The Vanishing Women of El Salvador

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By now you have likely heard that El Salvador is the safest country in the Americas. What you may not have heard, however, is that every week, women and girls in El Salvador disappear.¹ One of them was Marcela Rodas, 22 years old at the time of her disappearance three years ago; she was last seen near the market where she worked in a flower stall. She would often bring flowers home to her mother, who is still searching for her; she left behind two young babies. Another is Paulina Maldonado, a 15-year-old girl who disappeared last July while she was leaving school in the district of Colón with some of her friends; no one knows what happened to her.

Over the past few years, the Bukele government has deployed government security forces to carry out a "war on gangs," dramatically reducing crime in the country; there is no doubt that most Salvadorans feel safer than they have in years. However, at the same time that violent crime rates have gone down, the new harsh public security policies, coupled with increasingly conservative, intolerant, and anti-rights discourse, have created conditions where State actors can commit human rights violations, including disappearances, with greater impunity, and where victims have fewer resources available to seek answers and accountability.

The scenario of women disappearing in El Salvador bears many similarities to that of Mexico: in both countries, women face high levels of domestic violence; in both countries women are disappeared by criminal gangs, as well as by military and police agents. Families, survivors, and activists in both Mexico and El Salvador have been sounding the alarm about the disappearance of women and girls for years. Unlike in Mexico, however, where the disappearance of women and girls, as well as the country's femicide crisis, have been widely publicized in international media, in El Salvador the vanishing women and girls have remained largely invisible.

There is no official government registry for disappeared persons in El Salvador, nor is there a current official figure for how many women have been disappeared. And while access to information on the disappeared is restricted by the government, we know from the data collected by civil society that the figure must be in the thousands;² according to an article in La Prensa Gráfica, just between January 1 and March 15 of this year the National Civil Police received 158 reports of disappearances. With so many Salvadoran families like Paulina's and Marcela's seeking answers

¹ Enforced disappearance is both a grave human rights violation and, in some circumstances, a crime against humanity. It has been used as a tool of repression in a range of settings worldwide. It has three elements. First, a person is deprived of their liberty against their will. Second, this was done by or with the involvement of State agents. Third, what happened to the person is denied, and so is information about where they are now, or what happened to them. When disappearance or enforced disappearance occurs, it results in psychological trauma, economic and social dislocation, and fragmentation for affected families and communities. In international law, the human rights violation created by enforced disappearance is considered to be 'continuous' (ongoing), for as long as the fate and/or whereabouts of the person who has been forcibly disappeared are unknown, and perpetrators do not reveal them.

² At a hearing at the Inter-American Commission on Human Rights (IACHR) in 2021, civil society organizations reported that at least 22,000 people had been disappeared by gangs since 2014, with 40% of the victims being women. Within the context of the State of Exception, as of November 2023, hundreds of disappearances had been reported by civil society organizations, and during the first few months of 2024 alone, an investigation uncovered that the National Civil Police registered 158 reports of disappeared people, 68 of whom were women.

about the fate of their disappeared daughters, sisters, mothers, and wives, it begs the question: why aren't more people talking about them?

While the kinds of disappearances of women being carried out today are a relatively new phenomenon, disappearances have been used at other points in El Salvador's recent history. **Disappearances were part of a widespread and systematic practice of terror by the Salvadoran military during the country's 12 year-long civil war (1980-1992)**. While the Truth Commission for El Salvador reported that 5,000 people were disappeared during the war, civil society groups estimate that the figures may be as high as 10,000, in addition to the over 75,000 people killed during the conflict.

Most conflict-era disappearance cases remain unresolved, with family members still searching for information about their loved ones' fates; the vast majority of perpetrators have never been held accountable. According to CONABÚSQUEDA, the National Commission for the Search for Disappeared Persons in the Context of the Armed Conflict in El Salvador established in 2017, **22% of conflict-era disappearance victims were women**.³ They include women arbitrarily detained for perceived insurgent political activity, as well as victims of massacres; most of them were sexually assaulted before being disappeared.

DISAPPEARANCES BY CRIMINAL GANGS

Following the end of El Salvador's civil war, the small Central American country became notorious as one of the most dangerous places in the world. The rapid growth of criminal gangs led to a surge in violence, with two main gangs controlling large areas of the country. **Women and girls became more frequent victims of gang-related violence, and in 2021, civil society groups reported that 40% of disappearance victims were women**.

Gang-perpetrated disappearances of women have diverse causes: some are revenge against a male family member, or for some perceived slight; others in retaliation for refusing to have a relationship with a gang member or participate in a gang themselves. Some women are disappeared while being exploited and trafficked; similarly to Mexico, some occur not only at the hands of gang members but also in complicity with police or military agents.

When a woman is disappeared by a gang, they are usually kidnapped, sometimes in broad daylight. Civil society and journalists have reported that victims have been disappeared while leaving their homes; while working or returning home from work or school, as in the cases of Paulina and Marcela, in front of witnesses. Still others are deceived by an acquaintance into going somewhere and then handed over to gang members.⁴ In some cases, their remains might eventually be found, often with

³ CONABUSQUEDA and CNB, Re-Cordis—CNB: 10 años de reparaciones, 16th Ed., No. 3, November 2021, available at: https://t.co/pxdThnT86b

⁴ FESPAD, Desaparición de Personas en El Salvador. La desaparición de personas y el contexto de violencia actual en El Salvador: Una aproximación inicial. April 2021, p. 52. Available at https://www.fespad.org.sv/investigacion-desaparicion-de-personas-en-el-salvador/.

evidence of torture and sexual violence. In others, a body is never found; it is likely they were disposed of in clandestine grave sites. In 2021 the Salvadoran NGO FESPAD reported that there have also been more frequent cases of adolescent girls and women being taken and deprived of liberty for hours or days before being released alive, "with serious physical and psychological damage due to the sexual aggressions and various other violations to which they [were] subjected."⁵

As with disappearances committed during El Salvador's conflict, the majority of disappearances by gangs have not been resolved; the victims have not been found, nor have the perpetrators been identified or held responsible. Although the Attorney General's office had at one point created a special unit to focus on disappearances, today everything indicates that that unit has been dismantled. The majority of those searching for the disappeared in El Salvador are women, family members of the disappeared; the terms "buscadoras" is now well-known, just as in Mexico, and there are organized movements to search for missing women – the Alerta Raquel movement and the collective of relatives Bloque de Búsqueda de Personas Desaparecidas en El Salvador (BPPD).

Troublingly, the *buscadoras* are not only victims as family members of the disappeared; in El Salvador today they themselves are often criminalized, and even detained, as they search for their loved ones. Such was the case of <u>Verónica Delgado</u>, whose teenage daughter Paola was disappeared in May 2022. After protesting Paola's disappearance, Verónica was arrested and <u>held in detention for nearly a month</u> under the pretext of the <u>State of Exception public security policy</u>. Hers is but one of many cases where the government has sought to silence women seeking answers about their disappeared daughters.

DISAPPEARANCES BY THE STATE

The current context of repressive public security policies in El Salvador has given rise to an increase in enforced disappearances, that is, disappearances committed by State agents. While the majority of those detained under the State of Exception, put in place by the Bukele government to suppress gang violence, are young men, civil society organizations in El Salvador have also documented hundreds of cases of women and girls detained arbitrarily. They are usually accused of being the girlfriends of gang members or having some other connection to gangs, and then arrested by police or military officers. As with men detained under the State of Exception, most of the detentions of women can be considered arbitrary; some of these arbitrary detentions turn into short-term disappearances, where the victims are held incommunicado, or at an undisclosed location, for a short period of time, ranging from a few hours to a few days. The UN Committee and Working Group on Enforced and Involuntary Disappearances has made it clear that short-term disappearances meet the criteria for enforced disappearances, for which there is no minimum duration requirement.

<u>Some "secret detentions" have also been documented</u> in the context of the State of Exception. In contrast to a short-term disappearance, in these cases the initial detention of the individual is

⁵ FESPAD, Desaparición de Personas en El Salvador. La desaparición de personas y el contexto de violencia actual en El Salvador: Una aproximación inicial. April 2021, p. 52. Available at https://www.fespad.org.sv/investigacion-desaparicion-de-personas-en-el-salvador/.

acknowledged, but the detained person is then transferred to a facility without any details of their whereabouts being known. Secret detentions constitute another type of enforced disappearance prohibited under international law. In one case reported to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), Dominga Morales, the sister of indigenous leader Silverio Morales (whose son Leví was arbitrarily detained in 2022 under the State of Exception and held in prison for 17 months), was arrested at her place of work in a public market, in May 2022. Her family was told that she was detained at the central police headquarters, and asked to bring her food and clothes, but they were not allowed to see her. On day 3 of her detention Dominga's family was told she had been transferred to a prison in San Salvador; for four months they brought her food and supplies there, but still never saw her. In November 2022 Dominga's family was told she had been transferred again, and that it was possible she was being held in a prison in a different state; to this day the family does not know her location.

The State of Exception has had other impacts on women in El Salvador. Many women describe the fear they feel due to the increased militarization under the State of Exception, particularly in poorer communities previously dominated by gangs. Civil society has repeatedly described how the fear of gangs that was felt in these barrios before has been replaced by a "fear of uniforms." In addition to the climate of fear generated by recent militarization, there have been significant, concrete consequences for women whose loved ones have been captured under the State of Exception. Losing a family member to incarceration, or to a disappearance of any duration, alters the existence of those who love them in unimaginable ways, redirecting the trajectories of their lives and having far-reaching psychological, social, and economic consequences. For women whose male family members have been detained under the State of Exception, the sudden burden of becoming the sole breadwinner for their household can also be unbearable. §

As we have seen, disappearances in El Salvador do not follow a singular pattern: there are different modalities of disappearance and different kinds of perpetrators. However, there are common threads that connect the vanishing women and girls: many victims are poor and come from marginalized communities, often areas that were, until recently, dominated by gangs, and today are subject to ever-increasing militarization.

The Bukele government has implemented other policies that threaten the safety of Salvadoran women. President Bukele **recently prohibited the use of a gender perspective and gender-inclusive language in public institutions, especially in the areas of <u>healthcare</u> and <u>education</u>. These policies reflect, and legitimize, the patriarchy and misogyny that are deeply embedded in Salvadoran society, and that contribute to gender-based violence, including disappearances.**

⁶ Julia Zulver and María José Méndez, "El Salvador's State of Exception" Makes Women Collateral Damage," Carnegie Endowment. May 4, 2023. Available at: https://carnegieendowment.org/posts/2023/05/el-salvadors-state-of-exception-makes-women-collateral-damage?lang=en.

GIVEN ALL OF THIS, HOW CAN EL SALVADOR BEGIN TO ADDRESS THE EPIDEMIC OF DISAPPEARED WOMEN AND GIRLS?

It is difficult to imagine how the State can begin to adequately address gender violence, including the disappearance of women and girls, when the use of a gender perspective has been prohibited by the government in virtually all public institutions.

Nevertheless, as a first step, the government, including the president and senior officials, need to acknowledge the seriousness, complexity, and scale of the problem of women and girls being disappeared in El Salvador. The State should develop a victims' registry and consider the creation of a commission with a mandate to investigate and search for disappeared women and girls. Not only should there be a search mechanism for disappeared women, the State should also create a national search plan that includes: the development of a national map of clandestine gravesites; a team with sufficient expertise and capacity to exhume and identify human remains (this could be through the national institution Instituto de Medicina Legal, with support from international forensic teams); and a system for informing families of their loved ones' fates and returning their remains to them in a way that ensures dignity and support. For now, investigations of disappearances by police and prosecutors' offices must also apply a gender perspective, considering the unique vulnerabilities that women and girls face.

The international community should increase pressure on the State to comply with international norms regarding disappearances and meet their obligations to victims; although that pressure may not yield immediate results, it is meaningful as a demonstration of solidarity with victims and their families and support for the civil society organizations that accompany them, and can help to provoke an eventual response from the State.

Addressing the crisis of disappearing women and girls in El Salvador is undoubtedly an immense and challenging task. But is the very least that the women and girls of El Salvador are owed.

- 5 -

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