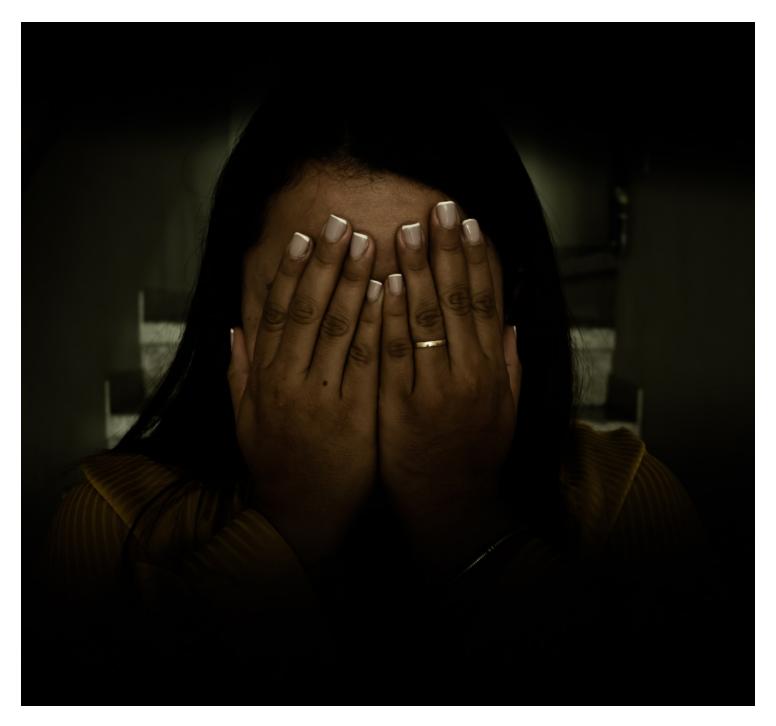# Unfit for Purpose:

The challenge of defining access constraints in an unconventional protection crisis

The case of organised criminal violence in Honduras

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Unfit for Purpose:
The challenge of defining access constraints in an unconventional protection crisis
The case of organised criminal violence in Honduras

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Jessica is a single mother. Her boyfriend and his family escaped threats and violence by moving to another country, but she decided to remain in Honduras with her baby. Photo: Ingrid Prestetun/NRC

Table of contents

Introduction and objective

Honduras is facing a protection crisis and escalating humanitarian needs as the result of widespread violence and human rights violations. The challenges that Hondurans face in making a living and in some cases simply surviving are driven by "urban violence" or "social violence" -euphemisms used to refer to abuses perpetrated by organised criminal gangs to avoid attracting attention and risk-. The phenomenon has also forced many people to flee their homes. According to the National Human Rights Commission of Honduras (Comisionado Nacional de los Derechos Humanos en Honduras, CONADEH):

> "Widespread violence in Honduras has an impact on the general population, mainly in urban areas and, to a lesser extent, in rural areas of the country. Criminal organisations exercise control over territory, especially in marginalised neighbourhoods. They carry out criminal activities such as: extortion, forced recruitment, dispossession of property, threats, drug trafficking and homicides, causing the displacement of a person or entire households …
>
> In the period 2016-2022, CONADEH attended to 6,498 cases of people at risk or victims of forced displacement. These cases involved 15,680 people, of which 8,886 people (57%) reported being at risk of displacement and the rest 6,794 (43%) reported having been forcibly displaced.
>
> According to UNHCR's Global Trends 2021 (the latest report available), in the US, 19,600 or 10 % of asylum applicants come from Honduras …
>
> Around 170,000 Hondurans are currently seeking asylum in at least 27 countries around the world, 114,000 of them in the US, 46,000 in Mexico and 7,000 in Spain.
>
> In 2022, Honduras was the country with the highest number of asylum applications in Mexico, with 31,086 people seeking protection in that country, surpassing Cuba, Haiti, Venezuela, Nicaragua and El Salvador among others."[1]

The homicide rate in Honduras stood at 35,39 per 100,000 inhabitants as of December 2022 (compared to 6.3 per 100.000 inhabitants in the US in the same year, and a tolerable average of 8.8 100,000 inhabitants according to the UN)[2] , a four per cent increase on the figure for December 2021. The crisis has been characterised as "other situations of violence" (OSV), a term that is not clearly defined international law and which often leads to confusion, misunderstanding and an underestimation of its impacts. According to the International Review of the Red Cross, however:
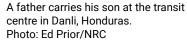
"Organised crime is … detrimental to peace and security. In some cases, armed criminal groups fighting with state actors or with one another generate exceedingly high levels of violence and casualty rates far exceeding those occurring in some war zones. The human costs of violent criminality are catastrophic, including hundreds of thousands of lives lost and disappeared, tens of millions of ruined livelihoods, far-reaching restrictions on access to health and educational services and the corrosion of state and societal institutions."[3]

As NRC's secretary general, Jan Egeland, put it after a visit to Honduras in April 2023:

"Violence permeates the very fabric of life and forces tens of thousands to flee their homes. People need support and protection so they can access their rights and live in safety and with dignity … The kinds of stories people have been telling me here in Honduras are similar to those from people in war-zones like Syria, Yemen or Ukraine."

This report does not aim to define the concept of OSV but rather to present the challenges that people living with organised criminal violence in Honduras face, including in accessing protection and assistance, and how they navigate and cope with them. It is also intended to prompt reflection in the humanitarian community about how it analyses unconventional crises.

A father carries his son at the transit centre in Danli, Honduras.
Photo: Ed Prior/NRC

Methodology

The research for this report was carried out in two phases. The first was a protection needs assessment conducted in June 2019. A number of interviews and meetings with key stakeholders were held in Tegucigalpa, La Lima and San Pedro Sula, and validated with NRC's Honduras and El Salvador teams the following month. Further qualitative information was gathered via a literature review, an ongoing process of press monitoring and field visits.

Meetings/non-structured interviews

Public entities:

- Inter-institutional Committee for the Protection of Forcibly Displaced People (Comité Interinstitucional para la Protección a las personas Desplazadas Forzadamente, CIPPD), Tegucigalpa

- Ministry of Education, Tegucigalpa

- Returned Migrant Attention Centre (Centro de Atención del Migrante Retornado, CAMR), Tegucigalpa

International NGOs:

- NRC's access and security officer, Tegucigalpa

- UN Refugee Agency (UNHCR) Honduras, Tegucigalpa

- Doctors Without Borders (Médecins Sans Frontières, MSF), Tegucigalpa

Civil society:

- Civil Society Network for IDPs, Tegucigalpa

- Tegucigalpa Local Emergency Committee (Comité de Emergencia Local, CODEL), Colonia Nueva

- La Lima CODEL and community leaders

- Colonia Villa Nueva community leaders, Tegucigalpa

Focus groups

- NRC Honduras's education team, Tegucigalpa

- NRC Honduras's information, counselling and legal assistance (ICLA) team, Tegucigalpa

- Civil Society Network for IDPs, Tegucigalpa

Field visits

- Colonia Villa Nueva: focus groups with community leaders and DIPECHO project beneficiaries, Tegucigalpa[4]
- Nueva Capital: focus groups with community leaders and DIPECHO project beneficiaries, Tegucigalpa
- CAMR, San Pedro Sula
- DIPECHO project beneficiaries, La Lima
- Education project beneficiaries and tutors in El Bordo del Río Blanco community, San Pedro Sula

The second phase consisted of updating the protection data and analysis and adding NRC's humanitarian access conceptual framework developed in 2022/23 as an additional layer of analysis. NRC defines humanitarian access as:

> "Our ability to reach people in need as well as the ability of the affected population to reach our services. This includes, 1) the extent to which the affected population can access humanitarian services in a safe manner, and 2) the extent to which the humanitarian community can reach the affected population, assess, plan, implement, deliver, and monitor the delivery of services, in a safe, efficient, and principled manner".

Each of the two dimensions has a set of seven indicators, which in turn are divided in three types. Two indicators refer to bureaucratic and administrative impediments (BAIs), two to conflict-related impediments, and three to logistical and climate impediments. The table below provides an overview:

A young boy with a large rucksack walks across the transit centre in Danli, Honduras. Photo: Ed Prior/NRC

Humanitarian access			
People affected/in need's humanitarian access	**Dimensions**	**NRC humanitarian access**	**Types of impediments**
Denial of the existence of humanitarian needs or entitlements to assistance	**Indicators**	Restriction of movement (staff, goods) into & within the area	Bureaucratic and administrative (BAI)
Restriction and obstruction of access to services and assistance		Interference in the implementation of humanitarian activities	
Violence threats or violence against people affected or in need		Violence threats or violence against humanitarian personnel, facilities, and assets	Conflict
Presence of landmines, improvised explosive devices (IEDs), explosive remnants of war (ERW), and unexploded ordnance (UXOs)		Presence of landmines, improvised explosive devices (IEDs), explosive remnants of war (ERW), and unexploded ordnance (UXOs)	
Terrain and climate barriers and obstacles		Terrain and climate barriers and obstacles	Logistic and climate
Infrastructure barriers and obstacles		Infrastructure barriers and obstacles	
Communication and connectivity barriers and obstacles		Communication and connectivity barriers and obstacles	

Given the preliminary findings and the purpose of this report, emphasis is given to the first dimension of NRC's access definition, the extent to which the affected population can access humanitarian services safely; those indicators that clearly apply to the protection and humanitarian needs identified during phase one of the research; and those that apply to OSV. They are:
- Denial of the existence of humanitarian needs or entitlements to assistance
- Restriction and obstruction of access to services and assistance
- Violence threats or violence against people affected or in need

General findings

Criminal violence perpetrated by armed gangs is generalised, affecting the whole of society, and is present in almost every aspect of daily life to the point of having become the norm. Criminal gangs control legal and illegal business, impose land distribution and force schools to close when law enforcement operations are anticipated.

The gangs use children to warn them when people who are not from their neighbourhood or colonia, whether it be the security forces or members of other gangs, are approaching. These children are called banderas, flags, or orejas, ears. moreover, Almost every inhabitant of a colonia has a role to play in their structures, even if that role is simply to remain silent. Ver, oír y callar - watch, listen and say nothing - is the rule the gangs impose to enforce control over communities and assure widespread impunity for their crimes.

Adversity has become the norm across Honduran society, and many people have become uprooted in their own country, including loss of identity and sense of belonging. This identity is being replaced by the rules and impositions of criminal gangs, to a point to which gangs are often the only hope for some source of protection.

Fleeing from this intensifying social control, many Hondurans are faced with a range of new risks during and after their displacement such as extortion, kidnapping, sexual violence, human trafficking, exploitation and abuse.

This situation is aggravated by a lack of economic opportunities and the state's weak capacity or will to address the situation with preventive policies that tackle the problem comprehensively. There is no official or evidence-based position on the causes, consequences and scope of violence and human rights violations in the country.

As a result, Hondurans are experiencing a general sense of hopelessness, low self-esteem and serious psychological effects at the individual and collective level, and mistrust within and between communities and towards the state.

Risk profiles and people's access: a mismatch

It is often hard to align risk profiles in other situations of violence, and the analytical framework for humanitarian access in a context like Honduras.

According to the protection snapshot # 15 issued by REDLAC in 2021, of particular concern is the evolution of homicide figures from the first to the second quarter of 2021, where the number of cases has increased by 15%, ranging from 860 to 997 homicides. In addition, the number of homicides for the second quarter of 2021 adds up to a total of 994 cases, showing an increase of 226 more cases compared to the same period in 2020 (768 cases)[5].

Despite the lack of disaggregated data, some categories and subcategories in terms of risk profiles can be established based on interviews and focus groups conducted in the field, and on NRC staff's experience:

1. Vulnerable inhabitants of colonias, which are also host communities:

   - Children, especially those approaching and going through puberty, and those who live in areas dominated by one gang but who have to attend school in areas dominated by another

   - Young women and girls

   - Young men

   - Gang members' families

   - Security forces' families

   - Community leaders

   - LGBTQI+ people

   - Witnesses of crimes

   - Transport sector, owners and drivers

   - Small business owners

2. Internally displaced people (IDPs)

3. Migrants with protection needs leaving Honduras

4. Deportees with protection needs

Indeed, "Gang violence and human rights violations caused the internal displacement of some 191,000 people between 2004 and 2018, the latest comprehensive government data shows. Those most affected are children fleeing forced gang recruitment, professionals and business owners facing extortion, domestic violence survivors, and LGBT people and members of ethnic minorities enduring discrimination and violence, the Inter-American Commission on Human Rights (IACHR) reports"[6].

It is in this situation that conventional definitions of humanitarian access lack traction.

Bureaucratic and Administrative Impediments (BAI): Mismatch #1

When considering BAIs such as "the denial of the existence of humanitarian needs or entitlements to assistance", it is clear that these are mostly related to a lack of will and/or capacity on the part of whoever controls the territory in question, rather than "lack of access to humanitarian services because of statements, declarations or measures demonstrating a discrimination or the denial of humanitarian needs, rights or entitlements for a population group". As table 1 below shows, such a constraint would categorised as # 5, or the most severe, in the case of OSV in Honduras.

1	2	3	4	5
The humanitarian needs of populations are actively considered. No discrimination against any specific population group.	Humanitarian needs and rights are generally considered with few minor exceptions. Discrimination - if any - is not systemic and has a limited impact on access to aid.	Humanitarian needs and rights are regularly discarded AND/OR discrimination mechanisms are in place and have a substantial impact on access to aid.	Humanitarian needs and rights are actively and frequently discarded AND/OR discrimination mechanisms largely prevent a population group to request aid.	Continued, deliberate and targeted efforts to limit/neglect population's entitlements totally prevent people to accessing humanitarian assistance.

Table # 1: Definition and ranking for the access constraint "denial of existence of humanitarian needs or entitlements to assistance".

Criminal gangs restrict access to services and rights as strategy of control over territory, its inhabitants and their activities. Can these de facto impediments be considered BAIs, however, if they are imposed by actors who are not defined under international humanitarian law (IHL) as a non-state armed group, and who have no formal control over territory or clearly identifiable structure or line of command?

Also formally in the BAIs category, and probably the most challenging but least understood impediment is "restriction and obstruction of access to services and assistance". In the case of OSV, we are mostly talking about "invisible borders". These can be understood as "violent and coercive territorial delimitation at the hands of different armed actors of all ideological origins".[7]

Or as they have been described:

> "Imaginary divisions of territory marked out by armed actors as a result of which the civilian population is associated with the dynamics of the conflict, because they [the invisible borders] are seen as another element of the confrontation ... not only understood as dividing lines between prohibited spaces, but also in terms of practices that the inhabitants of the territory must modify." [8]

In this case, when considering "information related to affected people or people in need being prevented to move freely or access humanitarian actors/aid", we can certainly say that "populations are completely prevented to travel to areas where

humanitarian services are available or at least some populations in the area where humanitarian services are available are also excluded" (see table 2).
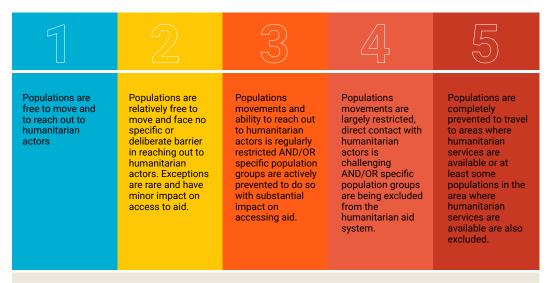
1	2	3	4	5
Populations are free to move and to reach out to humanitarian actors	Populations are relatively free to move and face no specific or deliberate barrier in reaching out to humanitarian actors. Exceptions are rare and have minor impact on access to aid.	Populations movements and ability to reach out to humanitarian actors is regularly restricted AND/OR specific population groups are actively prevented to do so with substantial impact on accessing aid.	Populations movements are largely restricted, direct contact with humanitarian actors is challenging AND/OR specific population groups are being excluded from the humanitarian aid system.	Populations are completely prevented to travel to areas where humanitarian services are available or at least some populations in the area where humanitarian services are available are also excluded.

Table # 2: Definition and ranking for the access constraint "restriction and obstruction of access to services and assistance".

Populations are free to move and to reach out to humanitarian actors   Populations are relatively free to move and face no specific or deliberate barrier in reaching out to humanitarian actors. Exceptions are rare and have minor impact on access to aid. Populations movements and ability to reach out to humanitarian actors is regularly restricted AND/OR specific population groups are actively prevented to do so with substantial impact on accessing aid. Populations movements are largely restricted, direct contact with humanitarian actors is challenging AND/OR specific population groups are being excluded from the humanitarian aid system.
Populations are completely prevented to travel to areas where humanitarian services are available or at least some populations in the area where humanitarian services are available are also excluded.

Invisible borders represent one of the most severe access constraints in Honduras. They are informal, violent and everchanging. They are not, however, either bureaucratic or administrative. They are de facto restrictions that communities must map themselves to stay safe. To give just one example, a school right on the edge of two gangs' territories had to have two entrances and exits, one for each side. That way, students could go in and out without crossing an invisible border.

This begs the question of whether the humanitarian community has enough categories of access constraint to be relevant to crises such as those in Honduras.

Protection risks in OSV and conflict: Mismatch #2

OSV are not conflicts, but they can still lead to major humanitarian crises that may even affect wholes societies.

When asking for "information related to violence or security threats" that can "be either general/indiscriminate or target a specific group of people in need", 31 protection risks were identified through the fieldwork research for this report.

To make up for the lack quantitative evidence, a "top ten" prioritisation exercise of safety and protection needs was compiled for each category outlined of the risk profile section above. The ranking is based on qualitative data such as the number of times each protection risk was mentioned by interviewees and focus groups participants, the importance they attached to each risk and NRC's previous analysis.

Category	Protection risks
Inhabitants of vulnerable colonias that are also host communities	1. **Homicide** 2. **Forced recruitment** 3. **School dropout** 4. **Extortion** 5. **Invisible borders** 6. **Confinement** 7. **Violence against children** 8. **Sexual exploitation and abuse** 9. **Teen pregnancy** 10. **Femicide** 11. Gender-based violence 12. Unaccompanied children 13. Uprooting 14. Forced relationships/marriage 15. Forced displacement 16. Use of children for illegal purposes 17. Kidnapping 18. Torture and inhuman treatment 19. Attacking, killing and disappearance of civilians 20. Family separation 21. Limited access to markets 22. Hate crimes against LGBTQI+ community 23. Thirst, hunger and/or illness as a result of absence of services or livelihoods 24. Forced disappearance 25. Slavery of women 26. Forced prostitution 27. Discrimination/restriction in access to assistance, health, education, water and economic opportunities 28. Dispossession 29. Arbitrary restriction of movement 30. Human trafficking 31. Threats

IDPs	1. **Homicide**
	2. **School dropout**
	3. **Family separation**
	4. **Forced displacement**
	5. **Forced recruitment**
	6. **Discrimination/restriction in access to assistance, health, education, water and economic opportunities**
	7. **Forced prostitution**
	8. **Sexual exploitation and abuse**
	9. **Forced disappearance**
	10. **Dispossession**
	11. Uprooting
	12. Limited access to markets
	13. Violence against children
	14. Gender-based violence
	15. Invisible borders
	16. Unaccompanied children
	17. Extortion
	18. Hate crimes against LGBTQI+ community
	19. Thirst, hunger and/or illness as a result of absence of services or livelihoods
	20. Kidnapping
	21. Use children for illegal purposes
	22. Slavery of women
	23. Attacking, killing and disappearance of civilians
	24. Teenage pregnancy
	25. Arbitrary restriction of movement
	26. Torture and inhuman treatment
	27. Human trafficking
	28. Forced relationships/marriage
	29. Confinement
	30. Threats
	31. Femicide
Migrants leaving Honduras	1. **Homicide**
	2. **Forced disappearance**
	3. **Extortion**
	4. **Family separation**
	5. **Limited access to markets**
	6. **Gender-based violence**
	7. **Forced recruitment**
	8. **Forced prostitution**
	9. **School dropout**
	10. **Human trafficking**
	11. Sexual exploitation and abuse
	12. Loss of birth documentation
	13. Unaccompanied children
	14. Slavery of women
	15. Arbitrary deportation
	16. Hate crimes against LGBTQI+ community
	17. Thirst, hunger and/or illness as a result of absence of services or livelihoods
	18. Kidnapping
	19. Violence against children
	20. Forced displacement
	21. Attacking, killing and disappearance of civilians
	22. Teenage pregnancy
	23. Uprooting
	24. Discrimination/restriction in access to assistance, health, education, water and economic opportunities
	25. Torture and inhuman treatment
	26. Forced relationships/marriage
	27. Threats
	28. Femicide

Deportees	1. **Homicide**
	2. **School dropout**
	3. **Family separation**
	4. **Forced displacement**
	5. **Forced recruitment**
	6. **Discrimination/restriction in access to assistance, health, education, water and economic opportunities**
	7. **Forced prostitution**
	8. **Sexual exploitation and abuse**
	9. **Forced disappearance**
	10. **Dispossession**
	11. Uprooting
	12. Limited access to markets
	13. Violence against children
	14. Gender-based violence
	15. Invisible borders
	16. Unaccompanied children
	17. Extortion
	18. Hate crimes against LGBTQI+ community
	19. Thirst, hunger and/or illness as a result of absence of services or livelihoods
	20. Kidnapping
	21. Use children for illegal purposes
	22. Slavery of women
	23. Attacking, killing and disappearance of civilians
	24. Teenage pregnancy
	25. Arbitrary restriction of movement
	26. Torture and inhuman treatment
	27. Human trafficking
	28. Forced relationships/marriage
	29. Confinement
	30. Threats
	31. Femicide

Table 3 above makes it evident that the 31 risks indiscriminately affect the majority of Hondurans living in urban areas, regardless their of age, gender and economic status. People living in OSV face frequent or very frequent violence/criminality events in general. However, it's worth mentioning some more-at-risk profiles:

- Women and girls are more affected by sexual exploitation and abuse, slavery, teenage pregnancy, forced prostitution, gender-based violence, torture and inhuman treatment, human trafficking, forced relationships/marriage and femicide.

- Children are usually more affected by family separation, loss of documentation, sexual exploitation and abuse, forced disappearance, kidnappings, violence, use for illegal purposes, teenage pregnancy, forced prostitution, homicide, gender-based violence, forced recruitment, human trafficking, forced relationships/marriage, confinement, school dropout and femicide.

- The LGBTQI+ community is more affected by hate crimes, slavery, forced prostitution, homicide, gender-based violence, torture and inhuman treatment, discrimination/restriction in access to assistance, health, education, water and economic opportunities, school dropout and femicide.
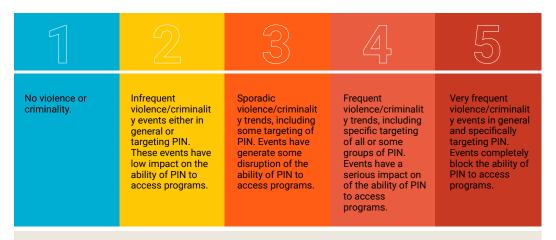
1	2	3	4	5
No violence or criminality.	Infrequent violence/criminality events either in general or targeting PIN. These events have low impact on the ability of PIN to access programs.	Sporadic violence/criminality trends, including some targeting of PIN. Events have generate some disruption of the ability of PIN to access programs.	Frequent violence/criminality trends, including specific targeting of all or some groups of PIN. Events have a serious impact on of the ability of PIN to access programs.	Very frequent violence/criminality events in general and specifically targeting PIN. Events completely block the ability of PIN to access programs.

Table # 3: Definition and ranking for the access constraint "general violence or security threats and violence against people affected or in need".

Criminal violence also affects young men between the ages of 10 and 33, who face a very high risk of suffering many of the violations identified above, plus arbitrary detention and aggression from the police based on the suspicion that they belong to a gang.

A way forward: Towards strengthening coping mechanisms

People affected by the protection crisis in Honduras are in a constant struggle to develop coping mechanisms at the individual and family level. They build and share capacities to analyse the risks they face and have a keen sense of self-protection. When their strategies to sustain their lives and livelihoods fail and they are unable to avoid violence, self-confinement, internal displacement or cross-border migration become the most common choice.

At the community level, despite the above-mentioned mistrust there is space for community-based protection interventions to strengthen existing coping mechanisms. This would be the ideal way of addressing the causes of suffering through empowerment, identity building and the protection of people's safety, dignity and rights.

Community leaders, the Catholic church, civil society organisations, community committees and collective/community self-protection initiatives are important assets that can be supported through community-based protection and protection-focussed advocacy.

It is also important to promote the sharing of good practices and experiences between organisations and collectives to create or enhance peer-to-peer support and, though that exchange, learn about and implement community protection experiences.

- There are significant number of organisations already implementing community, advocacy and protection activities. They include the Human Rights association of Honduras (Asociación de Derechos Humanos Cozumel Trans COSUMEL/SUMELTRANS), the Centre for the Investigation and Promotion of Human Rights (Centro de Investigación y Promoción de los Derechos Humanos,

CIPRODEH), The Pastoral Group on Human Mobility (Pastoral de Movilidad Humana) and the Civil Society Network for IDPs.

- Communities' experiences in implementing disaster prevention measures and developing self-managed protection mechanisms, via the DIPECHO project for example, are good examples of how coordination between communities, institutions such as the Secretariat for the Management of National Risks and Eventualities (Secretaría de Gestión de Riesgos y Contingencias Nacionales, COPECO), the Municipal Emergency Committee (Comité De Emergencia Municipal, CODEM) in Tegucigalpa, local emergency committees (comités de emergencia local, CODEL) and even the private sector can provide peer support and help to develop safer environments.

- There are also community and institutional initiatives that are or could become protective spaces, such as the inter-sector working group led by the NGO Share Association (Asociación Compartir), neighbourhood achievement centres (centros de alcance, CDA), municipal and communitarian centres, health centres, integrated development centres (centros de desarrollo integral, CDI) and in some neighbourhoods kindergartens and schools.

Among the national institutions being supported via technical cooperation are the Inter-institutional Commission for Protection of People Internally Displaced by Violence (Comisión Interinstitucional para la Protección de las Personas Desplazadas Internamente por la Violencia, CIPPDV), the Ministry of Education and CAMR.

a mother and child at the transit centre in Danli, Honduras.
Photo: Ed Prior/NRC

Final reflection

This report does not aim to define the concept of OSV but rather to present the challenges that people living with organised criminal violence in Honduras face, including in accessing protection and assistance, and how they navigate and cope with them; and also how the humanitarian community is dealing with these challenges.

This characterisation poses two concrete analytical challenges when analysing humanitarian access and protection crises:

- Two of the access constraints discussed would normally be categorised as BAIs. Given, however, that in Honduras they are imposed by criminal gangs, which are not defined under IHL as non-state armed groups and have no formal control over territory or clearly identifiable structure or line of command, can they really be described as such?

- The third constraint discussed falls into the "conflict" category, but how can this apply if the situation in Honduras is not classified as a conflict?

- This begs the question of whether the humanitarian community has enough categories of access constraint to be relevant to crises such as those in Honduras? Hopefully this report will encourage further discussion of the issues raised.

A mother and young child waiting at the transit centre in Danli, Honduras. Photo: Ed Prior/NRC

Endnotes

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