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Gangs and Modern-Day Slavery in El Salvador, Honduras and Guatemala:  
A Non-Traditional Model of Human Trafficking

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Abstract

Trafficking in persons, also known as human trafficking or modern-day slavery, is a criminal enterprise that affects virtually every country in the world. Although coercion and force are often employed, the traditional model of human trafficking commonly involves victims being duped with fraudulent offers of travel, study, and employment and moved across international borders to supply international market demands for sex, forced marriage, labor, domestic servitude, illegal adoptions, and human organs. In contrast, as opposed to using fraud to entice victims, gangs in El Salvador, Honduras, and Guatemala rely primarily on coercion and force to establish and maintain control over them and are far more likely to exploit them within the gang's immediate area of control in ways that reflect the desires and needs of the gang rather than transporting them across borders in response to international market demands.

In this paper, we provide an overview of gangs' practices of coercing young males into criminal servitude and young females into ultra-violent, exploitative relationships and argue that such practices constitute a non-traditional model of human trafficking and modern-day slavery. We also argue that these practices demand a fundamental shift on the part of the governments of El Salvador, Honduras, Guatemala and international partners to investigate and prosecute gang related cases of human trafficking and to protect victims.

## Introduction

The issue of gangs in El Salvador, Honduras and Guatemala (the Northern Triangle countries of Central America) and multiple dimensions of the phenomenon, including gang recruitment, have been extensively researched for over two decades. Thus far, however, essentially no effort has been made to distinguish between *gang membership*—which entails recognition as a *member* and benefits such as camaraderie, power, protection, status, money, etc.—and coerced servitude, which deprives targeted youth of all personal agency, rights, or authenticity nor does it confer *membership* status on them or involve benefits of any type. As a result, governmental and non-governmental professionals in the Northern Triangle, the U.S., and beyond generally have a limited and poor understanding of the critical differences between these related yet distinct phenomena and tend to conflate the two as though they were equivalent to one another.

Gangs' practices of coercing young people into service, which we and others argue constitutes human trafficking and modern-day slavery, affect vulnerable children and youth most directly and result in devastating psychological, emotional, and social consequences. Despite the fact that the Northern Triangle countries have passed laws to prevent, investigate and prosecute human trafficking and are signatories to the Palermo Protocol and other international conventions, in actual practice young people targeted by gangs for coerced service have been all but abandoned by officials of their respective governments. Beyond being abandoned, because they are generally perceived as willing gang collaborators as opposed to as victims, young people coerced into service are also at risk of secondary victimization by state officials, who routinely subject them to harassment, threats, physical violence, criminal prosecution for crimes they are forced to commit, and potentially “disappearance” and extrajudicial killing.

## Methodology

This paper draws on a combined total of eighteen years of research in the region related to gangs, gender, human trafficking, and factors that affect the ability and willingness of governments to control criminality and violence, and to protect the population. This experience includes: (1) over 200 semi-structured interviews with male and female children, adolescents, and young adults who have been subjected to gangs' attempts to coerce them into criminal service and/or exploitative male-female relationships; (2) more than 200 semi-structured interviews with professionals including governmental personnel, social service providers, human rights activists, international development specialists, educators, and members of the clergy; and (3) a brief review of the literature on human trafficking, gangs, and gender-based violence in El Salvador, Guatemala and Honduras.<sup>1</sup>

It is not our intent in this paper to provide an exhaustive overview of gangs and their activities, the phenomenon of migrants being kidnapped and trafficked by organized criminal groups while transiting to the U.S. or other destination countries, or an extensive review of the literature on human trafficking and the legal frameworks to address it internationally or within the Northern Triangle. Rather, our objective is to describe gangs' practices of coercing young males into criminal service and females into violent, exploitative relationships and assert that: (1) these practices constitute a non-traditional form of modern-day slavery; and (2) the Northern

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<sup>1</sup> Interviews with youth were conducted in El Salvador, Honduras, Guatemala and Costa Rica in community and/or detention settings as part of previous research efforts, or in the U.S. during the investigation of the respondents' asylum claims. Respondents in community settings were referred to the researchers by advocates and representatives of civil society organizations and government officials working with the youth, and measures were taken to their ensure anonymity, confidentiality, and security. In the case of detained youth, all interviews were coordinated through facility managers and in accordance with facility protocols related to the protection of vulnerable populations. Interviews involving asylum seekers in the U.S. were conducted by Thomas Boerman in conjunction with the youths' attorneys and in the majority of cases with their parents or other adult guardians present during the interviews. Interviews conducted by Adam Golob (CITI Certified) were sanctioned by IRB through the University of South Florida and were permitted full secrecy and anonymity (Pro00029679).

Triangle governments and international partners are failing to fulfill their responsibilities to prevent, investigate, and prosecute this form of human trafficking or to protect victims.

### **Traditional Human Trafficking in the Northern Triangle**

Across the Northern Triangle, it is estimated that 30,000 people in Honduras, 47,000 in Guatemala, and 16,000 in El Salvador are living in conditions of enslavement as defined within the traditional framework of human trafficking (Tenorio, 2019). According to the United Nations and U.S. law, human trafficking is defined as:

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or  
The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (United Nations General Assembly, 2000).

El Salvador, Guatemala and Honduras joined as signatories to the Palermo Protocol in 2002, 2004 and 2008 respectively, and each are currently ranked as Tier 2 countries, which indicates a need for diligent efforts to improve capacity to identify and assist victims, and to investigate and prosecute cases (United States Department of State [USDoS], 2018). In addition to international conventions, each of the Northern Triangle countries have also adopted domestic laws to prevent, investigate and prosecute human trafficking (Golob, 2014).

In 2014, the government of El Salvador approved *La Ley Especial Contra la Trata de Personas* (Special Law Against Trafficking in Persons). As cited in Article 1 of the law, the objective is: The detection, prevention, prosecution, and sanctioning of the crime of trafficking in persons, as well as the integrated attention, protection, and restitution of the rights of victims,

their responsible dependents, and the processing of mechanisms that fulfill the purpose (Legislative Assembly, El Salvador, 2014).

In terms of the Salvadoran government's response, as of 2018, the *Policia Nacional Civil*—PNC (National Civilian Police) had 22 people assigned to trafficking, migrant smuggling, sex crimes, and special or international investigations (USDoS, 2018). The *Fiscalía* (Attorney General's Office) had nine prosecutors and an additional 16 other staff dedicated to the issue. Additionally, approximately 800 police officers, prosecutors, judges, immigration officials, labor inspectors, physicians, nurses, teachers and students received training on human trafficking. While laudable, according to the 2018 Trafficking in Persons Report (TIP) report, the Salvadoran judicial system's inexperience with human trafficking cases, reliance on the testimony of victims, fear of reprisals from traffickers, under-funding, and staffing shortages undermined efforts to investigate and prosecute trafficking cases and no significant changes were described in the 2019 TIP report.

As it relates to Guatemala, in 2009 the government passed *La Ley Contra la Violencia Sexual, Explotación y Trata de Personas* (The Law Against Sexual Violence, Exploitation and Trafficking in Persons). According to Article 1, the law's principle objective is to "...prevent, repress, punish and eradicate sexual violence, the exploitation and trafficking of persons, the care and protection of their victims and to compensate for the damages caused" (Congress, Guatemala, 2009). With assistance from international partners, Guatemala rolled out its 2018-2022 National Anti-Trafficking Plan. The plan calls for improved investigation and prosecution of trafficking cases, training for professional groups, more extensive outreach outside of Guatemala City, increased victim services including witness protection, and improving access to the Mayan community (USDoS, 2019).

Despite these efforts, according to the 2018 TIP, the Guatemalan government did not demonstrate increased efforts to prevent and prosecute cases, or to protect victims as compared to the previous reporting period. In fact, the government decreased its protection efforts and identified only 371 victims in 2018 and 316 trafficking victims in 2017 as compared to 484 in 2016 and 673 in 2015 (USDoS, 2019). (refer to Table 1 for more TIP Report data)

With respect to Honduras, in 2012 the legislature approved Decreto (Decree) No. 59-2012, *La Ley Contra de la Trata de Personas* (The Law Against the Trafficking of Persons). Article 1 states that the objective of the law is to “Define the legal and institutional frameworks necessary for preventing and combating the trafficking in persons and the attention to its victims” (National Congress, Honduras, 2012). The government increased the budget for the Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT); improved efforts to investigate, prosecute and convict more traffickers; and identified and assisted a greater number of sex trafficking victims. The CICESCT also conducted an evaluation of Decreto No. 59-2012 and recommended amendments to the law including adding coercion, force and fraud as essential elements of the crime; improving assistance to victims; and increasing financial, logistical, and technical resources. At this point, however, none of these amendments have been passed or written into the law.

According to the U.S. State Department 2018 TIP report, the Honduran government failed to secure convictions of officials who were complicit in human trafficking, or those involved in child sex tourism. Additionally, according to the 2019 TIP report, the government provided only limited services to adult victims and to those outside Tegucigalpa, the capital.

In addition to the Palermo Protocol and their own domestic human trafficking laws, the Northern Triangle countries are also signatories to a number of international conventions

including the: (1) Protocol against the Smuggling of Migrants by Land, Sea and Air; (2) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; (3) Elimination of the Worst Forms of Child Labor (International Labour Organization Convention), (4) Elimination of All Forms of Discrimination against Women, (5) Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others<sup>2</sup>; and (6) American Convention on Human Rights and the Inter-American Convention on International Traffic in Minors (Organization of American States).<sup>3</sup> Despite the aforementioned legislative actions and status as signatories to international treaties, according to an extensive 2015 analysis:

The governments of these countries (El Salvador, Honduras and Guatemala) have signed international treaties. They've created laws, institutions. They've shared experiences and knowledge when it comes to combatting this crime, but it appears that criminal groups are in fact winning the war. Central America is in the grip of these criminal networks, and neither the isolated nor joint actions by the authorities are having effect (Lopez & Orellana, 2015, p.2).

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<sup>2</sup> El Salvador is not a signatory.

<sup>3</sup> Guatemala is not a signatory.

**Table 1. Trafficking in Persons Data Reference Chart**

TIP 2019	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	74	9	7	53	78%
Guatemala	2	140	32	14	371	43%
Honduras	2	145	35	16	73	46%
TIP 2018	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	76	9	6	72	67%
Guatemala	2WL	127	52	19	316	37%
Honduras	2	121	84	8	150	10%
TIP 2017	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	55	7	6	53	86%
Guatemala	2WL	39	43	13	484	30%
Honduras	2	41	41	9	111	22%
TIP 2016	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	43	8	19	49	238%
Guatemala	2	28	105	39	673	37%
Honduras	2	24	24	13	28	54%
TIP 2015	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	53	7	7	87	100%
Guatemala	2	402	62	20	237	32%
Honduras	2	30	4	0	116	0%
TIP 2014	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	51	14	12	84	86%
Guatemala	2	271	67	10	570	15%
Honduras	2	38	17	2	N/A	12%
TIP 2013	Rank	Cases	Prosecutions	Convictions	Victims Identified	Ratio of Convictions
El Salvador	2	61	11	11	67	100%
Guatemala	2	23	N/A	7	127	N/A
Honduras	2WL	47	3	3	26	100%

Sources: U.S. Department of State. 2019 "2013-2019 TIP Reports."

<http://www.state.gov/documents/organizations>

CIA. 2016. *The World Factbook*.

## Gangs in the Northern Triangle

The primary gangs in the Northern Triangle are the Mara Salvatrucha (MS13) and their rivals, the two factions of Barrio 18 (aka Mara 18), the *Sureños* and the *Revolucionarios*. While gangs in the Northern Triangle have existed for generations, they have evolved from neighborhood oriented youth groups that battled for control over local territory to transnational criminal organizations that control entire sections of cities and swaths of national territory, and have developed extensive national and transnational networks and diverse criminal portfolios (Boerman, 2007; Boerman, 2018; Seelke, 2014 & 2016; Cruz, 2010; Cruz, 2013; Fogelbach, 2011; Farah, 2012; Fontes, 2018; Gutierrez Rivera, 2013; Levenson, 2013; United States Agency for International Development [USAID], 2018). Between 2004 to 2014, levels of perceived gang activity and interference in citizens' lives jumped from around 20 percent to over 30 percent (USAID, 2014).

Due to a host of factors, accurately determining the number of active gang members in the region is essentially impossible and over many years, estimates have varied wildly from conservative figures of roughly 50,000 to a high of over 300,000 (USAID, 2006). To illustrate the difficulty in determining the number of active gang members, in Honduras estimates range from a low of approximately 4,700 to a high of 36,000 (InSight Crime, 2016). Critically, these estimates do not necessarily include those who are supportive of and/or willingly collaborate with gangs but who are not actual members, which, when included, swell gangs' ranks by a factor of multiples. For instance, in El Salvador the government estimates as many as 500,000 collaborators, sympathizers and others who are linked to the gang but are not recognized as members (International Crisis Group, 2018).

These statistics also fail to convey the outsize influence that gangs exert in territories under their control given their meager numbers relative to the population. Those who reside and work in seriously gang affected areas live in a state of persistent fear and hyper-vigilance and are subjected to oftentimes incomprehensible levels of psychological and physical violence. In these areas, gangs influence—or dictate directly—virtually every aspect of day-to-day life for the public at-large, and exert a perverse influence over governmental and non-governmental policies and practices.<sup>4</sup> Gangs' influence is rooted in the combination of their: (1) real time knowledge over activities in their territories, (2) sense of ownership and control over both the physical infrastructure and the population itself, and (3) strategy of terror, through which they establish and maintain control.

### **Gangs and Modern-Day Slavery**

New forms of servitude have emerged as a result of gang activities.... Gangs often force children to get involved in activities, recruit boys and girls to provide services such as lookouts, surveillance and to collect money from extortion.... girls are forced to make intimate visits to gang leaders in prison and to introduce cell phones and other items during those visits. Refusing to comply with gang demands often results in serious acts of violence (La Prensa Grafica, 2016, p. 1).

In the traditional model of human trafficking, although victims are often abducted and sold into service, it is equally common for traffickers to attract and deceive their targets through

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<sup>4</sup> Entire neighborhoods have been all but abandoned by police and other agents of government; child welfare and health ministries may be unable to provide services to those in greatest need because staff are unable to enter particular neighborhoods; women's organizations are often forced to limit their activities and even deny services to females at extreme risk because gang members respond violently toward program staff; public school administrators are forced to make policy and practice decisions in response to the dangers posed by gang members who prowl in and around schools, and in many cases, control them; clinics and hospitals may be reluctant or even unwilling to treat victims of violence because doing so may put staff in danger of reprisals from gang members; and members of the clergy routinely avoid anti-gang messaging or other church related activities due to the risk of being targeted by gangs.

fraud. In the case of gangs, the tactics and pattern tends to be reversed. Although at times they may kidnap victims or attempt to ensnare them through fraudulent promises of money, protection, power, camaraderie, or employment, more commonly their tactics involve coercion and force.

There are a number of factors that account for gangs' strategy of coerced service. First, by targeting youth with favorable reputations (e.g., active in their churches, engaged in school, not involved in troubled and troubling behavior, etc.) who they believe they can use for criminal purposes without arousing suspicion among police, teachers, community members, or gang rivals, gangs are able to access places that may be otherwise off limits to them such as schools, churches, universities and particular neighborhoods. Second, by cajoling or coercing young children into service, gangs believe they can take advantage of systemic weaknesses in the region's juvenile justice systems, which do not prioritize or respond to the most youthful offenders. Third, by forcing young people to act on their behalf, gang members minimize their own exposure to investigation and prosecution. And forth, after making a young person a *member*, gangs often assume a level of responsibility for their well-being which may involve financial and non-financial costs, and similar to companies contracting with consultants versus hiring employees, gangs are able to minimize those costs by *outsourcing* some of their needs.

As gangs' pattern of coercing youth into service has deepened, experts and other observers have increasingly recognized their slavery and slavery-like practices. The U.S. State Department in El Salvador states: Gangs actively recruit, train, arm, and subject children to forced labor in illicit activities – including assassinations, extortion, and drug trafficking– and force women and children to provide sexual services and childcare for gang members' children (USDoS, 2018, p.175-176). In Honduras, the U.S. Embassy notes: non-governmental

organizations report that gangs and criminal organizations exploit girls in sex trafficking and coerce and threaten young males in urban areas to transport drugs, engage in extortion, or to be hit men (United States Embassy in Honduras, 2014, p.213). And, The U.S. State Department in Guatemala reports: Criminal organizations, including gangs, exploit girls in sex trafficking and coerce young males in urban areas to sell or transport drugs or commit extortion (USDoS, 2018, p.203-204).

### **Gang Membership versus Coerced Service**

The issue of gang recruitment has been discussed extensively in recent years and there is widespread agreement that the vast majority of gang joining is voluntary.<sup>5</sup> What is lacking is an informed understanding of the critical differences between gangs' practices of recruiting young people as *members* versus coercing them into service.<sup>6</sup> Although there are certainly exceptions, prospective members are likely to be cultivated as long-term participants who are approached with enticements such as money, socialization, excitement, protection from dangerous elements in the community, and other promises of a better life. Conversely, youth coerced into service are more often viewed as short-term assets and as opposed to friendly enticements, the gang's approach is most often menacing from the onset, including threats to harm and kill the young person and/or his or her family members if they fail to comply with whatever demands are imposed upon them.

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<sup>5</sup> The term "voluntary" is often relative, as many youth acquiesce to joining gangs because they fear the consequences of refusing, view membership as inevitable within the context of their lives, and/or do not perceive any other options for survival.

<sup>6</sup> Other than brief references in recent U.S. State Department Trafficking in Persons Reports and by the United Nations Special Rapporteur on Contemporary Forms of Slavery, to date there is no published research available on the dynamics that distinguish gang recruitment from coerced service. As such, the views expressed on this topic reflect the direct experiences of one of the authors over the course of more than 15 years' experience in the Northern Triangle, and hundreds of interviews with governmental and non-governmental personnel and youth subjected to demands of coerced criminal service and/or male-female relationships with gang members. The views of the other author are a result of years of trafficking-specific research, interviews with stakeholders, and careful review of TIP Reports over the years in comparison to findings by NGOs and other third-party trafficking experts.

They (the gang members) told me that I needed to start delivering things for them. I kept saying no but they came to my house with a gun and said they had given me enough time and made me to go to a place with them. They had some other people there that they were trying to force to work for them. The leader of the gang made one of them stand up, the boy was crying and shaking, and the gang leader shot him in the head and I knew that is what was going to happen to me if I didn't do what they told me to do (Anonymous Boerman interview, August 21, 2019).

Gangs force young people to deliver or sell drugs, transport firearms, participate in extortion practices, spy on rival gangs, monitor entry points of gang territory for the entry of police and outsiders, and/or provide them with other intelligence they deem to be of relevance. In the case of females, which is described in subsequent sections of this paper, demands include sex, domestic servitude, childcare, coerced criminality, smuggling contraband into prisons and conjugal visits with incarcerated gang members and leaders. In extreme cases, gang members may demand that coerced young people commit murder, the logic being that it is the shields the gang from investigation and prosecution; essentially viewing the young person as “cannon fodder.”

Once they are drawn in, gangs continue to use coercion and force to maintain control over youth. As noted by the United Nations Human Rights Council (UNHRC, 2016), once children and women are recruited via force into gang structures, leaving is not an option, therefore they become locked into dangerous, exploitative, and dehumanizing situations, (p.9). Similarly, a 2019 UNHRC report indicates, “When you go out, gangs harass you. They want you to do favors, collect their fees or let them know when the police come” (p.4).

A group at heightened risk for coerced service to gangs includes children and youth who lack a protective adult presence in their lives, and in particular a protective male presence. This risk is rooted in the fact that across the Northern Triangle, the presence of a caring, robust male figure in young peoples' lives is a powerful *protective* factor, whereas the absence of such a protective male presence is an equally powerful *risk* factor. Within the social context of the region, unprotected children and youth are highly visible within their neighborhoods and small communities and perceived as defenseless and therefore vulnerable to predation.

There are essentially four groups of unprotected young people including those: (1) in female-headed households or who are under the care of young and/or elderly family members who do not constitute a protective presence; (2) from toxic, male dominated households characterized by emotional, physical, sexual and/or drug or alcohol abuse; (3) forced to live on the streets; and (4) who have recently reached the age of majority but due to a host of social, cultural and economic reasons are unable to attend to their own basic needs without a supportive family network.

**Case Profile: Jaysson.** Jaysson was left in the care of an uncle after his mother migrated to the U.S. His mother was sending money to the uncle but he was squandering it and not only failing to care for Jaysson, but also abusing him and periodically throwing him out of the house and forcing him to live on the street.<sup>7</sup> MS13 members began offering Jaysson food and a place to stay in return for doing simple favors for them. They later began subjecting him to beatings and demanding that he engage in criminal activity on behalf of the gang, telling him that they “owned him.” After learning of MS13’s involvement in serious crime, including the murder of a

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<sup>7</sup> As with each of the case profiles, the names have been changed and the facts altered to a slight degree to ensure confidentiality. The experiences described, however, are reflective of the actual situation and emblematic of the experiences of young people.

police officer, members of the gang began monitoring Jaysson constantly and warning him that if he disclosed information about their activities, they would kill him.

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

A point often arrives when coerced young people become a liability to the gang because they learn about its leadership, structure, and criminal activities. At that time, gang members may: (1) force them to engage in more serious criminal activity, including rape and murder, in order to make them vulnerable to prosecution and less likely to cooperate with authorities in any investigation of the gang; (2) coerce them under threat of death to become an actual member to reduce the likelihood that they will cooperate with authorities; (3) forcibly evict them, and often their families, from their home and the community to get rid of them; and/or (4) kill them to eliminate the risk they pose to the gang.

**Case Profile: German.**<sup>8</sup> German was 15 when Barrio 18 members engaged in robbing victims at cash machines demanded that he serve as a halcón (lookout) and signal the gang members if police, military, or security guards came by. He was told that if he refused, he would

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<sup>8</sup> The names of the victims have been changed and the details of their experiences in this and subsequent case profiles have been blurred to shield their identities, but the scenarios are based on direct author experience and represent youths' actual experiences.

be killed and that the gang members would rape, murder and dismember his sister. Having been raised in the gang's neighborhood, German knew they would follow through on their threats so, terrified, he acquiesced.

After German became familiar with their involvement in multiple homicides, members of the gang grew concerned that he might provide police with information about their activities in exchange for protection from authorities. In an effort to gain further control over German by making him vulnerable to prosecution, and therefore less likely to cooperate with police, the gang members demanded that he kill an individual they had kidnapped and intensified their threat to kill him then rape and murder his sister if he refused. Overwhelmed with fear and knowing that if he refused, he would die on the spot and his sister murdered, he killed the victim then went into hiding and fled the country.

The children of police officers, local political officials, clergy members and/or others who have taken an actual or perceived anti-gang stance within the community or are affiliated with institutions that are perceived as taking a pro rule of law position may also be targeted for coerced service. In these instances, gangs essentially impose a *multa* or *cuota* (fine, penalty, or 'fee') upon the parents as a result of their positions and activities by laying claim to their children. In addition to punishing, terrorizing, and controlling the parents, coercing these youth may also reflect a gang's desire to strike a strategic and/or symbolic blow against the institutions they represent.

**Case Profile: Jose Luis.** Jose Luis' father was a pastor involved in outreach to youth and at-risk youth, including young people at early stages of gang involvement. In response, MS13 demanded that Jose Luis transport drugs on their behalf as way of punishing his father over his actions. He refused but the following morning a member of the gang confronted him as

he walked to school, gave him a backpack, and told him to deliver it to another student, who Jose Luis knew to be a gang member. This went on for several weeks, but Jose Luis never told his parents because he felt so guilty. MS13 then demanded that Jose Luis sell marijuana to other youth from the church. He told them that none of his friends would buy or use drugs but they forced him to take a small amount of marijuana and told him that he was responsible for selling it and handing the money over to them. Jose Luis threw the marijuana away and used money he had saved from his part-time job to pay off the gang. Shortly thereafter, gang members told Jose Luis that he needed to provide information on young people who were participating in his father's youth group so they could identify other religious youth for coerced service to MS13.

When Jose Luis' parents learned what was happening, they arranged for him to leave the country as they had no internal relocation options and knew that MS13 would kill him if he began to rebuff their demands. Following Jose Luis' departure, the gang began threatening members of his family, forcing them to make significant alterations in their lives to minimize the danger. Meanwhile, members of the gang continued to confront Jose Luis' family members, saying they would kill him if he returns.

In addition to risks of extreme physical violence and death from gang members, youth coerced into service are at high risk for other negative outcomes. First, if it becomes known within the community that they are acting on behalf of the gang it may result in them ostracized from their families, expelled from school, banned from participating in sports and other community activities, and forced to cease participating in church youth groups or other religious activities either/or because they erroneously seen as gang collaborators, or because their presence puts others at risk. Additionally, they may be in danger from that gang's rivals, who learn that

they are affiliated with their enemies and, as discussed below, at risk for a range of abuses from government personnel.

### **Gender Dynamics in Gang Culture: Females as Property and Coerced Relationships**

One cannot assess gangs' practices of coercing females into exploitative relationships without first understanding the gender dynamics across society at-large. The Northern Triangle countries are male dominated societies in which an exceedingly high percentage of child, adolescent and adult females are subjected to the psychologically, physically and sexually coercive and violent behavior of males, who act with virtual assurances of impunity.<sup>9</sup> Within this context of rampant sexual and gender-based violence (SGBV), gang members tend to be the most hyper-masculinized of the hyper-masculinized, and as a population of offenders, the most violent (Boerman & Knapp, 2017). "When a gang says, 'This is my territory,' they are talking about everything, the houses, the businesses, the people, and specifically the women and girls" (Kids in Need of Defense [KIND], 2018, p.3).

The hyper-masculinity that characterizes gangs is reflected in their very structure, which obligates members to repress *'their women'* into submission so as not to *botar el plante* (tarnish the image) of the gang. Gang members are at risk of beatings or other consequences if they allow females to defy or in anyway stand up to them.<sup>10</sup> To illustrate, one of the authors is familiar with a situation in which a gang member was killed by members of his own *clica* (individual gang cell) because his *Jaina* (a term that is often misinterpreted as a colloquialism in gang culture for "girlfriend," but as opposed to relationships involving mutual consent and

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<sup>9</sup> The Northern Triangle region is recognized as one of the most violent in the world for females and the issue of SGBV has been extensively documented by the United Nations, the Organization of American States, the U.S. State Department, the U.S. Agency for International Development and numerous other governmental and non-governmental international organizations, Central American and international women's rights organizations, Central American and international human rights monitoring organizations, and the Central American and international media.

<sup>10</sup> Human traffickers engage in amazingly similar behavior toward their "property" as well (Anonymous, 2017).

relative equality between the parties, it reflects gang members' complete sense of ownership and domination over females as human beings) called the police following one of his beatings. Officers responded to the home and the gang held him responsible for police coming into the neighborhood and murdered him both as punishment and to convey a message to other members that failure to effectively control *their women* would result in reprisals.

Gang members engage in SGBV to: (1) assert their general dominance over females, (2) punish those that have fallen into disfavor, (3) indirectly punish males that have fallen into disfavor by harming females they care about, (4) support the gang through coercing females' criminal involvement, and (5) convey a message to the community at-large that there is no limit to gangs' audacity and willingness to engage in barbarism (KIND, 2018).

This final point is critical in that gangs' violence toward females represents an integral element of the larger strategy of terror through which they establish and maintain control over physical territories, criminal markets, and the population itself. According to a recent study, "Gang members have raped and tortured girls and left their mutilated and dismembered bodies in public places to demonstrate their dominance of the area and instill fear in the community." (KIND, 2018 p.5). Consequently, beyond simply being perceived as extreme, individual expressions of misogyny, violence against females must be seen as a central element of gangs' strategy of terror and a means by which they deepen their control over communities and the state. "It's the evolution of gang warfare, what's going on in Honduras and El Salvador. It's what we see in other war situations around the world where rape is used as a weapon to terrorize the community" (Associated Press, 2014, p.1). "For girls in gang-controlled areas, reaching sexual maturity is a risk factor" (Anonymous UN Representative, Boerman interview, December 2019).

Gang related SGBV may take several forms. One is the danger of being *agarrada* (grabbed), a term commonly used in gang-controlled communities that refers to young girls being abducted, held captive, subjected to extremes of sexual violence, and often disappeared or murdered; this oftentimes occurs as they are walking to and from school, church, or otherwise moving around within their communities.

Another danger involves demands to be a gang leader or gang member's *Jaina*, a gang colloquialism that is often misinterpreted as synonymous with "girlfriend." During a 2016 visit to El Salvador, the United Nations Special Rapporteur on contemporary forms of slavery noted gangs' practices of enslaving females, including "...instances in which gang members had physically invaded the homes of women, evicted or killed male members of the household and forced the women to work in domestic and sexual servitude" (UNHRC, 2016, p.3).

Once being claimed as a gang member's *Jaina*—or even being targeted as one—females are considered property, and oftentimes property of the gang as a whole. These relationships are most often characterized by extreme and at times, incomprehensible levels of psychological, physical and sexual violence; complete control over every aspect of the victim's life, including her relationships with her family and other social contacts; and domestic servitude and caring for gang members' children. Victims are also routinely coerced into criminal activity on behalf of the gang, including conjugal visits with incarcerated gang members in which they are forced to smuggle contraband into prisons. According to the UN Special Rapporteur:

The most common form of extreme extortion of sexual and other services described by the interlocutors involves forcing them (young females) to provide sexual services to gang members in prisons. Gang members reportedly threaten women and their families with violence or death in order to force them to repeatedly make conjugal visits to gang

leaders and members in prisons. In many instances, they are also forced to smuggle telephones and weapons into the prisons (UNHRC, 2016, p.3).

In addition to risk of being arrested and prosecuted for smuggling contraband into prisons during the course of conjugal visits, these demands may also entail risk of serious physical harm. As noted by one victim:

“One girl almost died because they (the gang members) made her carry drugs into the prison in balloons and one of them broke inside her. Now she has to wear one of those bags (a colostomy) for the rest of her life” (Anonymous victim of coerced servitude, Boerman interview, October 16, 2017).

A particular concern involves *torture rape*. Beyond the trauma of a typical rape, *torture rape* involves extremes of cruelty, multiple assailants, and often ends in the murder and dismemberment of the victim. Gangs employ this hideous tactic to punish females, and to advance their strategy of terror (Associated Press, 2014; Boerman & Knapp, 2017).

The fear associated with reporting gang related SGBV and even threats of it to police is so overwhelming—coupled with the conditioned belief that doing so is futile—that the majority do not seek government assistance or protection.

When victims of sexual and gender-based violence live in gang-controlled areas or when perpetrators have gang affiliations, crimes are even more likely to result in impunity. Many victims do not report violence because they do not trust authorities or because they know that doing so will put them, and their families, at greater risk of retaliation by gangs (KIND, 2018, p.3).

This is not to suggest that all police officers and other government officials are callous and dismissive; thousands throughout the region are people of great integrity and professionalism

who are fully aware of the dangers that gangs pose to young females, and that there is little they can do to protect those at risk. According to a Salvadoran police supervisor:

One of my officers was talking to a 15-year-old girl who was thinking of leaving the country because she was receiving attention from gang members in her neighborhood. I said that we can't tell her not to go, because we know the government can't offer her protection (KIND, 2018, p.3).

This fear of seeking police or other government assistance may also affect parents of young females. One of the authors has interviewed many parents who choose not to report that their daughters had been targeted as *Jainas*, sexually accosted or raped, and even taken captive by gang members because they feared that their other children, or the entire family, would be subjected to reprisals.<sup>11</sup> In one emblematic case, a young girl had been *agarrada* by gang members as a *birthday present* for the *clica's* leader and held in sexual slavery and domestic servitude. When asked if the parents had reported the incident to police the father responded "Well, no, she is his (the gang leader's) now and I can't risk my other children..." (Anonymous, personal interview, March 12, 2018).

As mentioned previously, gangs may also target females as a means of indirectly *punishing* male members of their families who have fallen into disfavor with the gang.

**Case Profile: Lidia.** After killing her brother, the Barrio 18 claimed Lidia as "property" in order to *punish him in the grave* and forced her to begin visiting one of the gang's leaders in prison. For over three years she was forced into conjugal visits under threat of death, during which Lidia endured extreme violence, including being forced to have humiliating, painful sex. She often left the prison bruised from the abuse and states that while prison staff clearly

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<sup>11</sup> For a discussion about the dynamics regarding the risks to family members of individuals targeted for harm by gangs see: Boerman 2019.

recognized that she was injured, authorities never said anything about it or intervened. She was also forced to smuggle drugs, cell phone chips, and money into the prison, which she feared would result in being arrested and prosecuted.

After fleeing the community to escape, Barrio 18 members abducted a member of Lidia's family and tortured him in order to coerce her into returning, which she did after learning what her family member was experiencing. Lidia was finally able to flee the country but her mother and siblings were forced to relocate internally and to eventually migrate externally because gang members threatened to kill them in retaliation over Lidia's actions.

### **What Constitutes Coercion, Force and Fraud?**

The question of what constitutes force, fraud, or coercion is central to the crime of human trafficking but can be highly contextualized. According to researchers, the psychological conditioning of children and youth from violence-affected communities is such that what would be considered a subtle or oblique threat in a normal environment may be sufficient to constitute coercion.

Conditions of relentless, routinized daily violence—such as social cleansing, armed robberies, assaults, beatings, kidnappings, murders, threats, and confrontations with law enforcement agents for the control of territory—regardless the legal framework, generate extreme suffering and vulnerability and often create a vicious cycle that leads to more violence and other hazards. In addition to loss of life, both physical and mental trauma are common. (Lucchi, 2010).

Among psychological and social work professionals in the Northern Triangle, it is widely presumed that a majority of the population in gang-controlled areas suffers from post-traumatic stress disorder (PTSD) as well as anxiety, depressive and/or attachment disorders due to primary

and/or secondary exposure to violence. At the most fundamental level of neuroscience, it is commonly recognized that PTSD and other stress related disorders have a devastating effect on physiology, cognition, emotional regulation, learning, decision-making, communication, social skills development, and relationship bonding.<sup>12</sup>

The neurological implications of PTSD and other stress related maladies has obvious implications for trafficking victims. As noted by Gingrich (2018, p.6), “The traumatic experiences suffered by victims of human trafficking are beyond comprehension. It is crucial that law enforcement agencies develop strong and enduring partnerships with NGOs and faith-based organizations that are on the front lines of survivor support.” In 2004, the International Organization for Migration issued a set of minimum standards for the psychological treatment of sex trafficking survivors, recommendations that would apply generally to any victims that have suffered trauma as a result of being trafficked (United Nations Office on Drugs and Crime [UNODC], 2008).

Tragically, for a host of social, cultural and economic reasons, across the Northern Triangle clinical treatment services for people experiencing trauma-related psychological maladies are virtually non-existent in most areas and to the extent that they are available they tend to be rejected by the population.<sup>13</sup> The result is that people are not afforded an opportunity to heal from trauma, rather current traumatic experiences compound the effects of past events.

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<sup>12</sup> There exists an international research literature of hundreds of scholarly research articles, reports and books documenting the devastating neurological effects of trauma and its potentially lifelong implications across multiple life domains.

<sup>13</sup> People affected by violence in the Northern Triangle are conditioned to silence, believing that disclosing information can be dangerous and can worsen already volatile situations. Additionally, especially among males, discussing emotions is considered weak, and perceived as serving no purpose. It is also important to bear in mind that while there are many professionals throughout the region with the title of a psychologist, this often carries a different legal and professional connotation than in industrialized countries. In the Northern Triangle, although there are exceptions, psychologists tend to be more akin to social workers and are not generally highly trained clinicians. One of the authors completed prior research which included a review of Central American services for mental health and found those services to be ineffective and underwhelming for survivors of human trafficking.

As this occurs, neurological networks in the brain that develop in response to trauma become increasingly sensitized, requiring decreasing levels of external stimuli to activate those networks, meaning the individual becomes increasingly reactive to decreasing levels of stimuli or threat.<sup>14</sup>

Given the extreme levels of primary and secondary trauma that children and youth from gang-controlled communities are exposed to and its devastating neurological effects, it would be unreasonable to apply the same standard of what constitutes coercion, or a direct or imminent threat, to them as would be appropriate in the case of young people from a functioning, healthy environment. Language gang members commonly employ that on the surface may seem benign such as, “You need to begin collaborating with us,” “We will give you a week to think about our offer,” or “We will see each other again” is laden with meaning and interpreted as direct threats that instill a sense of vulnerability, helplessness, and terror in the mind of targeted young people from these types of environments.

### **Membership versus Demands of Coerced Service: Assessing the Dynamics**

At times, gang members may demand that targeted young people *join the gang* or use similar language (e.g., *walk with us*, *collaborate*) despite the fact that they have no intention of making them a member or offering the benefits associated with membership. It is critical to bear in mind that targeted young people lack the skills to accurately assess the dynamic at play or the factors that underlie the gang’s motivation so they do not differentiate between being recruited as a *member* versus being coerced into service; the distinction is generally too subtle and nuanced for most, and frequently even the adults in their lives, to recognize. As such, when speaking to

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<sup>14</sup> This effect is commonly seen in combat veterans who, after transfer to non-combat assignments or returning to civilian life, experience panic and other trauma induced symptoms when exposed to the sound of fireworks, the back-firing of a vehicle, or other non-threatening stimuli.

youth, they typically frame their experience as one of being pressured to *join the gang* when in fact they are being targeted for coerced service.

Determining the dynamic involves questioning of the young person: Did the gang members make promises of money, socialization, protection, power or other benefits, or did they simply attempt to force them to engage in activities on their behalf and make threats if the young person failed to comply? If the young person has succumbed to the demands, has the gang compensated them in any way? After performing services on the gang's behalf, did members invite the young person to socialize with them or extend any gestures of appreciation or recognition, or were they excluded from interacting with the gang's members with the exception of fulfilling their demands? These questions can shed light on whether the gang was cultivating a young person as a member or coercing them into service. It is worthy to note that these are the same type of questions that law enforcement officials are trained to ask when assessing potential victims of traditional human trafficking.

Adults attempting to assess a gang's objectives must also ask whether this is a young person that could realistically be perceived as a potentially *good gang member*. Does the young person have the type of personality that would cause gang members to believe that they would willingly engage in drug and alcohol use, theft, extortion, sexual violence, murder and other gang activities? Are they vulnerable, unprotected, without hope and in need of the types of benefits that gangs offer, or are their physical and psychosocial needs being met through their families, schools, churches, and positive peer groups? Do they have a positive reputation within their neighborhoods or small communities as a result of their involvement in school, church or other prosocial activities? If the young person is engaged in prosocial activities and their physical and

psychosocial needs are being met, it is far more likely than not that any attempt on the part of a gang to draw them in is a case of coerced service versus pursuing them as a potential member.

### **Governmental Positions in the Northern Triangle Vis-à-Vis Youth Coerced into Service**

These practices (coerced service) constitute, *prima facie*, contemporary forms of slavery and are prohibited by international human rights law. Therefore, the government (of El Salvador) is obliged to take measures to eliminate these practices, prosecute those responsible and provide access to justice and effective reparation for victims (UNHCR, 2016, p.2).

In recent years the Northern Triangle governments have demonstrated some success investigating and prosecuting *traditional* human trafficking cases and in offering protection and services to victims. At the same time, however, there is little evidence to suggest that they have prioritized efforts to investigate or prosecute gangs' practices of coerced service, or to protect victims of it. During the course of dozens of author interviews with representatives of governmental and non-governmental organizations in El Salvador, Honduras, and Guatemala over the last several years, none have indicated that state officials have placed an emphasis on identifying or protecting young people coerced into service and none were familiar with instances in which the Northern Triangle governments systematically applied their own human trafficking laws to this category of cases, observations which are supported by data.<sup>15</sup> To illustrate, of the 126 human trafficking prosecutions initiated in 2017 by the governments of El Salvador and Honduras, the U.S. State Department references only three that were related to gangs, and trafficking by gangs was not referenced in any of the 254 investigations initiated in Guatemala that year (USDoS, 2018, p.204).

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<sup>15</sup> Interviews conducted by Thomas Boerman during the course of previous research.

According to many of these informants, at the most fundamental level, government officials in the region lack an understanding of the rudimentary, albeit critical, differences between gang membership and coerced service. Echoing this perception, according to UNHRC, the U.N. Special Rapporteur on contemporary forms of modern-day slavery received information that suggested that violations are not always recognized as contemporary forms of slavery; furthermore, it is the populations who are most vulnerable and invisible who are most affected (2016). Similarly, the 2018 TIP report in El Salvador states: "... both government officials and NGO representatives stated police need additional procedures and training to properly identify, interact with, and protect victims..." (p.176)

Beyond the inability to recognize the difference between gang membership and coerced service, state officials generally lack the personal and/or political will to acknowledge or address the phenomenon. The inability and/or unwillingness to make this critical distinction results in a situation in which rather than being recognized as victims and being afforded government protection, young people coerced into service are identified as willing gang collaborators and at direct risk of harassment and abuse by police and military personnel, and exposed to risk of prosecution and extended prison sentences for crimes they were forced to commit. In essence, they are doubly victimized; first by gangs, and secondarily by their governments, a phenomenon that is commonly seen among prostitution-related trafficking cases, where victims are viewed as criminals by government officials.

In its 2018 TIP, the U.S. State Department in El Salvador states, "...civil society organizations reported the government treated as criminals, children forced to engage in illicit activity by criminal groups, rather than providing them protection as trafficking victims (p.176)." In Honduras, after police initiated a crackdown on bus staging areas, which disrupted the

extortion of drivers, gang members began coercing fare collectors on buses—who tend overwhelmingly to be young males—to collect extortion on their behalf. By early 2018, police had arrested 21 young people who reported that they had been forced to collect the payments but rather than recognizing them as victims of a crime, the government asserted that they were willing participants; these young people face up to twenty-year prison sentences if convicted (Papadovassilakis, 2019). According to a representative of the Salvadoran Supreme Court:

These cases reflect both gangs' abuse of power, and the abuse of the power of the state... police officers, prosecutors and judges may be fully aware that the young person was forced to commit the crime, but they are processed (prosecuted) in the same manner as those who voluntarily engage in violations of the law (Anonymous Boerman interview, December 13, 2019).

The most extreme abuse of power on the part of the state involves extrajudicial killing of known and suspect gang members.<sup>16</sup> In Honduras, at least 3,000 children and young people under the age of 23 have been killed extrajudicially since 2014, a figure that is consistent with past findings (Funes, 2018). In Guatemala between 2005 and 2015, there were 6,805 reports of extrajudicial murder (Bargent, 2013). In 2018, the United Nations Special Rapporteur on Extrajudicial Execution expressed grave concerns over the widespread practice of extrajudicial execution in El Salvador and the government's failure to respond appropriately to it (UNHRC, 2018). A particular concern with extrajudicial killing is the impunity with which it occurs. For instance, of the 6,805 cases of reported extrajudicial killing reported in Guatemala, only .032 percent—22 cases—resulted in a conviction (UNHRC, 2018). Given the clandestine nature of

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<sup>16</sup> Extrajudicial execution and state involvement in it across the Northern Triangle region has been extensively documented by the United Nations, the U.S. State Department, the Congressional Research Service, civil society organizations in the region, international human rights monitoring organizations, academic researchers, the Central American press, and the international media.

these killings and the lack of investigation into them, it is impossible to determine how many of the victims may have been youth who had been coerced into service to gangs but given the systematic and indiscriminate character of this practice, it raises cause for great concern.

### **Government Response to Females Coerced into Relationships and Criminal Service**

In the case of females coerced into exploitative relationships with gang members, government officials, gender specialists, and victims describe a pattern in which when they muster the courage to seek assistance, government officials do not take their complaints seriously. This sentiment is supported by recent research:

Government officials, including police, prosecutors, and judges in El Salvador, Honduras, and Guatemala frequently assume that women and girls targeted by gangs or from gang-controlled areas have connections with gangs and discriminate against them, refusing to accept their reports, or publicly questioning the credibility of their accounts (KIND, 2018, p.9).

Additionally, they may be targeted for police harassment, including physical and sexual violence, because officers believe them to be ancillary members of the gang rather than victims.

The police constantly threatened me because they said I was Carlos' (a *clica* leader) girlfriend and doing crimes for the gang. I couldn't tell the police what was happening because they work with the gang and if they told Carlos, I knew his gang members would kill me. (Anonymous Boerman interview, October 24, 2017).

Third, as noted previously, young females are exposed to risk of arrest and prosecution for crimes they were forced to commit.

The gang told me they would kill my daughter if I didn't smuggle cell phone chips and drugs into the prison. I had to go almost every Saturday and was always afraid of

being arrested. Before I escaped, I saw about one woman a week being arrested for doing the same thing I had to do. I know some who went to prison, and some lost their children because they didn't have any family to take care of them while they were in jail (Anonymous, Boerman interview, October 16, 2017).

Finally, according to virtually all sources interviewed across the Northern Triangle in recent years, female victims are typically rejected by governmental and non-governmental programs when they seek services. First, because the programs are not geared to address their extreme security needs; and second, because program personnel fear reprisals from gang members if they intervene in the situation.

### **Conclusion**

Gangs' tactics of coercing people into service constitute a non-traditional model of modern-day slavery but neither the Northern Triangle governments nor international partners in efforts to combat human trafficking have adequately recognized these practices, or developed strategies for responding to them. The Salvadoran, Honduran, and Guatemalan governments have minimized, denied, and ignored the phenomenon and failed to even marginally fulfill their obligations to: (1) recognize these young people as victims of human trafficking, (2) provide legal protections and supports, and (3) investigate and prosecute gang related cases of human trafficking. Beyond abandoning and essentially sacrificing vulnerable children and youth to gangs, the governments of the region have also criminalized victims of gangs' practices of modern-day slavery thereby exposing them to risk of harassment, physical abuses, criminal prosecution for acts they were forced to commit under the most extreme duress and danger imaginable, and extrajudicial execution.

The enormity of suffering and the destruction of lives associated with gangs' practices of modern-day slavery demands an expansion and reframing of how human trafficking and its victims are defined, calls that have been supported by a group of international experts convened by the Woodrow Wilson International Center for Scholars (2010) and that certainly apply to the case of gang related human trafficking in El Salvador, Honduras and Guatemala. The phenomenon also demands a fundamental shift in response on the part of governmental and non-governmental organizations across the Northern Triangle and among international partners in efforts to prevent human trafficking, and to protect its victims.

With support from the international community, the governments of El Salvador, Honduras and Guatemala can build on the successes they have achieved in responding to cases of traditional human trafficking to address this area of critical, albeit heretofore unrecognized, need and advance the shared agenda of combatting modern-day slavery in all of its forms.

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