

IMMIGRATION BRIEFINGS[®]

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Practical Analysis of Immigration and Nationality Issues

FAMILY AS A SOCIAL CONSTRUCT IN EL SALVADOR, HONDURAS, AND GUATEMALA: VISIBILITY AND VULNERABILITY OF FAMILY MEMBERS OF INDIVIDUALS TARGETED BY ORGANIZED CRIMINAL GROUPS

*by Dr. Thomas Boerman**

Family is the most prominent and basic unit of society in Central America – recognized as such by the constitutions, churches, and anyone remotely familiar with the region.¹

Across the broadest possible range of stakeholders in El Salvador, Honduras, and Guatemala (the Northern Triangle countries of Central America), it is universally agreed that family is the most recognizable social institution in the Northern Triangle societies; in fact it is considered to be *the* most fundamentally important social construct in the region. Ironically, while there is a relatively robust anthropological and sociological literature related to various dimensions of intra-familial dynamics and family functioning in the Northern Triangle, there is a dearth of research regarding the actual social constructs around family itself and its visibility in society. The absence of such a literature may reflect the fact that these concepts are so fundamental, so elementary, and so commonly understood that among researchers, academics, governmental personnel, representatives of non-governmental organizations, and

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the public at-large there is simply no perceived need to research or document them.

The centrality of family is such an essential element of the societal fabric that it is actually enshrined in the constitutions in the Northern Triangle. The Salvadoran Constitution states:

The Constitution of the Republic recognizes the family as the fundamental basis of society and imposes the duty to enact the necessary legislation for its protection, integration, welfare and social, cultural and economic development.²

According to Article 2, the family is defined as:

The permanent social group, constituted by marriage, non-matrimonial union, or kinship.

Similarly, Article 47 of the Guatemalan Constitution states:

. . . Marriage is considered in Guatemalan law as a social institution, especially protected because the family is established from it, and from this the State.³

Article 48 of the Constitution acknowledges non-matrimonial unions:

The State recognizes the de facto union and the law will prescribe everything related to it.

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In Honduras, Article 6 of the *Código de la Familia* (family code) states:

The application, interpretation and regulation of this Code shall be inspired by the unity and strengthening of the family, the interest of children and minors, equal rights and obligations of spouses, as well as the other principles (contained in) the Fundamentals of Family Law.⁴

THE CENTRALITY OF FAMILY AS A SOCIAL CONSTRUCT

There are multiple and overlapping factors that give rise to the fundamental importance of family as a social construct in the Northern Triangle and which differentiate it from the U.S. and many other industrialized societies. First, for a host of social, cultural and economic reasons, inter-generational kinship ties are key to personal and collective identity as well as physical, emotional, and economic survival. This pattern is particularly prominent within the low- and lower-income sectors of the region where, due to long-standing cultural patterns and socioeconomic pressures, virtually every dimension of daily life involves integration and cooperation within and between families.

The networks of life are the social fabric where solidarity and mutual support guarantee collective well-being.⁵

Multiple generations routinely live in the same households, family compounds, neighborhoods, and small communities. Adult, adolescent, and child family members often work together in both the formal and informal economies and play active and coordinated roles to address every dimension of the family's needs, including income sharing. The parent or parents may work to provide for the family's most basic needs, leaving other kinship group members to earn additional income to cover other essentials, such as the costs associated with children's schooling, medical care, special occasions, car and home repairs, investment in home-based businesses, and unexpected expenses. Even young children often contribute to the family income whether through selling inexpensive products on the streets, doing menial labor outside the home, and/or, in situations of extreme impoverishment, begging.

In addition to income generating and sharing, from the time people are old enough to contribute until they are too elderly or unhealthy to do so, the day-to-day work of maintaining the family is shared across generations. While such activities as child rearing and elder care occur within the home and out of public view, others put family members into contact with residents of the community, thereby increasing the degree to which the family or kinship group as a whole is recognized. For example, a grandparent may walk his or her grandchildren to and from school every day and in the process become known or recognized by street vendors, shop owners, teachers, and other school staff.

Economic survival strategies also frequently contribute to the recognizability of families. For instance, for many families, critical supplemental income—and oftentimes the sole income—is derived from work in the home (e.g., food vending, small store fronts, auto repair, altering or fabricating clothing, hair styling, etc.), which literally puts local residents on the family's property and even into merchants' homes. Rooms within houses, yards, patios, and front stoops serve as bases for small-scale commerce and corresponding social interaction.

Across the region there are thousands of home-based *pulperias* (small stores that sell drinks, snacks, etc.), *pupusarias* (small eateries that produce and sell *pupusas*, a sort of stuffed tortilla) and other food producers, mechanics who work out of their yards, *sastres* (tailors) who alter and make clothing their homes, and women and their daughters who run home-based hair and nail salons. These home-based merchants may draw dozens of people to their homes or property every day, which results in social interaction and recognition of the family unit and, oftentimes, knowledge of the details of their personal lives.

Adding further to social recognizability is the fact that home and family-based ventures often involve multiple members of the family, each fulfilling different roles to support the process, which further increases the family's visibility among members of the community. For example, in the case of a family involved in home-based food production and sales, the

woman may be responsible for the actual food preparation while her domestic partner and/or their children or grandchildren gather supplies from vendors in the community, serve customers, sell products on the street, and make deliveries.

Each of these patterns is distinct from the U.S., where these types of highly integrated, collaborative, life- and family-sustaining intergenerational linkages are no longer a defining feature in today's culture. Generally speaking, multiple generations of a family in the U.S. *do not* live in the same households, family compounds, or neighborhoods, and by early adulthood people have either left for college or begun the process of forming their own family units that in terms of physical and economic survival are largely independent from their parents, siblings, grandparents, and other extended family members.

This relative independence creates a *social space* between family members so that people are less likely to be strongly identified based on their membership in a family or kinship group and in fact are frequently not associated with any family unit at all. There are exceptions to this, of course, but in cases in which members of a clan are dispersed within and between different cities, states, and even countries—a pattern that is common in the U.S.—people are not so commonly known based on their kinship ties or in many cases even connected to a particular family unit or kinship group.

The relative lack of social mobility is also critical in the Northern Triangle as the majority of people live in same neighborhoods, small communities, and rural areas for the entirety of their lives. They live in the same places where they, their parents, and often their grandparents were born. And when people do move away, the distances tend to be relatively short, and they maintain frequent contact with their family members who remain in the area and with others in their community of origin.

Another crucial factor that gives rise to the recognizability of family units and kinship groups is a hyper-vigilance as to who is in the social environment. In part, these levels of awareness are a product of social

and cultural norms while in part they are a function of self-protection; people, particularly those in the low- and lower-income areas where violence is most heavily concentrated, are acutely aware of who is in the environment because this knowledge is crucial in the ongoing process of assessing risk.

As an illustration of this, a long-term legal resident of the U.S. reported:

I went to visit my mother in Honduras but I wanted it to be a surprise, so I didn't tell her I was coming. I stopped to eat at a restaurant about 45 minutes from where she lives and by the time I got to her house, she had gotten three phone calls from people telling her that they had seen me; one of them told her what I had for lunch.⁶

According to a U.S. citizen who married into a Guatemalan family:

The first question people ask when they meet someone new is, "Which nuclear family, or branch of an extended family, are you from?" When I became part of a Guatemalan family through marriage and added my husband's last name to mine, the first thing people tried to ascertain upon meeting me was which branch of the family we were part of, the ones from Guatemala City or the ones from Eastern Guatemala; the ones related to the person who was a General in the military, or the ones related to the school teacher hero who was killed as part of a student demonstration in the overthrow of the dictatorship in 1944.⁷

Certainly, if an individual or family moves into a new neighborhood in the U.S. or another industrialized country, they will be recognized as newcomers, but their arrival is unlikely to initiate a swirl of concern about who they are, where they are from, and whether they pose a danger. Nor is news of their presence likely to be conveyed back to their previous community through social interaction or criminal networks as frequently occurs when people in the Northern Triangle relocate to new areas—oftentimes within hours or days.

This hyper-vigilance as to who is in the social environment is critical in the case of those internally displaced by violence as it makes it highly likely, and, depending on circumstances, a virtual foregone conclusion, that those they are fleeing will learn of their

whereabouts. As an illustration, the author is familiar with a Salvadoran family that relocated five times in hopes of escaping threats from the Mara Salvatrucha (MS13) and in each case was located; in another case, the gang located the family within 24 hours after relocating to a community in another part of the country.

The issue of social visibility is critical in the case of people who have fled the country and are later forced by circumstances to return. If they return to the same community that they fled, which for reasons of economics and lack of social capital is common, everyone knows that they are back, including those who pose an imminent danger. Alternatively, for reasons previously described, if they relocate to a new area, it is highly likely that those who pose a risk will learn of their whereabouts and either travel to that area or mobilize their criminal associates in the new community to renew and carry out threats against the individual or family.

DEMOGRAPHIC APPROACH VERSUS GENEALOGICAL METHODOLOGY OF DEFINING FAMILY

From both a legal and sociological perspective, definitions and constructs of family are reflections of the approach taken to assess it; most commonly these involve a demographic versus a genealogical approach. The demographic approach is based on census data whereas the genealogical approach involves methodologies that result in the collection of data not easily gathered or assessed through government surveys.

In terms of a legal standard in the U.S., the demographic approach is taken in which "family" is defined by the United States Census Bureau as:

A group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.⁸

The second half of this definition has obvious implications in that it severely restricts the definition of family by limiting it to persons related through blood, marriage, or adoption *and* who, with limited exceptions (e.g., children in college, the military,

engaged in short-term travel, etc.) reside under the same roof.⁹ In this model, other than these types of exceptions, people who might otherwise be considered family from a social perspective are not included in the legal definition because they do not live in the same household.

As opposed to the demographic approach, the genealogical method provides for a more expansive definition which includes kinship ties that link ancestors and dependents.¹⁰ The genealogical approach also allows for a definition of family that includes parents and children as well as other subfamily groupings but is not tethered to shared residence and that encompasses patterns that shift in response to crisis and hardship in which kin move across households in ways that cannot be captured through a static census-based approach. Stated differently, the genealogical approach is more accommodating of relationships and living patterns that do not fit squarely in the demographic model of family and that more accurately reflect the complex and shifting realities of El Salvador, Honduras, and Guatemala.

SOCIAL CONSTRUCTS AND PERSPECTIVES OF FAMILY

Although the word “family” is one of the most commonly used terms in the vernacular of any society, as well as within the research literature across multiple disciplines, its meaning and the social constructs around it are not always clear or a matter of consensus. In part, the confusion arises from the fact that the word may refer to multiple forms of relatedness and connections which, while clearly understood, recognized, and accepted in one social or cultural context, may be distinct from, and even in conflict with, the defining constructs in another.

At the most basic level there is significant confusion around what distinguishes a “family” from a “household” as well as what differentiates a “family” or “household” from a “kinship group.” “Family” is generally recognized as the most restrictive construct because it typically applies only to individuals linked through blood, marriage, or adoption and who, with limited exceptions noted previously, reside together.

Conversely, the concepts of “households” and “kinship groups” can reflect a diverse range of linkages and forms of connectedness that may or may not be based on blood, marriage or adoption, or shared living arrangements.¹¹

These constructs become even more malleable and arbitrary when considered from a cross-cultural perspective. Within the Northern Triangle for instance, if the half-brother of a householder’s cousin is strongly linked to that household (e.g., provides support to the family, visits frequently, attends church, works with the householder or members of their family, etc.), the social constructs are such that he will likely be perceived as part of the family or kinship group despite that fact that he is not related by blood, marriage, or adoption and does not live in the home. Similarly, the stepson of a householder’s niece may reside in the home because the child’s parents are living outside the country or had been internally displaced, and the stepson may be perceived as part of the family despite the fact that there is no relationship based on blood, marriage, or adoption and he is only in the household in response to an urgent situation.

From a cross-cultural perspective, “domestic unions” can also be a confusing term for which there is lack of consensus. Even the term “marriage,” which is recognized as one of the most basic of social institutions, can engender uncertainty. For instance, common-law marriage is legally recognized in each of the Northern Triangle countries and is not seen as socially or culturally distinct from formal marriage, particularly in the low- and lower-income sectors. Within the U.S., however, the constructs around common-law marriage raise questions in terms of its legal, social, and cultural validity; the privileges, rights, and responsibilities that accrue to each of the parties; and even the degree to which people in this type of union are recognized as family versus involved in transitory relationships of convenience.

Irrespective of setting, social constructs around human relatedness tend to be oversimplified and mask their true complexity and fluidity. This includes Central America, where concepts of the stereotypical family built around a mother, father, and children living under

the same roof and operating as a unified economy no longer conform to social reality.¹² As opposed to this traditional model, according to a study on the family in El Salvador, what actually exists are multiple forms, structures, and organizations that vary significantly from profiles of the “typical” family.¹³

Although some characteristics of the nuclear and extended families are still present, new elements and arrangements are incorporated today to make up an infinite range of combinations.¹⁴

ECONOMICS, POVERTY, THE ABSENCE OF STATE AND THE EFFECT ON FAMILIES

Before discussing additional dimensions of family composition, visibility, and vulnerability, it is important to describe the relationship between violence and poverty as the intersecting point between the two has direct implications for at-risk families. In contrast to the common misperception in the U.S. that violence is ubiquitous throughout El Salvador, Honduras, and Guatemala and affects everyone, access to financial resources affords one the opportunity to situate himself or herself and their family and kinship group members in more secure areas, to craft lives in which, generally speaking, they are shielded from violence and are reasonably assured of access to functional justice system mechanisms if they do find themselves at risk or being victimized.

For those in the lower-income sector, however, the protective buffer available through financial resources does not exist, meaning that, for at least two reasons, economics and violence are deeply intertwined. First, those most chronically exposed to risk almost invariably live in the low-income sector where violence is concentrated and where governments are largely absent in terms of an appropriate and effective civil and security presence. Second, because those in the low-income sector lack the financial resources and/or social capital necessary to relocate to more secure areas, they are trapped in violent environments in which those at particularized risk are frequently forced into a binary choice: Stay home and die, or flee.

According to a United Nations representative in the

region, when assessing cases in which people are forced to flee:

Almost none has a predominant factor: either only because of violence, or only because of economics. It’s almost always multicausal.¹⁵

The absence of an effective and protective state is crucial in its effects on human mobility as it results in the at-risk population in the lower economic sector being largely—and, in many instances, entirely—abandoned by their governments. According to an official of a United Nations program in the Northern Triangle region that works with vulnerable populations:

People are so accustomed to the non-presence of state that when you ask what they expect from their governments they say, “Nothing, we don’t expect anything” . . . they are already so accustomed to it (being abandoned by the state) that they don’t expect anything from the government.¹⁶

The term “absence of state” does not imply that Northern Triangle countries are failed states as each has established legal frameworks, functioning ministries and institutions, and other elements of functional states. Rather, what exists is a dynamic better characterized by *clientized relationships* between state and non-state actors, both legal and illicit, that allow *clients* or *interest groups* to access and leverage the resources of the state—legitimate as well as corrupt. Interest groups, or clients, include political allies, the economically advantaged, large-scale business interests, and gangs and other criminal groups that operate in collusion with corrupt government and private sector actors. Through these clientized relationships with government actors, interest group members enjoy the benefits of political influence and support, the space to operate in pursuit of their objectives, and, of critical concern, security and justice system access—which, in a practical sense are privileges, or commodities, available to some rather than a right guaranteed to all and enshrined in policy and practice.

Alternatively, the at-risk population in the lower-income sector, which is excluded from these types of clientized relationships, has been effectively abandoned by the governments of the region as it relates to functioning justice system institutions, physical secu-

rity, social services, and other essential services. Together, between 2015 and October 2018, the Northern Triangle countries accounted for 54,752 murders in a geographical context roughly half the size of the France,¹⁷ the vast majority of which occurred in the low-income sector. Within this context of almost unimaginable violence, the consensus within the general public and a broad array of governmental and non-governmental personnel and other experts is that the Northern Triangle states are absent in any meaningful sense. In fact, the social construct that defines public security as a fundamental responsibility of government is not deeply enshrined in policy or practice.

The state increasingly is conceived as being owned by an exclusive class or group, with all others pushed aside. The social contract that binds inhabitants to an overarching polity becomes breached. Various sets of citizens cease trusting the state.¹⁸

As an example of the differential access to governmental services across sectors of society based on economic status, there have been high-profile instances where members of the upper-middle class have been targeted for kidnapping for ransom in which governments responded in a swift, decisive, and effective manner to investigate and prosecute. Conversely, thousands of people in the low-income sector vanish every year and are never seen nor heard from again, and governments take little or no meaningful action. In fact, historically, Northern Triangle states have not even had meaningful structures in place to investigate these disappearances. To illustrate, according to El Salvador's Attorney General, between January and July 2019, 1,811 people were reported as disappeared, and, of that total, less than 30% were later found alive, and the rest are presumed dead and buried in clandestine cemeteries. Gangs are believed responsible for the majority of the disappearances.¹⁹ Despite the fact that rates of disappearance have remained consistent for several years, it was not until July 2019 that the Attorney General announced the formation of a unit specifically to respond to these cases.²⁰

A NOTE ABOUT THE TERM “GENERALIZED VIOLENCE”

The term “generalized violence” has been employed

recently as a means of describing conditions in the Northern Triangle. While it has applicability and is relevant in a certain sense, there are a number of points to bear in mind regarding the term: (1) it implies that violence is ubiquitous throughout the region when in fact it is highly concentrated in the low-income sectors, (2) population in areas characterized by generalized violence is not homogenous in terms of their exposure to risk, and (3) those who have been particularly targeted by gangs are at exponentially higher risk than the general population in that same area.

Certainly, anyone living in a context of generalized violence is at potential risk, but it is commonly recognized that, generally speaking, people displaced by violence flee in response to threats that are particular to them versus risks that affect the population at large within that area. Stated differently, there tend to be discernable differences between those exposed to generalized violence as compared to those within the same environment facing particularized threats, and it is those exposed to particularized threats that confront the binary choice of remaining in their homes and dying or fleeing.

MIGRATION AND INTERNAL DISPLACEMENT: IMPLICATIONS FOR FAMILY CONFIGURATION, FUNCTIONING, AND VISIBILITY

Faced with this crisis, Central American families and women are regrouping in a number of different ways: They are in an accelerated process of adjusting, restructuring and reformulating the traditional patterns of constituting and shaping the family as well as its functions as a unit of biological reproduction, production, accumulation, consumption and socialization, and as an entity of power.²¹

Since the 1990s, mass migration and forced internal displacement has had profound effects on the social constructs around family and its configuration, functioning, and visibility in the Northern Triangle, but the drivers of human movement have changed over time. In the 1980s and 1990s, it was fueled primarily by populations fleeing civil conflict and/or people seeking economic opportunity, primarily males. Today the dynamics are more complex, migrants and the internally displaced are more likely to be women, children,

and, at times, entire families, and the decision to flee is more often driven by the cumulative effect of particularized risks associated with (1) gangs, other organized criminal groups, gender-based and/or state-sponsored violence, (2) absent governments and unresponsive, overwhelmed, and failing justice system institutions, and (3) the constraining effects of poverty as it relates to the response choices available to those facing threat.²²

Although there are many instances in which entire families flee their community or country, it also often is the case that only one person, or a subset of a family, migrates externally. There are a number of reasons for this: (1) families frequently lack the resources for everyone to make the journey to the U.S. as human smugglers charge thousands of dollars per person, so families are forced to prioritize those most at risk, (2) depending on age, gender, and health considerations, the trip may be too arduous and dangerous for many, and (3) some members of the family or kinship group may be forced to remain behind to care for ill or elderly parents, children with disabilities, family property, and/or small businesses.

In cases of forced internal displacement, social capital is a critical issue. For those in the lower economic sector—essentially the totality of the forcibly displaced—the proposition that an entire family can relocate to a new community in which they lack a supportive and protective family network is widely regarded as a fallacy; social, cultural, and economic factors make this all but impossible in most cases. Consequently, assuming that they have a kinship network, internally displaced persons (IDP) are forced to relocate to areas in which they have family members able and willing to take them in. Oftentimes however, those who house the displaced are only able to accommodate one person, or a small subset of the family, forcing other members of the family or kinship group to remain behind or scatter to the homes of others willing to accommodate them.

Whether through external migration or internal displacement, the fragmentation of families results in increased social visibility and risk to those who remain. When an individual or subset of a family or kinship

group leaves, others in the community notice that they are suddenly gone. Typically, there are no good-bye parties during which those who are leaving share their plans with friends and neighbors and make their goodbyes; rather most often they leave in secret in an attempt to be as invisible as possible and to minimize the attention that their departure brings to their loved ones who remain behind.

According to a representative of the Office of International Migration in Honduras:

From our work in communities and in cases of displacement, much of what keeps the phenomenon invisible is that people are moving in a drop by drop dynamic . . . they are not leaving en masse, not collectively as we have seen in recent months (with the caravans). People leave anonymously, without saying anything about why there are doing it or reporting to authorities. One reason is because they do not trust in the authorities and the protection mechanisms exist in the government, and second, because they want to remain anonymous, not saying where they are going.²³

Concerns about those left behind are particularly crucial if (1) the departed left due to danger from gangs or other violent actors as their loved ones are likely to be at risk of being targeted as proxies and/or (2) those who remain behind are women and children who now lack a protective male presence in the home and would be perceived as defenseless and therefore open to predation.

Complicating the situation further is the fact that internally displaced persons (IDPs) cannot simply move into the homes of any family member able and willing to take them in as they must be mindful of where those family members live. For example, if one is fleeing the Mara Salvatrucha (MS13), they cannot relocate to another MS13-controlled area, which, by definition, may involve moving to a Barrio 18 (aka Mara 18) controlled zone. Like MS13, however, Barrio 18 members are obsessed with knowing who is in their territory and predictably confront and victimize strangers (and oftentimes those who harbor them) criminally or harm or kill them simply because they are unknown entities and *do not belong* in the territory.

Due to their social visibility, IDPs are often forced to live as virtual prisoners in the home because they

still fear being located by those whom they fled, plus they are likely to be at risk from gangs and/or other violent actors that operate in the area where they are now living. As a result, both for their own safety as well as the safety of the family members who are harboring them—whose social visibility increases as a result of taking them in—IDP adults are often unable to work, and children are unable to attend school because doing so involves venturing out into the new community, further increasing their visibility and vulnerability.

People from all three NTCA (Northern Triangle of Central America) countries who moved internally prior to leaving the country said that they had experienced the same problems and insecurity after their internal relocation – and that this had resulted in their subsequent external migration.²⁴

GENDER AND INTERNAL RELOCATION

There are particular concerns as it relates to females forced to relocate internally and their recognizability and visibility. As an overarching concern, unless a woman has a supportive, protective family network able and willing to take her in, the notion that she can relocate to a new area is widely regarded as a fiction, a reflection of a profound lack of understanding of the multiple political, social, cultural, economic, and gender factors at play across the Northern Triangle.

Women forced to relocate to an area where they do not have a supportive and protective family network would be immediately recognized as *unprotected* and would be at high and predictable risk from gang members, sexual predators, abusive police, and labor market abusers because they are seen as defenseless, lacking male defenders, and therefore vulnerable to predation with virtual assurances of impunity. Additionally, due to social and cultural factors, women relocating to areas in which they lack an intact family network typically find that doors of opportunity are closed to them in terms of employment, access to credit, and even housing.²⁵

The dangers and constraints that women encounter when attempting to escape danger by relocating to an area in which they lack a supportive and protective family network are so grave and predictable that for all

practical purposes, one can say that they simply do not do so.

FAMILY COMPOSITION AND THE VISIBILITY AND VULNERABILITY OF UNPROTECTED CHILDREN AND YOUTH

The family composition and social visibility of children and youth who lack adequate adult protection is crucial. There are essentially four groups of unprotected young people, including (1) children and youth in female-headed households or who are under the care of either young or elderly family members who are not perceived as representing a protective presence, (2) those from toxic, male-dominated households characterized by emotional, physical, sexual, and/or drug or alcohol abuse, (3) children forced to live on the streets, and (4) young people that have reached the age of majority but, due to a host of social, cultural, and economic factors, are unable to attend to their own most basic needs without a supportive and protective family network.

Unprotected young people are recognizable to the public in general and to gang members in particular within their neighborhoods and small communities. As in the case of unprotected females, they are recognized as defenseless, without defenders, and subject to predation with expectations of impunity. Simultaneously, once children and youth have been identified as unprotected and targeted for victimization or actually subjected to it, it also puts other members of their family at increased risk. In essence, what exists is a *feedback loop* in which their family status and corresponding visibility makes unprotected children and youth vulnerable to predation by gangs, and, once targeted, other members of their family are vulnerable due to their familial relationship to the victim.

COERCED SERVICE TO GANGS: MODERN-DAY SLAVERY

A particular risk to unprotected young people and their families involves coerced service to gangs. As opposed to *membership*, which entails expectations of reward (e.g., money, protection, camaraderie, power,

etc.), coerced service is more accurately characterized as modern-day slavery.

The U.S. State Department in El Salvador states:

Gangs actively recruit, train, arm, and subject children to forced labor in illicit activities – including assassinations, extortion, and drug trafficking – and force women and children to provide sexual services and childcare for gang members’ children.²⁶

In Honduras, the U.S. Embassy reports:

NGOs (non-governmental organizations) report that gangs and criminal organizations exploit girls in sex trafficking, and coerce and threaten young males in urban areas to transport drugs, engage in extortion, or to be hit men.²⁷

The U.S. State Department in Guatemala reports:

Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion.²⁸

According to the United Nations Special Rapporteur on Contemporary Forms of Slavery:

These practices constitute, prima facie, contemporary forms of slavery and are prohibited by international human rights law.²⁹

Case Profile: Jaysson

Jaysson was left in the care of an uncle after his mother migrated to the U.S. His mother was sending money to the uncle, but he was squandering it and not only failing to care for Jaysson but also abusing him and periodically throwing him out of the house and forcing him to live on the street.³⁰

MS13 members began offering Jaysson food and a place to stay in return for doing simple favors for them. They later began subjecting him to beatings and demanding that he engage in criminal activity on behalf of the gang, telling him that they “owned him.” After he learned of MS13’s involvement in serious crime, including the murder of a police officer, members of the gang began monitoring Jaysson constantly and warning him that if he disclosed information about their activities, they would kill him.

Jaysson was eventually taken in by missionaries and cut all ties to MS13, but members of the gang encoun-

tered him later and demanded that he repay his “debt” for the care that they had provided him in the past. Specifically, they demanded that he sell drugs to students in the school that he was attending; provide intelligence on the Barrio 18, which controlled the area around the school; and assist in the extortion of school staff. Jaysson refused, and members of the gang told him that he would always be “MS13 property” and if he refused, he would be killed. With assistance from the missionaries who had taken him in, Jaysson fled the country but states that he knows that MS13 will kill him if he ever returns and is located.

In Jaysson’s case, the singular factor in the gang’s decision to target him arose from his visibility as a member of his family; specifically, the fact that his mother had left the community and that his uncle, his guardian, was abusing him. Together, these resulted in his recognizability in the *colonia* (neighborhood), which in turn led directly to his experience of predation by the gang.

GANG CULTURE AND MENTALITY: IMPLICATIONS FOR TARGETED INDIVIDUALS

Assessing the danger that gangs pose to people based on their familial relationships to targeted individuals involves an understanding of the strategy of terror through which they establish and maintain control over physical territory, criminal markets, and the population itself. While moving through gang-controlled areas one commonly sees the words *Ver, Oir, Callar* (watch, listen, and keep quiet) painted on walls; this is one of the ways in which gangs communicate that they hold sway over everything that happens in territories under their control, including life and death.

Actions that challenge or thwart gangs’ objectives, such as rebuffing demands for extortion, coerced service, or exploitative male-female relationships; espousing anti-gang political sentiments; participating in community, church, or school-based gang prevention or intervention activities; or cooperating with police, prosecutors, or courts are perceived as challenges, “insults,” and acts of “disrespect” that demand a violent, punitive, and publicly visible response.

There are a number of critical sub-points associated with gang mentality that once must also understand. First, once targeted, the gravity of the threat toward an individual typically does not diminish across time, oftentimes even over the course of years. At times, threats are acted on immediately whereas in other instances, there may be a passage of time—even a significant amount of time—before the targeted individual is subjected to harm. There are many internal and external variables that may affect the timing of a gang's decision to act on threats. Those factors are unlikely to be known to those outside the gang, but the passage of time without harm cannot be taken to mean that the risk no longer exists; this would violate the most fundamental tenets of gang culture and mentality. In fact, failure to subject people to harm once they have fallen into disfavor would not only erode the *respect* and *reputation* that is so important to gangs and gang members, but it would also undermine the very strategy upon which gangs operate because it would convey a message that if enough time passes, the threat will dissipate and the gang will let you go on with your life.

Second, gangs are defined by a group identity and an institutional memory and operate with a sense of solidarity wherein members are almost unconditionally willing to act violently on behalf of those with whom they share favorable relationships, such as other gang members, family members, and friends. This means that, in addition to being at risk from any particular gang member, targeted individuals and their loved ones are likely to be at risk from the gang as a whole, or other *clicas* (individual gang cells) associated with that gang. Because gangs operate with an institutional memory, even if the members through whom the threat originated are now in prison, dead, out of the area, or no longer involved with the gang, the targeted individuals and their family members would typically remain at risk.

Third, the act of fleeing or going into hiding to avoid gangs' demands and risk of harm is perceived as a challenge and antagonistic act, so if one flees and is forced by circumstances to return to the area or relocates and is later found, the level of risk that he or she encounters is likely to be substantially higher than at the time of his or her departure. Beyond a desire to

punish the individual who fled, the intent is to convey a message to the larger community that attempting to escape by fleeing will result in even more serious reprisals.

The act of fleeing may also result in risk to the family members left behind as gangs routinely seek them out to coerce information on the person who fled:

In many cases, the gangs continue to target family members of individuals who fled the country in order to exert pressure on the individuals, or to coerce the family members into providing information on the whereabouts of the main targets.³¹

KINSHIP TIES AND RISK TO FAMILY MEMBERS

While family constitutes a fundamentally important social construct in virtually every society, for at least two reasons gangs and other organized criminal groups make the Northern Triangle unique in this respect. Specifically, around the world there are precious few examples in which (1) gangs and other organized criminal groups control and/or indirectly influence virtually every dimension of day-to-day life, including government policy and practice, to the degree that they do in El Salvador, Honduras, and Guatemala and (2) the victimization of family members of targeted individuals represents a central element in a strategy of terror through which organized criminal groups establish and maintain control over physical territory, criminal markets, and the population itself and come to exert such an outsized influence over government policy and practice. Across both of these measures, there are few comparators.

Because of its centrality as a social unit, targeting or threatening family members is an effective way for gangs to force their primary target to comply with their demands, or to punish or terrorize them.³²

The implications of this strategy are overwhelming not only in terms of the sheer number of people who are victimized solely as a result of their membership in their nuclear and/or extended family but also in terms of its contribution to gangs' level of control over communities and the psychological maladies of the population.

This strategy of terror has not been adopted simply

to facilitate criminal activity. Rather, it is part of a larger political agenda, as gangs (1) are frequently acknowledged by officials of the Northern Triangle governments and the public as de facto authorities in areas under their control, (2) routinely engage in activities normally associated with governance (e.g., imposing and enforcing curfews; erecting traffic checkpoints; forcing evictions from private residences; imposing “taxes” for use of public infrastructure, living in one’s home, and operating a business, church, or school; and frequently collaborating with elected officials or political candidates to influence elections),³³ (3) at times negotiate with governmental and non-governmental representatives to determine, directly or indirectly, governmental and non-governmental policies and practices, and (4) operate in direct collusion with corrupt state officials across multiple levels of government. Without a political agenda and the means to operationalize that agenda, gangs simply could not function at the level that they do.

Throughout the dictatorships of the twentieth century, human rights abusers in Latin America threatened, tortured, raped, and killed family members of their victims as a means to force them into complying with demands to provide information, confess to alleged crimes, or to spy on the opposition. Central America gangs and organized crime groups have drawn upon this history of targeting family members to advance their goals of psychologically torturing victims into paying extortion; participating in criminal activities; not testifying or otherwise providing evidence of crimes to the authorities; or even leaving the country.³⁴

In order to operationalize the dimension of their strategy that involves the targeting of family members, it is absolutely essential that gangs are cognizant of who is connected to whom through kinship ties in communities under their control, changes in family composition, who has family in the U.S. or other countries, etc.; without this, they would be unable to implement this fundamental component of their strategy.

The generalization of threat is not limited to members of an individual’s nuclear family but often affects members of the extended family as well. As described previously, family is defined in much broader terms in the Northern Triangle than is typically the case in the U.S., and in fact, depending on the nature of the link-

ages and interactions between members of the kinship group, there may not be any clear distinction between nuclear and extended family:

The family, indeed the extended family, is a highly visible unit in Central American and Latin American society. As such, when one member is targeted by a gang such as MS13 or the Barrio 18, it is quite common for other members of that extended family to be targeted and also in danger of harm.³⁵

In the case of El Salvador, this perception of the risk to family members goes beyond one of common societal recognition and has been affirmed as a matter of law. In a 2018 case involving 33 members of eight family groups, the Supreme Court of El Salvador ruled that threats by gangs against one member of a family constituted threats against the extended family and that the government is obligated to enact mechanisms to protect those at risk.³⁶

An additional concern relates to the family members of individuals forced to flee due to gang threats and violence as gang members predictably harass, threaten, harm, and kill them in an attempt to coerce information on the location of the targeted individual or to harm the family members as proxies for the targeted person. Oftentimes the threat to other family members is greater than to the initial target, and it often involves pursuing loved ones after the targeted individual has been murdered, an attempt to “punish them in the grave”:

In cases in which the gangs have killed their intended targets, they often attack the wakes and funerals held by their relatives.³⁷

Family members who remain may be at risk of being used as leverage points for gang’s efforts to criminally victimize the target’s loved ones as well.

Case Profile: The Juarez Mendocino Children

Arnulfo, Rogelio, and Kassey’s parents left Guatemala for Mexico to take employment on a large finca (ranch) and were sending money to the children’s grandparents to attend to their care. It soon became common knowledge that they were working in Mexico, and Barrio 18 members approached the grandparents saying that the parents would have to pay a monthly

fee to ensure the children's safety. For several months the parents complied, but the demanded sums soon exceeded their earnings, and they were unable to make the payments.

Recognizing the danger, the grandparents withdrew the children from school and kept them on virtual lockdown in the house. Barrio 18 responded by threatening to kill the children if the parents didn't resume the extortion payments. After initiating efforts to protect them, the gang members menaced the family outside the home, savagely beat one of the boys and abducted, raped, and impregnated Kassey. The children were all forced to flee Guatemala. Following their departure, Barrio 18 members attempted to locate the children and told the grandparents that they would be killed if they returned because they had thwarted the gang's attempts to extort the parents.

In the case of the Juarez Mendocino children, they found themselves trapped between their parents, who were the victims of the extortion demands, and the gang. The Barrio 18 leveraged the fact that the parents' presence in Mexico, and that they were sending remittances to the grandparents, was commonly known in the community, which resulted in direct risk and extreme harm to the children.

Those who remain behind may also be caught up in violent dynamics between their family members who fled and the gang members who forced their departure.

Case Profile: Mario

For over a year, members of the Barrio 18 harassed, threatened, and beat Mario's older brother, Julian, because it was known in the community that he was gay. Following a beating that required significant medical attention, Julian fled the country. After Julian left, the gang members began demanding that Mario provide information on his whereabouts, and when he said that he didn't know where Julian had gone and was not in contact with him, Barrio 18 members told him that he "would pay" for his brother's homosexuality and escape. Over the next several months, the gang beat Mario on multiple occasions, one of which required hospitalization, and said that he would "take it" for his "maricon" (gay) brother. The tipping point

came when members of the gang threatened to rape Mario and shot at him and his mother, which forced both of them to migrate because they had no internal relocation options.

In Mario's case, the nature of community life and intolerant social attitudes toward persons of non-conforming sexual orientation resulted in Julian's sexuality becoming common knowledge, and gang members, who as a group tend to be among the most homophobic members of society, turned their outrage on Mario and his mother as proxies for Julian.

Others at risk due to their familial relationships can include the children of police officers, local political officials, clergy members, and/or others who have taken an actual or perceived anti-gang stance within the community or are affiliated with institutions that take a pro-rule-of-law position. In these instances, gangs essentially impose a *multa* (fine, penalty) upon the parents as a result of their pro-rule-of-law, anti-gang social, political and/or moral values by laying claim to their children. In addition to punishing, terrorizing, and controlling the parents, coercing these youth may also reflect a gang's desire to strike a strategic and/or symbolic blow against the institutions that the parents represent.

Case Profile: Jose Luis

Jose Luis' father was a pastor involved in outreach to at-risk youth, including young people at early stages of gang involvement. At one point, MS13 demanded that Jose Luis transport drugs on their behalf as "punishment" over his father's actions. He refused, but the following morning, a member of the gang confronted him as he walked to school, gave him a backpack, and told him to deliver it to another student, whom Jose Luis knew to be a gang member. This went on for several weeks, but Jose Luis never told his parents because he felt so guilty. MS13 then demanded that Jose Luis start selling small amounts of marijuana to other youth from the church. He told them that none of his friends would buy or use drugs, but gang members forced him to take the marijuana and told him that he was responsible for selling it and delivering the money to them. Jose Luis threw the marijuana away and used money that he had saved from his part-time

job to pay off the gang. Shortly thereafter, gang members told Jose Luis that he needed to provide information on young people who were participating in his father's youth group and recruit other religious youth into service to MS13.

Jose Luis eventually told his father about the situation, and his parents arranged for him to leave the country, knowing that they had no internal relocation options and that MS13 would kill him if he remained in the community. Following Jose Luis' departure, the gang began threatening members of his family, forcing them to make significant alterations in their lives to minimize the danger. Meanwhile, members of the gang continued to confront Jose Luis' family members, saying that they would kill him if he returns.

In Jose Luis' case, what developed was a circular pattern of threat in which MS13's animosity toward his father was generalized to him, then the gang members' ire with Jose Luis for defying them and fleeing the country generalized back to the members of his family.

The risk to family members is so great that hundreds of thousands have been forcibly displaced. In a 2015 study of 20 municipalities, a Honduran government commission concluded that 41,000 homes—approximately 175,000 people—had been forced to internally relocate and roughly 70% reported that threats and violence were the single factor.³⁸ By December 2018, the figure had risen to 190,000.³⁹ In El Salvador, according to a 2014 study, approximately 280,000 people had been displaced, primarily due to violence over the previous several years, and that by 2016 the figure had risen to 325,000.⁴⁰

GANG CULTURE, VIOLENCE AGAINST FEMALES AND THEIR FAMILY MEMBERS

When a gang says, "This is my territory," they are talking about everything, the houses, the businesses, the people, and specifically the women and girls.⁴¹

A particularly dire concern relates to gang culture and violence against females in terms of the implications not only for the victims but also for their families. In patriarchal societies such as the Northern Triangle,

it is critical that gang members ensure that they will be perceived as dominant over females whether an intimate partner or a member of the community; to do otherwise would be ruinous to their self-image and standing with other gang members. Stated differently, in a region with some of the highest rates of gender-based violence in the world, gang members tend to be the most hyper-masculinized of the hyper-masculinized, and arguably the most violent, which puts women at a significantly higher risk than is typically the case with non-gang-involved offenders.⁴²

Gangs employ sexual and gender-based violence (SGBV) against women to (1) assert their general dominance over females, (2) punish those that have fallen into disfavor, (3) indirectly punish males that have fallen into disfavor by harming the women they care about, and (4) convey a message to the community at-large that there is no limit to gangs' audacity and willingness to engage in barbarism. Stated differently, violence against females is a central element of gangs' strategy of terror, and females are particularly targeted for reasons that advance that strategy.⁴³

To this last point, beyond simply being perceived as extreme individual expressions of misogyny, it is essential to recognize that violence against females is also a direct manifestation of this strategy of terror and a means by which gangs advance their political agenda:

Gang members have raped and tortured girls and left their mutilated and dismembered bodies in public places to demonstrate their dominance of the area and instill fear in the community.⁴⁴

The presence of a robust male in an adolescent or adult female's life represents a powerful *protective factor* whereas the absence of such a protective male presence represents an equally powerful *risk factor*. As such, status as an unprotected female predicts gang-related violence against them, making it difficult to differentiate between the criminal victimization that they experience, or are at risk of, and their status as an unprotected female.⁴⁵

It is not only targeted females that are at risk but also members of their families:

Failure to comply (with gang members' demands) is reportedly met with severe reprisals, including homi-

cides of the girl's or woman's entire family or the threat of such violence.⁴⁶

I am familiar with numerous situations in which young girls had been abducted by gang members and held captive in which their parents essentially sacrificed their daughter to the gang because they feared that seeking police assistance would have put the other children—or the entire family—at risk of reprisals. In one emblematic case, a young girl had been abducted by a gang as a “birthday present” for the *clica* leader and ended up being held in sexual slavery and domestic servitude. When asked if the parents had reported the incident to police, the father responded, “Well, no . . . she is his [the gang leader's] now, and I can't risk my other children.”⁴⁷

Once gang members have threatened or subjected a young girl or woman to physical and/or sexual violence, she and members of her family are at exponentially higher risk of future victimization as compared to other females with no such history of threats or abuse. The risk of future victimization arises from gang members' perceptions that women are “property” of the individual member or, at times, the gang as a whole. This notion of “property” is conveyed through the terms “*Jaina*” and “*Morra*,” gang colloquialisms that reflect gang members' sense of ownership over females as human beings and their lack of any personal agency, authenticity, or rights and, by extension, to members of their families.⁴⁸

In her 2016 report on Contemporary Forms of Slavery in El Salvador, the United Nations Special Rapporteur noted gangs' practices of enslaving females, including “instances in which gang members had physically invaded the homes of women, evicted or killed male members of the household and forced the women to work in domestic and sexual servitude.”⁴⁹

The Special Rapporteur went on to say:

The most common form of extreme extortion of sexual and other services described by the interlocutors involves forcing them to provide sexual services to gang members in prisons. 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.⁵⁰

Case Profile: Carolina

*Carolina was known in the community as living with only her elderly grandmother. At the age of 15, MS13 members abducted her, held her captive, and forced her into sexual slavery and domestic servitude. The gang demanded that she tell her grandmother that she was moving in with a new boyfriend and threatened to kill the grandmother if Carolina disclosed the situation to her. After several months in captivity, Carolina pleaded with the *clica* leader to allow her to visit her grandmother. He granted her occasional visits, but the supposed boyfriend went with her to ensure that she did not advise her grandmother of her captivity or attempt to escape.*

*During the time she was held captive, Carolina reported that she was raped by over a dozen members of the gang and, after turning 18, was forced to smuggle contraband into a prison. During this time, the *clica* leader continually reiterated the threat to kill her grandmother if Carolina refused to comply or attempted to escape.*

*Carolina eventually escaped and went into hiding in another community, but the gang located her and forcibly took her back to the home where she had been held captive. She was beaten to the point that she was unable to function for several days, and the *clica* leader told her that if she attempted another escape, they would kill not only her grandmother but also her baby, who was born of rape and who lived with the grandmother. When the leader was arrested and key members of the gang were killed, it created an opportunity for Carolina to flee the country; the grandmother and the baby were also forced to flee as MS13 would almost certainly have killed both of them to “punish” Carolina for her actions.*

The fear associated with reporting gang-related SGBV and threats of SGBV is so overwhelming that the majority of victims, those at risk, and their families choose not to seek police or other government assistance, particularly when coupled with the conditioned belief that doing so is futile:

When victims of sexual and gender-based violence live in gang-controlled areas or when perpetrators have

gang affiliations, crimes are even more likely to result in impunity. Many victims do not report violence because they do not trust authorities or because they know that doing so will put them, and their families, at greater risk of retaliation by gangs. Those few who do report violence confront the unwillingness or inability of the state to provide either protection or justice.⁵¹

CONCLUSION

The social constructs around family, its centrality as the most important social institution in the Northern Triangle, and its social visibility in the region are universally recognized by the broadest possible range of stakeholders and are considered so fundamental as to be beyond question or need for analysis. Equally well recognized is the fact that the targeting of family members of individuals who have fallen into disfavor with gangs and other organized criminal groups, or who are otherwise targeted by them, is a central element in the strategy of terror through which they establish and maintain control over physical territory, criminal markets, and the population itself and come to exert a perverse and outsize influence over government policy and practice.

The nature of life in El Salvador, Honduras, and Guatemala is such that within the low-income sectors, one cannot escape being identified as part of a family or kinship group, which in the case of individuals and families facing particularized and life-threatening dangers often represents a virtual death sentence unless individuals are able to defy the odds and internally relocate successfully or to flee the country.

ENDNOTES:

¹Richard Jones, Senior Technical Advisor Latin America & Caribbean, Catholic Relief Services (Sept. 23, 2019) (written communication on file with author).

²Código de Familia Decreto °677 (1993).

³Corte de Constitucionalidad Constitución Política de la Republica de Guatemala. August 2002.

⁴Código de Familia, <http://www.poderjudicial.go.bh/CEDIJ/Leyes/Documents/CodigoDeFamilia-Oct2017.pdf>.

⁵*Familia es la comunidad que te cuida*, El Peridico (Aug. 5, 2017), available at <https://elperiodico.com.gt/>

[opinion/2017/08/05/familia-es-la-comunidad-que-te-cuida](https://www.peridico.com.gt/opinion/2017/08/05/familia-es-la-comunidad-que-te-cuida).

⁶Author interview (Sept. 16, 2014).

⁷Dr. Norma Chinchilla, Professor Emeritus of Sociology and Women's, Gender and Sexuality Studies (Sept. 23, 2019) (written communication on file with author).

⁸United States Census Bureau, Glossary, available at <https://www.census.gov/en.html>.

⁹P.C. Glick, *American Families* (1957).

¹⁰K.R. Smith and G.P. Mineau, *Genealogical Records*, in *Encyclopedia of Population* (Paul Demeny and Geoffrey McNicholl ed., 2003).

¹¹These and other related constructs have been exhaustively documented by researchers from various disciplines, including from the fields of anthropology, sociology, psychology, medicine, education, criminology, geography, feminist studies, linguistics, and international development.

¹²*Central America's Family and Women: What Does Reality Say?* Envio: Información sobre Nicaragua y Centroamérica, No. 168 (July 1995).

¹³Id.

¹⁴Id.

¹⁵Author interview, San Pedro Sula, Honduras (Jan. 2019). Source requested anonymity.

¹⁶Author interview, Tegucigalpa, Honduras (Jan. 2019). Source requested anonymity.

¹⁷*Evolución Anual de la Tasa de Homicidios en Los Países del Norte de Centroamérica*, U.S. Agency for International Development and the United Nations Development Program (Oct. 25, 2018), available at <https://www.infosegura.org/2018/10/25/evolucion-anual-de-la-tasa-de-homicidios-en-los-paises-del-norte-de-centroamerica-2> (accessed May 2, 2019).

¹⁸Id.

¹⁹*Fiscalía Registra 1,811 Desaparecidos en Este Año*, ElSalvador.com (July 16, 2019), available at <https://www.elsalvador.com/noticias/nacional/fiscalia-registra-1811-desaparecidos-en-este-ano/621744/2019> (accessed September 25, 2019).

²⁰*La Fiscalía Creará Unidad Especial para Investigar Casos de Personas Desaparecidas en El Salvador*, ElSalvador.com (July 8, 2019), available at <https://www.elsalvador.com/noticias/nacional/fiscalia-creara-unidad-para-investigar-casos-de-personas-desaparecidas/619273/2019> (accessed Oct. 5, 2019).

²¹*Central America's Family and Women: What Does Reality Say?* Envio: Información sobre Nicaragua y Centroamérica, No. 168 (July 1995).

²²Natural disasters and the effects of climate change also contribute to migration and forced displacement and in certain areas may contribute more significantly than does violence.

²³Author interview, International Migration, San Pedro Sula, Honduras (Jan. 31, 2019). Source requested anonymity.

²⁴*Factors Influencing Decision Making by People Fleeing Central America*, Forced Migration Review (Oct. 2017), <https://www.fmreview.org/latinamerica-caribbean/knox> (accessed Apr. 25, 2019).

²⁵Author interview with Salvadoran Judge Amelia Velazquez (Aug. 7, 2018). Although this interview was focused on females in El Salvador, according to my own direct experience and the observations of numerous professional colleagues in Guatemala and Honduras, unaccompanied females would encounter the same obstacles in those countries.

²⁶U.S. State Department, *El Salvador*, 2018 Trafficking in Persons Report (June 28, 2018), available at <https://www.state.gov/reports/2018-trafficking-in-persons-report/el-salvador>.

²⁷U.S. Embassy Honduras, *Trafficking in Persons 2014*, available at https://hn.usembassy.gov/our-relationship/policy-history/current-issues/issconc_trafficking (accessed Aug. 5, 2019).

²⁸U.S. State Department, *Guatemala*, 2018 Trafficking in Persons Report (June 28, 2018), available at <https://www.state.gov/reports/2018-trafficking-in-persons-report/guatemala>.

²⁹U.N. Special Rapporteur on Contemporary Forms of Slavery, *Rep. of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, on Her Mission to El Salvador*, ¶ 13, U.N. Doc. A/HRC/33/46/Add.1 (Aug. 3, 2016), available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/46/Add.1.

³⁰As with each of the case profiles, the names have been changed and the facts altered to a slight degree to ensure confidentiality. The experiences described, however, are reflective of the actual situation and emblematic of the experiences of young people.

³¹Lawrence M. Ladutke, Ph. D., *Freedom of Expression in El Salvador: The Struggle for Human Rights and Democracy* (2004).

³²Tommie Sue Montgomery, Ph.D., *Revolution in*

El Salvador (2d ed., 1995).

³³These activities and gangs' status as political actors have been documented by the Salvadoran, Honduran, Guatemalan, and U.S. governments, the United Nations, the Organization of American States, numerous governmental and non-governmental international development organizations, Central American and international human rights monitors, and the Central American and international media.

³⁴Lawrence M. Ladutke, Ph. D., *Freedom of Expression in El Salvador: The Struggle for Human Rights and Democracy* (2004).

³⁵Dr. Harry Vanden, Professor Emeritus, Political Science, University of South Florida (Sept. 23, 2019) (written communication on file with author).

³⁶Corte Suprema de Justicia de El Salvador [Supreme Court of Justice of El Salvador] July 13, 2018, Amparo No. 411-2017, available at http://www.csj.gob.sv/Comunicaciones/2018/07_JULIO/COMUNICACIONES/DOS/Amp.%20411-2017%20Sentencia%20desplazamiento_7MZT.pdf (accessed Nov. 6, 2019).

³⁷Dr. Harry Vanden, Professor Emeritus, Political Science, University of South Florida (Sept. 23, 2019) (written communication on file with author).

³⁸Comisión Interinstitucional para la Protección de Personas Desplazadas por la Violencia, *Caracterización del Desplazamiento Interno en Honduras* (Nov. 2015).

³⁹Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/countries/honduras>.

⁴⁰Latin America Working Group, *No Life Here: Internal Displacement in El Salvador* (Feb. 18, 2016), available at <http://lawg.org/action-center/lawg-blog/69-general/1588-no-life-here-internal-displacement-in-el-salvador>.

⁴¹Kids in Need of Defense, *Neither Security nor Justice: Sexual and Gender-Based and Gang Violence in El Salvador, Honduras and Guatemala* 3 (2018), available at https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL_0.pdf.

⁴²For a review of gang culture and violence against females, see Boerman and Knapp, *Gang Culture and Violence Against Women in El Salvador, Honduras, Guatemala*, 17-03 Immigration Briefings 1 (Mar. 2017).

⁴³Boerman interview, as cited in Kids in Need of Defense, *Neither Security nor Justice: Sexual and Gender-Based and Gang Violence in El Salvador*,

Honduras and Guatemala (2018), available at https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL_0.pdf.

⁴⁴Kids in Need of Defense, *Neither Security nor Justice: Sexual and Gender-Based and Gang Violence in El Salvador, Honduras and Guatemala* 5 (2018), available at https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL_0.pdf.

⁴⁵This opinion was upheld in *Alvarez Lagos v. Barr*, 927 F.3d 236, 250 (4th Cir. 2019).

⁴⁶U.N. Special Rapporteur on Contemporary Forms of Slavery, *Rep. of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, on Her Mission to El Salvador*, ¶ 33, U.N. Doc. A/HRC/33/46/Add.1 (Aug. 3, 2016), available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/46/Add.1. Although this report focused on El Salvador, the principles and findings apply equally to Guatemala.

⁴⁷Author interview (Mar. 16, 2018).

⁴⁸Information on females claimed as *Jainas* or *Morras* has been gathered through hundreds of interviews that I have conducted with girls and young women in El Salvador, Honduras, and Guatemala, including dozens who have been claimed as property, as well as representatives of governmental and non-governmental organizations, including police, human rights ombudsman, and women's rights advocates.

⁴⁹U.N. Special Rapporteur on Contemporary Forms of Slavery, *Rep. of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, on Her Mission to El Salvador*, ¶ 34, U.N. Doc. A/HRC/33/46/Add.1 (Aug. 3, 2016), available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/33/46/Add.1.

⁵⁰*Id.* at ¶ 33.

⁵¹Quoted in Kids in Need of Defense, *Neither Security nor Justice: Sexual and Gender-Based and Gang Violence in El Salvador, Honduras and Guatemala* 3 (2018), available at https://reliefweb.int/sites/reliefweb.int/files/resources/Neither-Security-nor-Justice_SGBV-Gang-Report-FINAL_0.pdf.

NOTES:

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