [Hearing on Violence and Citizen Security in El Salvador](#) during the IACHR’s 174th Period of Sessions, November 11, 2019; Constitutional Chamber of the Supreme Court of Justice, El Salvador, “Sala declara como grupos terroristas a pandillas denominadas MS y 18”. August 24, 2015.

⁵²⁴ IACtHR. [Case of Castillo Petruzzi et al. v. Peru. Merits, Reparations and Costs](#). Judgment of May 30, 1999. Series C No. 52, para. 114; IACtHR. [Case of De la Cruz Flores v. Peru. Merits, Reparations and Costs](#). Judgment of November 18, 2004. Serie C. No. 115, para. 74; IACHR. [Situation of human rights in El Salvador](#). OEA/Ser.L/V/II. Doc. 278. October 14, 2021.

173. With regard to Guatemala, the Commission has monitored implementation of the National Violence and Crime Prevention, Citizen Security, and Peaceful Coexistence Policy 2014-2034⁵²⁵; the militarization of citizen security functions⁵²⁶; the creation of comprehensive, coordinated victim support mechanisms, with special attention to women from particularly vulnerable groups⁵²⁷; and the development of national citizen security strategies coordinated by the Ministry of Government and implemented by the PNC⁵²⁸.
174. With respect to Honduras, the Commission has noted the growing participation of military forces in public security functions in recent years⁵²⁹. This is seen in the reinforcement of the Military Police with new battalions; the militarization of penitentiaries; the assignment of security functions to the army in areas marked by land disputes, and the involvement of the military police in civic and educational training activities such as the “*Guardianes de la Patria*” (Guardians of the Homeland) program⁵³⁰. Purges have also been carried out to restructure and vet National Police and judicial personnel⁵³¹. In 2014, the Interinstitutional Security Force (FUSINA) was created “to reduce the indices of violence” by carrying out police and military-type security operations⁵³². In this context, the IACHR has learned of the excessive use of force by the Honduran Military Police, as well as its involvement in assassinations, executions, kidnappings, arbitrary detentions, and forced displacements⁵³³. Some Honduran military personnel have even been tried and convicted for human rights

⁵²⁵ Ministry of Government, Guatemala. [Estrategia Nacional de Prevención de la Violencia 2017-2027](#). October 9, 2020.

⁵²⁶ EFE. [El Ejército siempre vuelve a las calles en Guatemala](#). February 6, 2020.

⁵²⁷ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017, para. 349.

⁵²⁸ IACHR, [2020 Annual Report](#). Chapter IV.A [Human Rights Development in the Region](#), para. 428. See also: Ministry of Government, Guatemala. [Estrategia Nacional de Prevención de la Violencia 2017-2027](#). October 9, 2020.

⁵²⁹ In particular, the State introduced the preventive measures contained in the Comprehensive Coexistence and Citizen Security Policy 2011-2022 and the National Strategy for the Prevention of Violence. See: IACHR. [2018 Annual Report](#). Chapter IV.A [Overview of the Human Rights Situation by Country](#). 2018, para. 290. See also: General Secretariat for Government Coordination, Honduras. [Política Integral de Convivencia y Seguridad Ciudadana para Honduras, 2011-2022](#). 2011; AJD, ASJ/APJ, FOSDEH, IUDPAS. [Diagnóstico y Recomendaciones para mejora de la Política Integral de Convivencia y Seguridad Ciudadana](#). May 2021.

⁵³⁰ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, para. 59; IACHR. [2017 Annual Report](#). Chapter IV.A. [Human Rights Developments in the Region](#), paras. 45 and 47; La Tribuna. [Policía Militar de Honduras tendrá dos nuevos batallones para combatir crimen](#). July 1, 2017; El Heraldo. [Policía Militar cuenta con dos nuevos batallones](#). July 4, 2017.

⁵³¹ IACHR. [2017 Annual Report](#). Chapter IV.A. [Human Rights Developments in the Region](#), paras. 45 and 47.

⁵³² IACHR. [2017 Annual Report](#). Chapter IV.A. [Human Rights Developments in the Region](#), paras. 45 and 47.

⁵³³ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, para. 97; IACHR. [2017 Annual Report](#). Chapter IV.A. [Human Rights Developments in the Region](#), para. 48. See also: Tiempo Digital. [Casa Alianza sobre asesinato de menor en Olancho: el gobierno es el responsable](#). January 4, 2017; La Tribuna. [Asesinato de un joven desencadenó quema de patrulla de la Policía Militar](#). January 3, 2017; Confidencial Honduras. [Confirmado: fuerzas de seguridad de Honduras cometen ejecuciones extrajudiciales](#). February 28, 2017.

violations, which include at least 10 cases of murder⁵³⁴. At the same time, the Commission takes note of information provided by the State about the cessation of FUSINA's operations and the gradual handover of control of the country's penitentiaries to the National Police. It has also been informed that the Military Police continue to exercise citizen security functions in support of the National Police⁵³⁵.

175. The Commission further notes with concern the growth of private security forces in the subregion. According to the available information, in 2011 more than 60,000 personnel and more than 630 private security companies were operating in Honduras – numbers that may be five or six times those of police forces in countries like Honduras and Guatemala. Moreover, many are employed by transnational companies in the extractive industry or megaproject construction, clash with local and Indigenous communities defending their land rights, and often operate outside the law with little oversight⁵³⁶.
176. The IACHR has stated that in attempting to show results in the short term, security policies that rely heavily on punitive repression through the criminal justice system do not address the underlying causes of violence or focus sufficiently on prevention⁵³⁷. These policies have proven inappropriate and ineffective and, contrary to their purpose, have been linked with the growth and persistence of cycles of violence and criminality⁵³⁸, as well as the saturation of prison systems⁵³⁹. In this regard, the Commission has stressed that security policies

⁵³⁴ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, para. 97.

⁵³⁵ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022. Informe de la Secretaría de Estado en el despacho de Defensa Nacional. pg. 2. IACHR archive.

⁵³⁶ Spotlight Initiative - Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 44, citing: Small Arms Survey, [States of Security](#), 2011.

⁵³⁷ IACHR. [Situation of human rights in El Salvador](#)., OEA/Ser.L/V/II. Doc. 278. October 14, 2021; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II. Doc. 40/15. November 11, 2015, para. 414. Thus, it coincides with the conclusions reached by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, who at the end of her mission to El Salvador, noted: “the massive imprisonment of alleged gang members, the normalization of emergency decrees, the imposition of extraordinary security measures and the application of terrorism laws to gang activities are unlikely to address the root causes of violence and gang existence, or respond to the evident need for accountability”. See: UN. OHCHR. [Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions on her mission to El Salvador](#). A/HRC/38/44/Add.2. December 7, 2018, para. 100.

⁵³⁸ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 197; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II. Doc. 40/15. November 11, 2015, para. 7.

⁵³⁹ IACHR. [Situation of Persons Deprived of Liberty in Honduras](#). OEA/Ser.L/V/II.147 Doc. 6. March 18, 2013, paras. 158 - 160.

should focus on violence prevention and reduction, along with the traditional functions of controlling and deterring crime⁵⁴⁰, with a rights approach⁵⁴¹.

177. In addition, the Commission recalls that maintaining public order and citizen security are functions that should primarily be reserved to the civilian police and that under inter-American jurisprudence, when the army participates in security operations, it should be on an extraordinary, subordinate, complementary, regulated, and monitored basis⁵⁴². Police and military institutions are substantially and qualitatively different in terms of the purposes for which they were created, as well as their training and preparation⁵⁴³. In this understanding, the Commission has called on the States to gradually and definitively withdraw their military forces from citizen security functions and improve police forces' ability to do their work.

Gender approach and citizen security

178. The Commission understands the gender approach as a method for analyzing reality that sheds light on the differentiated social value attributed to people based on their assigned or assumed gender and reveals the unequal power relations stemming from these differences. The gender approach is therefore a key tool for combatting discrimination and violence against women and LGBTI persons, since its aim is to lend visibility to women's unequal status and structural subordination because of their gender, debunk the false premise of women's inferiority to men, and address stereotypes and biases that facilitate discrimination based on sexual orientation, sexual characteristics, and diverse gender identities – this, in the context of the predominant hetero-cis-patriarchal system in the region.
179. The IACHR notes that no citizen security objective can be achieved without considering the differentiated impacts of violence and crime on women and girls due to their gender⁵⁴⁴. In particular, the assumption of women's subordination to men, as well as the normalization of

⁵⁴⁰ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 484.

⁵⁴¹ IACHR. [Report on Citizen Security and Human Rights](#). OEA/Ser.LV/II. Doc. 57. December 31, 2009, para. 55

⁵⁴² IACtHR. [Case of Alvarado Espinoza et al. v. Mexico. Merits, reparations, and costs](#). Judgment of November 28, 2018. Series C No. 370, paras. 181 and 182; IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.LV/II. Doc. 146. August 27, 2019, para. 6.

⁵⁴³ IACHR. [Report on Citizen Security and Human Rights](#) OEA/Ser.LV/II. Doc. 57. December 31, 2009, para. 101

⁵⁴⁴ Spotlight Initiative - Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 17; FIIAPP. [La perspectiva de género en la lucha contra el crimen organizado](#). April 19, 2021; Pérez Villalobos, MCP and Romero Aviles, N. [Igualdad y género: Conceptos básicos para su aplicación en el ámbito de la seguridad y defensa](#). In: El papel de la mujer y el género en los conflictos. Cuadernos de Estrategia, No.157. Instituto Español de Estudios Estratégicos. July 2012; ParlAmericas. [VIII Asamblea Plenaria del Foro Interparlamentario de las Américas](#). September 8-10, 2011.

violence against women and discriminatory gender stereotypes, must be borne in mind when addressing causes, consequences, and responses in public security⁵⁴⁵.

180. As UNDP has pointed out, a gender perspective in citizen security understands that security and protection policies require a differentiated analysis of threats, access to resources, and differences in power and autonomy between men and women, as well as other segments of the population. This involves focusing on violence prevention and victim support to create social conditions that will make it possible to sustainably anticipate violence or crime at the local, national, and international level⁵⁴⁶.
181. In this regard, the Commission stresses the importance of including a gender perspective with a human rights approach in the design and implementation of citizen security policies in order to meet the differentiated needs of women and girls for protection in contexts dominated by organized crime – in particular, because they are a population highly vulnerable to multiple forms of gender violence and discrimination in these contexts⁵⁴⁷; because of their growing presence in different roles in criminal enterprises⁵⁴⁸; and because of the militarization of citizen security functions.
182. The information gathered for the preparation of this report suggests that the security strategies adopted by the Northern Triangle countries of Central America, especially to fight organized crime, lack a gender perspective, as they have not duly addressed the specific risk factors or needs of women or given adequate consideration to protecting the rights of children and adolescents⁵⁴⁹. As experts have pointed out, domestic and international policies to fight organized crime have contributed to worsening social violence, particularly

⁵⁴⁵ ParlAmericas. [VIII Asamblea Plenaria del Foro Interparlamentario de las Américas](#). September 8-10, 2011.

⁵⁴⁶ Spotlight Initiative - Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 18. The adoption of the Women, Peace and Security agenda through Resolution 1325 and subsequent resolutions of the United Nations Security Council marked a new paradigm leading to the integration of a gender approach in classic peace-keeping operations and the implementation of new domestic and regional security policies, given the new challenges posed by transnational crime. See: UN: Security Council. [Resolution 1325](#). 2000; UN: Security Council. [The seven “Women, Peace and Security resolutions \[Page not found\]](#) approved by the United Nations Security Council are: RES. 1325 (2000), RES. 1820 (2008), RES. 1888 (2009), RES 1889 (2009), RES 1960 (2010), RES 2106 (2013), and RES 2122 (2013).

⁵⁴⁷ See Chapter 4 of this report: *Forms of Violence against Women and Girls related to the Presence and Activities of Criminal Groups*.

⁵⁴⁸ See Chapter 3, Section C of this report: *Women's and Girls' Interactions with Gangs*

⁵⁴⁹ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 484.

against women⁵⁵⁰. Furthermore, the measures adopted by these countries have not been sufficient to prevent the recruitment of children and adolescents by organized crime. The mere existence of children and adolescents linked with criminal groups is, in the Commission's judgment, an impact in itself, a consequence of the lack of measures to guarantee their rights and protect them against their violation and the exclusion and violence they face at different levels⁵⁵¹.

183. In light of this, the Commission calls on the States to include the human rights approach, and a gender perspective in particular, in all dimensions of their strategies to fight organized crime, and in the support received by victims of crimes connected with organized crime. This implies the design of comprehensive, holistic, and coordinated strategies for the training and operations of security forces; for the judicial, investigative, and penal sphere; and for transborder and regional cooperation in fighting organized crime. Moreover, it is essential to involve women and girls in the design and implementation of policies and strategies to fight organized crime⁵⁵² – all this, recognizing the violence against women resulting specifically from unequal gender power relations, as established in the Convention of Belém do Pará, through a gender perspective and an intersectoral and intercultural approach.
184. The Commission likewise calls on the States of El Salvador, Honduras, and Guatemala to implement policies that effectively prevent girls' recruitment by organized crime groups. This requires strengthening national systems for the protection of children's rights; guaranteeing meaningful and proactive participation of girls in the design, implementation, and evaluation of public policies⁵⁵³; addressing the causes that lead to their recruitment – for

⁵⁵⁰ Spotlight Initiative - Latin America Regional Programme - UNDP. *La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana*. 2021, pg. 43. Referring to: Nobel Women's Initiative and Just Associates. "From Survivors to Defenders: Women Confronting Violence in Mexico, Honduras, and Guatemala. 2012; Geneva Declaration. "Global Burden of Armed Violence 2015: Every Body Counts Ch.3 Lethal Violence against Women and Girls." In: Geneva Declaration on Armed Violence and Development, 2015. Regarding the gender violence experienced by women and girls in El Salvador, Guatemala, and Honduras, see Chapter 2 of this report.

⁵⁵¹ IACHR. *Violence, Children and Organized Crime*. OEA/Ser.L/V/II. Doc. 40/15. November 11, 2015, para. 578.

⁵⁵² Seguridad Ciudadana. *Faltan las mujeres en la tregua de pandillas en El Salvador*. January 2, 2014; Interpeace. *La tregua entre pandillas: hacia un proceso de construcción de paz social*. 2013.

⁵⁵³ IACHR. *Violence and Discrimination against Women and Girls*. OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 12; IACHR. *Towards the Effective Fulfillment of Children's Rights: National Protection Systems* [This link goes to the Spanish version. For some reason, translator could not open the English link without her name appearing in it.] OEA/Ser.L/V/II.166 Doc. 206/17. November 30, 2017, paras. 310 and 445.

example, poverty, education, and social exclusion⁵⁵⁴, as well as gender violence; strengthening domestic comptroller mechanisms to identify, investigate, and punish agents of the State who are linked with organized crime and facilitate forced recruitment; and designing and implementing policies and programs to disengage children and adolescents from the activities of criminal groups, gearing them primarily to the restoration of rights⁵⁵⁵— all this from a gender and children's rights perspective.

Criminalization of women and girls in policies to fight organized crime

185. The Commission notes the exponential increase in the number of women jailed in the countries examined in this report⁵⁵⁶. The female prison population in El Salvador increased by more than seven times between 2000 and 2021, growing from 371 to 2,710, respectively⁵⁵⁷. In Guatemala, it increased by more than six times between 2001 and 2021, growing from 433 to 2,782, respectively⁵⁵⁸. In Honduras, it almost doubled between 2002 and 2018, growing from 614 to 1,160, respectively⁵⁵⁹; as of November 2020, the State reported 1,118 women deprived of liberty⁵⁶⁰.

186. The Commission observes that this growth is related to repressive public security policies designed to fight organized crime in the subregion⁵⁶¹. The introduction of these policies has resulted in 1) excessive use of preventive detention, ii) restrictions on access to opportunities to reduce prison time, and iii) lack of proportionality in how conduct associated with organized crime is dealt with. This situation differentially affects women,

⁵⁵⁴ The IACHR has noted that the constraints adolescents encounter to the exercise and enjoyment of their rights and the lack of educational and work opportunities that would enable them to develop an independent life project with dignity contribute to their exposure to criminal organizations and their activities. IACHR. [Violence, Children and Organized Crime](#) OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 578.

⁵⁵⁵ IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, paras. 591 and 605.

⁵⁵⁶ The IACHR notes that it used published information from databases due to the lack of official information that would enable it to analyze trends in the growth of the female prison population.

⁵⁵⁷ Institute for Criminal Policy Research at Birkbeck (University of London), [World Prison Brief data – El Salvador, 2021](#).

⁵⁵⁸ Institute for Criminal Policy Research at Birkbeck (University of London), [World Prison Brief data – Guatemala, 2021](#).

⁵⁵⁹ Institute for Criminal Policy Research at Birkbeck (University of London), [World Prison Brief data – Honduras, 2022](#).

⁵⁶⁰ Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022, para. 26. IACHR archive.

⁵⁶¹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 197.

who are arrested largely for offenses linked with organized crime⁵⁶² – extortion⁵⁶³ and drug offenses⁵⁶⁴ being the main reasons for women’s incarceration.

187. In particular, the IACHR has received information indicating the excessive use of preventive detention due to its automatic application in Honduras or the inability to substitute it with alternative measures for certain offenses linked with organized crime in the three countries, especially those involving drugs and extortion⁵⁶⁵. Furthermore, the legal systems of El Salvador and Honduras contain provisions that prevent people convicted of offenses linked with organized crime from receiving suspended sentences or reduced prison time, forcing them to serve long prison sentences in their entirety⁵⁶⁶.
188. These types of security policies have specific and differentiated impacts on women and girls, who may be both victims and victimizers, rank low in the power structure of gangs and other criminal groups, are those whose activities entail a higher risk of arrest and

⁵⁶² Furthermore, the IACHR has observed the disproportionately serious harm and consequences for women deprived of their liberty, among them: a) the absence of women’s detention centers; b) inadequate prison infrastructure, considering their gender as well as their respective mother-child relationships; c) the lack of gender-appropriate medical care; d) greater difficulty re-entering society; e) the absence of a gender perspective in gathering data on their deprivation of liberty; and f) their subjection to various forms of violence and other mistreatment from both prison staff and other prisoners who are members of rival groups. IACHR. [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II.163 Doc. 105, July 3, 2017, para. 196 onward. In this regard, see also: UN: Special Rapporteur on violence against women, its causes and consequences. [Pathways to conditions and consequences of incarceration for women](#) Resolution A/68/340. August 21, 2013, para. 33; UNODC. [Handbook on Women and Imprisonment](#). Criminal Justice Handbook Series. 2nd ed. 2014, pg. 4.

⁵⁶³ In the three countries examined in this report, extortion is the main crime for which women are imprisoned. In this regard: Information provided to the IACHR by MESECVI, the Center for Women’s Rights (CDM), and ECPAT during a meeting of experts on June 16, 2021; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, de 2019; WOLA. [Women behind Bars for Drug Offenses in Latin America: What the Numbers Make Clear](#).. November 2020.; IDPC. [IDCP Briefing Paper - Women drug offences and penitentiary systems in Latin America](#). October 2013, pg. 12.

⁵⁶⁴ After extortion, the main reasons for women’s imprisonment in **Honduras** are illegal drug trafficking and facilitation of the means of drug transport. See: Asociación Paz de Superación por Honduras (ASOPAZH) and Centro de Estudios de la Mujer Honduras (CEMH). Consultation questionnaire on women deprived of liberty. April 10, 2021, IACHR Archive, pg. 3. In **Guatemala**, the main crimes are the promotion or encouragement of drug addiction and possession for use, as well as other drug offenses, including: the illicit sale, trafficking, and storage, promotion and encouragement, manufacture or processing of drugs, facilitation of means, promotion and encouragement, planting, and cultivation. See: Government of Guatemala. Inf. Inter. DAJCC-Seprem 003-2021. April 14, 2021, pg. 4.

⁵⁶⁵ Government of Honduras, Diplomatic Note No. DNDDHH-LI-316-2021, May 19, 2021, p. 3; El Salvador, [Law Regulating Drug-related Activities](#), published November 7, 2003, Arts. 71 and 54; Guatemala, [Criminal Trial Code](#), updated April 30, 2014, Arts. 259 and 264; Government of Guatemala, Diplomatic Note No. DAJCC-Seprem 003-2021, April 14, 2021, p. 6; and Honduras, [Criminal Trial Code](#), adopted December 30, 1999, Arts. 172 and 184.

⁵⁶⁶ Government of El Salvador, Diplomatic Note No. MPOEA-OEA-106/2021, September 21, 2021, pg. 2; and Honduras, [Criminal Code](#), adopted January 31, 2019, Art. 81.

who are often forced to participate in criminal activities under threats to themselves and their families⁵⁶⁷.

189. Here, the Commission notes that while the gender perspective has gradually been introduced in criminal law in the region⁵⁶⁸ – often covering women who are victims – it has been absent in understanding the situation of women perpetrators of crimes⁵⁶⁹. While the three countries examined in this report have laws to punish conduct classified as criminal in the framework of criminal organizations or gangs⁵⁷⁰, none of them has specific laws with a gender perspective that call for differentiated treatment of women involved with gangs or other criminal groups and consider their vulnerable situation in these criminal enterprises and society in the extremely violent context in which they live⁵⁷¹.
190. The Commission likewise notes a general absence of the gender perspective in the investigation, prosecution, and punishment of women involved in illicit activities in these contexts. That is, no consideration is given to gender violence and discrimination that these women are subject to, their degree of vulnerability, and their degree of involvement in the criminal organization in relation to the acts or conflicts brought to the attention of a court. Here, it is worth noting the Salvadoran experience, where in 2018, the Attorney General's Office approved a "Criminal prosecution policy on violence against women" to address the complex situation of women victims/victimizers. Its objectives include pursuing criminal prosecutions with a gender perspective in cases of women who commit a crime due to a situation of violence rooted in unequal power relations⁵⁷².
191. In light of these considerations, the IACHR calls on the States to adopt comprehensive measures that include a gender perspective and to take into account at least the low level of women's and girls' participation in the chain of criminal activity; the presence of violence and coercion in the commission of these offenses; and the violence and social and labor

⁵⁶⁷ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 197. Particularly with respect to women and girls, there was an increase in the number of student arrests, many of them arbitrary, even in or around schools, with students stigmatized for their looks or the neighborhood they came from. Save the Children. [In the Crossfire: The impact of mara and pandilla gang violence on education in the Northern Triangle of Central America](#). July 3, 2019, pg. 46.

⁵⁶⁸ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 155; IACHR. Press Release No. 153/17. [IACHR Welcomes Passage of Legislation Codifying the Crime of Femicide in Uruguay](#). October 6, 2017.

⁵⁶⁹ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020, pg. 50.

⁵⁷⁰ See Chapter 3, Section A of this report: *Criminal groups and activities in the Northern Triangle countries of Central America*

⁵⁷¹ El PAcCTO. [Maras y Mujeres en Centroamérica: Problemas y Soluciones en Derecho](#). August 2020, pg. 50.

⁵⁷² Office of the Attorney General of the Republic, El Salvador. [Política de Persecución Penal en Materia de Violencia contra las Mujeres](#). 2018, pg. 31 (Art. 7).

exclusion that they endure. It also urges them to take the necessary steps to prevent all forms of gender violence against women and protect them in situations where they are deprived of liberty, considering the differentiated consequences for them and the people under their care⁵⁷³. In this regard, the Commission recalls that the States should adopt the necessary measures to provide alternatives to deprivation of liberty. Specifically, they should promote inclusion of the gender perspective in all its dimensions, with an intersectional and intercultural approach, and when appropriate, in the higher interest of children and special protection⁵⁷⁴.

192. The Commission notes that the obligations and standards governing the situation of women deprived of liberty in the three countries examined in this report are explored in greater depth and detail in its thematic report *Women Deprived of Liberty in the Americas*.

B. Access to justice and due diligence

193. The Commission observes with concern the additional challenges that women and girls face in accessing justice in contexts of organized crime. Many of these challenges are related to structural factors connected with the quality of the judicial response. In particular, other factors related to the high levels of social violence in these countries, among them corruption and the fear expressed by women victims, further undermine their access to justice.

Barriers faced by women and girls in access to justice

194. The Northern Triangle States of Central America have introduced regulatory and institutional measures to provide support, protection, and access to justice for women and girl victims of widespread gender violence and to address situations linked with the activities of organized crime. The IACHR notes, however, that despite these efforts, multiple barriers still persist in the institutional structure created to guarantee their access to justice, especially when activities related to organized crime are involved.

⁵⁷³ In this regard, see: IACHR. [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#). Women and Other Persons Belonging to Groups at Special Risk, Recommendations 1 and 7. OEA/Ser.LV/II.163 Doc. 105. July 3, 2017; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 2 y 603.

⁵⁷⁴ IACHR. Press Release No. 049/18. [IACHR Welcomed decision in favor of women imprisoned in Brazil](#). March 14, 2018. In the same vein, the United Nations Bangkok Rules also call for prioritizing the use of alternatives to imprisonment, especially for women who are mothers, bearing in mind that in many cases, they are those responsible for their children and households; the Rules also reiterate the need to maintain family ties and to house women in facilities located near their home, at the same time proposing tools to provide comprehensive care for imprisoned women that considers their background and the circumstances of the crime, as well as any mental health problems that could have been caused by prior abusive situations and exacerbated by their confinement. UN: United Nations Office on Drugs and Crime (UNODC). The Bangkok Rules. March 16, 2011.

195. El Salvador has created Specialized Courts for a Life Free of Violence and Discrimination for Women⁵⁷⁵ and a special missing persons unit under the FGR⁵⁷⁶. It has also provided legal services for human trafficking victims that consist of Citizen Support Units for receiving reports and Local Victim Support Offices, which provide legal, psychological, and social assistance.⁵⁷⁷ Guatemala has the Prosecutor's Office for Women, the 24-hour Criminal Court of First Instance for Crimes of Femicide, the Integral Care Model for Violence against Women, the Prosecutor's Office Specialized in Children and Adolescents⁵⁷⁸, the Ombudsman's Office for Human Trafficking Victims⁵⁷⁹, and the Comprehensive Model of Care for Child and Adolescent Victims of Sexual Violence, Exploitation, and Human Trafficking⁵⁸⁰.
196. With regard to Honduras, the Commission notes the existence of specialized prosecutor's offices under the Public Ministry, among them the Specialized Prosecutor's Offices for Human Rights, Women's Rights, and Children's Rights, and Combating Impunity and Corruption⁵⁸¹. It also has the Specialized Prosecutor's Office for Crimes against Life; the Trafficking, Commercial Sexual Exploitation, and Human Trafficking Unit⁵⁸² and corresponding Interinstitutional Commission, which provides victim assistance⁵⁸³. The Institutional Strategic Plan 2017-2021, whose cross-cutting themes include gender and fighting corruption, contains measures to provide legal services⁵⁸⁴. Concerning efforts to

⁵⁷⁵ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

⁵⁷⁶ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. See also: Office of the Attorney General of the Republic - El Salvador. [Fiscal General presentó Instructivo para la Búsqueda de Personas Desaparecidas](#). August 12, 2019.

⁵⁷⁷ Ministry of Foreign Affairs, El Salvador. [Cuestionario el papel de los grupos del crimen organizado en las formas contemporáneas de esclavitud: llamado a contribuciones](#). 2021.

⁵⁷⁸ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017, paras. 95 and 350; Procuraduría General de la Nación, Guatemala. [Procuraduría de la Niñez y Adolescencia](#). 2021.

⁵⁷⁹ Procurador de los Derechos Humanos, Guatemala. [Defensoría de las Personas Víctimas de Trata](#). 2021.

⁵⁸⁰ Procurador de los Derechos Humanos. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos 2020](#). 2021, pg. 204.

⁵⁸¹ IACHR. [Situation of Human Rights in Honduras](#). OEA/Ser.L/V/II. Doc. 146. August 27, 2019, paras. 94 and 257; Inter-American Development Bank (IDB). [Women's City: An Integrated Model to Promote Women's Empowerment](#). 2021.

⁵⁸² Procuraduría General de la República. [Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica](#), November 14, 2022. Informe del Ministerio Público, pg. 2. IACHR archive.

⁵⁸³ In this regard, see: La Gaceta, Honduras. [Decreto No. 059-2012](#). Adopted July 6, 2012; CICESCT. [Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas](#). 2021.

⁵⁸⁴ Judiciary, Honduras. [Plan Estratégico Institucional 2017-2021](#). 2017.

combat femicide, the Commission notes the creation of the Unit for the Investigation of Violent Deaths of Women (UIMVM) under the Forensic Criminal Investigation Agency, a Public Ministry entity, charged by law with official investigations of high-impact crimes, including femicide⁵⁸⁵; and the Interinstitutional Commission for Monitoring Investigations of Violent Deaths of Women and Femicides, responsible for improving accountability procedures and interinstitutional coordination among the entities and agencies involved in the prevention, investigation, and punishment of femicides⁵⁸⁶.

197. As to the challenges, the Commission has generally received information that the courts that hear cases of gender violence are overburdened and lack sufficient courtrooms and technical support teams, resulting in postponed trials and delayed justice⁵⁸⁷. Furthermore, judicial personnel in these countries lack the tools and training required to handle cases of gender violence against women and organized crime activities⁵⁸⁸. In this regard, the Commission has observed the failure of the Attorney General's Office in El Salvador to include a gender perspective in its actions⁵⁸⁹. Added to this is the lack of capacity and specialization of the Ombudsman's Office and the general lack of training for the country's judicial personnel in this regard⁵⁹⁰. In Guatemala, the Commission has observed exclusion and the centralization of justice services, which keep Indigenous and rural women in particular from filing complaints and lawsuits and taking other legal action⁵⁹¹. The IACHR has also received information about the Executive's intention to replace SEPREM with another, lower-level entity with more limited ability to act and fewer resources. Currently, although SEPREM is still in operation, civil society organizations have reported the introduction of a series of measures that will weaken it⁵⁹². In Honduras, for two years, the Unit for the Investigation of Violent Deaths of Women and Femicide and the Public

⁵⁸⁵ Centro de Estudios de la Mujer-Honduras. [Creación de unidad de investigación de femicidios](#). November 19, 2015.

⁵⁸⁶ Government of Honduras. [Gobierno insta Comisión Interinstitucional de Seguimiento a las investigaciones de Muertes Violentas de Mujeres y los Femicidios](#). August 16, 2018.

⁵⁸⁷ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive; IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; PDH. [Informe Anual Circunstanciado de Actividades y Situación de los Derechos Humanos y Resumen Ejecutivo 2019](#). 2020, pp. 233-234.

⁵⁸⁸ Puerta Cuartas, Aikman Cifuentes Julia and Meyer, Mauree. WOLA. [Central America Monitor reveals challenges and opportunities for rule of law, citizen security, and protection of human rights in the Northern Triangle](#). November 18, 2021.

⁵⁸⁹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

⁵⁹⁰ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

⁵⁹¹ IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.LV/II. Doc. 208/17. December 31, 2017, para. 98.

⁵⁹² IACHR. [2020 Annual Report. Chapter IV.A Human Rights Development in the Region](#). April 16, 2021, para. 445.

Ministry's Forensic Criminal Investigation Agency were allocated half the budget of the state Commission for Sport Promotion⁵⁹³, revealing the disproportionate priority accorded by the State to this latter entity compared to other government agencies.

198. The Commission further notes specific barriers to accessing justice in cases of gender violence against women linked with organized crime activities. They include discriminatory gender stereotypes that permeate the response of state agencies, as in the case of women and girls living in gang-controlled areas, whom the authorities pejoratively describe as gang members⁵⁹⁴. In Honduras, during a study conducted by civil society, a senior police official stated that six out of every ten cases of missing women were cases in which “the girl ran away because her father or mother reprimanded her, she went dancing, she was drunk, or ran off with her boyfriend”⁵⁹⁵. This contrasts with the views of authorities and police in the field, who stated that in nine out of ten reported disappearances, the women were never seen again, and these cases were likely disappearances linked with organized crime⁵⁹⁶.
199. Likewise, in cases of violence perpetrated in contexts of organized crime, the fear expressed by victims, their representatives or companions, and judicial personnel and the risk of reprisals are an additional obstacle to accessing justice. The so-called “death code” keeps acts of violence against women and girls from being reported to the authorities through death threats against witnesses, people who report the violence, and/or their families⁵⁹⁷. The Commission has also heard about defenders who have been threatened, including with death, for supporting complaints from women whose assailants are gang members⁵⁹⁸. Furthermore, judicial personnel, both male and female, are not always provided with security to perform the dangerous work of investigating offenses linked with organized crime⁵⁹⁹.

⁵⁹³ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.

⁵⁹⁴ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

⁵⁹⁵ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.

⁵⁹⁶ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive. Similarly, see: El Faro. *El Salvador criminaliza a sus desaparecidas*. July 14, 2021.

⁵⁹⁷ Information provided to the IACHR by the Trial Court of San Salvador during a meeting with Specialized Courts for Violence against Women, El Salvador, *in loco* visit, December 4, 2019.

⁵⁹⁸ Information provided to the IACHR by the Mesoamerican Initiative of Women Human Rights Defenders during a consultation with experts. June 17, 2021. Swiss Info. *Las pandillas impiden que salvadoreñas denuncien violencia, revela un estudio*. March 17, 2021.

⁵⁹⁹ El País. *Las maras de El Salvador, en “guerra contra el sistema”*. November 11, 2016.

200. For example, the Commission was informed about the murder in Honduras of agent Sherill Yubissa Hernández, chief of investigations in the Public Ministry's regional unit responsible for investigating complex crimes, including narcotrafficking and corruption, in Santa Rosa de Copán, one of the areas in which narcotrafficking cartels wield greater influence in the country. In this case, the head of the elite unit of the prosecutor's office gave the agent's cause of death as suicide, while the country's medical examiner maintained that the evidence showed it was homicide, following the threats the agent had received while investigating possible connections between the MS13 gang, narcotraffickers in western Honduras, government workers, and possibly agents in her own unit⁶⁰⁰. Likewise, with respect to Guatemala, the Commission notes the concern expressed by United Nations officials about the threats, surveillance, and harassment of high-ranking judges presiding over cases involving officials from the preceding or current administration, members of powerful gangs, and members of military or paramilitary organizations⁶⁰¹.
201. Furthermore, women's distrust of the authorities due to corruption and widespread impunity⁶⁰² results in their reluctance to report acts of violence they have experienced, especially when committed by members of groups involved in organized crime. In El Salvador, for example, data from the 2017 National Survey on Violence against Women, indicate that only 6 out of every 100 women report the acts of violence committed against them⁶⁰³. In sum, the Commission notes that this complicated situation, marked by multiple obstacles, leaves women and girls without real access to effective remedies, contributing to the invisibility of the serious patterns of violence against them in contexts of organized crime.
202. In light of this, the IACHR stresses that the Convention of Belém Do Pará expressly establishes the duty of the States to act with due diligence to prevent, investigate, and punish all forms of gender violence against women, using all appropriate means and without delay⁶⁰⁴. In virtue of this duty, the IACHR has held that the States must organize the entire State apparatus to fulfill these duties through an integrated approach that

⁶⁰⁰ InSight Crime. [The Two Deaths of Agent Sherill Hernández in Honduras](#). May 21, 2020.

⁶⁰¹ UN. [Guatemala: Top judges face threats, must be protected - expert](#). July 2, 2021.

⁶⁰² The IACHR has stated that corruption has a direct impact on citizens' trust in democratic institutions; this, in turn, leads to impunity that exacerbates the climate of violence. IACHR. [Corruption and Human Rights](#). OEA/Ser.L/V/II. Doc. 236. December 6, 2019, para. 128; IACHR. [Violence, Children and Organized Crime](#). OEA/Ser.L/V/II. Doc. 40/15. November 11, 2015, para. 416

⁶⁰³ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; DIGESTYC. [Encuesta Nacional de Violencia Contra las Mujeres 2017](#). May 2018.

⁶⁰⁴ OAS. [Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women "Convention of Belém Do Pará"](#) Chapter III, Articles 7 (b) and 9. Duties of the States.

involves all sectors of the State, including the areas of health, education, and justice⁶⁰⁵. It has further noted the link between due diligence and the duty of the States to guarantee access *de jure* and *de facto* to adequate and effective judicial remedies for victims of gender violence and their families⁶⁰⁶ – this being a basic requirement for the eradication of violence against women.

203. Here, the Commission recalls the duty of the States to eliminate the barriers that women and girls face when seeking justice – this, through an integrated, holistic approach by specialized institutions and individuals⁶⁰⁷ – to ensure their genuine access to available, accessible, safe, and acceptable judicial or administrative remedies. Furthermore, given the fear and risk of reprisals, these remedies should be accompanied by protective measures to safeguard the security and confidentiality of victims, witnesses, and judicial personnel. These measures should include the possibility of relocating these persons and their families, if necessary, employing an intersectional approach that considers age and other factors heightening risk to ensure that women and girls can report acts of gender violence in contexts of organized crime.

204. Furthermore, as the Inter-American Court has reiterated, gender stereotypes have a negative impact on access to justice, inasmuch as they affect the objectivity of judicial personnel, influencing their perceptions in determining whether or not an act of violence has taken place.⁶⁰⁸ On numerous occasions, this has led to inaction by the justice system due to the questioning of a victim's credibility and the tacit assumption of her responsibility for the incident because of the way she was dressed, her sexual conduct, her relationship with her assailant, etc.⁶⁰⁹. This is even more serious in the case of women suspected of having committed crimes, who tend to be characterized as assertive, manipulative, lacking credibility, or with a tendency to challenge, which can lead to the presumption of their guilt or even harsher punishments⁶¹⁰. In this regard, the Court has stressed that the use of

⁶⁰⁵ IACHR. [Access to Justice for Women Victims of Sexual Violence in Mesoamerica](#). OEA Ser.LV/II. Doc. 63. December 9, 2011, para. 41; IACHR. [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#). OASer.LV/II.rev.2 Doc. 36. 2015, para. 268; IACHR. [The Right of Women in Haiti to be Free from Violence and Discrimination](#). OEA/Ser.LV/II. Doc. 64. 2009, para. 80.

⁶⁰⁶ IACHR. . [Access to Justice for Women Victims of Sexual Violence in Mesoamerica](#). OEA Ser.LV/II. Doc.63. 2011, para. 43.

⁶⁰⁷ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 145.

⁶⁰⁸ IACtHR. [Case of Veliz Franco et al. v. Guatemala. Preliminary objections, merits, reparations and costs](#). Judgment of May 19, 2014. Series C No. 277, para. 173; IACtHR. [Case of Gutiérrez Hernández et al. v. Guatemala](#). Preliminary objections, merits, reparations and costs. Judgment of August 24, 2017. Series C No. 339, para. 147; IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233 November 14, 2019, para. 31.

⁶⁰⁹ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.LV/II. Doc. 68. January 20, 2007, para. 155

⁶¹⁰ IACtHR, [Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C No. 289, para. 272.

gender stereotypes by judicial authorities in criminal prosecutions may constitute a violation of judicial guarantees, particularly the right to the presumption of innocence, the duty to provide the reasons for a decision, and the right to be tried by an impartial court⁶¹¹.

205. The IACHR therefore urges the States to adopt uniform protocols for the investigation and prosecution of gender violence cases, along with rules for evaluating evidence that avoid stereotyped assertions, insinuations, and allusions⁶¹²; ensure ongoing compulsory training in gender competencies for public servants at all levels and sectors of government⁶¹³; and create accountability mechanisms for conduct by public servants that impedes access to justice by women and girl victims of violence⁶¹⁴.
206. Finally, given the duty of due diligence, the States should adopt comprehensive prevention strategies to address risk factors and at the same time strengthen institutions so that they can effectively respond to cases of violence against women⁶¹⁵ and address the different manifestations and contexts in which they occur⁶¹⁶. Furthermore, they should consider the specific risks faced by women and girls in contexts of organized crime to prevent acts of violence and ensure their access to protection, justice, and full compensation. To this end, the Commission urges the States to introduce the necessary measures to identify potential links between gender violence against women and the activities of organized crime. Such measures should include producing studies and knowledge about this topic and consider these contexts in lines of research on this type of violence.

⁶¹¹ IACtHR. [Case of Manuela et al. v. El Salvador. Preliminary objections, merits, reparations and costs](#). Judgment of November 2, 2021. Series C No. 441, paras 131-134.

⁶¹² IACtHR, [Case of Espinoza Gonzáles v. Peru. Preliminary objections, merits, reparations and costs](#). Judgment of November 20, 2014. Series C No. 289, paras. 278 and 281; IACtHR. [Case of Velásquez Paiz et al. v. Guatemala](#). Preliminary objections, merits, reparations and costs. Judgment of November 19, 2015. Series C No. 307, para. 170.

⁶¹³ IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 65.

⁶¹⁴ IACHR. [Annex 1. Standards and Recommendations. Violence and Discrimination against Women and Girls](#).. OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 79

⁶¹⁵ IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico](#). Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 258.

⁶¹⁶ IACHR. [Access to Justice for Women Victims of Violence in the Americas](#). OEA/Ser.LV/II. Doc. 68. January 20, 2007, para. 298.

Investigation, punishment, and redress for violence linked with the activities of organized crime

207. The Commission observes with concern the impunity surrounding gender violence against women in El Salvador⁶¹⁷, Guatemala⁶¹⁸, and Honduras⁶¹⁹ and takes special note of the challenges involved in investigating, punishing, and providing redress for such acts when they are connected with the activities of organized crime. Specifically, the information gathered reveals the difficulties involved in cases of violent killings, disappearances, and situations related to human trafficking and the forced recruitment of women and girls. It also reveals the negative and cross-cutting impact of corruption⁶²⁰ in these cases.
208. The main challenges in investigating and punishing the killings of women (femicides/feminicides) connected with the activities of organized crime are related to the difficulty categorizing these deaths as femicides and their classification as simple homicides⁶²¹. In organized crime scenarios, there are generally fewer indicators of the context in which the crime was committed, the motives behind it, or the victim's relationship with her killer⁶²². Added to this are the failure to follow proper protocols during the investigation of these crimes; the risks and difficulties involved in investigating organized crime, which particularly affect the people in charge of the initial phase of the investigation; the corruption associated with these cases; the absence of proof, since the only evidence is generally testimonial, and witnesses will often refuse to give statements for fear of reprisals, even

⁶¹⁷ In El Salvador, between 2016 and 2017, convictions were obtained in only 3% of cases involving violence against women. See: Pulte Institute for Global Development (University of Notre Dame). [Addressing the Sex and Gender-Based Violence in Guatemala, Honduras, and El Salvador Fueling the U.S. Border Crisis](#). 2020, pg. 8.

⁶¹⁸ In Guatemala, the impunity rate in 2018 was 98% for femicides and 97.05% for offenses of violence against women See: Pulte Institute for Global Development (University of Notre Dame). [Addressing the Sex and Gender-Based Violence in Guatemala, Honduras, and El Salvador Fueling the U.S. Border Crisis](#). 2020, pg. 7.

⁶¹⁹ In Honduras, more than 90% of the killings of have yet to be solved. Furthermore, a judgment has been handed down in only 65% of the total cases tried, and only 30% of them were convictions. See: IACHR. [Situation of Human Rights in Guatemala](#). OEA/Ser.L/V/II. Doc. 208/17. December 31, 2017. para. 258.; Information provided to the IACHR by Centro de Derechos de las Mujeres (CDM) during a consultation with experts on June 16, 2021. IACHR archive.

⁶²⁰ La IACHR considers corruption a phenomenon characterized by the abuse or misuse of the power entrusted, which may be public or private, that displaces the public interest for a private benefit (personal or for a third party), and that damages democratic institutions and the rule of law and affects access to human rights. IACHR. [Corruption and Human Rights](#) OEA/Ser.L/V/II. Doc. 236. December 6, 2019, para. 3. In this regard, see also: Puerta Cuartas, Aikman Cifuentes, Julia and Meyer, Maureen. WOLA. [Central America Monitor reveals challenges and opportunities for rule of law, citizen security, and protection of human rights in the Northern Triangle](#). November 18, 2021.

⁶²¹ CDM. [Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras](#). October 2020. IACHR archive; InfoSegura, [América Latina enfrenta el reto de medición del femicidio](#). March 28, 2019.

⁶²² Spotlight Initiative - Latin America Regional Programme - UNDP. [La violencia contra las mujeres y niñas en contextos de crimen organizado. Centroamérica, Colombia, México y República Dominicana](#). 2021, pg. 29.

when there are witness protection programs; and delays in due diligence and the processing of forensic evidence⁶²³.

209. As civil society reported with respect to Honduras:

The situation is even more serious when [women's] deaths associated with organized crime are investigated. The lack of other evidence such as ballistics testing or other types of forensic evidence makes testimonial evidence the king of all evidence. However, in deaths committed by organized crime, people are extremely afraid of talking for fear of reprisals by these groups. Investigators risk their lives infiltrating crime scenes and even then, are unable to obtain statements of the facts, so cases remain unsolved⁶²⁴.

210. Furthermore, investigations are influenced across the board by the persistence of gender stereotypes and bias during trial and sentencing and the lack of a gender perspective during investigations⁶²⁵. In addition, the normalization of women's killings connected with organized crime in drug transit countries, as well as the failure to link women's disappearances with femicide/feminicide end up minimizing the seriousness of the phenomenon, and far fewer cases are opened and duly investigated⁶²⁶. The Commission has generally noted that the connection between the activities of gangs and organized crime and gender violence against women and girls has not been explored in depth, even though the violence perpetrated by these groups against them is common knowledge⁶²⁷.

211. Concerning the disappearance of women and girls, even though the States of El Salvador, Guatemala, and Honduras have adopted better search and location strategies, particular challenges to the investigation and prosecution of these cases remain that are generally related to the absence of an interinstitutional intervention and timely response system⁶²⁸.

⁶²³ Information provided to the IACHR by Centro de Derechos de las Mujeres (CDM) during a consultation with experts. June 16, 2021; COFADEH. [Informe Desaparición Forzada en Honduras](#). May 2018, pg. 26.

⁶²⁴ CDM. *Las hijas de la muerte. Investigación sobre femicidios en contextos de crimen organizado en Honduras*. October 2020. IACHR archive.

⁶²⁵ Information provided to the IACHR by Centro de Derechos de las Mujeres (CDM) during a consultation with experts. June 16, 2021; Gato Encerrado. [La justicia se empantana para las mujeres víctimas de violencia en El Salvador](#). March 8, 2021.

⁶²⁶ Information provided to the IACHR by Centro de Derechos de las Mujeres (CDM) during a consultation with experts. June 16, 2021; Puerta Cuartas, Aikman Cifuentes, Julia and Meyer, Mauree. WOLA. [Central America Monitor reveals challenges and opportunities for rule of law, citizen security, and protection of human rights in the Northern Triangle](#). November 18, 2021.

⁶²⁷ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019.

⁶²⁸ Organización de Mujeres Salvadoreñas por la Paz. [Aportes para el análisis situacional de las desapariciones de mujeres en El Salvador](#). June 28, 2021, pg. 8.

The systems in place are characterized by little attention to the relatives of missing persons when they attempt to report the disappearance⁶²⁹; the refusal of police personnel to accept the reports before 24 hours have passed since the disappearance, even though the law does not require it⁶³⁰; delays in investigations due to the lack of an established reasonable time to open or conclude them⁶³¹; the launch of investigations 72 hours after the disappearance⁶³²; demands that families provide evidence on the whereabouts of the missing person in exchange for keeping the investigations open⁶³³; failure to reconstruct the events or the route taken by the victim⁶³⁴; the absence of action plans that would enable missing persons location systems to work with the Human Trafficking Prosecutor's Office⁶³⁵; and the failure to properly explore or investigate the causes of the women's and girls' disappearance when they are found⁶³⁶ – all resulting in low prosecution rates in such cases and the perpetuation of impunity⁶³⁷.

⁶²⁹ IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; Fundación de Estudios para la Aplicación del Derecho. [Desaparición de personas en El Salvador](#). April 2021, pp. 108-109.

⁶³⁰ La Prensa. [Más de 770 casos de hondureños desaparecidos siguen sin resolverse desde 2019](#). April 27, 2021.

⁶³¹ IACHR. Pres Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019; COFADEH. [Informe Desaparición Forzada en Honduras](#). May 2018, pg. 23; La Prensa. [Más de 770 casos de hondureños desaparecidos siguen sin resolverse desde 2019](#). April 27, 2021.

⁶³² Organización de Mujeres Salvadoreñas por la Paz. [Aportes para el análisis situacional de las desapariciones de mujeres en El Salvador](#). June 28, 2021, pg. 9; Fundación de Estudios para la Aplicación del Derecho. [Desaparición de personas en El Salvador](#). April 2021, pp. 100-101; COFADEH. [Informe Desaparición Forzada en Honduras](#). May 2018, pg. 24.

⁶³³ In particular, the Commission received accounts that relatives must provide “clues” on the whereabouts of the missing person to ensure that the cases “are not closed”. The mother of a missing youth stated, “They told us to search for our children and we can't because it's dangerous.” In this regard, see: IACHR. Press Release No. 335/19. [IACHR presents its preliminary observations following its *in loco* visit to El Salvador](#). December 27, 2019. In addition, see: Fundación de Estudios para la Aplicación del Derecho. [Desaparición de personas en El Salvador](#). April 2021, pp. 115-116.

⁶³⁴ COFADEH. [Informe Desaparición Forzada en Honduras](#). May 2018, pg. 24.

⁶³⁵ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

⁶³⁶ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

⁶³⁷ For example, in the particular case of **Honduras**, according to official data reported by the press for the period 2019 to February 2021, 46.9% of the missing persons were women. Concerning the status of missing persons cases during that same period, of the total cases (1,550), the whereabouts of 26.90% (417) were still unknown in 2019, and people who had lost their life accounted for the remaining 2% (32). In 2020, 56.14% of the total cases (798) had been solved (448), 41.23% were still pending (329), and people who had lost their life constituted the remaining 2.63% (21). As of February 22, 2021, 59.30% of the total cases (86) had been solved (51), 38.37% were still pending (33), and people who had lost their life accounted for the remaining 2.33% (2). Concerning the prosecution of cases of kidnapping, according to information from that same source, in 2017, of the total cases tried, (28), a conviction was obtained in 64.29% (18); in 2018, of the total cases tried (47), a conviction was obtained in 70.21% (33); and in 2019, of the total cases tried (25), a conviction was obtained in 80% (20). See: La Prensa. [Más de 770 casos de hondureños desaparecidos siguen sin resolverse desde 2019](#). April 27, 2021.

212. The Commission notes in particular that the barriers to investigating disappearances are higher when related to the activities of organized crime. In El Salvador, for example, the overall decrease in homicides in recent years has been accompanied by an increase in disappearances⁶³⁸. Likewise, some gangs are known to make their victims' bodies disappear⁶³⁹. However, in most cases, the lack of coordination, training, and specific guidelines when disappearances and killings are reported and investigated makes it hard to establish direct links between missing women and the activities of criminal groups.⁶⁴⁰. This leads to a lack of specialized information that would enable the States to adopt the necessary mechanisms for prevention, investigation, protection, and redress.
213. Furthermore, the IACHR has been informed of the continued forced recruitment of children and adolescents by organized crime groups and the lack of investigation and punishment for this crime.⁶⁴¹. For example, according to civil society data, in 2017, the National Human Rights Commission of Honduras (CONADEH) reviewed some 56 cases of forced child recruitment, 79% of which were committed by gangs; in 2018, civil society reported 77 cases of this type of human trafficking, in which the child victims were criminalized⁶⁴². However, according to the official information reported by civil society, in the period 2015 to March 2019, the DPI had only three open investigations of human trafficking in the form of forced recruitment of children for criminal purposes⁶⁴³.
214. The IACHR identifies some of the main barriers to the investigation, prosecution, and punishment of forced child recruitment as the lack of legal recognition of forced recruitment

⁶³⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.; La Prensa Gráfica. [Desaparecidos ya superan cifra de homicidios en El Salvador](#). November 4, 2021.

⁶³⁹ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.; BBC News. [Las fosas comunes de las maras](#). June 2, 2010.

⁶⁴⁰ Agencia Ocote. [Por qué Desaparecen Más de Siete Mujeres al Día en Guatemala](#). September 7, 2020.

⁶⁴¹ In this regard, see: IACHR. [Hearing on the Human Rights Situation of Human Trafficking Victims in the Region](#) during the IACHR's 178th Period of Sessions, December 3, 2020; Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, and Save the Children. Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America during the IACHR's 178th Period of Sessions. September 2020. IACHR archive, pp. 12-15.

⁶⁴² In this regard, Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, and Save the Children. Main points of the presentation to the Inter-American Commission on Human Rights. Thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America. 178th Period of Sessions. September 23, 2020. IACHR archive, pp. 12-13. In addition, see: Reporteros de investigación. [Aquí hay esclavos de narcos, maras y pandillas](#). 2020.

⁶⁴³ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children. Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America during the IACHR's 178th Period of Sessions. September 2020. IACHR archive, pg. 13. In this regard, Policía Nacional de Honduras - Dirección Policial de Investigaciones - División de Criminología - Departamento de Información y Estadísticas, Oficio DPI - N0 0584-2019. April 10, 2019.

as a form of violence that may constitute a form of human trafficking⁶⁴⁴; the absence of programs and sufficient human, technical, or financial resources to implement programs to disengage children and adolescents from gangs and rehabilitate and reintegrate them into society⁶⁴⁵; the state practice of not recognizing children and adolescents recruited by organized crime groups as victims, resulting, moreover, in their criminalization and lack of protection⁶⁴⁶; and, even when forced recruitment victims are identified as such, the lack of investigation and rulings that call this type of exploitation a crime⁶⁴⁷. Furthermore, the failure to consider the forced recruitment of girls a crime and they as victims results in a lack of serious and diligent investigations of these activities and the prosecution and punishment of the persons responsible, perpetuating the risk of girls' vulnerability to recruitment by organized criminal groups while fostering impunity for these offenses.

215. The Commission further notes the challenge posed by corruption to investigation, punishment, and redress for gender violence against women perpetrated by members of criminal groups. In this regard, the information received reveals the complicity, and even participation, of agents of the State in activities connected with organized crime, including those linked with protecting the rights of women and girls⁶⁴⁸. In this regard, information from civil society in Honduras indicates that:

[...] beyond the legal and technical difficulties, the real problem impeding women's access to justice is the fact that the perpetrators of violence – gang members, narco-traffickers – are the same people responsible for investigating the crimes and have people infiltrated in all State entities, not only those in the justice system. [...] This fraternizing does not permit the violence to end or justice to be done for these crimes. [...] In Honduras, as long as corrupt police continue armed trafficking and protecting narco-traffickers and their shipments, and as long as prosecutors and

⁶⁴⁴ Information provided to the IACHR by ECPAT during the consultation with experts on June 16, 2021. IACHR archive. In this regard, the State of Honduras indicated that while forced recruitment is not considered a separate offense, Art. 219, No. 1 of the Criminal Code does recognize exploitation to engage in criminal activities as a form of human trafficking. Procuraduría General de la República. Observaciones fácticas y comentarios del Estado de Honduras al proyecto de informe de la CIDH sobre el impacto del crimen organizado en las mujeres, niñas y adolescentes en los países del Norte de Centroamérica, November 14, 2022. Informe del Ministerio Público, pg. 3. IACHR archive.

⁶⁴⁵ IACHR. [Situation of Human Rights in Honduras](#). OEASer.LV/II. Doc. 146. August 27, 2019, para. 239.

⁶⁴⁶ In this regard, see also the *Criminalization of women and girls in policies to fight organized crime* section of this report.

⁶⁴⁷ Information provided to the IACHR by ECPAT during the consultation with experts on June 16, 2021. IACHR archive.

⁶⁴⁸ Information obtained during the virtual consultation with experts, held June 16-17, 2021 during the preparation of this report. IACHR archive.

*judges have their hands tied and their eyes blindfolded by threats and fear, justice for women will be nothing more than a pipe dream*⁶⁴⁹.

216. While corrupt practices are found throughout El Salvador, Honduras, and Guatemala, the Commission notes that it is especially rampant in rural areas, where the police and judicial authorities have close contact with gangs and organized criminal groups, further entrenching impunity⁶⁵⁰. Moreover, gang leaders and organized crime bosses, as well as people in government positions and religious institutions, tend to use their influence to ensure they will not be indicted and/or tried for such crimes⁶⁵¹. In Guatemala, according to the available information, many women survivors of violence report that the National Civil Police do not protect them, take their reports seriously, or make any effort to investigate and prosecute their assailants due to the presence of local bands and their involvement with the women⁶⁵².
217. Furthermore, the challenges to investigating and prosecuting cases of violence against women and girls involved in organized crime activities hinder their access to full redress. For example, while the legislation of El Salvador, Guatemala, and Honduras provides for redress in cases of human trafficking, including the creation of a fund for comprehensive victim support and compensation⁶⁵³, numerous access barriers to adequate, effective, and prompt redress remain⁶⁵⁴. Significant among them are compensation's lack of inclusion in the criminal justice system, preventing victims from obtaining compensation through the judicial process, since judges generally do not rule on compensatory measures, even though their internal regulations allow it; the requirement in practice that victims expressly demand financial compensation or become formal complainants for judges to determine this compensation in sentencing; the failure to consider compensation in the prosecution's requirements; the requirement that civil remedies be exhausted to obtain compensation, which must occur prior to the guilty verdict in criminal prosecutions; the requirement that

⁶⁴⁹ CDM. *Las hijas de la muerte*. Investigación sobre femicidios en contextos de crimen organizado en Honduras. October 2020. IACHR archive.

⁶⁵⁰ KIND. *Neither Security nor Justice: Sexual and Gender-based Violence and Gang Violence in El Salvador, Honduras, and Guatemala*. May 2017.

⁶⁵¹ IACHR. *Corruption and Human Rights*. OEA/Ser.L/V/II. Doc. 236. December 6, 2019.

⁶⁵² Stephen, Lynn. *Violencia transfronteriza de género y mujeres indígenas refugiadas de Guatemala*. Revista CIDOB d' Afers Internacionals, No. 117. 2017. pg. 37.

⁶⁵³ In this regard, see: Honduras. *Ley Especial contra la Trata de personas*. Arts. 20 and 41; Guatemala. *Ley contra la Violencia Sexual, Explotación y Trata de Personas*. Arts. 11 section g) and 68; El Salvador, *Ley Especial contra la Trata de Personas*. Arts. 41, 51, 52, and 53.

⁶⁵⁴ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children. Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America during the IACHR's 178th Period of Sessions. September 2020. IACHR archive, pg. 9.

victims be assisted by an attorney to exhaust civil remedies and obtain compensation; and the perpetrator's financial inability to compensate the victim⁶⁵⁵.

218. In light of these considerations, the Commission reminds the States of their duty to act with due diligence to prevent, investigate, and punish violence against women, including violence perpetrated by non-state actors, such as criminal groups. In regard to prevention, as mentioned earlier, the international responsibility of the State comes into play in the absence of due diligence to reasonably prevent a real and immediate risk to women and girls that the authorities are or should be aware of⁶⁵⁶.
219. The Commission finds that the authorities of El Salvador, Guatemala, and Honduras are amply aware of the special risks and vulnerability of women and girls in the context of organized crime. Therefore, their failure to put specific measures in place for their effective protection, both generally and in specific cases that they are aware of, as well as the lack of investigation, prosecution, punishment, and redress for these acts, can constitute a serious violation of the human rights of women and girls, especially their right to live free of violence.
220. With regard to the investigation, prosecution, and punishment of violence against women, the absence of due diligence creates an environment of impunity that facilitates and encourages its repetition, increases women's distrust of the justice system, and in sum, promotes the social acceptance and perpetuation of violence⁶⁵⁷. Moreover, the absence of due diligence is not only a violation of this duty but itself is a form of discrimination against women in access to justice⁶⁵⁸.
221. As the Inter-American Court has stated, due diligence requires the launch of a serious, impartial, and effective investigation without delay, using all available legal means and

⁶⁵⁵ Tribuna de Mujeres Gladys Lanza, Lawyers without Borders Canada, ECPAT Guatemala, Save the Children, Main points of the presentation in the thematic hearing on the human rights situation of human trafficking victims in the Northern Triangle of Central America during the IACHR's 178th Period of Sessions. September 2020. IACHR archive, pp. 9-12.

⁶⁵⁶ See Chapter 1, Section C of this report: *Duty to protect and guarantee human rights in the context of organized crime activities*.

⁶⁵⁷ IACtHR. *Case of Gutiérrez Hernández et al. v. Guatemala*. Preliminary objections, merits, reparations and costs. 2017. Series C No. 339, para. 176; IACHR. *The Situation of the Rights of Women in Ciudad Juárez, Mexico: The Right to be Free from Violence and Discrimination*. OEA/Ser.LV/II.117 Doc. 1 Rev. 1. March 7, 2003, paras. 1 and 7; IACHR. Petition to the Inter-American Court of Human Rights. *Case of Ivette González et al. ("Cotton Field") v. Mexico*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of November 16, 2009. [Link is to the Judgment of Nov. 16, 2009, not the petition] Cases 12.496, 12.497, and 12.498. November 4, 2007, para. 151; IACHR. Report No. 170/11 Case 12.578. *Case of María Isabel Véliz Frano et al. Merits*. Guatemala. 2011, para. 135; IACHR. Report No. 72/14. Case 12.655. *Merits. I.V. Bolivia*. 2014, para. 182.

⁶⁵⁸ IACHR. *Democratic Institutions, the Rule of Law and Human Rights in Venezuela*. OEA/Ser.LV/II, 2017, para. 343.

geared to learning the truth and eventually punishing the perpetrators⁶⁵⁹, regardless of the public or private status of the agent to whom the responsibility will ultimately be attributed⁶⁶⁰. Furthermore, the investigation must be conducted by competent, impartial authorities with training in gender issues, support for victims of gender discrimination and violence⁶⁶¹, and the rights of women and girls, especially the needs of girls based on their gender and age group.

222. Within this context, the Commission urges the States of El Salvador, Guatemala, and Honduras to exercise due diligence in the investigation and eventual prosecution and punishment of the perpetrators in cases of gender violence against women and girls connected with the activities of organized crime, considering the context in which it occurs and integrating the gender perspective and intersectional and intercultural approach across the board. To this end, they should appoint people competent in this regard.
223. The IACHR likewise notes that the duty to investigate with due diligence should not be confined to offenses committed by members or associates of organized crime groups but necessarily include investigation of the networks in which public servants at different levels and in different branches of government may be facilitating, or even participating in, these acts. It therefore urges the States of El Salvador, Guatemala, and Honduras to make a genuine commitment to fighting impunity, corruption, and organized crime by dismantling the parallel structures and powers that persist in the countries to achieve the full exercise of human rights in general and the guarantee of women's and girls' rights in particular.
224. In light of the above, the Commission considers it necessary for the States to create and/or strengthen oversight and monitoring mechanisms and independent, transparent entities to fight corruption and impunity. This will require the adoption of internal and external supervision procedures, citizen oversight, and effective reporting and sentence administration mechanisms for acts of corruption in security forces and justice administration⁶⁶². Likewise, the States should conduct efficient, prompt, and thorough investigations into instances of corruption; guarantee that those investigations are serious,

⁶⁵⁹ IACtHR. [Case of the Pueblo Bello Massacre v. Colombia](#). Judgment of January 31, 2006. [Date in the source document is incorrect.] Series C No. 140, para. 219; IACtHR. [Case of the Moiwana Community v. Suriname](#). Judgment of June 15, 2005. Series C No. 124, para. 147; IACtHR. [Case of the Serrano Cruz Sisters v. El Salvador](#). Judgment of March 1, 2005. Series C No. 120, para. 63.

⁶⁶⁰ IACtHR. [Case of the Pueblo Bello Massacre v. Colombia](#). Judgment of January 31, 2006. [Date in the source document is incorrect.] Judgment of January 31. Series C No. 140, para. 145; IACtHR. [Case of González et al. \("Cotton Field"\) v. Mexico. Preliminary Objection, Merits, Reparations, and Costs](#). Judgment of November 16, 2009. Judgment of November 16, 2009. Series C No. 205, para. 291.

⁶⁶¹ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.LV/II. Doc. 233. November 14, 2019, para. 132.

⁶⁶² IACHR. [Violence, Children, and Organized Crime](#). OEA/Ser.LV/II. Doc. 40/15. November 11, 2015, para. 410.

bent on achieving results, and mindful of judicial guarantees to safeguard due process and full rights to legal defense in both administrative and judicial hearings, in keeping with international standards in this regard⁶⁶³.

225. Finally, the Commission recalls the duty to provide comprehensive, adequate, effective, and timely redress for women victims of gender violence, proportional to the wrong inflicted upon them and with a transformative purpose, so that it not only provides restitution but has a corrective effect, leading to structural changes that dismantle the stereotypes and practices that perpetuate gender discrimination and gender violence⁶⁶⁴. It therefore urges the States to include the gender perspective and human rights approach in the design and implementation of reparations for women and girl victims of gender violence perpetrated by organized crime groups, considering their circumstances of special vulnerability. Likewise, given the absence of specific programs for them, the IACHR calls on the States to create national funds for comprehensive redress, which could be funded, for example, with goods confiscated in criminal prosecutions of these crimes, and guarantee easy access to compensation, eliminating burdensome requirements that hinder it, such as the need for legal representation.

⁶⁶³ IACHR. [Corruption and Human Rights](#) OEA/Ser.L/V/II. Doc. 236. December 6, 2019, para. 524 No. 3

⁶⁶⁴ IACHR. [Violence and Discrimination against Women and Girls](#). OEA/Ser.L/V/II. Doc. 233. November 14, 2019, para. 140.

Chapter 6

Conclusions and recommendations

Conclusions and recommendations

A. Conclusions

226. The Latin America and Caribbean region has reported high levels of crime and violence resulting, in many but not all cases, from the upsurge in criminal groups that act outside institutional frameworks and the law and operate clandestinely, controlling large swaths of territory. The link between these groups and the illicit or criminal activities from which they profit, their influence in the public sphere, and their ability to infiltrate and co-opt State institutions results in serious violations of human rights – particularly, those of women and girls.
227. In the specific case of the Northern Triangle countries of Central America, there is a complex context marked by interrelated factors such as the presence of organized criminal groups, alarming levels of social violence and citizen insecurity, the breakdown of democratic institutions, and the prevalence of corruption – this on top of a scenario of shocking levels of gender violence, whose causes and consequences lie in historical and structural discrimination against women and which, derived from these discriminatory structures, tends worsen in contexts of crisis such as those mentioned earlier. Thus, gender violence against women is persistent and ever-present at all stages of their lives and in all contexts.
228. In this scenario, the Commission has received a wealth of information revealing the differentiated impact of organized crime activities on the rights of women and girls. However, although it is common knowledge, the IACHR notes with concern the lack of reliable up-to-date information that explores in depth the connection between organized crime and gender violence against women and girls. This is reflected, for example, in the lack of formal recognition of this situation by the authorities, the lack of programs or public policies that specifically address the problem, and more generally, the lack of priority accorded the guarantee of women’s right to live free of violence in countries with high rates of citizen insecurity and crime.
229. The Commission observes, in particular, that women and girls face difficult circumstances marked by various forms of interaction with organized crime groups, resulting in situations of extreme cruelty and violence against them due to their gender. As has been documented, women and girls are subject to multiple forms of sexual violence, killings (femicides/feminicides), forced unions, control of their reproductive processes (i.e. pregnancies and forced abortions), disappearances, torture, slavery-like practices, different forms of human trafficking, etc. Furthermore, the control exerted by these groups and the threats and violence they perpetrate against women and girls have contributed to the

internal displacement and migration of thousands of them across regional borders in an attempt to flee the violence or secure international protection. As people on the move, many of them encounter additional forms of gender violence and discrimination, evidencing the vulnerability of women migrants in the region.

230. This reveals the worrisome situation of many women and girls in the countries examined in this report. As the Commission observes, they live in a scenario of persistent structural discrimination and violence, facing threats, harassment, and assaults in communities dominated by violence, with few options to protect themselves and safeguard their rights. In particular, the information obtained reveals troubling situations of extreme violence, cruelty, and abuse against women, whose lives and bodies are considered territories for the exercise of power and control.
231. The Commission further notes that, contrary to the prevailing stereotype, women and girls are not only victims of violence but in many cases participate in criminal activities. For multiple economic, social, and personal reasons, many opt to become members of criminal groups, even if the ways or initiation rituals for joining them are extremely violent. While there are no consolidated statistics on this phenomenon, the available information indicates that women's membership in criminal groups like gangs has been rising over the years.
232. The Commission has observed, moreover, that the growth in the number of women in criminal groups is occurring simultaneously with the fight against organized crime, especially drug trafficking, in the three countries examined. It notes that in this scenario, citizen security policies lack a gender approach and have led to an increase in women's incarceration in the region. The complex situation of women victims and victimizers poses the challenge of determining appropriate treatment under criminal law that respects and guarantees their rights, in keeping with inter-American standards in this regard – all this, considering their situation of vulnerability, the pressure and coercion they may have been subjected to, their position in criminal organizations, and the differentiated impact of the deprivation of liberty on some groups of women.
233. In addition, the Commission has been informed of the gradual breakdown of democratic institutions and judicial independence in El Salvador, Honduras, and Guatemala, exacerbated by the infiltration of criminal groups in state entities and the resulting corruption. In this scenario, there is documentation of the state agent's connivance in and tolerance of crimes that disproportionately affect women and girls, especially human trafficking. Furthermore, corruption and the ties between state agents and criminal groups often impede the proper investigation of acts of violence against women, fostering impunity and social tolerance of this phenomenon.

234. The IACHR has also noted that the numerous structural barriers to women's and girls' access to justice prevailing in the region are compounded by the specific barriers associated with organized crime. Threats, intimidation, fear of reprisals, and corruption keep victims and their families from reporting acts of violence and prevent them from being duly investigated, punished, and redressed. The States' capacity to ensure victims' access to justice, the capacity of investigative bodies, and effective protection for all of them need to be strengthened, adhering to the inter-American standards on enhanced due diligence in cases of violence against women and girls.

B. Recommendations

235. Under the provisions of Article 41, Section b of the American Convention on Human Rights, the Commission has the authority to issue recommendations, as appropriate, to the governments of member States for the gradual adoption of measures to promote human rights in their domestic legislation and constitutional precepts, as well as appropriate provisions to foster due respect for those rights.

236. The Commission reaffirms that social violence in the Northern Triangle of Central America is an extremely complex phenomenon and hence, not attributable to a single cause. Rather, it is the result of multiple structural factors and causes. However, it reminds these States of their duty to address this complex phenomenon from a comprehensive, holistic perspective that begins with the reconstruction of values and the social fabric with a human rights approach.

237. In consideration of this, and especially the right of all women to live free of gender violence and discrimination, specifically in contexts related to the presence and activities of organized crime, the Commission recommends that the States of El Salvador, Honduras, and Guatemala:

1. **Adopt all necessary measures to raise greater awareness about the impact of organized crime on the human rights situation of women and girls. In particular:**

- a. Adopt mechanisms to generate, gather, and analyze statistical data disaggregated by category that make it possible to identify the specific impacts on them in these contexts for reasons of gender, sex, age, ethnic-racial origin, sexual orientation, gender identity, migration status, etc. and use these data to inform the adoption of appropriate, effective measures for prevention, protection, punishment, investigation, and redress in cases of human rights violations linked with the activities of organized crime;

- b. Create and maintain databases with complete up-to-date statistics on acts of gender violence against women stemming from or linked with the activities of organized crime groups, including, at a minimum, killings, disappearances, torture, and slavery-like conditions for women, with object of monitoring, exposing, and impacting these situations;
- c. Guarantee the security and reliability of all the data collected so that it protects the right to privacy, ensures that the information is not used to revictimize women and girls and their families, and prevents any type of risk to them;
- d. Generate research and reports using mixed quantitative and qualitative methodologies that lead to a deeper understanding of the phenomenon of gender violence against women and girls in the general context of social violence and insecurity. Specifically, include the impact of the organized crime dimension in studies and analyses of the prevalence of gender violence against women and girls in each country;
- e. Mainstream the gender perspective, with an intersectional and intercultural approach, in research and analyses of citizen security, including perception studies, victimization surveys, and other research designed to generate information on the population harmed by criminal activities linked with organized crime;
- f. Encourage the participation of different actors, including academia, international agencies, and civil society organizations, as well as women and girl victims, in the design and implementation of measures to raise the State's awareness of the problem of gender violence against women in contexts related to organized crime;
- g. Periodically and accessibly disseminate the results of the knowledge generated and statistical data produced.

2. Strengthen comprehensive action to prevent gender violence against women and girls and protect them, giving special consideration to the impact and risks entailed in the activities and operations of organized crime. Such action should be gender-sensitive and include an intersectional and intercultural approach, given the heightened risk to some women and girls in these contexts. In particular:

- a. Strengthen programs and systems to support women and girl survivors of gender violence throughout the countries, including urban and rural areas – especially, those known to be under the control of organized criminal groups – ensuring easy access;

- b. Strengthen programs for the protection of witnesses, especially women and girls, who report or alert the authorities to acts of gender violence or criminal acts by organized crime, granting them protection even when they have participated in them. This includes strengthening the shelter system and other protection mechanisms;
- c. Adopt timely, practical, and effective measures to protect women and girl victims of gender violence stemming from or associated with organized crime activities, regardless of their involvement in the activities, as well their families, witnesses, and in general, anyone who could face reprisals, including agents of the State involved in the investigation of the events reported;
- d. Implement protection measures expeditiously, prioritizing them in cases of violence against women stemming from or associated with organized crime activities, without the need to launch a civil or criminal case or requiring women and girls to undergo medical examinations to confirm they have been victims of physical violence.

3. *Adopt the necessary measures to investigate, prosecute, punish, and provide redress for acts of gender violence associated with the activities of organized crime, in keeping with the international obligations assumed by the States and the inter-American standards in this regard. In particular:*

- a. Guarantee the creation of specialized courts with sufficient authority, resources, and specialized staff to handle cases of gender violence against women and girls in contexts of organized crime;
- b. Increase the availability of mechanisms for filing complaints, reporting, and enforcing rights, especially in territories controlled by criminal groups, and distribute information nationwide in sensitive formats to inform women and girls about the channels they can access to seek protection and justice – this, specifying the objective of providing safe and confidential assistance to women and girl victims of gender violence associated with the activities of criminal groups or at risk of it;
- c. Conduct investigations with a gender perspective and an intersectional and intercultural approach, considering, in particular, the vulnerability and risk to women and girls in contexts associated with the activities of organized crime. The respective investigations should be official and undertaken promptly, without depending on the initiative of violence survivors, their next of kin, or the private provision of evidence;
- d. Adopt investigative and procedural protocols for cases of gender violence against women and girls, including killings (femicides/feminicides), sexual violence, and

disappearances, that include the dimension related to the context and activities of organized crime groups. In the same vein, update existing protocols to include this factor and relate it to the prevalence of violence against women and girls;

- e. Maintain units to train public servants, especially staff from the justice system, in the gender perspective and the rights of women, girls, and victims. The training should cover structural discrimination and gender violence and include dimensions pertaining to the heightened risk and vulnerability they face in contexts related to the activities of organized crime;
- f. Adopt the necessary measures to eradicate discriminatory gender stereotypes in the administration of justice that work to the detriment of women victims and victimizers. This includes establishing rules for evaluating reports, evidence, and testimony that avoid stereotyped assertions, insinuations, allusions and the imposition of disproportionate sentences or unjustified denials of pre-release benefits or alternatives to incarceration;
- g. Increase protection and security measures for judicial personnel in charge of investigating acts of gender violence against women in organized crime contexts;
- h. Introduce specific programs for comprehensive redress to women and girl survivors of gender violence and/or their next of kin, including cases in which the violence was related to organized crime activities. To this end, create national comprehensive redress funds, which could be funded, for example, with goods confiscated during criminal prosecutions of these crimes.

4. *Adapt existing regulatory frameworks to the inter-American and international standards for protecting the rights of women and girls, including those related to citizen security and the negative impact of organized crime activities. In particular:*

- a. Classify the recruitment, use, and exploitation of women and girls by criminal groups for illegal activities and include such conduct as one of the modalities of human trafficking;
- b. When possible, consider women and girls suspected of human trafficking to be victims and not criminals, bearing in mind their vulnerability in contexts dominated by organized crime;

- c. Amend the legal framework to guarantee that women and girl survivors of gender violence stemming from or associated with organized crime activities can receive international protection. In particular, take the necessary steps to urge the relevant authorities to grant refugee status to women whose lives or safety would be in jeopardy should they be returned to their countries, regardless of their relationship with their assailants;
- d. Consider the relationship between organized crime activities and the forced displacement of women and girls and recognize the differentiated impacts of forced displacement on their rights – this, to adopt effective prevention and protection measures in contexts of organized crime;
- e. Review, when possible, the legal treatment of women and girls who run afoul of the law, bearing in mind their vulnerability, the risks to which they are exposed, their role in the criminal organization, and other factors related to their gender, such as their status as mothers, heads of household, or nursing mothers, to enable them to obtain procedural benefits and alternatives to incarceration.

5. *Strengthen national and regional interinstitutional cooperation agencies to address the differentiated impacts of transnational organized crime on the rights of women and girls. In particular:*

- a. Strengthen interinstitutional coordination mechanisms for the investigation of gender violence against women and girls, especially killings and disappearances. This will require coordinating the lines of investigation and specialized organized crime investigation tools with those specializing in gender violence against women;
- b. Create subregional opportunities for cooperation to prevent and address transnational crimes connected with organized crime that affect women and girls. This includes the prevention of human trafficking and trafficking in women, girls, and migrants. For example, subregional cooperation can include the generation of comparable updated information; specialized assistance to women and girl victims of gender violence, particularly in border areas; and cooperation in the investigation and prosecution of the perpetrators of the violence.

6. *Integrate the gender perspective, with an intersectional and intercultural approach, in policies to promote citizen security, fight organized crime, and combat drug trafficking. In particular:*

- a. Implement mechanisms for the participation of civil society, academia, and women's rights and citizen security experts that ensure the participation of women and girls, whether survivors or victimizers, in the design, implementation, and monitoring of public citizen security policies, especially those related to organized crime;
- b. Design and implement policies and programs to disengage women and girls from criminal groups, the primary purpose being the restoration of rights;
- c. Upgrade police forces to improve citizen security, increasing their effectiveness and efficiency, as well as trust between the police and the public, especially in areas or territories with high levels of violence and insecurity linked with the presence of criminal groups, through modernization, professionalization, democratization, transparency, and accountability. This will require the introduction of internal and external oversight mechanisms and accessible trustworthy mechanisms to ensure that they perform the duties assigned to them, in keeping with the law and respect for human rights in general, and the rights of women and girls in particular, integrating the gender perspective and the intersectoral and intercultural approach across the board.

7. *Redouble efforts to fight corruption with the object of eliminating the impunity surrounding gender violence against women and girls, especially the violence occurring in territories dominated by organized crime. In particular:*

- a. Establish internal and external supervision procedures, citizen oversight, and effective reporting and sentencing administration mechanisms for acts of corruption in the security forces and justice system linked with the activities of criminal groups, prioritizing attention to cases of corruption that facilitate the commission of gender violence against women and girls (as in the case of human trafficking) or impunity (as in the case of investigations of crimes against women);
- b. Establish and strengthen independent transparent entities to fight corruption and impunity, including specialized organized crime and corruption corps – all this, with a human rights perspective in general and a gender perspective in particular;

- c. Conduct serious, efficient, prompt, and thorough investigations of reports of corruption linked with organized crime, regardless of the nature and rank of the state agents involved, and guarantee that these investigations seek to obtain results and respect the guarantees of due process and staunch defense in both the administrative and judicial sphere, in keeping with inter-American standards in this regard.