

# THE ADVOCATE

*ACTION AT HOME FOR JUST POLICIES ABROAD*

## With You, We're Pushing Back: Facing Anti-Immigrant and Anti-Refugee Attacks

*Daniella Burgi-Palomino & Lily Folkerts*

Criminalizing unaccompanied children and their parents. Ramping up funding for border militarization, family detention, and deportation forces. Turning away asylum seekers fleeing violence. Threatening to strip protections to work and live in the United States from Dreamers and those who received Temporary Protected Status (TPS) after natural disasters. Ending the only program that allowed Central American families and children to apply for protections without having to leave their home countries. Cutting refugee admissions globally, including from Latin America.

And the list goes on. The Trump Administration continues its anti-immigrant and anti-refugee attacks on our communities here and our Latin American neighbors abroad.

Since the inauguration, with your help, the Latin America Working Group has fiercely opposed these measures, highlighting their negative impacts on migrants and refugees from Mexico and the Northern Triangle region of Central America and advocating for rights-based foreign policies that address the root causes of migration.

But it hasn't been easy. Despite our best efforts, funding for ramped-up border security recently passed the House Subcommittee, even though a government internal affairs office concluded that increasing the numbers of CBP and ICE agents is unnecessary, and border communities are some of the safest in the country.

**Putting Dreamers in Limbo.** To make matters worse, proposals have been floated in Congress to trade increased border security and enforcement for the passage of The Dream Act 2017, legislation that would protect the estimated 800,000 Dreamers. We need to remind our lawmakers that Dreamers are not bargaining chips but rather young Americans who have only ever known the United States as their home. And they're no different from the millions



Rally in favor of TPS outside the White House. Photo by Megan Pynes.

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## ABOUT LAWG

The Latin America Working Group (LAWG) and its sister organization, the LAWG Education Fund, serve a coalition of over 60 national religious, humanitarian, grassroots, and policy organizations. LAWG coordinates advocacy and public policy education to shape U.S. foreign policies toward Latin America that promote human rights, justice, peace, and sustainable development. By offering strategic advice and training for activists nationwide, the LAWG helps U.S. citizens play an active role in shaping foreign policy. The LAWG Education Fund, a 501 (c) 3 organization, carries out educational activities.

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of other immigrants living here, all of whom would be at greater risk for deportation and apprehension should this tradeoff be made.

Already Dreamers, the majority coming from Mexico, El Salvador, Guatemala, Honduras, and Peru, wait in limbo. Almost 8,000 Dreamers have already lost protection since the September announcement of the phasing out of DACA. Should the Dream Act not pass, some will keep protections through 2020, and more will face the risk of deportation beginning through March 2018. We can't let this happen.

**Ending Temporary Protected Status.** Just this month, the administration announced the termination of TPS for Nicaraguans and failed to make a decision on Honduras, leaving Hondurans in a cruel uncertainty for another 6 months. Now, 2,500 Nicaraguans will lose protection to live and work here, and over 300,000 Haitians, Hondurans, and Salvadorans may face the same fate. Like Dreamers, terminating their status would leave them immediately at risk of deportation. But unlike Dreamers, there is no widely supported legislation that would provide a path to citizenship or permanent residency—yet over half have lived in the United States for over twenty years, over half speak English, and many have U.S. citizen children and own homes and businesses.

With your calls and encouragement, some of our lawmakers signed letters calling for an extension of TPS for Salvadorans and Hondurans. Now, Congress needs to pass legislation to protect them.

**Restricting Access for Refugees.** This fall, the Trump Administration terminated the Central American Minors (CAM) program, the only program that allowed Central American families and children to apply for protections without having to leave their home countries. Now, children in dangerous situations can no longer temporarily reunite with their family members already in the United States, ending any hope of receiving international protection without having to leave their homes and driving them into the arms of smugglers.

Refugee admissions are also being restricted from around the world to the lowest numbers seen in our recent history. The proposal for next year limits the number of refugees accepted from Latin America to just 1,500 individuals.

**False Narratives.** Attorney General Jeff Sessions has repeatedly called unaccompanied children from Central America “wolves in sheep’s clothing” who are taking advantage of the asylum system. We know better. The vast majority of children and families coming to the United States from Central America and Mexico aren’t criminals, they’re fleeing from them. They didn’t come here because of DACA—a program only applicable to youths who have continuously resided in the United States since 2007. Many came here because of violence in their homelands. And many who make the difficult trek to our border, presenting claims of persecution and of fear to return home, are turned away by abusive Border Patrol agents or rejected because of biased immigration judges.

**So, what does this mean?** And as all these heartless decisions are made, consideration of the impact that ending these programs could have on the security and economies of the region has received little thought. Deporting over a million individuals would not only break up mixed status families in the United States, but would also have a destabilizing impact on the region—undermining an already dire public security situation, cutting off remittances to weak economies, and potentially setting off another wave of displacement and migration to the United States.

**And, what can we do?** Yes, the list is long. And we haven't even seen the impacts of these policies down the line. We know this isn't a short-term fight, and we're in it for the long haul. In the meantime, here's a few ways you can take action and join us in pushing back:

## TAKE ACTION

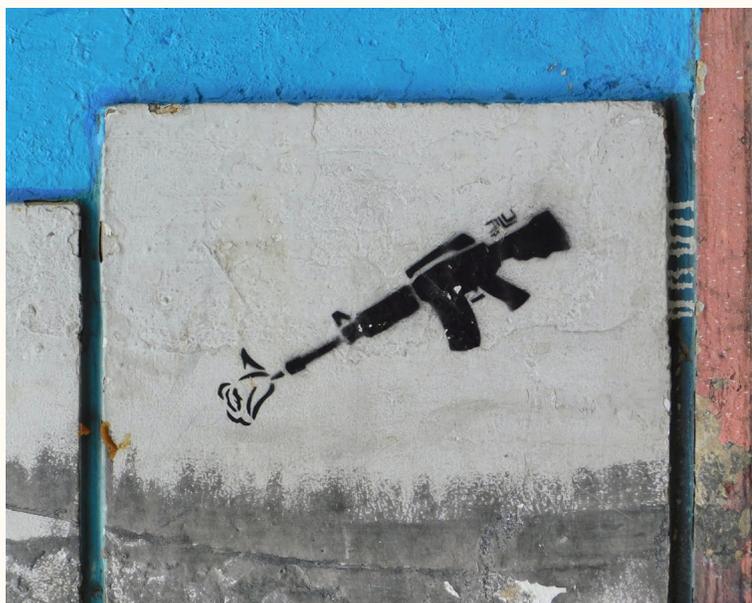
**Call your member of Congress.** Better yet, gather a group and **meet with your member** in the district office or attend a town hall. Urge them to:

- **Support** a bipartisan, **clean Dream Act** (S.1615 and H.R.3440) without ramped up border security.
- **Support** the bipartisan **ESPERER Act** (H.R.4184), which provides status protection for TPS holders.
- **Call the White House** and voice support for the **extension of TPS**.
- **Oppose** bills such as the **Building America's Trust Act** (S.1757), the **Border Security for America Act of 2017** (H.R.3548), and the **Make America Secure Appropriations Act** (H.R.3219), which call for funding for increased border security, the wall, more Border Patrol and ICE deportation forces.



LAWG interns Ellie and Caroline at a rally for immigrant and refugee rights outside of the White House. Photo by Lily Folkerts.

## COLOMBIA PEACE PROCESS UPDATES



Graffiti in Bogotá, Colombia. Photo by Andrea Fernández Aponte.

It has been a year since the Colombian Congress approved the peace accord between the government and the FARC. Since then, LAWG has been closely following the implementation process, documenting both progress and obstacles for policymakers and activists.

We have been publishing short policy briefs every couple of months since the beginning of this year. Below are our most recent updates:

- >> *Successful Disarmament, But Other Implementation Proceeds Slowly*, September 2017
- >> *FARC Guerrillas Turn in their Weapons: An End to Fifty Years of War*, June 2017
- >> *Peace Accord Implementation Advances in Colombia: Progress, But Challenges Abound*, April 2017
- >> *Peace Accord Implementation Begins in Colombia: FARC Guerrillas Enter Concentration Zones*, February 2017

Go to [lawg.org/ColombiaPeaceUpdates](http://lawg.org/ColombiaPeaceUpdates) to read the briefs.

Here at LAWG we have been working hard to increase understanding among policymakers about the relentless attacks against human rights defenders and human rights violations in Honduras. Recently, we supported a congressional briefing for the group of independent experts (GAIPE) investigating the assassination of Honduran indigenous leader Berta Cáceres. We have also written an article titled “Honduras: Space for Activists and Journalists Closing, Wide Open for Corruption,” a shortened version of which is included below. The piece is the first part of our series, **Between a Wall and a Dangerous Place**, which focuses on the intersection of human rights, migration, corruption, and public security in Honduras and El Salvador. You can find the full series at [lawg.org/BetweenDangers](http://lawg.org/BetweenDangers).

## Under Attack but Undeterred: Human Rights Defenders in Honduras

Lisa Haugaard

“The space for us is closing.” During a July 2017 Latin America Working Group trip to Honduras, we heard this warning repeatedly. What does this mean in practice?

- Murders of and attacks and threats against human rights defenders and journalists are rampant and go largely unpunished. Some defenders and journalists have gone into exile.
- Penalties—jail time—for social protest and for reporting on social protests are being increased.
- Penalties for government corruption—one major focus of social protests—are being decreased.
- Crackdowns on social protest—such as at the national university—are a constant.
- Honduras has failed to clean up the election process prior to the November 26, 2017 elections.

### Death Threats and Murders of Defenders and Journalists

Honduras remains one of the most dangerous countries in the world for human rights defenders and journalists. The risks for human rights defenders and journalists increased dramatically since the 2009 coup. For the last decade, according to Global Witness, Honduras has been the most dangerous country in the world per capita for land and environmental defenders, with 123 of these defenders killed since 2009 and 14 killed in 2016. At least 17 beneficiaries of “precautionary measures” (emergency protection demanded by the Inter-American Commission on Human Rights and intended to be implemented by the Honduran state) were killed in Honduras between 2001 and mid-2016, starkly illustrating the Honduran government’s failure to protect human rights defenders. Anti-corruption activists are among those under attack and forced into exile. Threats and attacks against human rights defenders are rarely brought to justice.

Union members face threats, attacks, and harassment. Unions are weakened by dismissals of unionized employees and union leaders, and teachers’ unions are especially targeted. The International Trade Union Confederation 2017 index gives Honduras its lowest rating: “no guarantee of rights.”

Three journalists were murdered this year as of September. Carlos William Flores, director of the TV program Sin Pelos en la Lengua (Channel 22) was shot multiple times by unknown individuals traveling in a vehicle in Omoa municipality. “The journalist was known to take a critical stances toward the extractive industry,” according to the Inter-American Commission on Human Rights. According to the National Human Rights Ombudsman’s Office, 69 journalists were killed from 2001-January 2017, 23 of these murders since January 2014; only 9 percent of the murders have been successfully prosecuted. Conversations with Honduran journalists reveal the pressure and threats they receive from national and local political leaders and police, among other sources of risk.

With the spotlight of international attention focused on the assassination of renowned indigenous activist Berta Cáceres on March 2, 2016, there has been some progress in investigating and prosecuting the material authors of this crime, including current and retired military officers and dam company personnel. However, even in this most high-profile case, to date little progress is evident in bringing the intellectual authors to justice. Attacks, threats, and harassment continue against Berta Cáceres’ family members and COPINH leaders.

A mechanism to protect human rights defenders, journalists, and justice operators is beginning to be implemented in Honduras, which is a step forward. However, the mechanism covers only 104 people as of August 2017; beneficiaries complain that police patrolling is erratic and some beneficiaries receive little more than courses in self-protection. On July 10, 2017, LGBTI human rights defender David Valle was gravely wounded at his house; he had solicited protection measures and the only measures implemented were the installation of cameras and, reportedly, an urgent phone line, when this attack took place.

## More Jail for Protest, Less Jail for Government Corruption

The Honduran legislature on September 19, 2017, approved article 590 of the Penal Code, allowing judges to condemn some protestors to prison terms of up to 20 years. The article does this by defining “terrorist associations” as any group of two or more people who commit a crime with the intention of “gravely subverting the constitutional order, gravely affecting public peace or provoking a state of terror in the population or any part of it.” It states that “Leadership, promoters or financial supporters of [such an] association should be punished with prison terms of 15 to 20 years.” The vague definition of “terrorism” in the Honduran context could mean anti-corruption rallies in front of government buildings, indigenous protests that block roads, university sit-ins or other forms of social protest.

In April 2017, another disturbing revision to the Penal Code, article 335, was passed allowing judges to give 4- to 8-year prison terms to journalists or others whose statements are seen as “apologies for terrorism.” (The provision states that “anyone who publicly or through the media or other means of communicating to the public makes an apology, elevates or excuses the crime of terrorism or of those who have participated in carrying it out, inciting others to commit terrorism or financing it, will be punished with four to eight years in prison.”) In practice, this could mean that journalists who covered an unruly protest or reported on government security forces beating protestors, or human rights defenders who issued a statement in support of a rally or condemning repression of protests, could end up in jail.

“Never in our history,” said Edy Tabora of the Honduran press freedom association C-Libre, “has journalists’ work been so criminalized,” noting the passage of laws to silence freedom of association. “We are living in an era in which violence has become a daily occurrence... homicides, stigmatization, threats, harassment, use of decrees and laws to silence journalists.”

Meanwhile, penalties for crimes of corruption were reduced in the new Penal Code. These reduced penalties could benefit, among others, government officials implicated in sacking over \$300 million from the Honduran national health care system and channeling \$3 million into the Nationalist Party campaign funds, crimes that are still largely unpunished. The National Anti-Corruption Council termed the actions to reduce penalties for corruption “a chronicle of impunity foretold.” Juan Jiménez Mayor, head of the OAS’s anti-corruption agency in Honduras, MACCIH, called the move “a bad signal for the country.”

A New York investigation related to drug trafficking in Honduras is producing widening allegations of drug trafficking and corruption at the highest levels of the Honduran government. The allegations involve not only ex-President Pepe Lobo, his son Fabio Porfirio Lobo and other associates but also members of the current government. The two presidents deny involvement. But in September 2017, Fabio Lobo was sentenced to 24 years for drug trafficking. According to the U.S. Attorney’s Office for the Southern District of New York, “Before and while LOBO’s father was president of Honduras, LOBO used his and his father’s reputation and political network to broker corrupt connections between large-scale Honduran drug traffickers and individuals within the Honduran government, including high-level officials such as sitting Honduran congressmen as well as customs, military, and law enforcement personnel.”

## Crackdowns on Social Protest

Concern about being jailed for protest, or even observing protest, is not an abstract fear in Honduras. On September 8, 2017, four human rights defenders were observing the eviction of students protesting in the National Autonomous University of Honduras (UNAH). They were in a car owned by the Honduran government’s human rights ombudsman’s office along with ombudsman staff, also there to monitor the tense situation with the students. Police approached, stopped the car and ordered them out, which the human rights defenders refused to do. The ombudsman staff abandoned the car and retreated to a distance. The police then threw tear gas into the car, forcing the defenders out of the vehicle. Two of the defenders had to be treated at a hospital. These human rights defenders, carrying out their legitimate work monitoring the eviction of the students, then had charges lodged against them for “coverup” and for “attacks against the state of Honduras.”

Twenty-six students were detained the same day and human rights defenders denounced excessive use of force by the police. The student protests are part of a long-running standoff between UNAH’s administration and students calling for changes in university leadership and greater student



Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH) protesting a mining conference in Tegucigalpa, Honduras. Photo by Daniella Burgi-Palomino.

[CONTINUED ON PAGE 6]

participation in university affairs. Numerous students face legal charges, including for “sedition,” and expulsion from the university, while “complaints of threats against the students gather dust in the [file] drawers of the Public Prosecutor’s office.”

This is just one of the latest examples of excessive use of force against protestors and violations against and prosecutions of human rights defenders. Indigenous people protesting dams, communities rejecting mining concessions in their neighborhoods, and campesino activists defending their lands are some of the many groups of people who face criminalization of social protest and excessive use of force by police, armed forces, and private security. Criminal charges against activists mount while cases of threats and attacks against them stall.

## Elections without Guarantees

Hondurans go to the polls to elect a President and members of the legislature on November 26, 2017. The MACCIH, European Union and other international actors urged the Honduran legislature to pass a law on campaign financing and other election-related issues, which was passed on October 20, 2016. However, anti-corruption watchdogs note that after the vote, changes were made in the law, dropping a provision that prohibited companies receiving government contracts and concessions (such as mining concessions) from making campaign contributions.

Supporters of the opposition coalition question whether problems affecting the 2013 elections have been resolved, such as parties offering store discounts and other benefits to voters, voters’ assignments to distant voting locations or allegations that some transmissions from voting tables to the Supreme Electoral Council (SEC) were changed. They also denounced use of state resources for the President Hernández’s reelection campaign and lack of sufficient opposition representation in the SEC and at polling stations.

Above all, the election is clouded by the question of presidential reelection. In April 2015, the Supreme Court ruled invalid the constitutional provision prohibiting presidential reelection, allowing President Juan Orlando Hernández to run for reelection. Constitutional scholars noted that the Supreme Court does not have the power to change the Constitution, just to interpret it, and in effect this ruling changed a provision of the Constitution. Despite this controversy, the President’s reelection campaign went forward.

As no one in Honduras can forget, the excuse for the 2009 coup, with all of its damaging impact on human rights and democratic institutions, was to prevent President Manuel Zelaya from carrying out a referendum on whether presidential reelection should be permitted.



Berta Zúñiga Cáceres, daughter of slain environmental activist Berta Cáceres, speaking at a vigil honoring her mother. Photo by Daniel Cima/Flickr.

## Undeterred

Despite the threats and against the odds, Hondurans are organizing for their rights. In the one week during our July 2017 visit, for example, indigenous movements led a daily rally in front of a Tegucigalpa hotel where a conference for international mining companies was promoting the ease of investing in Honduras; students were protesting at the UNAH; think tanks and civil society groups were hosting workshops and conferences on democracy and human rights; anti-corruption activists were advocating with the Congress and planning their next moves; LGBTI organizations were documenting violence against LGBTI Hondurans; and human rights defenders were accompanying the student strikes so that possible excessive use of force by police or private security would not go unwitnessed. Communities in rural Honduras are organizing referendums on mining and other projects on their territories. But all of these determined Honduran citizens are defending their rights at great risk.

# Cuba: Trump's Rollback in Action

Megan Pynes & Mavis Anderson

Following 54 years of aggression, marked by a ceaseless embargo, a monumental decision was made on December 17, 2014 between the United States and Cuba to announce the establishment of diplomatic ties. Now, three years after this milestone was reached and the embassies were reopened, Americans and Cubans watch as this newfound relationship is tested and tried by the current administration.

Since Trump's June 16 National Security Presidential Memorandum (NSPM) on Strengthening the Policy of the United States Toward Cuba, which he announced would "cancel" the deals made by the Obama Administration, a great deal has changed for U.S.-Cuban relations. In addition to continuing to implement the embargo, promises made by NSPM include ending individual people-to-people travel and, in an attempt to keep money from the Cuban government, banning U.S. corporations and citizens from doing business with the Armed Forces Business Enterprises Group (GAESA). Although Trump announced the rollback would be "effective immediately," the arrangements did not go into effect until November 9 when regulatory amendments were finally issued by the U.S. Department of Treasury Office of Foreign Assets (OFAC), Department of Commerce, and Department of State.

Trump's new restrictions towards Cuba are a hard step backward from the progress made; nevertheless, some exceptions remain and highlight the ineffectiveness of these changes to take on a full rollback. Although they are now in effect, those who made prior payments for part or all of their travel or business plans will be permitted to pursue them, regardless of whether or not they comply with the new regulations. In practice, U.S. businesses already working with GAESA will not be affected by the strict new regulations and U.S. citizens who have paid for any part of their trip will be allowed to carry out their plans. There was an initial lack of clarity, however, on which date these payments had to have been made in order to be grandfathered in. At this time it seems that individual people-to-people travel reservations were cut off on June 16, but reservations with any entity from the prohibited list could have been made until November 9.

There are twelve categories under which Americans can travel to Cuba. Aside from eliminating individual people-to-people travel, these permissions go largely unchanged for the other categories that dictate family travel, official government business, journalistic activities, etc. Group people-to-people travel is still permitted and involves educational trips through U.S. organizations "that promote people-to-people contact" and require the presence of a representative from the sponsoring organization. The license authorized as Support for the Cuban People is being amended under the new regulations to require individuals to "engage in a full-time schedule of activities that enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities and that result in meaningful interactions with individuals in Cuba." All American travelers are expected to keep a log of their activities and full itinerary with little downtime.

U.S. travelers and businesses alike are now prohibited from engaging in direct financial transactions with 180 Cuban enterprises; this list includes numerous hotels, marinas, stores, and various other industries, and will be updated periodically. In terms of economic opportunity, this restriction also prohibits U.S. corporations from investing in a booming new development zone in Mariel, Cuba, where numerous international groups are quickly settling in. For travelers the restrictions are quite inconvenient and force them to be in constant check with the list. Already, questions have arisen over whether they must be aware of and avoid something as trivial as the type of rum that ends up in their cocktails from authorized vendors, as two rum companies are on the prohibited list.

These changes are by no means a full overturn of the progress that has been made over the last three years, but are an unfortunate detour from the path towards normalization. The new regulations further complicate U.S. dealings with Cuba and discourage citizens from traveling merely for the fact that they make the process less clear. The potential decline of U.S. travel to Cuba is detrimental for the Cuban people as their economic mobility relies on the presence of foreigners. While the president stated in June that the "easing of restrictions on travel and trade does not help the Cuban people," Cuba's private sector boomed when restrictions were lifted and Americans were encouraged to visit, promoting immense economic growth.

It is clear that the embargo and travel restrictions that have dictated the United States' policies towards Cuba for the last 57 years have been nothing but harmful to the people of Cuba. While the changes made under the Obama Administration were a step in the right direction, they failed to tackle the root of the issue: the embargo. Trump's new regulations under NSPM take the U.S. further from accomplishing this goal; nevertheless, it remains the most decisive factor hindering any attempt to normalize relations between the nations and promote the wellbeing of the Cuban people. After nearly six decades of enacting a destructive policy, it is time to end the embargo.

Read the full article at [lawg.org/CubaRollback](http://lawg.org/CubaRollback). Make sure you 'like' our *End the Embargo* campaign on Facebook at [fb.com/EndtheEmbargo](https://fb.com/EndtheEmbargo) and sign up to receive our action alerts at [lawg.org/signup](http://lawg.org/signup) to get the latest updates and news on U.S.-Cuba policy.



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