Gang violence, GBV and hate crime in Central America: State response versus State responsibility

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Significant displacement is caused in Central America by gang violence, gender-based violence and hate crimes against LGBT+ people but State responses have failed to address their root causes.

The Northern Triangle of Central America (NTCA)[1] continues to be affected by significant displacement. Large movements of people travelling in 'caravans' since October 2018 have increased visibility of the situation but responses to the root causes of mobility remain lacking. Reasons for displacement are multi-causal, with people fleeing violence perpetrated by both State and non-State actors, compounded by worsening poverty and inequality, corruption and political repression, and the effects of climate change.

Violence in the NTCA is perpetrated by a range of actors in different contexts, from megaprojects to state repression, and is perpetuated by entrenched corruption and impunity and by States' unwillingness or inability to tackle its root causes. This article focuses on acts that would normally be considered individual acts: gang violence, gender-based violence (GBV) and violence against people because of their sexual orientation or gender identity (SOGI). Nonetheless, the root causes of impunity, inequality and discrimination no doubt extend to other manifestations of violence in the region.

Acts of violence perpetrated by non-State actors in the region are widespread and systematic. Although such violence would indeed be considered individual acts in a normally functioning state, in NTCA this violence is enabled by States' failure to protect their citizens, prevent such crimes and address the causes. This understanding is critical in order to demonstrate the role of the State – a key factor in people's ability to claim international protection in another country – as well as the State's responsibility for addressing the root causes of violence and displacement.

Violence, displacement and root social causes

The NTCA suffers from endemic violence and insecurity and has some of the highest murder rates in the world and widespread GBV, sexual violence and femicide. These persistently high levels of violence, the rule of *ver, oír y callar* – see, hear and shut up – and frequent impunity have led to a situation in which violence is normalised and has become "a mode of communication".[2]

Gang violence creates a 'continuum of risk', with some people fleeing reactively from a targeted threat and immediate risk, others fleeing as a pre-emptive measure when personal risk levels rise, and others fleeing because of a general fear of violence, the economic effects of insecurity and inequality, rising violence in their neighbourhoods and battles over territory.[3]

GBV is a major trigger of displacement for women and girls, both internally and across borders. This includes domestic violence, intimate partner violence, family violence and sexual violence (perpetrated by partners, family members, community members and criminal groups), as well as human trafficking, forced prostitution and the sexual abuse and exploitation of girls and adolescents. Street gangs use extreme sexual violence and femicide as vengeance against rivals, as a message to other gang members or as a punishment for people who have offended. Those forced to flee, however, may still be pursued and persecuted in displacement because their assailants have not been apprehended. The risks of being persecuted after displacement are increased if the violence is perpetrated by a gang member, especially if the victim reports the crime. This is likely to mean

the risk will extend to their whole family and may then trigger cross-border flight.

LGBT+ people flee violence and persecution perpetrated by their families and communities, gang members and State entities. Many LGBT+ people feel they have no option but to leave the country, given the lack of protection or support.

Violence against women and girls and violence on grounds of SOGI both stem from the State's failure to eliminate the patriarchal and discriminatory attitudes that drive them. These patriarchal attitudes and gender stereotypes also contribute to the extreme machoism of gangs and to the intersections of gang violence with GBV and SOGI violence.

Street gangs and the territorial control and violence they employ have deep roots in poverty, lack of opportunities, the political, economic and social marginalisation and exclusion of young people, and the absence of effective State presence and services in marginalised communities. Poverty and a lack of opportunities make people vulnerable to becoming involved in criminal activities as a survival strategy, for economic and protection reasons. This vulnerability may be heightened by family breakdown or having parents who are absent because of work or emigration.

Impunity: endemic, multi-causal and intersectional

Impunity is endemic in the region and most crimes are not prosecuted. In order to understand the role of impunity as a root cause of displacement and violence in the NTCA, its multi-causal nature must be examined.

Firstly, there is a reluctance to report, which is based on several factors, including mistrust of the police and justice system and lack of confidence in the authorities to provide effective protection. This reluctance can also stem from the type of violence or crime experienced. Victims of gang violence fear reprisals and this is amplified by the fear of information being leaked to gangs by corrupt or coerced State agents. For victims of gender-based violence, hate crimes and sexual violence, this reluctance is compounded by fear of stigma, reprisals

and more violence from their assailants, and those who do report are often re-victimised or derided by police. Reporting is also hindered by a lack of shelters for victims of domestic violence, the refusal to help people who appear to be a different gender from that given on their identity document, and a lack of recognition of same-sex relationships and the possibility of violence within them.

Secondly, there are significant practical challenges in delivering justice, including weak institutions, a lack of resources and capacity, and the sheer volume of cases. When crimes are reported to the authorities, reports may be refused or simply not processed and investigated. When investigations do take place, they are often lengthy and inefficient. All this is aggravated by a lack of effective witness protection and survivor support programmes.

Thirdly, State entities and law enforcement agencies have been corrupted and infiltrated by gangs, or may themselves extort and abuse people directly.

This all contributes to a cycle of impunity in which crime can flourish and people's trust in authorities is further eroded, undermining access to justice and increasing the vulnerability of certain groups. States' failure to provide an effective response and protection contributes to displacement and affects its patterns – who goes and where they go – and people's need for international protection.

States' disregard for root causes

States' responses to gangs have failed to resolve the problem; indeed, they have instead had adverse consequences that have provoked further displacement in both El Salvador and Honduras. As gangs recruit ever younger children (because minors are less likely to be identified as gang members during raids, and because they attract less harsh criminal charges), whole families and individual minors are being forced to flee. In addition, as gangs in El Salvador relocate to rural areas in order to avoid raids, this results in increased violence in previously unaffected rural areas and consequently to greater displacement of people from these locations.

Meanwhile, increased enmity between gangs and police has forced some members of the security forces into displacement.

The repressive State response itself has also caused displacement, with young people fleeing arbitrary State harassment and abuse of power and with people living in gang-controlled areas fleeing pressure from security forces to divulge information about gang members. These approaches further aggravate the lack of trust in the authorities and the marginalisation of young people, while failing to address the broader manifestations of violence and their root causes.

State responsibility

Prevention strategies are severely lacking and this is particularly apparent in States' persistent failures to address the root causes of violence, either by tackling the poverty, marginalisation and inequality that drive gang violence or by remedying the deep discrimination and patriarchal attitudes that drive GBV and hate crimes against the LGBT+ population. Tackling root causes is key but this will require a broad-ranging view of violence in all its manifestations (including GBV and hate crimes) plus institutional and legislative developments supported by solid policy, social programmes and attitude-changing campaigns.

Nonetheless, there have been promising localised developments that hold potential for replication in other areas. These include intervention programmes such as Cure Violence in some parts of San Pedro Sula, a youth outreach programme in Rivera Hernández (one of Honduras' poorest neighbourhoods), family-based violence prevention strategies used in the El Salvador Crime and Violence Prevention Project, and dedicated cooperation between community and municipality in Berlín in El Salvador that have enabled it to remain free of gangs.[4]

There have also been some promising recent commitments, although these are still to be implemented. El Salvador's incoming president, Nayib Bukele, has called for social programmes, education, and reintegration programmes for former gang members, to prevent gang violence. Under the Comprehensive Regional Protection and Solutions Framework (MIRPS, as it is known regionally), Honduras has committed to "develop strategies to prevent and address the specific risks of women and girls, transport workers, traders, persons at risk of losing their lands, and LGBTI persons".[5] Achieving this, however, would require significant multi-agency work and social and political commitment – all the more challenging given increasing political repression and State violence in Honduras.

Despite pledges by Mexico's new president, Andrés Manuel López Obrador, to develop a regional response to tackle the root causes of migration, in reality responses from Mexico and the US continue to be security measures to prevent people from travelling northwards. Ultimately, more political will and regional commitment are needed to ensure that rhetoric becomes reality.

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1. Also known as Northern Central America, comprising El Salvador, Guatemala and Honduras.

2. This expression was used by a few representatives of civil society organisations whom I interviewed in El Salvador and Honduras in 2018.

3. See Knox V (2017) 'Factors influencing decision making by people fleeing Central America', *Forced Migration Review* www.fmreview.org/latinamerica-caribbean/knox and Internal Displacement Monitoring Centre (2018) *An Atomised Crisis: reframing internal displacement caused by crime and violence in El Salvador* bit.ly/IDMC-ElSalvador-2018

4. See: Cure Violence (2016) *Report on the Cure Violence Model Adaptation in San Pedro Sula* bit.ly/CureViolence2016; The El Salvador Crime and Violence Prevention Project bit.ly/ElSalvador-crime-prevention

5. www.globalcrrf.org/crrf_country/honduras/