

## **Sexual and Gender Based Violence (SGBV) & Migration Fact Sheet**

June 2017

Sexual and gender-based violence (SGBV) forces many women, girls, and LGBTI persons to flee El Salvador, Honduras, and Guatemala. Family members, gangs, and drug traffickers most frequently perpetrate SGBV, but violence by police and other authorities is also widespread. Despite pervasive SGBV in El Salvador, Honduras, and Guatemala, staggering impunity levels persist, with an average of less than 10 percent of cases resulting in conviction. Those who flee their countries are also frequently subject to SGBV in transit, including abuse by smugglers, traffickers, authorities, and other migrants, and their options for reporting these crimes and seeking assistance are severely limited. Many individuals and families fleeing SGBV are potentially eligible for protection under U.S. as well as Mexican refugee law, as the governments of El Salvador, Guatemala, and Honduras fail to protect their citizens from SGBV.

### **Women and girls endure high rates of domestic and sexual violence in El Salvador, Honduras, and Guatemala**

- According to a 2014 study, more than half of all Salvadoran women reported experiencing some form of violence, and a quarter have been victims of sexual or physical violence.<sup>1</sup>
- In Guatemala, a new case of sexual violence was reported every 46 minutes in 2015; 64% of the victims were children. The total number of incidents is likely much higher, however, as many continue to go unreported.<sup>2</sup>
- Twenty-seven percent of women in Honduras reported having experienced physical violence at some point in their lives, and 22 percent had experienced intimate partner violence in the previous twelve months.<sup>3</sup>
- In Honduras, 30,000 women report domestic violence each year, and a woman reports sexual violence every three hours.<sup>4</sup> This represents a very small portion of the actual incidence of violence, due to widespread underreporting.<sup>5</sup>
- In Guatemala 5,100 girls under the age of 14 became pregnant in 2014, and most of these pregnancies resulted from rape by fathers, stepfathers, uncles, and other relatives.<sup>6</sup>
- Abortion is criminalized in El Salvador, Honduras, and Guatemala, and access to emergency contraception is limited or non-existent in all three countries, forcing victims of all forms of sexual violence, including incest, to carry their pregnancies to term.<sup>7</sup>

<sup>1</sup> "Más de la Mitad de Mujeres Salvadoreñas Sufrieron Violencia," *La Hora*, November 24, 2015, <http://lahora.gt/mas-de-la-mitad-de-mujeres-salvadorenas-sufrieron-violencia/>

<sup>2</sup> Claudia Palma, "Cada 46 Minutos se Comete una Violación," *Prensa Libre*, May 16, 2016, <http://www.prensalibre.com/guatemala/justicia/cada-46-minutos-se-comete-una-violacion>

<sup>3</sup> National Institute of Statistics and Secretary of Health, Honduras, "Encuesta Nacional de Demografía y Salud, 2011-2012," 2013, p.14, <http://dhsprogram.com/pubs/pdf/SR200/SR200.pdf> (most recent available statistics)

<sup>4</sup> Centro de Derechos de Mujeres, "Obstáculos y Desafíos que Enfrentan las Mujeres Víctimas de Violencia Sexual para Acceder a la Justicia," 2013, p.10, [http://www.derechosdelamujer.org/tl\\_files/documentos/violencia/Cuaderno%20Obstaculo%20web.pdf](http://www.derechosdelamujer.org/tl_files/documentos/violencia/Cuaderno%20Obstaculo%20web.pdf); Centro de Derechos de Mujeres et al. "Status of Violence Against Women in Honduras," 2014, p.3, [http://www.derechosdelamujer.org/tl\\_files/documentos/derechos\\_humanos/Violence-Women-Honduras-RapporteurONU-June2014.pdf](http://www.derechosdelamujer.org/tl_files/documentos/derechos_humanos/Violence-Women-Honduras-RapporteurONU-June2014.pdf)

<sup>5</sup> National Institute of Statistics and Secretary of Health, Honduras, "Encuesta Nacional de Demografía y Salud," 2011-2012, 2013, p.283, <http://dhsprogram.com/pubs/pdf/FR274/FR274.pdf>

<sup>6</sup> Anastasia Moloney, "Fathers Rape with Impunity, Fueling Guatemala's Teen Pregnancies," *Reuters*, October 2, 2015, <http://www.reuters.com/article/us-guatemala-teenage-pregnancy-idUSKCN0RW22D20151002>



### **Gangs use sexual violence as a strategy to maintain fear and control**

- Gangs in Northern Triangle countries employ sexual violence as a strategy to maintain control over territories and populations. Rape is widespread and is employed by gang members to discipline girls, women, and their family members for failure to comply with the gang's demands and to demonstrate the gang's dominance over the community.<sup>8</sup>
- Girls, many aged 15 or younger, are forced to become “girlfriends” of gang members, and those who resist are subject to sexual violence, and in some cases killed.<sup>9</sup> Forced recruitment of girls and women into sexual relationships with gang members that they are not able to leave of constitutes a contemporary form of slavery.<sup>10</sup>
- Women and girls are frequently kidnapped and subject to repeated rape by multiple gang members, and girls as young as nine years old have been victims of gang rape.<sup>11</sup>
- In some cases victims of sexual violence by gangs are tortured, killed, and dismembered, and their bodies left in clandestine graves, or in public areas to provoke fear in other women and girls.<sup>12</sup>
- Girls and young women threatened by gangs and subjected to forced recruitment or rape often go into hiding and stop attending school due to fear of leaving their homes.<sup>13</sup>

### **Rates of gender-motivated killings have increased dramatically over the past several years**

- In El Salvador, 475 women were murdered during the first ten months of 2015, up from 292 in 2014 - an average of one femicide every 16 hours.<sup>14</sup>
- In Honduras, gender-based violence is the second leading cause of death for women of reproductive age.<sup>15</sup>
- On average, two women are murdered each day in Guatemala, and the number of women murdered each year has more than tripled since 2000.<sup>16</sup>

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<sup>7</sup> Guttmacher Institute and International Planned Parenthood Federation, “Fact Sheet: Sexual and Reproductive Health of Young Women in Honduras,” 2014, <https://www.guttmacher.org/fact-sheet/sexual-and-reproductive-health-young-women-honduras>; Amnesty International, “News: El Salvador’s Total Abortion Ban Sentences Children and Families to Trauma and Poverty,” November 30, 2015, <https://www.amnesty.org/en/latest/news/2015/11/el-salvador-s-total-abortion-ban-sentences-children-and-families-to-trauma-and-poverty/>; Center for Reproductive Rights, “Guatemala’s Abortion Provisions,” <http://www.reproductiverights.org/world-abortion-laws/guatemalas-abortion-provisions>

<sup>8</sup> Thomas Boerman and Jennifer Knapp, “Gang Culture and Violence Against Women in El Salvador, Honduras, and Guatemala,” Immigration Briefings Issue 17-03, March 2017, p.8; Roxana Delgado and Jorge Vargas Méndez, “El Salvador: La Violencia de Maras y su Impacto en la Vida, la Seguridad y las Libertades de las Mujeres,” ORMUSA, El Salvador 2016, p.35.

<sup>9</sup> Immigration and Refugee Board Canada, “The Situation of Women Victims of Violence and Sexual Minorities in El Salvador,” 2016, <http://www.refworld.org/topic/50ffbce40,50ffbce454,57f7ac384,0,...html>

<sup>10</sup> United Nations 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, p. 10, <http://www.refworld.org/docid/57cd80fa4.html>.

<sup>11</sup> Women’s Refugee Commission, “Forced From Home: The Lost Boys and Girls of Central America,” 2012, p.7,

<https://www.womensrefugeecommission.org/uncategorized/2057-forced-from-home-the-lost-boys-and-girls-of-central-america-background-and-report>.

<sup>12</sup> “Violación de Mujeres: Otro Sello de las Pandillas,” *Diario Libre*, November 8, 2014, <http://www.diariolibre.com/noticias/violacin-de-mujeres-otro-sello-de-las-pandillas-1-de-2-AHDL870761>.

<sup>13</sup> Kelly McEvers and Jasmine Garsd, “The Surreal Reasons Girls are Disappearing in El Salvador,” National Public Radio, October 5, 2015, <http://www.npr.org/sections/goatsandsoda/2015/10/05/445985671/never-leave-your-house-survival-strategies-for-el-salvador-s-15girls>

<sup>14</sup> Angelica Albaladejo, “How Violence Affects Women in El Salvador,” Latin American Working Group, 2016, <http://www.lawg.org/action-center/lawg-blog/69-general/1590-how-violence-affects-women-in-el-salvador>.

<sup>15</sup> Women’s Refugee Commission, “Forced From Home: The Lost Boys and Girls of Central America,” 2012, p.10,

<https://www.womensrefugeecommission.org/uncategorized/2057-forced-from-home-the-lost-boys-and-girls-of-central-america-background-and-report>.

<sup>16</sup> Vivian Siu, “Olga’s Story: Violence Against Women and Children in Guatemala Continues to Devastate Lives,” United Nations Children’s Fund (UNICEF),

November 2011, [http://www.unicef.org/protection/guatemala\\_60748.html](http://www.unicef.org/protection/guatemala_60748.html); “Violence Targets Women in Mexico, Central America,” National Public Radio, June 28, 2012, <http://www.npr.org/2012/06/28/155913655/violence-targets-women-in-mexico-central-america>.

## **Members of the LGBTI community are targets of gender-based violence by families, gangs, and authorities**

- Civil society organizations in El Salvador, Honduras, and Guatemala report that LGBTI people are at high risk for violence and extortion by gangs and organized criminal groups, hate crimes, and abuse by authorities, leading many LGBTI individuals to migrate in search of safety.<sup>17</sup>
- At least 85 LGBTI persons in El Salvador were murdered between 2008 and 2014,<sup>18</sup> and the number of transgender women murdered annually has increased 400 percent since 2003.<sup>19</sup>
- In Guatemala, LGBTI individuals experience discrimination in access to health care, education, and employment. While reliable statistics are not available, hate crimes against LGBTI individuals are widespread, as is discrimination and violence committed by state authorities.<sup>20</sup>
- In Honduras, 174 LGBTI individuals, including leading LGBTI activists, were killed between June 2009 and December 2014. LGBTI activists continue to be targets of violence and assassination.<sup>21</sup>

## **The vast majority of sexual and gender-based crimes are underreported and go unpunished**

- In Guatemala, only an estimated 1 in 10 domestic violence victims reports sexual abuse.<sup>22</sup> Causes of underreporting include social stigma toward survivors, fear of reprisal by the abuser, and the unresponsiveness and ineffectiveness of the judicial system.<sup>23</sup>
- Over 5,000 women have been murdered in Guatemala since 2000, and only 2 percent of these cases have resulted in convictions.<sup>24</sup>
- In Honduras, 96 percent of all reported femicide cases between 2005 and 2010 went uninvestigated and unprosecuted.<sup>25</sup>
- In 2014, 978 cases of violence against women were reported in El Salvador, only 4 of which resulted in convictions.<sup>26</sup>
- Twelve percent of the reported cases of violence against women in El Salvador were perpetrated by judges, prosecutors, lawyers, and police officers.<sup>27</sup>
- In El Salvador, Guatemala, and Honduras, LGBTI victims do not report violent crimes because they fear discrimination and abuse by authorities, and the vast majority of reported crimes against LGBTI people are not investigated.<sup>28</sup>

<sup>17</sup> Inter-American Commission for Human Rights, "Informe sobre el 154 Período de Sesiones de la CIDH," 2015, p.9-10, <https://www.oas.org/es/cidh/prensa/docs/Informe-154.pdf>.

<sup>18</sup> Lisa Haugaard, "LBTI Salvadorans: Winning Legal Advances but Facing Unchecked Violence," Latin America Working Group, 2016, <http://lawg.org/action-center/lawg-blog/69-general/1594-lgbti-salvadorans-winning-legal-advances-but-facing-unchecked-violence>.

<sup>19</sup> COMCAVIS Trans et. al., "Violaciones de los Derechos Humanos de las Personas Transgénero en El Salvador," 2015, p.18, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SLV/INT\\_CCPR\\_IC\\_SLV\\_19856\\_S.pdf](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SLV/INT_CCPR_IC_SLV_19856_S.pdf)

<sup>20</sup> LAMBDA Guatemala and United Nations High Commissioner for Refugees (UNHCR) "Sin Raíz: Diagnóstico Situacional de las Personas LGBT en Situación de Desplazamiento," 2017; OTRANS et al., "Human Rights Violations of Lesbian, Gay, Bisexual and Transgender (LGBT) People in Guatemala: A Shadow Report." 2012, <https://www.outrightinternational.org/sites/default/files/IGLHRC%20Shadow%20Report%20Guatemala%202012.pdf>

<sup>21</sup> Inter-American Commission on Human Rights, "Situation of Human Rights in Honduras," 2015, p.59-62, <http://www.oas.org/en/iachr/reports/pdfs/Honduras-en-2015.pdf>.

<sup>22</sup> Vivian Siu, "Olga's Story: Violence against Women and Children in Guatemala Continues to Devastate Lives," United Nations Children's Fund (UNICEF), November 2011, [http://www.unicef.org/protection/guatemala\\_60748.html](http://www.unicef.org/protection/guatemala_60748.html)

<sup>23</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor, "Guatemala 2015 Human Rights Report," 2015, p.14, <http://www.state.gov/documents/organization/253229.pdf>.

<sup>24</sup> Women's Refugee Commission, "Forced From Home: The Lost Boys and Girls of Central America," 2012, p.11,

<https://www.womensrefugeecommission.org/uncategorized/2057-forced-from-home-the-lost-boys-and-girls-of-central-america-background-and-report>; Vivian Siu, "Olga's Story: Violence against Women and Children in Guatemala Continues to Devastate Lives," United Nations Children's Fund (UNICEF), November 2011, [http://www.unicef.org/protection/guatemala\\_60748.html](http://www.unicef.org/protection/guatemala_60748.html).

<sup>25</sup> Ibid, p.10

<sup>26</sup> Immigration and Refugee Board of Canada, "Information Gathering Missions Report: The Situation of Women Victims of Sexual Violence and Sexual Minorities in El Salvador," 2016, <http://www.irb-cisr.gc.ca/Eng/ResRec/NdpCnd/Pages/Salvador-2016P2.aspx#42>.

<sup>27</sup> Angelica Albaladejo, "How Violence Affects Women in El Salvador," Latin American Working Group, 2016, <http://www.lawg.org/action-center/lawg-blog/69-general/1590-how-violence-affects-women-in-el-salvador>.

## **Women, girls, and LGBTI persons who flee their countries face high rates of sexual violence in transit**

- According to a recent study by Doctors Without Borders, 68.3 percent of migrants and refugees surveyed experienced violence in transit, and nearly a third of women reported experiencing sexual violence during their journeys.<sup>29</sup> Sexual violence is often underreported, and the actual number of women and girls who suffer sexual violence during migration could be significantly higher.
- Women and girls are frequently obligated to participate in sexual activity in exchange for protection, food, and shelter, or to be allowed to continue on their journey.<sup>30</sup>
- Girls traveling alone and LGBTI persons are especially vulnerable to human trafficking and sexual exploitation.<sup>31</sup>
- Very few victims report SGBV or seek medical care, legal, or emotional assistance, and the vast majority of these crimes are never investigated or punished.<sup>32</sup>

## **SGBV and the need for international protection**

Sexual and gender-based violence are major drivers of forced migration from El Salvador, Honduras, and Guatemala, especially for vulnerable groups including women, children, and LGBTI persons. The governments of these countries are unable and unwilling to provide protection to SGBV victims, leaving many with no option but to flee their country in search of safety. According to United Nations High Commissioner for Refugees (UNHCR) guidelines for international protection needs of those fleeing El Salvador and Honduras, “women and girls, in particular but not limited to women and girls from areas where gangs operate or those from areas where sexual and gender-based violence against women and girls is practiced, may be in need of international refugee protection on the basis of their membership of a particular social group, and/or their (imputed) political opinion, or on the basis of other Convention grounds.”<sup>33</sup>

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<sup>28</sup> International Human Rights Law Clinic, University of California Berkeley School of Law, “Sexual Diversity in El Salvador: A Report on the Human Rights Situation of the LGBT Community,” 2012, p.17, [https://www.law.berkeley.edu/files/IHRLC/LGBT\\_Report\\_English\\_Final\\_120705.pdf](https://www.law.berkeley.edu/files/IHRLC/LGBT_Report_English_Final_120705.pdf).

<sup>29</sup> Doctors without Borders, “Forced to Flee Central America’s Northern Triangle: A Neglected Humanitarian Crisis,” 2017, p.5, [https://www.doctorswithoutborders.org/sites/usa/files/msf\\_forced-to-flee-central-americas-northern-triangle.pdf](https://www.doctorswithoutborders.org/sites/usa/files/msf_forced-to-flee-central-americas-northern-triangle.pdf).

<sup>30</sup> Gabriela Diaz and Gretchen Kuhner, “Un Viaje Sin Rastros: Mujeres Migrantes que Transitan por Mexico en Situación Irregular,” 2015, p. 83, 86-87.

<sup>31</sup> Ibid, p. 88

<sup>32</sup> Ibid, p. 88; Doctors without Borders, “Forced to Flee Central America’s Northern Triangle: A Neglected Humanitarian Crisis,” 2017, p.19, [https://www.doctorswithoutborders.org/sites/usa/files/msf\\_forced-to-flee-central-americas-northern-triangle.pdf](https://www.doctorswithoutborders.org/sites/usa/files/msf_forced-to-flee-central-americas-northern-triangle.pdf).

<sup>33</sup> UNHCR, “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras,” 2016, <http://www.refworld.org/docid/579767434.html>.