

WHAT EL SALVADOR DOES NOT RECOGNIZE:

Civil Organizations' Report on
Cases of Forced Displacement
due to Violence 2017 - 2018



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Based on cases registered during the 2017-2018 period.
By Organizations, members of Civil Society Roundtable
Against Forced Displacement Caused by Violence
in El Salvador MCDF

Editorial support team:

Members of the Civil Society Roundtable Against
Forced Displacement Occurred
for Violence in El Salvador MCDF

Team SSPAS

Johanna Ramírez

Johanna Salmerón

Gabriela Colocho

Edgardo Sibrian

Design and layout

Mariacela Arbizú

Translation support



**American Friends
Service Committee**

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2. Acronyms

ACRONYM	MEANING
ACNUR	United Nations High Commissioner for Refugees
ASDEHU	Salvadoran Human Rights Association
AFSC	American Friends Service Committee
AMSS	San Salvador Metropolitan Area
CBA	Basic Food Basket
CIA	Central Intelligence Agency
CIDEHUM	International Center for the Human Rights of Migrants
COMCAVIS - TRANS	Association Communicating and Training Trans Women with HIV in El Salvador
COMURES	Corporation of Municipalities of the Republic of El Salvador
CONNA	National Council of Children and Adolescents
CIP	Center for International Policies
CNSCC	National Council of Citizen Security and Coexistence
DAV	Victim Assistance Department
DIGESTYC	General Directorate of Statistics and Censuses
EHPM	Multi-Purpose Household Survey
FAES	Armed Forces of El Salvador
FESPAD	Foundation of Studies for Law Enforcement
FGR	Office of the Attorney General
FUSADES	Salvadoran Foundation for Development
IDH	Human Development Index
IDHUCA	Institute of Human Rights of the José Simeón Cañas Central American University
IDMC	Internal Displacement Observatory
IEEPP	Institute of Strategic Studies and Public Policies
IML	Coroner's Office
IUDOP	University Institute of Public Opinion of the Central American University Simeón Cañas

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IRC	International Rescue Committee
ISDEMU	Salvadoran Institute for the Development of Women
ISNA	Salvadoran Institute for the Integral Development of Children and Adolescents
LAWG	Working Group on Latin American Affairs
LPG	La Prensa Gráfica (Major Circulation Newspaper)
LGBTI	Lesbians, gays, bisexuals, trans and intersex
MCDF	Roundtable against Forced Displacement
MINEDUCYT	Ministry of Education, Science and Technology
MJSP	Ministry of Justice and Public Security
NNAJ	Girls, Children, Teens and Youth
NRC	Norwegian Refugee Council
ODHAC	Observatory of the Human Right to Food in Central America
OIM	International Organization for Migration
OLAV	Local Victim Attention Office
ORMUSA	Salvadoran Women Organization for Peace
PDDH	Office for the Defense of Human Rights
PGR	Office of the Attorney General
PESS	Plan "Safe El Salvador"
PNC	Civil National Police
PNUD	United Nations Development Program
SSPAS	Passionist Social Service
TPS	Temporary Protection Status
UCA	José Simeón Cañas Central American University
UNFPA	United Nations Population Fund
USAID	United States Agency for International Development
UTE	Technical Executive Unit of the Justice Sector

Introduction

The Civil Society Roundtable Against Forced Displacement due to Violence, is a group of human rights organizations that has been working since 2014 to generate advocacy actions for the recognition of the phenomenon by the Salvadoran State, with the purpose of developing this policy for its prevention, care and protection, through the characterization of cases and humanitarian support to victims from the organizations that are part of the group.

This report has been generated with cases of forced displacement attended by Roundtable organizations that occurred in the years 2017-2018, it is important to note that the data are only a sample of the total number of victims of displacement in the country. Being that, only for the year 2018, according to the Opinion Survey on Forced Internal Displacement by Violence and Extraordinary Measures prepared by the Institute of Public Opinion -iudop-, it was estimated that around 235,700 people were victims of forced displacement.

The reports made by the Roundtable - including this one - seek to generate evidence that allows the characterization of the victims and groups of victims whose human rights were affected by the displacement. Because the phenomenon affects differentiated population groups, this document includes a detailed approach to the effects on the rights of children, youth, and women; including the impact it generates on the LGBTI population, a group that is generally invisible, because of its status as victims, as well as belonging to a population that is systematically excluded in the implementation of public policies.

In that sense, we manifest the need for the State to assume the responsibilities that correspond to it, in preventing the occurrence of displacement, to develop processes of integral attention and lasting solutions with the active participation of the victims. In this regard, it is relevant to characterize the implementation of the outgoing government security public policy and the different responsibilities that fall within various state institutions.

The foregoing shows that the lack of attention on the part of the institution's places victim in a more precarious situation and that, the lack of articulation of the institutions, limits the performance of an articulated response, which negatively impacts the restitution of the violated rights.

For this reason, this problem must be seen as a matter of urgency, regarding the affirmative actions that the State must develop in order to deal decisively with the causes that generate forced displacement in the country. The first action is to recognize the occurrence of forced displacement, prompt the approval of a legal framework and allocating greater resources for the care of victims.

The State cannot continue to ignore the occurrence of forced displacement and the thousands of victims it generates, which constitutes an urgent task.

The Civil Society Roundtable against forced displacement due to violence in El Salvador is currently made up of Civil Society organizations that work on the promotion and protection of human rights, these being: American Friends Service Committee (AFSC), Program Advice and Development Projects (AS-PRODE), Association Communicating and Training Trans Women with HIV in El Salvador (COMCAVIS TRANS), Salvadoran Association for Human Rights, (ASDEHU), Norwegian Refugee Council (NRC), CRISTOSAL, Salvadoran Red Cross, Cruz Spanish Red, Law Studies Foundation (FESPAD), UCA Institute of Human Rights (IDHUCA) Doctors of the World Spain and France (MDM), Save The Children, Passionist Social Service (SSPAS), Salvadoran Lutheran Synod (SLS). The collective currently identifies the need to influence the approval of regulations that comprehensively address internal forced displacement due to violence, from the areas of prevention, protection and intervention in the current context of serious human rights violations.

1. Conceptual Framework

“When you don’t want to leave, but there are things that force you to do it”

Internal Forced Displacement in El Salvador

1.1. Internal forced displacement due to violence

For this report, the internally displaced population shall be understood as “people or groups of persons, who have been forced or forced to escape or flee from their home or habitual place of residence, in particular as a result or to avoid effects of an armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and that have not crossed an internationally recognized state border”¹.

For people who have suffered forced displacement due to violence, in its different manifestations in El Salvador, this phenomenon is understood as the series of circumstances that require leaving the community space, housing, friendships, even family, without I wanted to do; *“It is difficult when one has had a settlement in which one has identified with the neighbors, knowing them; Suddenly feeling like a criminal and leaving the place in secret. I was forced to leave that space and punishing myself as if I were guilty of that situation”*²

1.2. Violence

According to the World Health Organization, violence is the intentional use of physical force, threats against oneself, another person, a group or a community that results in or is very likely to result in trauma, psychological, developmental problems or death.³

On the other hand, the United Nations defines violence against women as “any act of violence based on belonging to the female sex that has or may result in physical, sexual or psychological harm or suffering for women, as well as such as threats of such acts, coercion or arbitrary deprivation of liberty, whether they occur in public life or in private life”⁴.

1.3. Types of violence associated with internal displacement in El Salvador

According to information compiled by the Roundtable Against Forced Displacement (MCDF as of now), victims of forced displacement indicate that the types of violence that have caused such displacement are: a) threats, b) homicides, d) disappearance, and) armed attacks, d) sexual violence against women and / or sexual harassment.

In the collected testimonies a threat is present, in order to instill fear and force them to move. Threats can be made in different ways:

*“As I dedicated myself to look for and ask everywhere for him, one day I found some boys who told me that I should no longer keep looking, that something could happen to my children, that’s why I decided to leave; As I lived alone in the little house, I was scared, at night I heard strange things like they came to knock on the door, the children slept with me in the same bed, I was even taking two children to the psychologist”*⁵.

Sexual violence against women, although not always explicit, is present in most cases or around cases; Women in the framework of unequal power relations must face violence in both public and private spaces:

*“He sent me messages saying that he had been stationed in front of my house all afternoon and others like that he only went to my house at night and sighed when he knew that someone was there who knew someone was interested in me”*⁶.

1. Guiding Principles on Internal Displacement the United Nations refugee agency UNHCR. resolution 1997/39 of the Human rights commission

2 Interview with victim of forced displacement No. 4, September 4, 2018.

3 World Health Organization. Retrieved from: <http://www.who.int/topics/violence/es/>

4 General Assembly Resolution - Resolution 48/104 Declaration on the Elimination of All Forms of Discrimination against Women.

5 Interview No. 1, September 4, 2018.

6 Interview No. 3, September 4, 2018.

*"As I have leggings, then that person (who threatened her) told me not to dress like this, that the police would say things like Whhat was I there for? ... to seek who knows what."*⁷

Although it is coincident with the interviews, the issue of "threats" as the most recurrent type of violence that causes forced displacement varies in other types of reasons such as the case of "disappearance".

On the other hand, in the case of the LGBTI community, the issue of discrimination based on gender identity or sexual orientation should be included, as explained by Bianka Rodríguez:

*"[...] In the case of the LGBTI population, the opposite is true, Gay and Trans partners are affected by gangs when they have to pay extortion. They are also affected by recruitment, not to be part of the criminal group because it is forbidden among these groups that there are people openly LGBTI, but, to collaborate with the gang to monitor areas, to work as a "look-outs" (way of referring to those who carry out surveillance work for gangs). So, that makes them somehow also be forced; their gender identity or sexual orientation also puts them in a vulnerable condition because there are groups and areas where LGBTI populations are not tolerated, and then these people are threatened, extorted by criminal groups and even, in many cases, they force them to flee their home because they cannot be in that particular area; because they are openly minded LGBTI people"*⁸

1.4. Confinement

According to the report on Internal Displacement for Violence and Organized Crime in El Salvador (MCDF, 2016), a significant proportion of cases showed a special condition prior to displacement, in which families live in their communities under deep fear and risk of their security and have made the decision to move, but have failed to consummate it due to causes mostly related to lack of resources or lack of viable support options for their family network. These families are in serious condition of vulnerability, as they may be the target of an imminent violent attack, so they prevent their children

from leaving their homes or family members, only leave their residences for essential activities and as few times as possible, making their living conditions even more precarious, already severely affected by poverty and other factors. This condition has been preliminary designated by organizations as "self-confinement" or "confinement."

1.5. Founded Fear

*"[...] since that day, it scared me and I fell that my heart was going to be paralyzed", with those words one of the people interviewed defines the fear he has to repeat the facts, to suffer some kind of reprisals before the complaint".*⁹

In other cases there is no formal complaint before the authorities for lack of credibility and fear, so the affected person has reason to think that some authorities, especially the PNC, may have links with the aggressors; In other cases there is no formal complaint before the authorities for lack of credibility and fear, so the affected person has reason to think that some authorities, especially the PNC, may have links with the aggressors;

*"There is no confidence in the police, in those days a girl and the son of the mayor, were raped by the neighbor, and they called the police, and the mayor arrived first, that means, the police told her to settle with him and as there was no demand."*¹⁰

The fear at night, not being able to sleep, reluctantly dreaming about what happened to them, being frustrated about not being able to do anything, are some elements of the fear faced by victims of forced displacement, "I had a quiet life, apart, normal, with the usual life, work, see my daughter, play soccer, go out with my wife. It is not the same, the psychological damage, issues with the police, coroners, and with fear that these people were still there and with the fear that they would kill me, I had to bother friends or in a taxi, I did not want to travel by bus, I was afraid"¹¹, this person also added that he wanted to buy a gun, but he thought he could get into more trouble and gave up.

7 Interview No. 1, September 4, 2018.

8 Interview with Bianka Rodríguez Executive Director COMCAVISTRANS., September 04, 2018.

9 Interview No. 5, September 4, 2018.

10 Interview No. 3, September 4, 2018.

11 Interview No. 6, September 4, 2018.

2. National and International Regulatory Framework

2.1. International Regulatory Framework

Within the framework human rights protection, El Salvador has signed a series of international agreements and treaties, as well as the adoption of national policies and laws that should generate actions for the prevention of violence and the integral protection of the victims of all types of violence. As the PDDH clearly points out, “the international legal framework obliges States to take actions to prevent, protect and provide assistance to victims of internal forced displacement due to violence”¹².

The following table summarizes the main international instruments to address the phenomenon of forced displacement.

Table No. 1

Main Treaties and International Agreements¹³

No	Treaties / Agreements	Main Input
01	International Pact on Civil and Political Rights. (pidcp). December 1966 resolution	It guarantees men and women equality in the enjoyment of all the civil and political rights enunciated. Likewise, it guarantees the right to every person, when they have been violated, to lodge an appeal, to have an effective response and compliance with the decision made by the authority in the appeal filed, even if such violation had been committed by persons acting in exercise of its official functions.
02	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. Resolution of December 10, 1984	Strengthens the creation of a conceptual framework that facilitates the sanction of States Parties for acts or omissions committed by public officials or others in the exercise of public functions, at their instigation, or with their consent or quiescence.
03	Rome Statute	It includes forced displacement as a crime against humanity, when it is committed “as part of a generalized or systematic attack against a civilian population and with knowledge of that attack.” It states that deportation or forced population transfer “means the forced displacement of persons affected by expulsion or other coercive acts, from the area in which they are legitimately present, without reasons authorized by international law”.

¹² Report of the Office of the Attorney General for the Defense of Human Rights on Forced Displacement. El Salvador, August 2016.

¹³ Construction based on the Reports of the Civil Society Roundtable against Forced Displacement by Violence and Organized Crime in El Salvador 2015 and 2016. And Consultation of international agreements.

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No	Treaties / Agreements	Main Input
04	Convention to Prevent, Punish and Eradicate Violence against Women, known as the Belén do Pará Convention.	<p>It enshrines the right to a life free of violence for women, both in the public and private spheres.</p> <p>Articles 3 and 4 of this convention explain that states are obliged to guarantee rights for women, respect their life, physical, mental and moral integrity; personal freedom and security, prohibition of torture; equality and protection before the law, among other rights.</p>
05	United Nations Resolution 1325 on women peace and security. United Nations Security Council of the year 2000.	<p>This resolution underlines the importance of women participating in equality and intervening in conflict prevention and resolution, consolidation and peacekeeping in countries in conflict and post conflict.</p> <p>El Salvador has an action plan for the Resolution.</p> <p>Resolution 1325 shows a series of related resolutions that specify the importance of the fight against sexual violence against women, trafficking and the participation of women in society.</p>
06	Children's Rights' Convention	<p>It enshrines the rights of children and adolescents, and as indicated in article 3, states have an obligation to protect, care for; and the principle of prevalence of the best interests of boys and girls.</p>
07	Declaration on the Fundamental Principles of justice for victims of crime and abuse of power. Resolution 4034 of November 29, 1985	<p>In this statement, victims are understood as persons who, individually or collectively, have suffered damages, including physical or mental injuries, emotional suffering, financial loss or substantial impairment of fundamental rights, as a result of actions or omissions that violate the current criminal legislation Member States, including those laws proscribing criminal abuse of power.</p> <p>States must also guarantee victims of crime, rights of access to justice and fair treatment, compensation, compensation and assistance.</p>
08	Convention relating to the Status of Refugees of 1951 and its 1967 protocol.	<p>Adopting a human-centered approach, they constitute the most relevant international instruments for their recognition and protection of the human rights of asylum seekers and refugees.</p>

*WHAT EL SALVADOR DOES NOT RECOGNIZE: Civil Organizations' Report on
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No	Treaties / Agreements	Main Input
09	Declaration and Plan of Action of Brazil, adopted in 2014.	<p>This instrument reiterates and undertakes to maintain the highest standards of human rights in the region, in favor of asylum seekers, refugees, displaced persons and stateless persons.</p> <p>El Salvador was one of the states that approved and committed to this Plan.</p>
10	The United Nations' Guiding Principles of Internal Displacement.	<p>The Heads of State and governments recognized the Principles as “an important international framework to protect displaced persons within their countries.” The Guiding Principles recognize the international standards of human rights of internally displaced persons and identify the rights that assist them during all stages of displacement.</p> <p>The Guiding Principles establish the prohibition of arbitrary displacement of populations and underline the obligation that states have to “prevent and avoid the appearance of conditions that may cause the displacement of people”; they also establish the rights of the displaced that must be respected during the displacement, the humanitarian assistance that must be provided to them and the conditions that must be guaranteed regarding their return, resettlement and re-integration. This international instrument is based on the principle of “sovereignty as responsibility”, that is, the State is primarily responsible for the protection and assistance of internally displaced persons.</p> <p>The Guiding Principles are the main international instrument in the matter, and are based on the existing legal provisions of International Humanitarian Law, Refugee Law and International Human Rights Law. The instrument functions as a guide to the actions that States must take to comprehensively address the problem of displacement.</p>
11	<p>American Convention on Human Rights (CADH).</p> <p>Signed on November 22, 1969.</p>	<p>It was signed after the Inter-American Specialized Conference on Human Rights, in the city of San José in Costa Rica and has been in effect since July 18, 1978.</p> <p>Article 1 explains that the States subscribed to the Convention “undertake to respect the rights and freedoms recognized therein and to guarantee their free and full exercise to all persons who are subject to their jurisdiction, without any discrimination based on race, color, sex, language, religion, political or other opinions, national or social origin, economic position, birth or any other social condition”.</p>

No	Treaties / Agreements	Main Input
12	Global Pact for safe, regular and orderly migration.	<p>Formally adopted on December 10 in Marrakech (Morocco), by consensus by the UN intergovernmental conference, which was attended by representatives of 165 countries of the 193 that make up the UN. Being put to a vote in the General Assembly on December 19 with a vote of 152 countries in favor, 5 against, and 12 abstentions, the General Assembly approved the draft resolution that reaffirms the UN's commitment to the pact.</p> <p>The text contains 23 non-binding objectives for the subscribed States. And, although it does not legally commit any Government, the Pact is the first global agreement to help take advantage of benefits of migration and protect undocumented immigrants. This is the first attempt to manage migratory flows comprehensively and internationally. It reflects the common understanding of governments that migration that crosses borders is, by definition, an international phenomenon and that in order to effectively manage this global reality, cooperation is needed to expand the positive impact for all. Among those goals, there are some generic ones such as cooperation to address the causes that motivate migration or improve the ways of legal migration. But there are also concrete commitments, such as measures against trafficking and trafficking of persons, avoiding the separation of families, using the detention of migrants only as a last option or recognizing the right of irregular migrants to receive health and education in their countries of destination¹⁴.</p>

2.2. National Regulatory Framework

Historically, within the regulatory framework, the Salvadoran State has seen victims as objects for criminal utility, as for the judicial system, a victim supporting the state in obtaining a conviction, some privileges are granted as a protection regime during the process, among others. Currently, there is a lack of specialized legislation for the integral protection of victims of forced displacement due to violence in the country; highlighting the existence of the guidelines elaborated by the pddh, the reforms to the penal code made by the

congress where it is typified as crime of illegal limitation to the freedom of movement.

In October 2017, the Constitutional Chamber admitted the demand for protection filed by a family group harassed by gangs, for the possible violation of their rights to material security, family protection, non-jurisdictional protection, freedom of movement and property. It is worth highlighting the recognition made by the room of the problem of forced displacement in the country, which will generate jurisprudence in future processes:

¹⁴ Dumont, Jonathan. "Global Pact on Migration: what does it enforce and what are its benefits?". UN news. 5 December 2018. Retrieved from: <https://news.un.org/es/story/2018/12/1447231>

“This Court FINDS: (a) It is declared that in El Salvador there is a phenomenon of forced displacement of people that originates in the context of violence and insecurity that severely affects vulnerable groups in different geographical areas of the country controlled by gangs and in the systematic effects on fundamental rights such as life, physical integrity, freedom and property, among others, caused by organized crime, mainly by referred criminal groups, which constitutes a state of unconstitutional issues”¹⁵.

The PDDH report contains a similar conclusion:

“Security policies must provide priority attention to victims, considering that the implementation of public policies, strategic plans or any security related action must be sustainable and demand the search of political and social consensus, while being necessarily subject to permanent evaluation and accountability mechanisms, in a scenario of broad participation”¹⁶.

Table No. 2

National Legislation

No	Legislation	Overview
01	Constitution of the Republic of El Salvador	It recognizes individual rights such as life, physical and moral integrity, freedom, security, work, property and possession and to be protected in their conservation and defense. Article 168, ordinal 3rd, establishes the obligation of the State to seek social harmony and preserve peace.
02	Special Comprehensive Law for a Life Free of Violence for Women (LEIV)	In a normative manner, respect for the right to a life free of violence from women is encouraged and obliges all instances of the State to create institutional units of specialized care for women and shelters. They must also advise and inform women about their rights, measures related to their protection and safety, as well as inform about emergency and reception services.
03	Law on Equality, Equity and Eradication of Discrimination against Women (LIE)	It seeks the creation of legal bases that guide the design and execution of public policies of equality and equity in the exercise and enjoyment of rights between men and women.
04	Special Law for the Protection of Victims and Witnesses (LPVT)	It establishes protection and care measures for victims of violence and / or witnesses who have decided to be part of a judicial process because if they do not submit to a judicial process they are not protected by law.

¹⁵ Constitutional Chamber of the Supreme Court of Justice. San Salvador. July 13, 2018.

¹⁶ Registration Report of the Office of the Procurator for the Defense of Human Rights on Forced Displacement. El Salvador. August 2016.

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No	Legislation	Overview
05	<p>Reforms to the Criminal Code.</p> <p>Decree No. 347</p> <p>Date: May 3, 2016</p>	<p>"ILLEGAL LIMITATION TO FREEDOM OF CIRCULATION"</p> <p>Art. 152-B.- The one who, through violence, intimidation or threat to persons or property, prevents another from freely circulating, entering, staying or leaving any place in the territory of the Republic, will be sanctioned with prison of four to eight years.</p> <p>The same sanction will be incurred by anyone who performs any of the behaviors described in the preceding paragraph and this is executed to the detriment of any person while performing or attempting to perform acts of lawful commerce.</p> <p>If the conduct described in the preceding paragraph is carried out by two or more persons, it will be sanctioned with imprisonment of six to ten years.</p> <p>When violence, intimidation or threat to persons or property is carried out to force another to leave their place of residence, residence, work, studies or carrying out any lawful activity, the penalty of eight to twelve years in prison will be imposed. "</p>
06	<p>Evaluation eligibility guidelines of the international protection needs of asylum seekers from El Salvador</p>	<p>Document issued by the United Nations High Commissioner for Refugees (UNHCR) in March 2016. The guidelines seek to help decision makers, including UNHCR officials, governments and private professionals, in assessing the international protection needs of asylum seekers. These are legal interpretations of the criteria for the recognition of refugee status with respect to specific profiles, based on social, economic, security, human rights and humanitarian factors in the country / territory of origin in question.</p>

3. The Forced Displacement Phenomenon in El Salvador

Forced displacement is when “they tell you: look we don’t want you here and you have to leave in so many hours and you leave with nothing, only with what you can, if only the children only with their clothes and they were, without taking anything, nothing, leave as quickly as possible, because if they can’t do something to you or the family.”¹⁷

Internal forced displacement in El Salvador is a multicausal phenomenon, according to the Development Report Human El Salvador 2018, among the main acts of violence that cause forced displacement of families registered by the Ministry of Justice and Public Security (mjsp as of now), the following stand out: threats, intimidation or coercion (69% of cases), extortion (24%), and the situation of violence or insecurity in the communities of origin (20%). In addition, 42% of cases of forced displacement due to violence are of an intra municipal type - between neighborhoods of the same municipality -, and the objective is to move to places perceived with greater security and that allows them accessibility to their sources of employment and the protection of their lives¹⁸

3.1. Causes of forced displacement

“In May of 2018, we left our house, I don’t know, we lived there with the family, my second son noticed a girl and we realized that the girl was into bad things, we separated him from her and one day she they took him to a place to carry drugs and the police arrived, hit him in the face; then they chased us with weapons and we got into high grass, so we got

out of there. We came to live here in a small room all five of us, we have lived from what they give us here, I am afraid to leave here, someone might see us and wonder where these people come from.”¹⁹

Violence gradually becomes a scourge that indiscriminately affects Salvadoran society, however, there are certain conditions that end up violating and making the population living in poverty more susceptible to. In this sense, one cannot speak of poverty only from the lack of economic resources; This reality must be considered as a condition that affects all aspects of people’s lives, and that is also combined with a system that perpetuates and deepens the consequences of the conditions of poverty in people (UNDP, 2015).

The latter is linked to marginalization, exclusion and stigmatization that ends up cutting off the possibilities of access to the same dignified opportunities that other people in better socioeconomic conditions have. When talking about marginalization, the best example is the inability to access services that someone is even able to afford, and still due to stigmatization, the refusal to access to certain work or study opportunities derived from imaginary prejudices installed when indicating their place of origin or residence.

Living in conditions of precariousness in itself already constitutes a great difficulty in El Salvador, but it is a situation that is great additional burden to people victims of internal displacement forced due to violence because access to stable employment opportunities is impossible as a result of its instability and the violation caused by threats and lack of protection.²⁰

17 Interview with a woman victim of forced displacement. Young woman, has suffered the loss of two brothers due to violence and the disappearance of her husband, she has no support from her family, she is alone with her sons and daughters.

18 Human Development Report, El Salvador 2018, I AM YOUNG! And now that? United Nations Development Program (UNDP), 2018.

19 Victim of forced displacement, Interview No. 3.04 September 2018

Homicides and Disappearances

“It’s very difficult, a woman does anything to carry her family forward. At the beginning when he disappeared, I didn’t tell the children anything, I went out looking for him and when I arrived at the house, I was quiet, so the children didn’t see what was happening ... The little boy was the one who suffered the most, he he cried at night, he woke up crying and I told him that I had to be strong because I was strong, so I was comforting him, but when I was alone, I cried alone.”²¹

The El Salvador 2018 Human Development Report, which focuses on the situation of youth, makes an analysis of homicides in young people in recent years, arguing that “the homicide rate of young people per 100,000 inhabitants increased from 114.9 in 2010 to 165.2 in 2015, and dropped to 105.9 in 2017 (National Civil Police [PNC], 2018). On average, the homicide rate of the young population is 53.4% higher than that of the adult population in the 2007-2017 period. In addition, it is estimated that 27.2% of the cases of victims of homicide in 2017 were young people between the ages of 18 and 24.”²²

El Salvador closed 2018 with a record of 3,340 homicides, representing a daily average of 9.2 murders and an annual rate of 50.3 per 100,000 inhabitants. These data, when compared with those of 2017, represent a decrease of 622 violent deaths, of -15.7%, and in the annual rate of -10.5 percentage points. There is a third consecutive annual reduction, which represents 53.2 percentage points in the annual rate as a country in relation to the most violent year of this century. The department and municipality of San Salvador were the ones that registered the highest number of murders. Forty-six municipalities did not register homicides.

There were 383 murders of women, with an average daily of 1.05 murders of women, and a decrease of -86 murders, a -18.3% per year. The murders of women accounted for 11.5% of total homicides. There is a slight downward trend in relation to 2017, but unfortunately every day a woman was

murdered during 2018. The departments of Sonsonate, Usulután and San Vicente showed increases; eleven departments report decrease.²³

In the case of homicides, of the 3,340 nationwide, 25 municipalities have an incidence of 49% of the total. In relation to the murders of women, the departments of San Salvador, Sonsonate, La Libertad and Usulután have a 58% incidence.

The challenge for the Salvadoran State is to deepen the persecution policies against the main crimes that affect the population, while developing the strategies of situational prevention.

Another expression of violence, inheritance of the Civil War, which significantly affects the phenomenon of forced displacement are disappearances, the number of complaints of missing persons received by the Attorney General's Office, between January 1 and December 18 2018 was 3,514; and it exceeded the number of homicides recorded by the Police Civil National at the end of the year: 3,340 cases²⁴. Among the data revealed by the Attorney General's Office, it was noted that the months with highest incidence of missing persons were March 342, July 319, August 326, October 345 and November 302.

There is no state institution that manages an exact consolidate on missing persons in El Salvador.

The MCDF has registered that among the main causes of forced displacement, are homicide and disappearance. Among the cases attended are causal reports of homicides committed against family members and disappearances by groups identified as gangs as a mechanism of pressure, control or intimidation. These crimes suffered a significant increase over the course of a year. In the case of the homicides of relatives, for the year 2017, 19 cases were found and for the year 2018, that figure increased to 50; On the other hand, the disappearances of a family member, in 2017 there were 26 cases and during the year of 2018, it increased to 55.

20 Testimonial Report of Forced Displacement in El Salvador focused on Children, Adolescents and Youth. Civil Society Roundtable against forced displacement due to violence and organized crime.

21 Victim of forced displacement caused by the disappearance of his partner, threats and harassment Interview No. 3, September 4 of 2018

22 Human Development Report El Salvador 2018, I am young! And now what? United Nations Development Program.

23 Sosa, Ricardo. “Criminological Balance in El Salvador 2018”. January 2019. News El Salvador.com. The Consulted at: <https://www.elsalvador.com/opinion/editoriales/556924/balance-criminologico-el-salvador-2018/>

24 Prosecutor's office registered in 2018 more than 3,500 cases of missing persons". El Salvador.com News. “Consulted at: <https://www.elsalvador.com/noticias/nacional/556244/fiscalia-registro-en-2018-mas-de-3500-oo--de-personasdesaparecidas/>

Table No. 3

Missing People Reported from 2016 to 2019					
Año	2016	2017	2018	2019	Total
Total	1,778	1,670	3,500	216	7,164

Source: own elaboration based on FGR data.

The data shows a significant increase in homicides towards a member of the family group with a total of 19 cases for 2017 and 50 cases registered for the year 2018.

It is important to highlight the significant increase in the abuse of authority that was documented in the cases attended by the MCDF, although it is not possible to identify the specific modalities of these crimes, the direct participation of police officers was reported, increasing from 9 cases in 2017 to 47 cases in the year 2018.

Threats as a cause for displacement

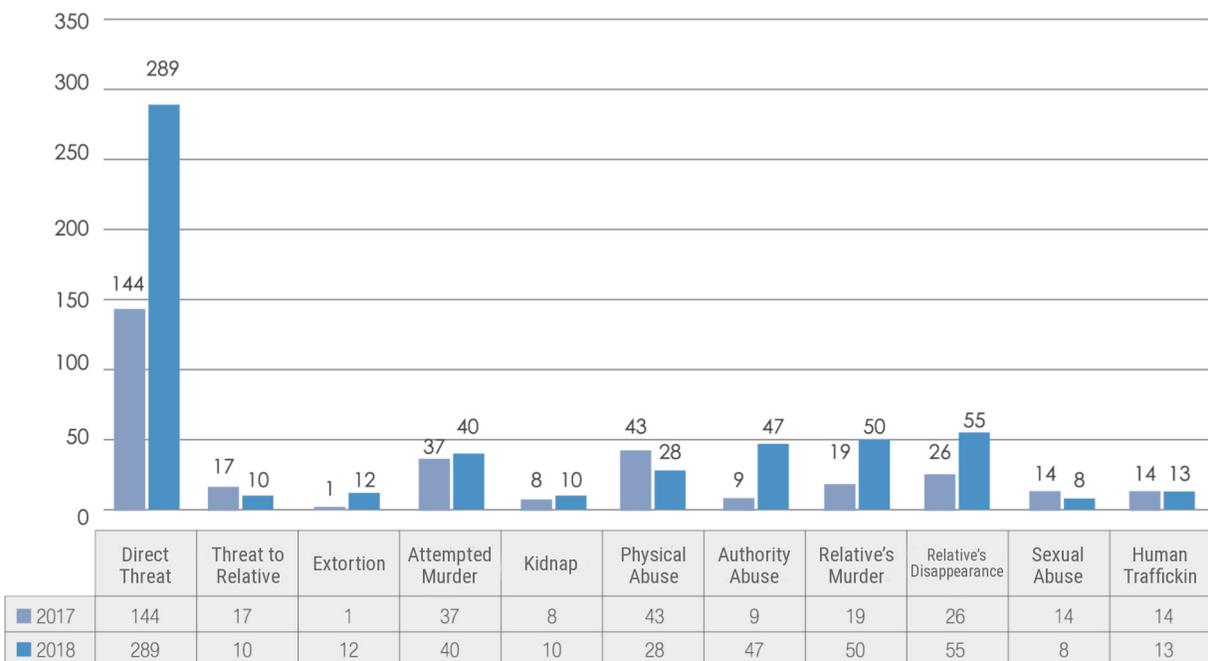
It is important to understand that in the context of El Salvador the, definition of what “threats” are can have various aspects; Attempted murder can also be

considered as threats to individual life and security, the killing of a person can be perceived as a threat to the security of his family and make him a victim of forced internal displacement due to violence. Threats play a decisive role in the intensity in which the social interactions that cause the phenomenon of displacement occur as they become instruments of coercion and fear generation.

According to the Human Development Report in El Salvador (IDHES from now on) presented by the UNDP, in view of the threats, victims face the dilemma of denouncing versus keeping silent; it seems that the fear of reprisals by those who have committed the crime weighs more, so silence is chosen.

According to the data recorded by the MCDF, in 2017, 144 cases of displacement motivated by threats were registered and by 2018, 289 were registered, increasing by 100% in comparison to the previous year.

Graph 1: Cases of violence related to forced displacement 2017 - 2018

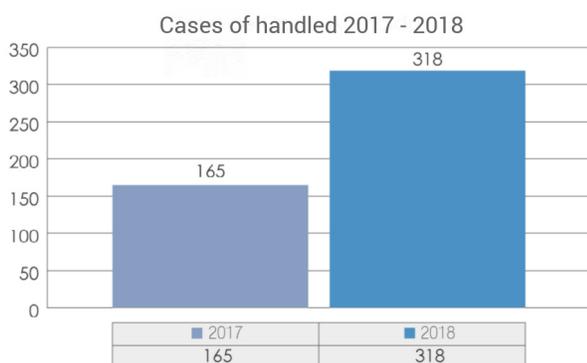


4. Characterization and analysis of registered 2017 - 2018 cases by the Roundtable Against Internal Forced Displacement

Victims of Forced Displacement

During the course of the years 2017 and 2018 in the MCDF they were served a total of 483 cases of forced displacement, as shown in the graph below:

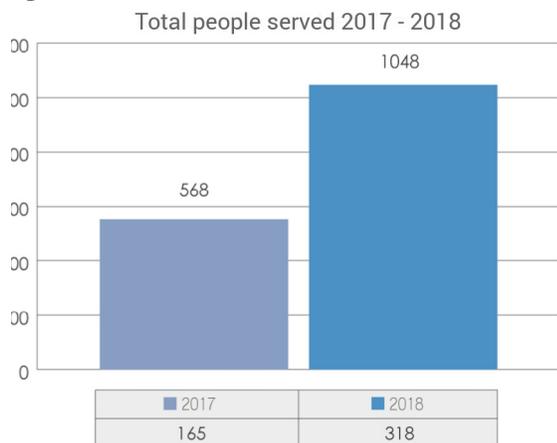
Graph 2:



Source: own elaboration based on MCDF data.

From that total of cases attended by the organizations, which have been part of the MCDF during the two years, it is identified that 34.16% (165) of cases occurred in 2017, while the remaining 65.84% (318) occurred During the year 2018, the total number of cases treated corresponds to a total of people treated between 2017 and 2018 of 1,616.

Graph 3:

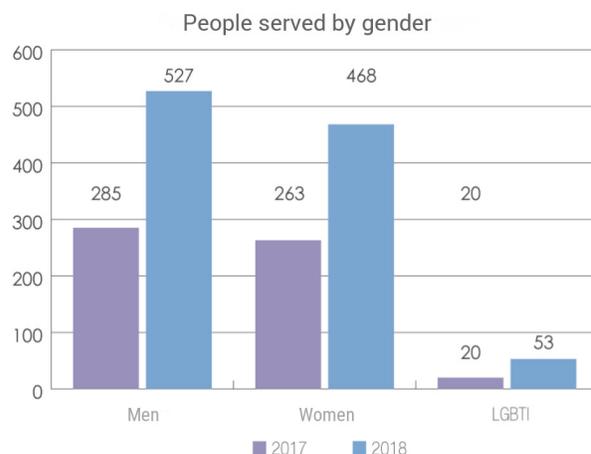


Source: Own elaboration based on MCDF data.

Out of 1,616 people served in 2017, the Roundtable attended a total of 568 people victims of displacement, of which 50.17% were men and 46.30% were women. Of the total number of people served in 2017, 3.53% LGBTI people.

As for 2018, out of 1,616 people served, the Roundtable accounted for a total of 1,048. Clearly, a trend quite different from the cases registered in the previous year is denoted (568) Of the total identified for 2018, 50.29% correspond to cases of men, 44.66% to cases of women. Of the total number of people served in 2017 and 5.06% correspond to cases of LGBTI people.

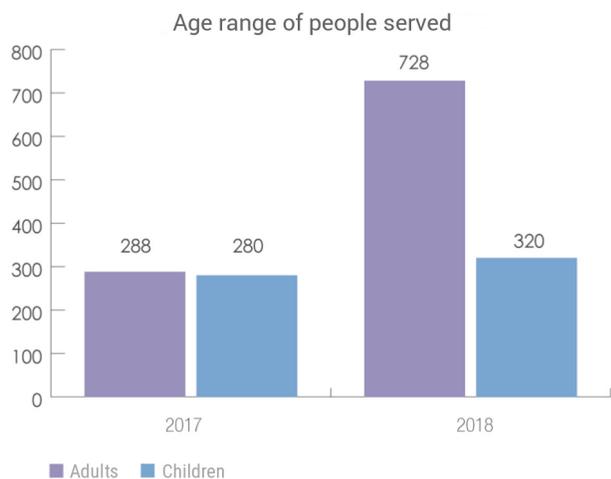
Graph 4:



Source: Own elaboration based on MCDF data.

In relation to the ratio of children / adults, in 2017, 288 adults and 280 cases of children were treated. In relation to the year 2018, the data show some variation in both cases. By 2018, 728 cases of adults were treated, which implies an increase of 152.78% in relation to the data of the previous year; and 320 cases of children, which shows an increase of 14.29% in relation to the data recorded the previous year.

Graph 5:



Source: Own elaboration based on MCDF data.

Childhood, adolescence and youth victims of forced displacement

El Salvador is, for the third consecutive year, the country with the highest homicide rate in Central America with epidemic levels of violent deaths with one of the highest per capita homicide rates in the world: 102.9 per 100,000 inhabitants in 2015, 81.2 in 2016 and 60 in 2017, according to the Ministry of Justice and Public Security.

The population of girls, boys, adolescents and young adults is the population group that suffers the most violations to their lives. According to the 2017 Global Index, "In debt to children" carried out by Save the Children, El Salvador ranked in 2015 the third place worldwide with a rate of 22.4 homicides of children under 19 per 100.00 inhabitants. The World Health Organization considers that a rate equal to or greater than 10 homicides per 100,000 inhabitants corresponds to epidemic levels. In 2016, 540 children and teenagers were killed²⁵, representing more than 10% of the 5,278 homicides throughout the country. The vast majority of the murders - 95% - were teenagers between 12 and 17 years old. In 2017, according to statistics from the Institute of Legal Medicine, 91% of homicides committed against children and adolescents are concentrated in the group of people between 15 and 19 years old, and of these, 92% of cases are male.

In relation to suicides, about 15% of those occurred in the country in the last five years are children and adolescents; In most of these, the causes are not known by the Institute of Legal Medicine, (IML as of now). Data from that Institute indicate that in the 2012-2016 period, 366 children and adolescents aged 10 to 19 years committed suicide for various reasons. It's difficult to establish the predominant causes, because in almost all cases, the causes are not established, however, among the factors that caused suicide are depression, couple conflicts, unwanted pregnancies and sexual abuse. Similar causes appear in children and adolescents, except for sexual abuse and unwanted pregnancies, but it is worrisome that the IML reports children aged 10 to 14 years immersed in alcoholism as a precipitating factor²⁶.

According to data collected by the Observatory of the Rights of Children and Adolescents, with data from the PNC, every day a girl, a boy or a teenager disappears in the country. From January to July 15, 2017, 861 disappearances were recorded nationwide; An average of four people missing each day. 22% are teenagers ages 12 to 17; 40% are young people from 18 to 30 years old, adding both groups 61%. By gender, 29.61% are female and 70.38% male.

It is also important to point out the abuse against children and adolescents. In El Salvador, more than half of households use some form of psychological or physical punishment against children. In figures, about 52% of children between 1 and 14 years old are violently disciplined; 39%, with physical punishment and 32% with psychological aggression, according to the National Health Survey 2014. These authoritarian regimes lead to a naturalization of violence in society, becoming the pattern of behavior not only at the public level, but in institutional, private and family relationships. From January to May 2017, the Protection Boards received 5,311 cases for alleged threats or violations to the rights of children and adolescents. 65.80% were girls and adolescents and 29.55% boys and teenagers.

The Report on the Situation of Violence against Women of the Salvadoran Institute for the Development of Women, ISDEMU, in 2017, highlights that femicidal violence has had an alarming escalation since 2015: 574 deaths in 2015,

25 "Two minors are killed every 3 days in El Salvador". January 30, 2017. The graphic press. Consulted in: <https://www.laprensagrafica.com/elsalvador/Dos-menores--de-edad-son-asesinados-cada-tres-dias-en-el-pais-20170130-0079.html>

26 Report on the situation of children and adolescents in El Salvador. Fespaf 2017.

524 in 2016, 469 in 2017 and from January to May 2018, 176 women have been murdered. This violence affects women throughout their cycle of life, but the main victims are young women of reproductive age. The Report on the Situation of Violence against Women of the Salvadoran Institute for the Development of Women, ISDEMU, in 2017, highlights that femicidal violence has had an alarming escalation since 2015: 574 deaths in 2015, 524 in 2016, 469 in 2017 and from January to May 2018, 176 murdered women are counted. This violence affects women throughout their cycle of life, but the main victims are young women of reproductive age.

Sexual violence, according to the same report, affects the vast majority of girls, adolescents and women of reproductive age. On average, the Attorney General's Office, FGR, annually receives more than 6,000 female victims of crimes against sexual freedom. 79% of abuses were committed against children under 17, where girls and adolescents suffer the most abuse, 95.43% and boys 4.57%. From January to June 2018, Police received 2,060 complaints for sexual violence, that is, 11 complaints every day²⁷. The most reported crime is rape in minor and incapable (statutory rape), 43.44% almost half of the total. Sexual violence, according to the same report, affects the vast majority of girls, adolescents and women of reproductive age. On average, the Attorney General's Office, FGR, annually receives more than 6,000 female victims of crimes against sexual freedom. 79% of abuses were committed against children under 17, where girls and adolescents suffer the most abuse, 95.43% and boys 4.57%. From January to June 2018, Police received 2,060 complaints for sexual violence, that is, 11 complaints every day²⁷. The most reported crime is rape in minor and incapable (statutory rape), 43.44% almost half of the total.

The UN Special Rapporteur on contemporary forms of slavery, Urmila Bhoola, visited El Salvador in April 2016²⁸ and identified problem areas in the context of increased violence; among them the forced recruitment of children as young as nine years old and the coercion of girls, adolescents and women to participate in sexual activities with gang members, including the so-called 'girlfriends' who are forced to conduct intimate visits in prisons. "These practices constitute, prima facie, forms slavery contemporaries and are prohibited by international human rights law."

Other alarming figures in the country are those related to teenage pregnancy. According to the Ministry of Health, maternal enrollment of girls and adolescents was 25,021 in 2015 and 21,467 girls and adolescents in 2016. Data from the Gender Equality and Equality Policy of the Ministry of Education indicate that in the period 2012 / 2015, 5,335 students withdrew from the educational center due to pregnancy. This figure indicates an average of 1,333 students each year, 133 per month. In addition, the study on maternity and unions in girls and adolescents, conducted by the Ministry of Health (MINSAL) and UNFPA (2015), indicates that only a quarter of the girls and teenagers who leave school because of pregnancy, return to their postpartum studies.

Internal forced displacement due to violence leaves very deep wounds in the social imaginary and more particularly in children and young people because the phenomenon ends up causing the violation of fundamental rights of this sector of the population. The Right to Life, to Personal Integrity, to Health, Recreation, Citizen Participation, Freedom; These are some of the rights damaged by the climate of violence in El Salvador.

To counteract the consequences of this phenomenon and attend to a child in an integral way, "the State must work in a systematic or systemic way; in matters of childhood and adolescence the protection system is required to be just that: a group, a coordination of public and private institutions that allow synergy and specific objectives. So, I think it is extremely important that civil society work in coordination with the State" (Judge Ruth Martínez, Specialized Court for Children and Adolescents).

Women victims of forced internal displacement

The history of El Salvador has favored that the identity of its people has been built and continues to do so around values, beliefs and behaviors that accentuate inequalities and promote, in many cases, violence and conflict (UNDP, 2013).

Such is the case of machismo, racism and discrimination that they continue to manifest themselves and affect certain groups (UNDP, 2018), such as women; In this sense, Salvadoran society ends up reproducing a set of aspects of culture in the field of what is symbolic, which ends up

²⁷ Observatory of gender violence against women. ORMUSA. Retrieved from: <http://observatoriodeviolencia.ormusa.org/violencesexual.php>

²⁸ Observatory of gender violence against women. ORMUSA. Retrieved from: <https://www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=19910&LangID=S>

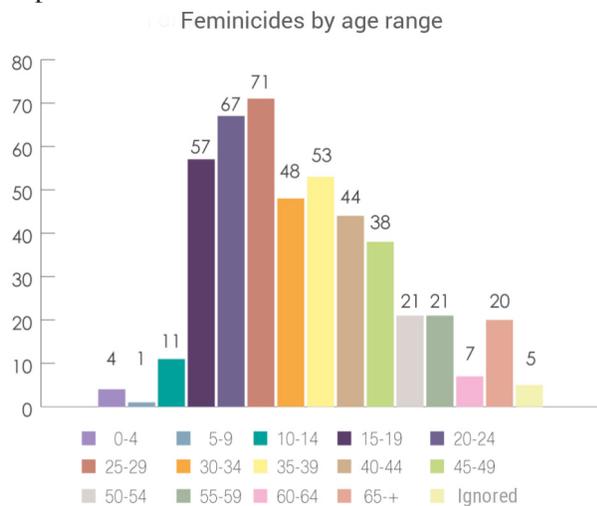
establishing social relations from the parameters of a type of cultural violence which is used to justify or legitimize structural violence.

Physical, psychological, economic, patrimonial violence, symbolic, structural and cultural; All types of violence that affect women in very particular ways and leave indelible marks and deep scars that can lead to one of the most tragic consequences: the homicidal violence against women, which translates into a clear indicator of the increase in violence in general in the country and the sharpness of the structural violence experienced by El Salvador, aggravated in these cases by historical factors of discrimination based on gender. According to data from the report on acts of violence against women El Salvador 2016 and 2017. During the period from 2015 to 2017, a total of 62,266 acts of violence were recorded, of which 1567 were homicides of women. (UNDP, 2018).

One of the most heinous consequences of the violence of gender is femicide; the IML registered in 2017 a total of 468 women killed, of which 45% are women under 29 years of age. June, September and October were the months that registered the most cases, accumulating 35.68% of the total registered.

The highest rates registered correspond to young women, 243 women murdered aged between 15 and 34 years old, adding 52% of the total Femicide during 2017.

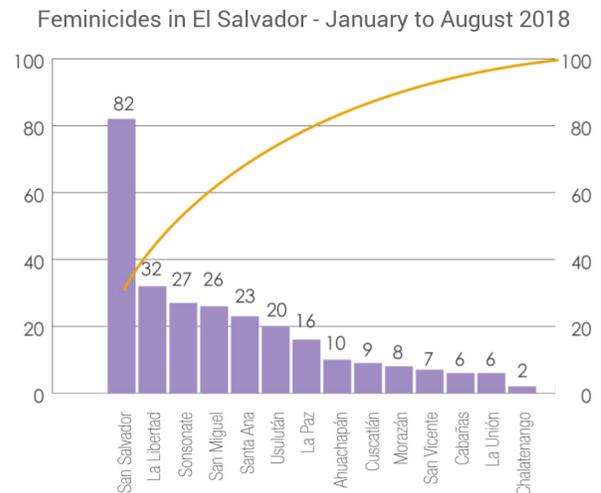
Graphs 6:



Source: Own elaboration with data published by the Observatory of Violence, ORMUSA.

According to data published by ORMUSA, from January to August 2018, the PNC has registered 274 femicides, of which only 69.34% happened in 5 departments: San Salvador, La Libertad, Sonsonate, San Miguel and Santa Ana, followed by Usulután.²⁹

Graphs 7:



Source: Own elaboration with data published by the Observatory of Violence, ORMUSA.

In recent years, the country has been highlighted because of the high levels of violence against women, both publicly and privately, these acts were committed by relatives, acquaintances, strangers, agents or representatives of the State; The situation has been a matter of concern at national and international level, since the adoption of laws and institutional and non-governmental efforts have been insufficient to counteract the negative balances that occur daily in a context characterized by a macho society, combined with organized crime and impunity, among other factors that converge with an incipient institutionality to deal with violence against women on the basis of gender, that is to say, violence based on the position of subordination and discrimination of women in a patriarchal society.

Especially during the first semester of 2018, police reported a slight increase in femicide compared to the same period of 2017. 229 until July 18 and 228 at the same date in 2017. (ORMUSA, 2017).

29 Observatory of gender violence against women. ORMUSA. Retrieved from: <http://observatoriodeviolencia.ormusa.org/>

The number of femicides could be higher, according to Police, they received 501 reports of disappearances of women in different departments of the country. In total, that institution registered a total of 1,670 missing persons, 62.15% were reported in the departments of San Salvador, La Libertad and Santa Ana. (ORMUSA, 2018). It is also important to highlight that feminicide data could also increase if the records were performed properly since several of these have been classified as homicides or violent deaths, making the problem invisible.

Gender violence does not distinguish age in El Salvador. It is a type of violence that indiscriminately affects girls, adolescents, youth and adults. Gender violence, especially violence against young women, constitutes a manifestation of the continuous violence experienced by Salvadoran society. This type of violence starts at an early age against girls and increases substantially in stages of adolescence and youth, with sexual violence as its greatest expression. (UNDP 2018).

Women's bodies have been treated as objects and / or territories of domination as part of a culture of violence inherited from war and that today. It remains a current practice by perpetrators of violence against women and major cause that triggers internal forced displacement due to violence that particularly affects them. The situation is complicated by the fact that many women do not perceive themselves as victims of sexual harassment or violence, therefore they do not denounce and rather try to avoid situations that bother them, however, if their perpetrators do not yield, the situation worsens to the point of causing the only way out: displacement. "Girls and adolescents are

threatened in their rights of integrity, often also of emotional and sexual integrity; When gang members are reaching out for teenagers, they are choosing this type of teenagers, and if you are one of these girls or these teenagers or these teenage boys are not part of the gang, then they are threatened and many of these cases are forced displacements due to violence." (Judge Ruth Martínez, Specialized Court for Children and Adolescents).

Manifestations of gender violence may include: trafficking in persons, forced recruitment for illegal fines, sexual slavery (in the case of women recruited by gang members), hate crimes. Women victims of gender violence have been a huge group in the cases of families attended with protection needs; many of them, despite the fact that the causal link determines their level of threat is persecution and threat by gang groups or State security agents, the fact of being violated for being women is added. (mcd, 2018). The above translates in many occasions into the "raison d'être" of the displacement of women, that becomes a pattern.

An important aspect to analyze regarding gender violence is the judicialization of violence that affects women, during 2016 and 2017, at least 6326 acts of violence against women were taken to this level. Data from the FGR shows that in that period there were a total of 205 convictions and 129 acquittals; Aggravated homicide was the crime where there were more convictions with 164 cases. Of the 5% of cases ending in acquittal or conviction, only in 3% there was conviction against those responsible for the crime. (Ormusa, 2018).

Table No. 4

Cases of Violence Against Women Taken to Court vs Sentences					
Departament	Judicializations	Acquittals	Convictions	Sentences	% of Sentences
Ahuachapán	304	13	17	30	9.87%
Santa Ana	740	18	20	38	5.14%
Sonsonate	421	6	5	11	2.61%

WHAT EL SALVADOR DOES NOT RECOGNIZE: Civil Organizations' Report on Cases of Forced Displacement due to Violence 2017 - 2018

Cases of Violence Against Women Taken to Court vs Sentences					
Chalatenango	95	2	6	8	8.42%
La Libertad	717	18	18	36	5.02%
San Salvador	1503	33	53	86	5.72%
Cuscatlán	298	2	11	13	4.36%
La Paz	319	4	10	14	4.39%
Cabañas	240	7	1	8	3.33%
San Vicente	271	8	15	23	8.49%
Usulután	472	5	10	15	3.18%
San Miguel	510	5	10	15	2.94%
Morazán	149	3	8	11	7.38%
La Unión	190	4	17	21	11.05%
No Determined	97	1	4	5	5.15%
Total	6326	129	205	334	5.28%

Source: Observatory of Gender Violence against Women, ORMUSA

It is important to pay attention to the low levels of cases that manage to reach sentence, in this sense. The department of La Unión is the one that achieved the highest percentage that amounts to 11.05%, and Sonsonate has the lowest percentage, 2.61%. It is worrying to observe the little progress in terms of access to justice by women, this aspect is another indicator of the violation of rights they face even in the institutionality that should protect your rights, an aspect that aggravates the structural violence of which they are victims. The Salvadoran State has the responsibility of analyzing the few advances in terms of access to justice for women and determine actions to overcome the obstacles that limit this fundamental right in every society.

On the other hand, it is important to mention that there are no records of feminicides against transgender women, probably due to the institutional discrimination they receive and the lack of legal frameworks that guarantee their inclusion and attention effectively.

*The LGBTI population is subject to high levels of violence, discrimination and other violations of their rights by gangs, organized crime and, even more worrying, by security agents. The Special Rapporteur on extrajudicial or arbitrary executions of the United Nations, in her final statement in February 2018, exemplified that most of the killings of transgender people are hate crimes and are an illustration of extreme violence directed at those who challenge conventional gender roles. On occasions, the State has been directly responsible for some of these homicides or has failed in its responsibilities. (ORMUSA, 2018). On the other hand, "Trans women practice sex work as their only alternative for subsistence, and it's marked by the exclusion and lack of generation of laws and policies that the State must guarantee to the LGBTI population, specifically for Trans women; they are forced to perform sex work in high-risk areas and many gang members threaten or expel them from the areas because they think they are collaborating with opposing gangs."*³⁰

30 Interview with Bianka Rodríguez, Director of COMCAVIS TRANS

The importance of addressing these issues is that it's necessary to curb the culture of naturalization of violence, discrimination, tolerance and impunity in relation to gender violence. The Salvadoran State has a historical debt in relation to the protection of the rights of women and persons of sexual diversity in what refers specifically to gender violence.

Impacts of internal displacement on the LGBTI Population

In El Salvador there is a situation of forced displacement by widespread violence, a condition that LGBTI people are victims of, who are forced to leave their places of origin or residence repeatedly because they are receiving expressions of discrimination, forms of exclusion and serious human rights violations based on sexual orientation, identity and / or gender expression for part of gang groups and state agents.

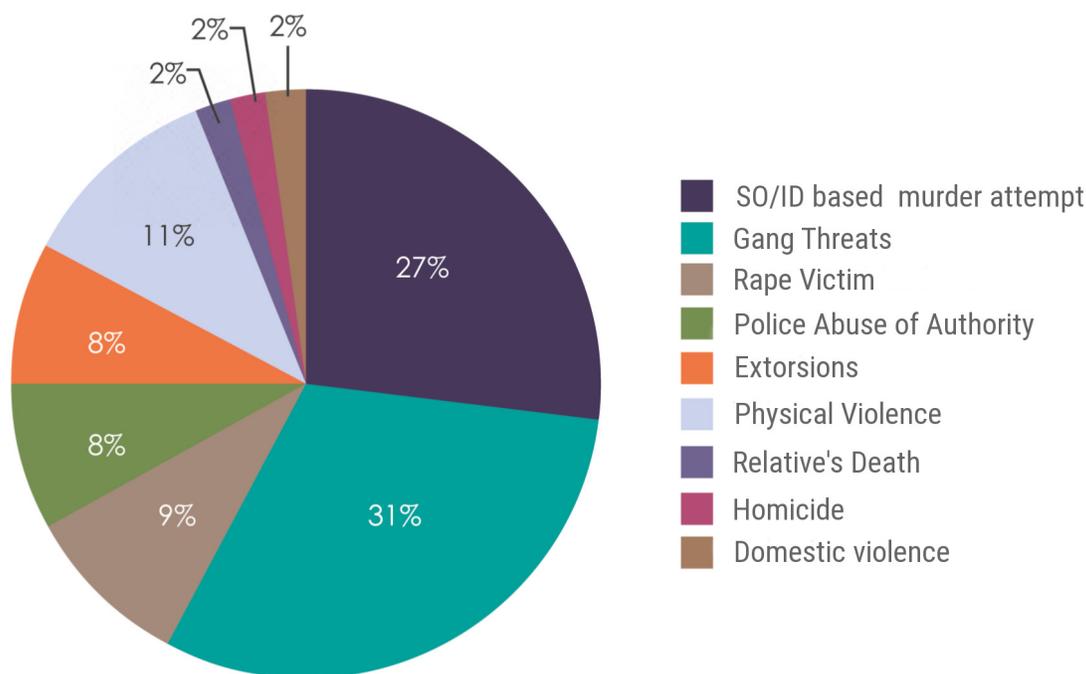
This situation increases the invisibility of the effect of the phenomenon of forced displacement to LGBTI people because El Salvador³¹ does not have information systems with

official statistics of the number of internally displaced persons and less a database with differential categories that allow determining their characterization as well as their needs and barriers to the effective enjoyment of Your rights. This situation is due to the fact that the LGBTI community has been historically discriminated and made socially vulnerable group and in situations of forced displacement based on their sexual orientation, identity and / or gender expression.

However, through documentation activities of Institutions such as the Association Communicating and Training Trans Women with HIV in El Salvador (comca-vis trans), it has been possible to identify that within the main causes of forced displacement, 31% of the LGBTI population is a victim of gang threats (MS, 18, 18 Revolutionaries, 18 Sureños), 27% have suffered homicide attempts based on sexual orientation and / or gender identity, 11% due to physical violence, 9% have been victims of sexual violence, 8% have been victim of extortion and abuse of authorities (PNC) respectively, 2% due to domestic violence, homicides and extortion respectively.

Graph 8

Causes of Forced Displacement



31 Institutions such as the Attorney General's Office, Attorney General's Office for the Defense of Human Rights, National Civil Police.

In regards to where the people interviewed in 2018 are from, it was identified that the acts of Violence based on sexual orientation, gender identity and / or gender expression were occurring in all 12 departments and even 2 Central Americans from Honduras and Nicaragua were served.

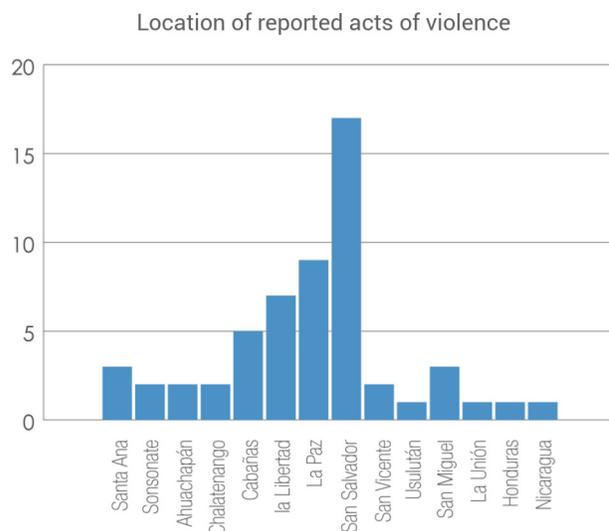
Table 5: Places of violence for LGBTI population

Country or Department of Origin	Quantity
Santa Ana	3
Sonsonate	2
Ahuachapán	2
Chalatenango	2
Cabañas	2
La Libertad	7
La Paz	9
San Salvador	17
San Vicente	2
Usulután	1
San Miguel	3
La Unión	1
Honduras	1
Nicaragua	1
Total	56

Source: Own elaboration with data from COMCAVIS TRANS

It can be observed that the departments of San Salvador, La Paz, La Libertad, Cabañas, Santa Ana and San Miguel are where the most violent acts towards LGBTI people, because of their sexual orientation, identity of gender and / or gender expression. To a lesser extent but not less important are the departments of Sonsonate, Ahuachapán, Chalatenango, San Vicente, Usulután and the Union. Two cases users from Honduras and Nicaragua were registered.³²

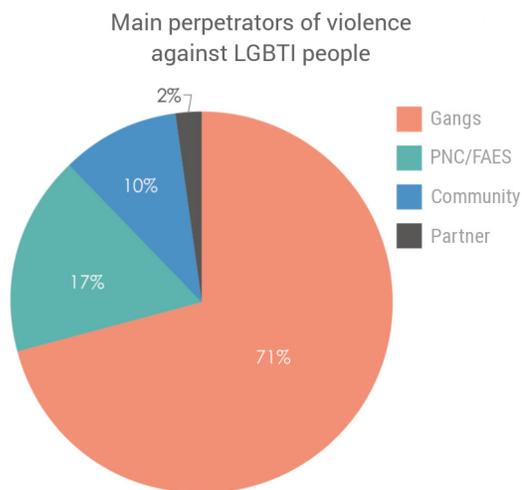
Graph 9



Source: Own elaboration with data from COMCAVIS TRANS

The main perpetrators of violence against LGBTI people identified are gangs³³, State Agents (PNC and FAES), community and couple.

Graph 10



Source: Own elaboration with data from COMCAVIS TRANS.

³² Municipality of Choluteca for the case of Honduras and Municipality of Chinandega for the case of Nicaragua

³³ Gangs: 18, 18 Revolutionaries, MS 13, 18 Southern and / or Northern.

That is why it is needed to design comprehensive and reliable data collection systems that can promote the improvement of protection mechanisms and the monitoring of the effective enjoyment of the human rights of LGBTI people. The absence of official statistics on hate crimes for LGBTI people and the deficiency of the Salvadoran State to investigate and prosecute these crimes has created high levels of impunity and the constant abuse of their rights, which is why the interest of making visible, registering and punishing the transgressions of the rights of LGBTI people in El Salvador motivated by sexual orientation and gender identity.

In 2018, the NGO COMCAVIS Trans, attended 71 cases in total, of which 56 cases were classified LGBTI people in situations of internal displacement.

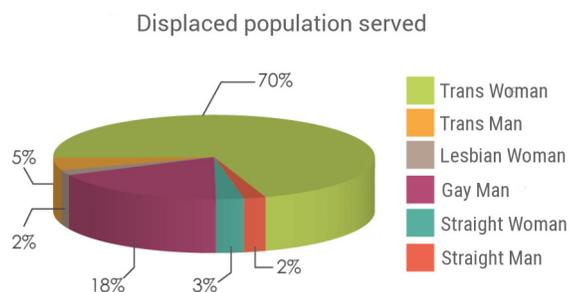
Table 6

SO / Gender ID	Cases
Trans - Woman	39
Trans - Man	3
Lesbian Woman	1
Gay Man	10
Straight Woman	2
Straight Man	1
Total	56

Source: Own elaboration with data from COMCAVIS TRANS

Of the 56 cases treated, 70% were trans women, 18% gay men, 5% trans men, 3% heterosexual women, 2% heterosexual men and 2% lesbian women.

Graph 11



Source: Own elaboration with data from COMCAVIS TRANS

The cases of LGBTI people in a situation of displacement were recorded from March to December, according to the following table.

Table 7

Cases treated by month 2018	
Month	Cases
March	1
April	6
May	7
June	15
July	9
August	7
September	3
October	6
November	0
December	2
Total	56

Source: Own elaboration with data from COMCAVIS TRANS

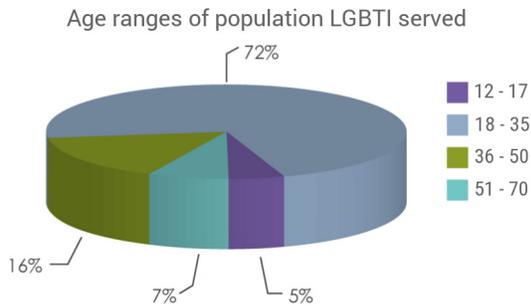
Table 8: Age ranges of population LGBTI served.

Age Range	Cases
12 -17	3
18- 35	40
36- 50	9
51 - 70	1
Total # of Cases	53

Source: Own elaboration with data from COMCAVIS TRANS

72% of the LGBTI population served in 2018, is between the ages of 18 and 35, 16% between 36 and 50, 7% with ages between 51 and 70 and 5% between 12 and 17 years old.

Graph 12

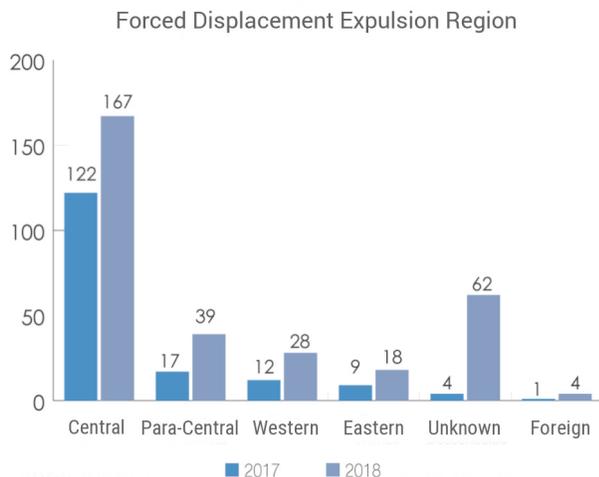


Source: Own elaboration with data from COMCAVIS TRANS

Territories

During the two years of analysis, a total of 483 cases were registered according to the area of origin of the victims of forced displacement (zone of expulsion). For the most part, the main area of displacement is the central one, where 59.83% of cases are identified; then 11.59% of cases are identified in the para-central zone; in the western zone 8.28%; in the eastern zone 5.59%; in relation to the category “unknown origin” it must be noted that in this group, made up of sixty cases (60) was registered by the Red Cross. People who were driving in caravans of migrants grouped together, therefore, the area and place of origin are unknown. The remaining two cases (2) were registered by Doctors of the World, their area and place of origin is unknown.

Graph 13



Source: Own elaboration with data from COMCAVIS TRANS

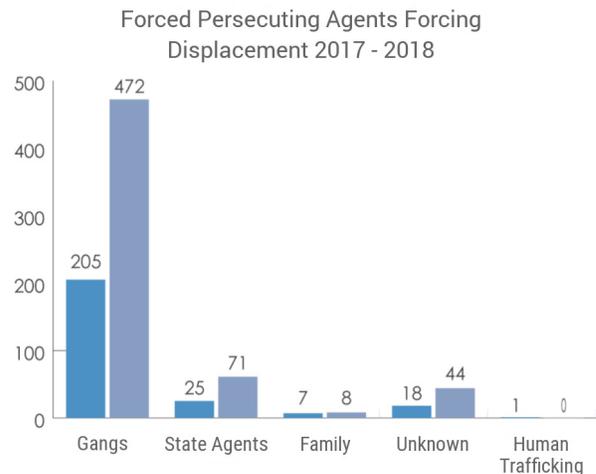
Finally, variable “Foreign”, registered one case (1) of a person from Nicaragua in 2017. In 2018, there were three cases (3) of people from Nicaragua and one case (1) of a person from Honduras.

Persecuting Agents

As seen in the graph, in the vast majority of the cases, the agents causing forced displacement in the years registered are gang organizations in their different denominations. In 2017 a total of 205 cases in which gangs were the cause of the victimizing acts, were recorded. By 2018 there was a clear increase in which the gangs were the cause of 472 cases of forced displacement, which It represents an increase in absolute numbers of 130.2% in relation to the data of the previous year.

Equally important is the fact that members of the PNC have been identified as persecuting agents by victims. For 2017, 25 State agents were identified as causing displacement and for 2018, 61 were identified, which implies an increase of 144% in relation to 2017.

Graph 14



Source: Own elaboration with data from COMCAVIS TRANS

From the Civil Society Roundtable against Forced Displacement caused by violence in El Salvador, testimonial reports have been prepared from the voices of the victims of forced displacement and other vulnerable persons that have identified two main actors as perpetrators:

“In our case we lived in a place very influenced by gangs, that’s why and the first thing they asked me was if I had tattoos and had no tattoos, they asked for my age, I told them that I was an older person and that I didn’t mess with anyone. He had no threats or anything, he would have told me (she was talking about her husband). Then the threats came from nearby. He even told me, as I went out and looked for him every day, in the end I no longer had clothes to go out, and then as I have lycra pants, then that person (who threatened) told me not to get dressed like that, the cops might ask that I arrived ... as if to find out God knows what”.³⁴

According to the cases registered by the MCDF, gang groups are identified as persecuting agents, whether these the two factions of Barrio 18 or MS-13 with their various clicks, followed by these, are cases of displacement generated by State security agents (PNC and FAES). Therefore, family groups have expressed distrust and fear of reaching out to state security authorities because of the fact that members of the PNC and FAES are perpetrators who carry out acts of violence against individuals or family groups, justifying its actions based on the new implementations of public security policies as a State effort in the fight against gangs and Organized crime. Without a forceful response from the authorities to sanction and purge these behaviors, which constitute a crime on behalf of the agents of authority, which generates conditions of impunity that do not add anything to resolve the situation of forced displacement in the country.

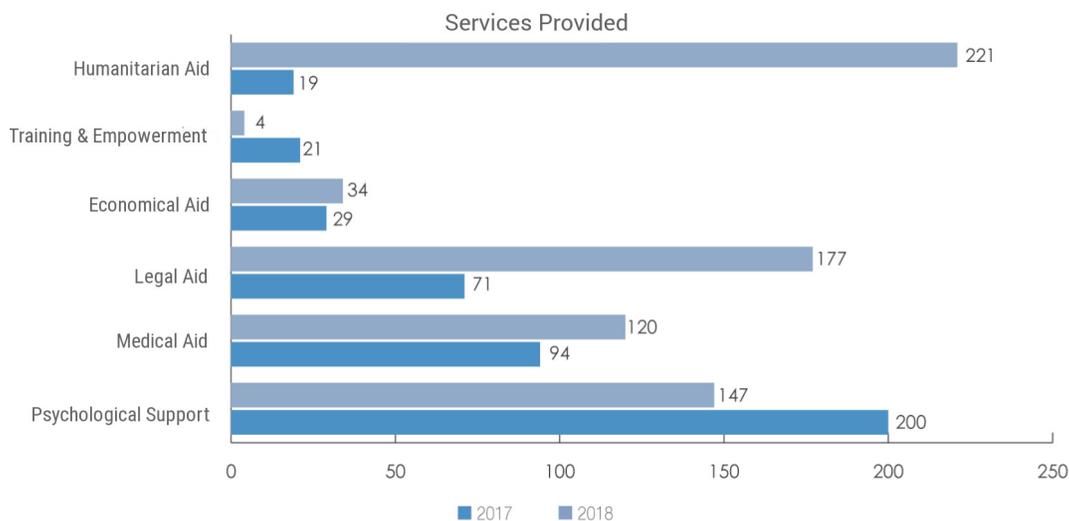
Services Provided

During the years 2017 and 2018 the organizations that make up the Roundtable against Forced Displacement attended a total of 459 cases of forced displacement.

The organizations that make up the group during the last years have carried out a joint task to provide comprehensive support to victims of forced displacement, in addition to technical strengthening and coordination with state institutions, and the presentation of the Draft for a “Special Law for Prevention and Comprehensive Protection of Victims of Violence in Displacement Conditions.” Some of the services provided to victims by the different institutions for the years 2017 and 2018 are the following services, humanitarian aid, legal attention, medical care and psychological care.

Regarding psychological care services, there was a decrease of 26.5% in one year, from 200 cases treated in 2017 to 147 attended in 2018; Legal services were also modified in relation to the year and the number of records. For 2017, 71 legal assistance services were provided to victims of displacement, and by 2018 this service increased to 177 cases (increased by 149.2% compared to 2017); Finally, humanitarian aid services increased greatly as well. This service was provided on 19 occasions during 2017, for 221 times for 2018, indicating an increase of 1063.1% in relation to 2017.

Graph 15



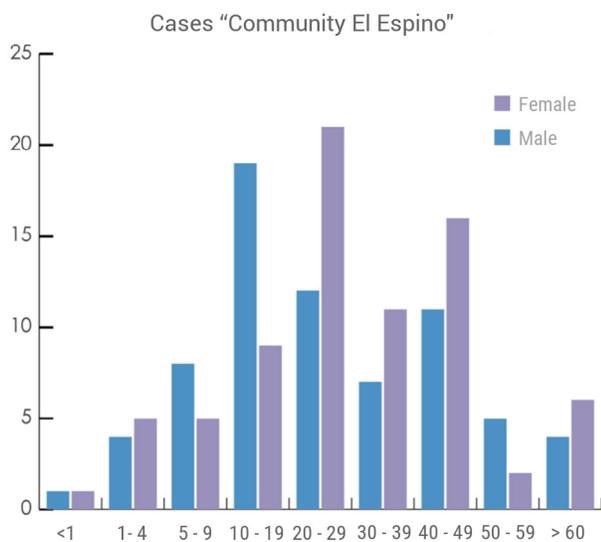
34 Interview No. 1, September 4, 2018

Community “El Espino”

Community “El Espino”, in Antiguo Cuscatlán, was evicted, on May 16, 2018, under the argument of compliance with a judicial resolution that implied preventing their free mobility, suffer siege and harassment, cut off basic services and undermine the right to live and be protected by the State, adequate housing and property. This situation has violated the integrity, and the legal and social security of children, youth, elderly people, people with disabilities, men and women in vulnerable conditions, who have been inhabitants of the site for more than three generations.

It is estimated that there are 57 families, 65 children, 60 adolescents, 129 adults and 2 senior adults or people with some type of disability people affected by the eviction³⁵. For this reason, organizations such as Doctors of the World provided medical services to 147 people in this community.

Graph 16



As evidenced in the table, 48.30% of the registered cases (71 cases), respond to male persons, while the remaining 51.70% of the cases (76 cases) correspond to female persons. Four of the age ranges identified make up where most people are found. First, 19.05% of the people attended

ranges between the ages of 10 to 19 years; 22.45% is between the ages of 20 to 29 years; 12.24% are between the ages of 30 and 39; Finally, 18.37% of people are between the ages of 40 and 49. This means that the 72.11% of the people who were treated in the caravans of migrants are between the ages of 10 to 49 years.

5. State’s Response to the Phenomenon

In principle it is important to note that during the year 2017, the State still did not recognize the phenomenon of forced internal displacement due to violence, so that the security measures adopted by the current government limited the work in violence prevention, promoting an axis of comfort work in the communities of the most violent municipalities of the country, turning state security officers into agents that violate human rights and also generate forced displacement of populations stigmatized by poverty. (MCDF, 2017).

However, since 2016, different organizations that make up the MCDF have carried out activities of denunciation and demanded for the recognition of the existence of the phenomenon, thus achieving significant advances in the matter of the State’s response to the phenomenon. On July 13, 2018, through the ruling issued by the Constitutional Chamber under amparo No. 411-2017 presented by the Cristosal Foundation, it demanded the recognition of the phenomenon of internal forced displacement due to violence was.

At the same time, the Salvadoran State was vehemently asked to recognize the existence of the phenomenon of internal forced displacement due to violence and that the protection and humanitarian assistance to the victims be carried out effectively.

In regards to the efforts made by the State, it is important to recognize some of the limited responses it is providing to address the problem, for example, the reform of the Criminal Code where the crime against freedom of movement (LILIC) has been added, without However, these are insufficient measures, since not all cases are cataloged from this concept.

35 “Open letter to the President of the Republic before the eviction of the inhabitants of the community of El Espino”. May 18, 2018.UCA news. Retrieved from: <https://noticias.uca.edu.sv/pronunciamientos/carta-abierta-al-presidente-de-la-republica-ante-eldesalojo-de-los-habitantes-de-la-comunidad-de-elspino>

Likewise, some recent efforts of the MJSP are being developed, such as the creation of the Local Victim Attention Offices (OLAV), the creation of the Citizen Denunciation and Attention Offices (ODAC), which depend on the PNC and give way to the creation of a UNIMUJER-ODAC that provides specialized attention to women victims of violence, the creation of internal guidelines of the plant to serve victims of widespread violence from a perspective of the right to health and discussions during the year 2018 for the incorporation to these, a flowchart for the attention to specific victims of forced displacement, among others.

Despite the aforementioned, it is considered that the State's response has been low regarding the prevention and comprehensive care of victims, according to Silvia Campos, Deputy Attorney General for the Defense of the Rights of Migrants and Citizen Security of the PDDH, regarding forced displacement, "To solve this situation, not only does the issue of repression have to do, as I said before, which is what it has done historically in this country, there is a historical debt for impunity that has existed since the time of the war, after that time the gangs were installed, cases have gone unpunished for families. "To solve this situation, not only does the issue of repression have to do, as I said before, which is what it has done historically in this country, there is a historical debt for impunity that has existed since the time of the war, after that time the gangs were installed, cases have gone unpunished for families."

For the integral attention of the phenomenon of internal forced displacement due to violence that guarantees the full exercise and respect of the rights of the victims, it is necessary to create legal frameworks that contribute to the generation of policies and action plans, as well as to the allocation of the resources necessary for its implementation and not to legislate only from the criminal spectrum and without taking into account the context of displacement in the country and the guiding principles on internal displacement, the criminal type is ambiguous, because it falls short when not collecting the integrality of the causes that originate this phenomenon, many of which are crimes already typified (Cristosal, 2017).

In that sense, during the years 2017 and 2018, legal framework efforts have been created such as the proposals of the Special Law for the Care, Protection and Integral Reparation of Victims of Crime for Violence and its National Policy along with its action plan, which they have been partially

consulted with civil society organizations; the Special Law for the Prevention and Integral Protection of Victims of Violence in Conditions of Forced Displacement created and presented by the Cristosal Foundation; and the Special Law on Internal Forced Displacement Caused by Violence, organized crime especially by gangs, presented by the Executive Technical Unit of the Justice Sector -UTE.

To provide a response of greater impact to the problem, it is necessary to coordinate efforts between public institutions, the State and civil society, this aspect must be clear within the State itself and in the directions of civilian social organizations who provide attention as mentioned by Bianka Rodríguez, Director of COMCAVIS TRANS: "Our reach is very good, but the scope they would have with the support of government institutions would be better; not only for referencing of cases but to provide comprehensive assistance, either from civil society organizations, in coordination also with government agencies and that of course generates those minimum conditions necessary for victims of forced displacement."

The State's response can be improved from its own capacities, however, the role of civil society in the framework of strengthening is key. It is also important to strengthen the inter-institutional coordination of civil society organizations and face the challenges and challenges that such coordination has.

Plan "Safe El Salvador"

In 2015, the government of President Salvador Sánchez Cerén presented his "new security strategy" that groups under a new name, "Plan El Salvador Seguro" (PESS), a series of ideas that have already been implemented by previous governments which did not contribute to solving the problem of violence ³⁶. However, in this new plan, new components have been added, such as assistance to victims of violence and violence prevention, considered as a contribution to the security approach in the country.

By November 2017, 24 more municipalities enter the PESS joining the 50 prioritized and intervened from inter-institutional and regional efforts that involved municipal governments, civil society organizations and international cooperation that seek to recover territories taken by gangs and also prevention projects.

36 Zablah Rauda, Nelson. Government recycles ideas and opens the EL Salvador Seguro Plan. July 16, 2015. The Lighthouse. Consulted in: <https://www.elfaro.net/es/201507/noticias/17195/Gobierno-recicla-ideas-y-estrena-el-plan-El-Salvador-Seguro.htm>

The person responsible for the design and proposal of the PESS was the CNSCC, composed of State institutions, COMURES, churches, media, private companies, political parties, members of civil society and the international community. The proposal was based on an analysis of good practices and new proposals raised by those involved in the process, according to the PESS, who finally included one hundred and twenty-four priority and urgent actions, short, medium and long term and was structured to from the Five Axes of the National Policy of Justice, Public Security and Coexistence.

The responsible agent for the implementation and monitoring of the PESS is the Salvadoran State itself, specifically under the responsibility of the Executive, the Legislative Assembly, the Judicial Branch, the Public Ministry and Local Governments - in association with the churches, the private company, civil society organizations and the international community. (PESS, 2015).

One of the most relevant aspects of the PESS is that the CNSCC recognizes the importance of adequate, comprehensive and competent care for victims for the restoration of their rights, the restoration of confidence in the State and the coping with the consequences of violence and criminality as a measure to prevent the repetition of violent acts, committing to develop capacities in public officials to raise awareness of the issue of care for victims and an adequate application of protection and reparation protocols within the framework established by international human rights standards, PESS Axis 4, 2015.

The State has tried to build a response to the problem, providing attention to the victims, according to Meghan López de irc, “there is a Victim Assistance Office, but the funds of the olav are precarious and it is not known if it will continue with funds or not; and also the training that the people of OLAV have received has not been complete, there are many things that could be expanded to ensure that they could give better attention.” On the other hand, López also argues that there is another difficulty, derived from the lack of coordination between the instances of the State that attends to the victims “the revictimization is given, if I go to the OLAV they will ask me one thing, if I have to go to the health center they will ask me the same thing; So there are times when victims do not want to report or because of the same fear of infiltration, they are afraid to report. So, the State has tried

to fulfill its responsibility of caring for victims and is very willing and open to provide support, but even so it is not a service that is also known or trusted.”

Although Axis 4 does not have the necessary resources for its operation, the government made the decision to deploy in San Salvador, as part of a deterrent and preventive strategy in the face of insecurity, more members of the army that usually have been used in public security tasks using up to light tanks equipped with heavy weapons. The decision taken could be interpreted as a serious setback to compliance with the Peace Accords according to FESPAD, an organization that conducted an analysis of these initiatives and concluded that it is inconvenient to use the army in public security functions for the following reasons: The Constitution is violated, The spirit and letter of the Peace Accords are violated, the Armed Forces are not prepared for public security and policies continue with an iron fist that do not solve the problem and finally represents a setback to the past to which the population does not want to return to.

According to reports from organizations, institutions and international human rights agencies, the Salvadoran State has not only failed in the adequate protection of its population, but has responded to the existing violence with major and disproportionate violence, to the point of committing extrajudicial executions that have been repeatedly demonstrated by the Attorney General's Office for the Defense of Human Rights (PDDH), which by the middle of December 2017 kept open and under investigation 40 cases of alleged executions attributed to State agents. While these executions may not have been ordered, they have been obviously allowed, given the number of deaths in which state agents have had some form of participation and responsibility. The inaction and omission of the controls before the abuse of force is evident. (IDHUCA, 2017). The situation has reached a level of concern, which has warranted the visit of the Rapporteur of the United Nations Organization for Extrajudicial Executions, at the beginning of 2018.

The aforementioned, together with the level of stigmatization that exists towards impoverished communities and particularly towards adolescence and youth, sharpens the phenomenon of displacement due to the fact that state security agents often become offenders as stated by several organizations of the MCDF and state institutions responsible for the protection of the human rights of citizens.

Table No. 9

Institutions that must guarantee the access to justice and provide protection to victims of forced internal displacement	
Supreme Court of Justice (CSJ) and Judicial Branch (OJ), in agreement to their constitutional mandate in article 182 ordinal 5th, they have the obligation to monitor the processes of prosecution and protection of victims of internal forced displacement and punish those who cause the displacement. (MDF 2016)	<p>Constitutional Protection Order 411-2017 of the Constitutional Chamber of the Supreme Court of Justice. San Salvador, resolved on the thirteenth day of July of two thousand eighteen.</p> <ul style="list-style-type: none"> • The Institute of Human Rights of the UCA (IDHUCA) and the Asylum Access Ecuador Foundation proposed to the CSJ a constitutional protection order as a measure of minimal pressure to urge congress to legislate on the subject. • Create true specialized public institutions, in charge of coordinating policies designed for the benefit of victims. • Establish comprehensive assistance programs.
The PGR, according to article 194 ordinal ii, numeral 2, responsible to provide legal assistance and psycho-social support to victims of internal forced displacement. (MDF 2016)	<p>The PGR has the constitutional function of representing people judicially and extrajudicially, especially those with limited economic resources, in matters of Family and individual rights; ensure compliance and effective application of the Law; promote access to justice on equal terms for all citizens and the protection and defense of the rights of adults, children, adolescents, homeless and incapacitated, also facilitating access to a prompt and accomplished justice in matters for the resolution of minor conflicts, through Mediation and Conciliation.³⁷</p>
The FGR, in accordance with article 193, numeral 2, 3 and 4 of the Constitution of the Republic, is the entity responsible for receiving complaints and investigating crimes committed to victims of internal forced displacement. (MDF, 2016)	<p>The Prosecutor's Office is an Institution with constitutional autonomy, a member of the Public Ministry and that acts in judicial and administrative processes, in defense of the interests of society or the State, and of the victim.³⁸</p> <p>In its Annual Operational Plan, the FGR set the objective of Investigating and promoting criminal prosecution, and civil action when appropriate, in all crimes that affect the interests of society, in order to contribute to the fight against criminality, repression of crime and the search for a safe society.</p> <p>The goals set for 2017 were:</p> <ol style="list-style-type: none"> 1. Comply with the direction / diligence of the investigation in the cases received in 2017. 2. Comply with the completion of the procedures to obtain and strengthen the evidence for the formulation of the respective opinion in the cases under investigation. 3. Comply with the preparation and orientation of victims, witnesses and experts for their (public hearing intervention, according to interrogation techniques. 4. File cases definitively when appropriate. 5. To file appeals in the preliminary ruling and judicial phases in the cases that are appropriate.

37 Strengthening access to justice for crime victims in El Salvador, Honduras and Guatemala. Diagnostic Mapping El Salvador. Organization of American States OAS and Spanish Cooperation.

38 Ibid

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<p>The PNC is responsible for providing protection to the rights of people and to receive complaints for crimes committed. (MDF, 2016)</p>	<p>The PNC, in accordance with articles 261,264 and 267 of the Criminal Procedure Code (CPRP), has the obligation to receive complaints, the possibility that they refer to the occurrence of forced displacement is not inhibited, which should generate police action to register the case and inform the FGR as soon as possible. (MDF, 2016)</p>
<p>MJSP</p>	<p>The Victim Attention Department (hereinafter DAV) is created in 2011.</p> <p>The DAV also responds to observation 53, literal c) of the document: Human Rights Observations and Recommendations for the Universal Periodic Review 2008-2010 of the United Nations that states: "Ensure that all victims of violence have access to advice and assistance for the necessary recovery and reinsertion services, in particular to avoid revictimization"</p> <p>General Protocol for the Action of Attention to Victims of Crime: its objective is to offer an orientation of action to professionals who provide service to victims of crimes of the DAV of the MJSP. It consists of two moments that have to do with the attention to crime victims; The first is related to the care provided through the Call Center 123; and the second, to the personalized attention when presenting the victim to the day. In the following diagram the flow of care provided is shown. (MJSP, 2013)</p> <p>In addition, in February 2017, the vice minister of justice announced that he created in several municipalities the "victim assistance offices" (OLAV) to offer services to the Salvadoran population. The objective of the Local Office of Attention to Victims is to provide immediate attention to victims of crimes, such as sexual abuse, trafficking in persons, violence against women, and domestic violence, with psychological care and legal advice free of charge. Some of the institutions with which care is coordinated are: pnc, Ministry of Health, MINDE, CONNA, ISDEM, ISNA, FGR, PGR, NGOs, among others.³⁹</p>
<p>PDDH</p>	<p>The Attorney General's Office for the Defense of Human Rights has received a very broad mandate to promote human rights and ensure that they are respected. Article 194 of the Constitution of the Republic of El Salvador establishes the powers of the PDDH:</p> <p>1st. Ensure respect and guarantee of Human Rights; 2nd. Investigate, ex officio or by complaint that you have received, cases of human rights violations, 3rd. Assist the alleged victims of violations of Human rights; 4th. Promote judicial or administrative resources for the protection of Rights Humans; and other powers and powers.</p> <p>For its part, art. 2 of the Law of the Attorney General's Office for the Defense of Human Rights defines the nature of the attorney's office as permanent and independent, with its own legal personality and administrative autonomy, whose purpose will be to ensure the protection, promotion and education of Human Rights and for their unrestricted validity.⁴⁰</p>

³⁹ Ibid

⁴⁰ Ibid

Institutions that must guarantee the access to justice and provide protection to victims of forced internal displacement	
PDDH	<p>Although the PDDH has some guidelines derived from its mandate, according to Silvia Campos, "internal guidelines have been created within the institution for the registration of cases, so that this registry is quite detailed, so that these cases are also protected, because remember that Victims of forced displacement due to confidentiality are very decisive in the case and internal protection mechanisms have been created, as well as the registration of cases, which is what interests us most, to keep them well registered. "</p>
Unidad Técnica del Sector Justicia	<p>Competent Agencies⁴¹:</p> <p>The Law establishes that the governing body of the Victim and Witness Protection Program is the "Coordinating Commission of the Justice Sector", which in turn delegates the administration of the Victim and Witness Protection Program to the Executive Technical Unit of the Justice Sector , who has the attribution of receiving requests for protection, identifying and implementing protection measures and attention to witnesses, as well as entrusting, if appropriate, the material execution of protection measures to the Victim and Witness Protection Division of the PNC.</p> <p>Protection measures: The law establishes three types of protection measures, which are defined below:</p> <p>Ordinary</p> <p>They are the actions aimed at preserving the identity and location of protected persons. Some of the measures that can be mentioned are:</p> <ul style="list-style-type: none"> • That in the administrative or judicial investigation proceedings, the general data of the protected person are not recorded, and may be used to refer to them any other keyword • Protected persons appear to carry out any diligence, using the forms or means necessary to prevent their visual identification. • The person is prevented from being photographed • The protected person gives his testimony in non-formal or hostile environments, and that his testimony be recorded by audiovisual means to facilitate its reproduction in public view when necessary or the person cannot appear. <p>Extraordinary</p> <p>They are the actions that provide integral security to people protected, temporarily or permanently, by conditions of extreme danger or risk. Some of the measures that can be mentioned are:</p> <ul style="list-style-type: none"> • Provide police security • Provide temporary residence in shelters or reserved places • Facilitate the change of residence, workplace or study center

⁴¹ Executive Technical Unit of the Justice Sector. Retrieved from: <http://www.ute.gob.sv/index.php/tema/proteccion-de-victimas-y-testigos.html>

<p>Unidad Técnica del Sector Justicia</p>	<p>Attention measures</p> <p>Attention measures are those complementary actions aimed at preserving the physical or mental health of protected persons, satisfying their basic needs and providing them with timely legal advice. Some of the measures that can be mentioned are:</p> <ul style="list-style-type: none"> • Provide urgent medical and psychological care • Provide the necessary resources for accommodation, food and maintenance, provided that such resources do not consist of cash. • Provide support for work or school reintegration • Grant free legal advice <p>Urgent</p> <p>They are the ordinary and extraordinary measures that are applied immediately and provisionally, according to the risk or danger, and that are provided while it is resolved on their definitive application.</p> <p>Even though the report period is from June 2010 to May 2011, it is important to highlight the behavior of the requests for protection measures received since the entry into force of the Special Law for the Protection of Victims and Witnesses.</p>
<p>Ministries of Public Health and Assistance of El Salvador (MINSAL)</p>	<p>It has the technical guidelines of attention to victims of widespread violence and the discussion of incorporating a flowchart of attention to victims of forced displacement. In the same way, it has comprehensive victim assistance units, under the mandate of the 24-hour service.</p>

Although there are advances regarding the definition of some strategies for assistance to victims of violence, some limitations or challenges are latent. One of them is the lack of a legal framework on care for victims of internal forced displacement due to violence. In the specific treatment of institutions, no difference is made about the type of crime for which the person is defined as a victim; This is because there are no protocols or conceptual frameworks that allow specific treatment.

Another aspect that is shown as a limitation is that, with the exception of the PDDH and the Ministry of Health, the practice of not considering a relative of a gang member or a gang member prevails. In these cases, it is assumed a priori that there is a crime and therefore cannot be treated as victims, thereby sharpening the circle of violence and re victimization. In addition, the vision of attention to primary victims prevails (except obviously homicides). This is more concrete in the case of trafficking and trafficking of persons and domestic violence. Secondary victims, relatives of a murdered or missing person, for example, do not fall within the existing concep-

tions of victims. The most that is aspired is to file a complaint, but they are not considered subjects of attention as victims and places them in an imminently hazardous situation.

In the case of the PDDH, if they deal with cases of gang members or families of gang members who are treated as victims of human rights violations. Although there are few cases, they do not prosper because the complaints have to be filed before the FGR, who is not supportive of such cases. The Ministry of Health also attends cases of people linked to gangs, especially when it comes to emotional problems. However, the way forward is judicialization with which the person tends to abandon the process.

According to Judge Ruth Martínez, it is important:

[...] *“To be legislated internally regarding the problem of forced displacement, because despite the existence of instruments international, obviously the Constitution that applies directly, the American Convention on Human Rights, International Humanitarian Law; it seems that it is not known to all the actors and this has had an impact on the fact that no effective measures are taken”.*

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That means that, one of the biggest commitments by the Legislative Organism, which continues to be a debt to the Salvadoran population, is a bill that specifically addresses internal forced displacement due to violence and organized crime that provides the necessary references to State institutions to offer victims a comprehensive response, to develop actions that help alleviate the crisis in El Salvador and to lessen the impact of the phenomenon on the lives of Salvadorans.

Recommendations

- The attention of a problem as complex as internal forced displacement requires the establishment of inter-institutional coordination spaces at the internal level of the state and with civil society, responsible for the care of victims, clearly defining which institution will lead the process and rotating that responsibility to provide the opportunity to strengthen the capacities of all institutions.
- Providing a comprehensive response to the phenomenon of internal forced displacement due to violence and organized crime requires the involvement of as many actors as possible. Local governments can play a decisive role in the execution of plans, policies and programs aimed at the development of a particular territory, this means that the articulation to the state protection system is necessary in coordination with civil society organizations that support in the care and protection of victims.
- It is important to have a database that allows the size and visibility of victims of internal forced displacement due to violence and organized crime, with disaggregated data according to the profiles of the victims; for this, the state must create information systems, data collection and analysis on the problem that allow access to quality information that allows the design and implementation of relevant mechanisms, policies and legal frameworks.
- The Salvadoran state must define specific resources that strengthen the operation of the victim assistance department (DAV), local victim assistance offices (OLAV) and any other institution that has as part of its mandate to provide some kind of attention and protection to the victims of internal forced displacement due to violence and organized crime.
- Internal and external control mechanisms must be established in the state institutions responsible for attending to the victims, which facilitate the filing of complaints in an accessible and reliable manner, with the objective that the victims of criminal acts and violence, by the security forces, have access to justice.
- Within the framework of the state's recognition of the phenomenon, awareness-raising actions must be taken to the authorities to motivate their approach and involvement to the national protection system and promote the adoption of measures for the care and protection of victims of internal displacement forced by violence.
- In the definition of protocols, roadmaps, programs, policies and legal frameworks, specific actions must be included to attend to the victims of internal displacement forced by violence according to their profile, that is, it is necessary to consider the strategic needs according to the type of population that will be attended: childhood, adolescence, youth, women, men, LGBTI population, among others, respecting the principle of family unity.
- The relationship between the state and civil society organizations that provide care and protection to victims of internal displacement forced by violence must be strengthened. It will favor the increase of capacities, the generation of relevant responses in a coordinated manner and the non-duplication of efforts.
- The Salvadoran state must incorporate in its security strategies, the permanent and expanded consultation of civil society organizations for the design and implementation of measures to face the phenomenon of violence and particularly internal displacement forced by violence and organized crime.

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