

Humanitarian access to needs in other *situations of violence*

Due to high levels of criminal violence, certain regions in the North of Central America (NCA) are facing significant humanitarian needs. Both the increases in asylum applications lodged by people fleeing the region, as well as large collective displacements such as the recent migrant caravan, point to an unbearable situation for many in Honduras, El Salvador and Guatemala. In some areas, insecurity prevents national governments from entering communities and providing basic services, such as education and healthcare.



The conditions generated by criminal violence have been classified as '*other situations of violence*' by the International Committee of the Red Cross (ICRC) or '*situations of chronic violence*' by other actors, and are relatively new operational contexts for humanitarian actors, whose presence in the region has been previously focused on migration, development and poverty reduction. In these situations, where criminal groups control territories, and the victims of violence and displacement cannot or do not want to identify themselves because of fear, how do humanitarian organisations operate? How do they access affected areas? How can they ensure that they reach the most vulnerable people? This report highlights the best practices and challenges in humanitarian access in the NCA, and intends to improve the humanitarian response to the needs of people affected by violence and displacement in the region.

Key Messages:



Humanitarian programmes in communities affected by violence are extremely limited in their content, scope and impact. 95% of the organisations interviewed reported that there are areas where they cannot work due to insecurity.



The main challenges to humanitarian access are: invisible borders between territories controlled by criminal groups; large numbers of criminal actors in small regions; the need to secure acceptance from criminal groups; difficulties in identifying people that do not independently seek support, either due to fear or due to a lack of incentive linked to the high levels of impunity.



The majority of community workers and organisations working directly in communities affected by violence communicate indirectly with criminal groups. However, there are no strategies, consistencies or best practises in these interactions.



Most humanitarian activities take place in the most accessible areas of communities, such as schools or community centres.



This is the second snapshot of the protection situation in the North of Central America; an initiative of the **REDLAC** Regional Protection Group for the **NCA**. The project is led by the Norwegian Refugee Council and supported by **UNHCR**. This analysis is based on semi-structured interviews on humanitarian access with 25 humanitarian organisations working in Honduras, Guatemala and El Salvador, carried out during the months of September and October 2018, as well as two focus groups with community leaders, volunteers and social workers from various communities in San Salvador, San Pedro Sula, Choloma and Tegucigalpa. Additional sources include official statistics, recent media coverage, and studies from academic institutions and civil society.

The Protection Crisis in the North of Central America – Latest figures Between January and September 2018

In Guatemala:



- 3'693 **homicides**¹, or 14 **per day**, with a higher incidence in Zacapa, Guatemala and Escuintla²³
- **21 assassinations of environmental and human rights defenders**, and more than 100 assaults⁴⁵
- **1'141 minors have disappeared** in the first half of the year in the department of Guatemala⁶ (in particular from Villa Nueva, Mixco, and the zones number 21, 18, 6 and 3 of the capital)⁷. Each day 16 children disappear, and only 6 are located⁸
- 1'533 cases of **sexual offences against minors** up until June, of which 95% were against girls⁹
- 2'257 reports of **extortion** up until August^{10,11}
- **28 families evicted** in Petén in August¹²
- **70'907 people deported back to Guatemala**, 54% from the United States and 46% from Mexico¹³
- 3'944 unaccompanied children returned (23% girls)¹⁴

In Honduras:



- 2'711 **homicides**¹⁵, or **10 per day**, with a higher incidence in Francisco Morazán, Cortés and Yoro¹⁶
- In the city of Choloma: 142 homicides and a territorial dispute between 10 criminal groups¹⁷
- Outside of the most violent urban areas, there was an **increase in homicides** in comparison with 2017, in Olancho by 46%, in Gracias a Dios by 30% and in Choluteca by 18%¹⁸
- 34 **massacres** with 115 victims^{19,20}
- **22 homicides of people identifying as LGBTQIA**²¹
- Confrontations between armed forces and farmers over **evictions** led to deaths and injuries in Colón.²² Reports of torture and homicides of indigenous persons in La Ceiba y La Paz²³
- 52 cases of human **trafficking**²⁴
- **60% of students fear** their journey to school²⁵, and there are **26 school dropouts** per day²⁶
- At least 2 political prisoners arrested since demonstrations against the elections at the beginning of the year²⁷
- **57'035 people deported back to Honduras**, 39% from the US and 60% from Mexico (an increase of 25% compared to 2017)²⁸
- 13% of the deported adults returned were female. 36% of the deported minors were girls²⁹

In El Salvador:



- 2'560 **homicides**³⁰, or 9 per day, with a higher incidence in San Salvador, La Libertad, Santa Ana and San Miguel
- 31% of the homicides occurred in the department of San Salvador³¹
- 1'004 reports of **assault**³²
- **Each day 10 people disappear**, and the rate is increasing compared to 2017³³
- Human rights defenders have again reported **extra-judicial killings** by the armed forces³⁴
- **18'940 people were deported back to El Salvador**, 59% from the US and 40% from Mexico³⁵
- 18% of the deported adults were female. 36% of the deported minors were girls³⁶

Regional trends

A relative improvement in murder rates, however...

Young people are particularly vulnerable; over the past 10 years in El Salvador the homicide rate of young people was 53% higher than that of the adult population.³⁷ **Women's rights are constantly being violated;** in Guatemala, OHCHR raised concerns due to the alarming number of femicides and the increase in violence against women, as well as the high levels of impunity in prosecuting these crimes.³⁸ In El Salvador, between 2015 and 2017, sexual violence increased 14%, reaching an average of 13 female victims every day.³⁹ **Attacks against journalists, teachers, environmental and human rights defenders persist.** The positions of both El Salvador and Honduras fell in the World Ranking of Press Freedom, to 66 and 141 respectively.^{40,41} In Honduras, the Inter-American Commission on Human Rights (IACHR), condemned the **structural impunity, corruption, the lack of trust of public institutions** and the lack of separation of powers in the country.⁴²

Few places to find safety

In 2017 alone **130'500 new asylum applications** from Central Americans were registered, 38% more than in 2016 and 11 times more than the number of requests placed in 2011.⁴³ The **proportion of displaced women** intercepted in Mexico is increasing, from 13% in 2012 to 25% in 2017.⁴⁴

The opportunities to find safety are decreasing: this year, the 'Central American Minors' programme is being eliminated. This programme enabled minors, both at risk and with parents in the US, to make their asylum request in the NCA region, avoiding the dangers of the migration route North.⁴⁵ Meanwhile, between 2016 and April 2018, a total of **68'409 displaced minors were detained in Mexico**, and **91% were deported** to Central America.⁴⁶ Furthermore, in the first half of 2018 alone, 30'000 unaccompanied minors crossed the US border.⁴⁷ Last year, 45% of unaccompanied minors arriving in the US were from Guatemala, 27% from El Salvador, 23% from Honduras and 3% from other origins.⁴⁸

In October of this year, there were still **13'200 children being held in detention in the US**. Unaccompanied minors currently spend **an average of 74 days in detention**,

double the average time spent in 2016, in particular because authorities have made the process of releasing the children to be with their families more complicated.⁴⁹ Furthermore, reports claim that US authorities are keeping some adolescents in detention until they turn 18, enabling them to directly deport them as adults.⁵⁰

Studies show that Central Americans are completely aware of the risks of the migration route, as well as the difficulties they may face at their destination, and the high probability of being deported.⁵¹ The increase in the people taking the migratory route and requesting asylum therefore reflects not a lack of knowledge or the search for a better economic situation; it demonstrates is the urgent necessity to find protection.

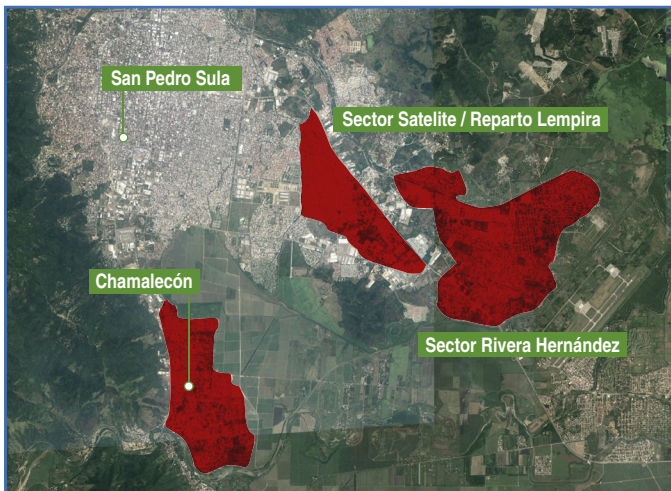
Humanitarian Access in the North of Central America

OCHA defines humanitarian access as: *humanitarian actors' ability to reach populations affected by crisis, as well as an affected population's ability to access humanitarian assistance and services.*⁵²

How straightforward is humanitarian access in the North of Central America?

The conceptual framework established by OCHA to monitor humanitarian access (AMRF⁵³) recognises 9 types of limitations. 6 are relevant in the NCA:

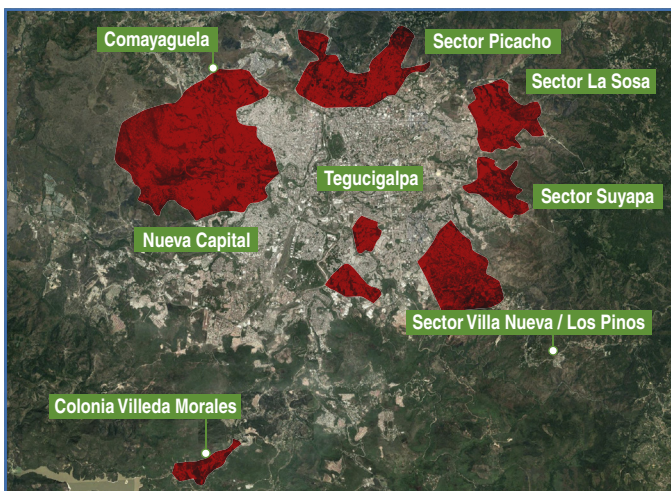
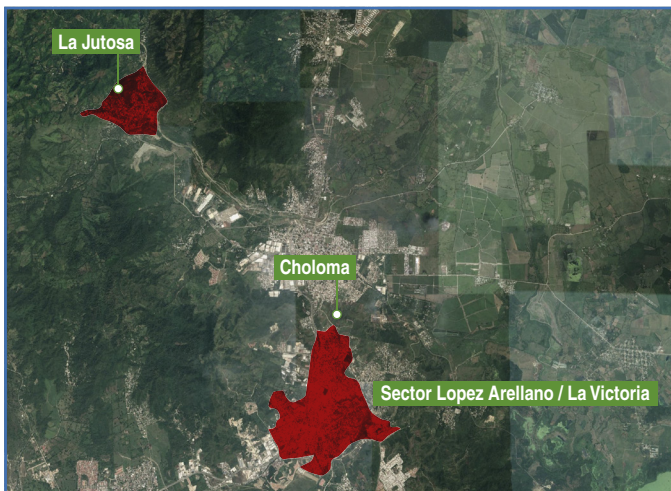
- **Denial of the existence of humanitarian needs or of entitlements to humanitarian assistance:** notably in Guatemala and until recently in El Salvador, the lack of recognition of the phenomenon of internal displacement hinders the identification of needs
- **Restriction of movement of agencies, personnel, or goods into the affected country:** due to invisible borders between the territories controlled by criminal groups
- **Military operations and ongoing hostilities impeding humanitarian operations:** some organisations report that police operations impact both communities and the humanitarian response



- **Violence against humanitarian personnel, assets and facilities:** documented by a significant part of the organisations interviewed
- **Interference in the implementation of humanitarian activities:** activities are suspended or cancelled whenever there is an incident in the community
- **Physical environment, obstacles related to the terrain, climate and lack of infrastructure**

Quantifying the impact of insecurity on humanitarian action:

Between 2016 and 2018, one humanitarian organisation implemented a population census through volunteers and community workers in San Salvador, Tegucigalpa, Choloma and San Pedro Sula. Over close to 18 weeks of non-stop work in 5 different municipalities, the organisation had to suspend or cancel the project in certain communities 6 times because of violent events, police operations, or general insecurity, the equivalent to a **suspension every 3 weeks**. In total, the teams lost 39 out of 126 working days over the exercise; **30% of their time was affected**. Furthermore, criminal actors monitoring the activities, detained and **interrogated humanitarian workers several times a week**.



Several of the areas in Honduras that are considered 'red zones' / hard to access, according to several humanitarian organisations interviewed.

How do humanitarian organisations secure access?

There are three general strategies used by humanitarian organisations to access people with needs:



Referral of cases between networks and support in offices or safe spaces:

36% of the interviewed organisations work outside of the affected communities in specialised care facilities, public spaces or offices. Cases are referred by local networks, other organisations, authorities, churches and deportee reception centres.

+ This allows people to be referred to the variety of services they need. The approach aims to strengthen public services instead of substituting them, ensuring an integral response to humanitarian needs. It also allows organisations to provide a direct humanitarian response to violence: health services, psychosocial, legal, food, multipurpose cash and accommodation services.

⊖ The strategy depends on those in need of support having the capacity to move around and for them to either go in search for assistance, or for other organisations to identify them. Those that remain undetected or that do not wish to be identified (either due to fear or a lack of trust in the services on offer) can be overlooked.

Community work in centres, schools and public spaces:

64% of the interviewed organisations implement community work projects: events, workshops, training in public spaces within communities. Local networks and structures, social workers, and/or community leaders inform the community about the project and publicise the events and workshops. Furthermore, some organisations work on improving infrastructure and rehabilitating communal spaces.

'The programmes that are widely accepted by gangs are those related to local development: health programmes, construction of child friendly spaces, education, water, access to electricity, programmes related to development (International organisation in Honduras)


+ Organisations can enter communities, and strengthen existing community and local structures. When they identify people that require further assistance or protection, they can refer the case or create a response plan outside of the community.


⊖ Organisations cannot deliver programmes providing response or remedy to violence, nor direct protection programming. The activities are generally held weekly, and are highly dependent on local actors, which can imply limited access to communities.

Attention to individual cases through the community/home visits:

20% 20% of the interviewed organisations provide direct assistance and have the capacity to provide services inside the communities affected by violence. These mainly consist in healthcare, education or sponsorship programmes. Some organisations conduct their own censuses from house to house in order to

gain a better understanding of the community and identify its needs. Others are able to ensure a more constant presence due to the 'brand' recognition that their organisation has within the community.

 This strategy allows for the direct identification of people in need of protection, and enables organisations to reach people that do not necessarily access other humanitarian services: children who cannot go to school, people at risk of displacement and people who require medical attention.

 Organisations employing this strategy often cannot talk about displacement, protection, nor rights, as working on these issues can elevate the exposure of beneficiaries and put them in danger. These types of programmes usually require large resources to respond to individual cases, and also where an individualised entry strategy to communities is required. As a result, the impact of this type of programming is often small and difficult to scale up.

The roadmap to entering communities, used by the majority of the interviewed organisations:

'Access is a process, not an event. Everything depends on acceptance and institutional credibility.'
(International organisation in Honduras)

1. Establish **where** the organisation can and wants to work according to its own internal criteria (such as needs, a suitable level of security, or a collaborative community framework). These internal decisions have a significant impact on the organisation's strategy. For some organisations, it is essential to provide the same services for communities controlled by different criminal groups (notably, communities controlled by the Mara Salvatrucha and Barrio 18) to show impartiality; others on the other hand can only enter territory dominated by one group, for personal safety.
2. **Map the existing actors** (depending on the country and region: local authorities, Associations of communal development (ADESCOS), Development Committees of Municipal Development (CODEM), water committees, women's associations, community and religious leaders) and establish contact with them. Present the organisation, its mission and the project.

'To ensure safety, we partner with grassroots organisations that have been working in the community for years'
(NGO in Guatemala)

3. Enter **accompanied by local actors** to make initial contact with the community. They can advise on when (in the morning and early afternoon)

and where organisations can enter and exit the community and on the internal codes and rules of the community. The local actors also will warn the humanitarian organisation when it is not advisable to come because of an incident (for example, a homicide or a police operation).

4. For the majority of organisations, **visibility is important**: jackets, caps, the organisation's identification, entering with the car windows lowered, not bringing anything that could be used to identify staff or their place of origin. In El Salvador in particular, organisations mentioned that each community is different and has different rules about what colour the cars have to be to enter, what shoes humanitarian workers can wear, or if the staff should be male or female. For organisations that do not have wide recognition or much time working in an area, this may mean a different entry strategy for each community.
5. After establishing trust and acceptance in the community, some organisations are able to **work independently and rely less on local actors**; for example, carrying out their own needs and risks analyses, identifying cases and moving around within the community. *casos, moverse dentro de la comunidad.*

'There are places that we can't enter, not even ambulances can enter in emergencies.'
(International organisation in El Salvador)

Issues to consider in working with local actors

All the organisations interviewed mentioned that it is not possible nor desirable to access communities without the support and collaboration of local partners and leaders. Local organisations and community leaders are often the first responders to needs, have an intimate knowledge of their communities, and can also ensure that the criminal groups in control are aware of the work that humanitarian organisations are doing.

However, in other humanitarian contexts, gaining access through local partners or community leaders has incurred a variety of challenges, particularly due to the **risks of favouritism or the difficulty of ensuring an impartial or neutral response**⁵⁴. Working with intermediaries can imply a slower or more unpredictable response. It can also generate **security risks for the intermediaries** and their families. The organisations interviewed in the NCA declared having a certain level of trust in their local partners, and the majority responded having had no problems with bias. However, many organisations employ **mitigation strategies to avoid depending too much on local actors**: they carry out their own population censuses, they do a sub-selection of leaders, or they explicitly communicate their independence from local partners to the community. Furthermore, some organisations work to train social workers or community leaders to improve their capacity to identify needs.

Some organisations mentioned that indeed they had experienced issues with favouritism in their work with local partners, as well as having come across challenges associated with the lack of trust in some local structures. One issue that was mentioned was the security of the local partners, particularly when organisations are **dependent on them to do their needs assessments and risk analyses**. Other organisations said there was a disparity between the risk tolerance of their organisation and that of their local partners. They also noted that, at times, reporting a school dropout or a teenage pregnancy can be dangerous for communities and local social workers, and as a result, local partners sometimes filter

their information or not report all the needs. Although the majority of the organisations interviewed said that they maintain regular communication with their partners, **few organisations have guidelines or policies for the systematic documentation and reporting of incidents or the transfer of risks**.



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'At a national level we are more tolerant to risk than at the international headquarters, but we are less tolerant than our local partners. At times, despite the risk, the local partners want to continue activities to benefit the community. It is difficult to find a balance: we don't want to downplay a real risk, but at the same time, for our partners this is their everyday' (NGO in El Salvador)

Some organisations **employ people that live directly in the communities** where the project is based, or work with **local volunteers** to carry out their community or direct assistance projects. This practice enables the organisation to maintain close contact with the community and, in many cases, obtain better access than with a team of national or international staff. However, sometimes, local staff cannot cross invisible borders between territories controlled by different criminal groups in order to work in neighbouring communities. This can cause complications in both the implementation and impact of the programme.

How are risks managed?

'Every day we review the situation; it is very volatile. Before 2015, we didn't have a security protocol, but it has become necessary with the rise in insecurity.'
(NGO in El Salvador)

- There is a significant variation between organisations in **risk analysis strategies**, including:
 - › Collecting information from local partners through regular communication with community leaders via telephone or WhatsApp.
 - › Daily press monitoring
 - › Formalised systems of weekly and monthly security meetings

The Red Cross Movement has a structured guide for access, risks, and how to secure acceptance from the community, called the 'Safer Access Framework'⁵⁵. It is available online and is an important reference for organisations looking to improve their access strategies.




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- In the event of a violent incident in the community (shooting, confrontations, change of territorial control, police operations) organisations **suspend activities** or reduce their presence.


'It is very important not to enter a community at the same time or after a police operation, so that the groups don't confuse us with the police. This has a significant impact on our operations, we have to change our strategy frequently'
(NOG en El Salvador)

- **Visibility** (cars, clothes, organisation identity) and **the language used to talk** about the project is very important: notably, not talking about protection, rights, violence, gender based or sexual violence, gangs or displacement.

How are the humanitarian principles applied?

 100% of the organisations mentioned **neutrality and independence**, in particular the importance of explicitly showing that they are separate and independent from political parties and their objectives.

 The organisations interviewed also associated the humanitarian principles with **trust and acceptance**, the principle of 'do no harm' and managing expectations about the organisations work and its reputation.

 **Only one organisation mentioned the importance of impartiality in responding to needs, and of trying to give priority to the cases of most urgent distress.** This reflects that there are communities and populations (notably internally displaced people) that are considered inaccessible by the majority of the humanitarian community.

'Our capacity to respond is insufficient to the level of needs. There is no doubt that there are communities we cannot access and that aren't accessing services'
(NGO in El Salvador)

Contact with criminal groups – is negotiation possible?

Indirectly, yes.

Out of the 25 organisations interviewed, 2 said that they had never negotiated with criminal groups to obtain access. 18 out of 25 said they hadn't negotiated directly, but indirectly through community and/or church leaders or their local partners. Notably, these conversations are specifically about what type of services the organisation can provide and what time they can enter. To resolve isolated cases, 4 organisations had to negotiate directly: for example, when a beneficiary was in danger, or when the groups wanted to use the organisation's property.



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But negotiations are limited by various factors

No organisation has institutional policies or tools to guide negotiations with criminal groups in other *situations of violence*. As the situation is not an armed conflict, nor are the criminal groups combatants, international humanitarian law does not provide a framework nor a mandate for the negotiation of access.

Some organisations in El Salvador also noted the extra complication that the Supreme Court of El Salvador classified gangs as terrorist organisations⁵⁶, suggesting that negotiations, association or contact could imply criminal responsibility.

Much is at stake

At risk are the reputations of humanitarian organisations, especially towards the communities they are working with and that are controlled by the criminal group, and particularly when access depends on community acceptance.

The security risk is not only high for humanitarian actors but also for criminal groups, in particular due to being located in countries with national anti-crime programmes, with an elevated number of police and military operations. Negotiation would mean meeting in a space that could be detected by military authorities or the police. This context generates an atmosphere of tense negotiation and distrust.

The nature of criminal groups presents other challenges, in particular: the lack of political objectives, hierarchies with a weak line of command and little experience, atomization of the groups, frequent changes in alliances and territories, and low life expectancy. A negotiation with one group or one person does not secure long-term access.

And in the future?

Despite these challenges, some of the organisations interviewed said that having basic lines or directives to tackle negotiations in a more organised, safe and efficient manner, would be welcomed. In fact, previous studies have shown that in other contexts, humanitarian organisations can operate in a safer, more efficient and sustainable way when armed actors are aware of where the organisations are and what they are doing, and when those actors have acknowledged the organisations or have accepted their work.⁵⁷

The humanitarian response in the NCA is limited by:

The invisible borders and acceptance from the armed groups. Only 5% of the organisations interviewed (in particular those that are well recognised nationally and have acceptance from the community) can cross invisible borders in the same day or for the same project. In parallel, some children are unable to cross invisible borders and to attend activities and access services when these take place in zones controlled by opposing criminal groups. These complications can affect small areas. For example, in the city of Apopa in El Salvador, which has an estimated population of 177'500 people, 9 rival criminal groups divide the territory.

'We won't take the risk of entering without explicit authorization'
(NGO in El Salvador)

Programmatic trade-offs. In territories controlled by armed groups, it is often impossible to implement protection programmes. Criminal groups prefer tangible responses such as infrastructure. Some topics and terminologies are taboo: for example, organisations must not talk about displacement in urban areas controlled by criminal groups in El Salvador, nor talk directly about trafficking or the rights of the migrants in rural areas of Guatemala where there are drug traffickers and smugglers.

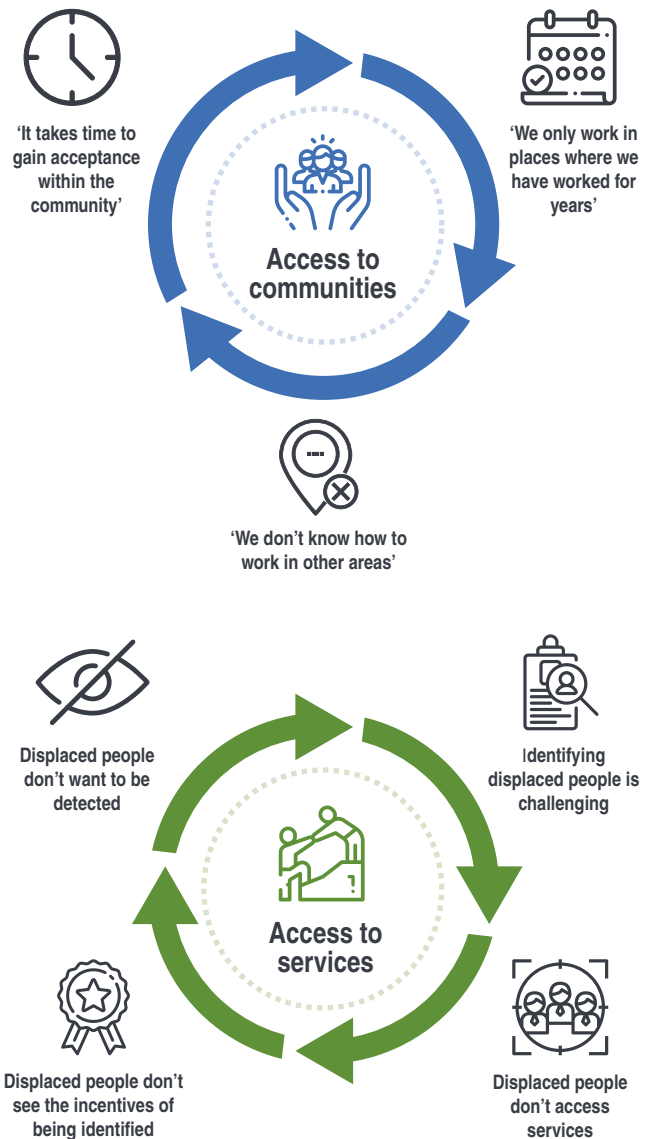
'In Guatemala, few organisations provide a response for those affected by forced evictions – many organisations believe it is too dangerous to intervene or that they are going to end up in legal problems, particularly given that displacement in these cases is linked to criminal organisations, political structures and large corporations.'
(International agency present in the region)

Some groups of people are more difficult to access. The organisations mentioned that young men experience greater restrictions on movement, and that women can cross rival territories more easily to access services. This phenomenon is in addition to the cultural barriers that exist in each country in NCA that already make access more difficult. For example, the organisations that provide medical services and psychosocial care report that it is challenging to identify boys and men in need of care, in particular because of the social stigma about mental health and a general macho

culture. In Guatemala, reports show that indigenous women are more reluctant to seek out medical services, because of cultural barriers, language barriers and costs.⁵⁸

'It's limiting to not be able to say what we want, implement the programmes that are needed, cross borders to access people, and identify the people with needs. We cannot work on a big scale and our impact is small' (International agency present in the region)

Vicious circles of humanitarian access in the NCA:



How do we evaluate the coverage of the humanitarian sector in the NCA?

'Ideally more presence is needed, to know what is happening in the community, who is in need, but logistically it is very difficult for the humanitarian community' (International agency in Honduras)

Measuring the coverage of the humanitarian sector remains challenging, especially because organisations are autonomous, separate and with different mandates and programmes, and not all participate in coordination forums or collaborate in a joint response. Nevertheless, several observations can be drawn from the interviews:

- 95% of the organisations stated that there are areas where they cannot work and all organisations are limited in one way or another
- 50% of the organisations are not satisfied with the access they have
- Several organisations are working in the same neighbourhoods and sectors. At the same time, there are areas where few organisations are present
- Most humanitarian activities take place in the most accessible parts of the community, such as schools or community centres

Next steps:

1. How can adherence to the humanitarian principle of impartiality be ensured, prioritising the most urgent cases and in accordance to their needs?
2. Would it be possible for protection clusters and coordination forums to work together to establish guidelines and redlines (based on the humanitarian principles) on how to access, negotiate and communicate with criminal groups? How can they ensure that these are spaces that will promote open discussions on sensitive topics such as negotiations, acceptance in the community and neutrality?
3. What can we learn from other situations where humanitarian organisations work with groups that are officially designated as terrorist groups (as

they have been categorised in El Salvador)?

4. Could it be important for each organisation to establish guidelines and red lines for their relationships with local partners, particularly in relation to safety and risk transfer?
5. Can we strengthen networks and case referral systems by having a greater presence in the field, to ensure that people with needs know about and can access humanitarian services?

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Methodology

This report is based on semi-structured interviews carried out between the months of September and October 2018 with 25 organisations operating in the NCA. The interviews were carried out with 13 organisations working in Honduras, 8 in El Salvador, and 4 in Guatemala. Different levels of people within the organisations were interviewed: field staff, national and regional offices. The majority of the interviewees work in the implementation of programmes, or in protection. Despite the time constraints of the study, a diverse range of local, national and international organisations as well as agencies of the United Nations were interviewed. However, there are fewer organisations in Guatemala, for several reasons: the lack of organisations responding to violence and displacement, low levels of response amount the organisation contacted and the emergence of the caravan at the end of the data collection process that became a priority for the organisations.

To explore the operational challenges of working directly in communities, structured discussions were also conducted with two focus groups, including 30 community leaders, volunteers and social workers from Apopa and Tonacatepeque (El Salvador) and San Pedro Sula, Choloma and Tegucigalpa (Honduras). This snapshot is an initial step in a broader discussion about the humanitarian response to other situations of violence. Further research could be pursued with affected people to understand how they perceive access.

For the section on humanitarian needs, a systematic monitoring was undertaken of media, operational reports of national and international agencies and academic documents, to collect information on a list of indicators on violence and displacement.

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