Biden's Latin America Approach—Where There's Progress, Where It's More of the Same
Lisa Haugaard & Daniella Burgi-Palomino

The Latin America policy of our dreams, the one that stands with the people working for change? We are still waiting for it. Well, no, not waiting—we are busy still organizing for it, with you.

Now, we have seen progress on some issues from the Biden Administration. The administration has taken to heart our advice that corrupt and abusive governments in the northern countries of Central America are one of the drivers of migration. We have been making the case to everyone we can, from Vice President Harris to the President’s advisors, from the State Department to the Congress, that the United States needs to stand against such corruption and abuse while at the same time providing generous assistance to help people in need.

In El Salvador and Guatemala, the Biden Administration has acted. It has pulled U.S. visas from officials implicated in corruption or undermining the rule of law, even including the visas of Guatemala’s attorney general and El Salvador’s Constitutional Court judges. In response to actions that undermine judicial independence and the rule of law, it has shifted assistance away from the Salvadoran police as well as the attorney general’s offices in both Guatemala and El Salvador. This willingness to show that there are international consequences for authoritarian actions is a step forward.

But the Biden Administration needs to do more in Honduras. While it has pulled some visas, it should have distanced itself completely from the corrupt and abusive Honduran government and suspended security assistance. With the upcoming November 28th elections, the U.S. government must speak out in advance to call for clean elections and speak out in favor of the right to protest—it is essential to prevent the same kind of unfair elections and repression against protesters that took place during the 2017 elections.

In all three countries, the United States needs to speak out strongly in favor of civil society activists who face threats and imprisonment for working for change.
The U.S. & Mexico: Failing to Address Human Rights

The Biden Administration also needs to focus on human rights and addressing impunity in its relationship with Mexico. While the administration has announced U.S. support for the search for the disappeared and justice in cases of disappearances, it’s still unclear what this means. Families continue to search for their disappeared loved ones across the country and human rights defenders, including indigenous communities defending their lands and journalists, face attacks and threats against their lives. The United States should be standing by their side. **And it’s time for a serious rethinking of U.S. cooperation on security with Mexico—we’ve seen the results of increasing the role of the military on the streets.** It’s time to rethink this model, make sure weapons from the U.S. aren’t landing in the hands of abusive security and police, and focus on strengthening investigations and prosecutions into torture and disappearances committed by the military.

We are frustrated with the White House’s failure to even begin to deliver on candidate Biden’s promise to return to Obama’s move towards normalizing U.S.-Cuba relations (see p. 3).

Colombia: We Need to Hear about Peace, Respect for the Right to Protest

The Biden Administration’s approach towards Colombia is also problematic. **The constant praise of the U.S.-Colombia partnership too often overshadows the concerns the United States should be expressing about the murder of human rights defenders, the lack of implementation of the peace accords, and the failure to respect the rights of Afro-Colombian and indigenous communities.** We were angered when the Biden Administration at first failed to strongly condemn the Colombian police’s brutal repression of widespread protests (see p. 5). However, during Secretary of State Blinken’s recent trip to Colombia, he changed the tone: “Accountability is critically important—accountability for the most grave human rights violations and abuses committed during the country’s conflict, accountability for any abuses committed in response to protests earlier this year and of course accountability for those responsible for attacks on human rights defenders, journalists and other civil society leaders. Ending impunity as we know it is also one of the best ways to prevent more abuses going forward.” We had just sent a letter (bit.ly/3nWfu9g) with our partners to the secretary; it seems that had an impact on his message. But we need actions, as well as words. We are calling on the U.S. government to suspend police aid until there is justice and real police reform.

Looking for a Generous Global Approach to COVID-19

We’d also like to see a generous U.S. policy globally to help provide access to vaccines, as well as US support for addressing
the economic impact of COVID. The Biden Administration donated 40 million vaccine doses to 26 countries in Latin America and the Caribbean by August 2021. That’s good, but more important than vaccine donations would be access to technology and patents to produce vaccines. The Biden Administration should press companies and other countries to agree to share technology.

**Why Not More Change?**

Why haven’t we seen more of a shift in U.S. policy? Whether it is a Democratic or Republican president, U.S. policy towards the region is slow to change and centers all too often on a narrow definition of U.S. interests. And except for Central America, Latin America isn’t a priority for the Biden Administration. Finally, it is still early days yet. Often change happens later in an administration—Obama’s most positive actions on Latin America and the Caribbean were made in the second half of his second term, such as the opening to Cuba and support for the Colombian peace process.

But we won’t be too patient. We will be working to convince the Biden Administration to do the right thing and amping up the pressure from activists and Congress to make this happen. You will be hearing from us soon on actions you can take!

**Reflecting on Cuba Policy: All Talk, No Action**

*Antonio Saadipour*

Throughout his presidential campaign, President Biden committed to ushering in a new era of Cuba policy, promising to constructively engage with our island neighbor and lift restrictions on travel and remittances, among other steps. **After almost a year in office, he has yet to deliver on practically any of his Cuba promises**, citing earlier in the year that a shift in Cuba policy was not a priority for his administration and that the administration would only move forward after conducting a thorough review of past Cuba policies.

Publicly, the Biden-Harris Administration has declared that its approach to Cuba would be guided by two principles: **support for democracy and human rights and that Americans, particularly Cuban Americans, are the best ambassadors for prosperity in Cuba.** We have seen thus far few signs of a return to the opening to Cuba under the Obama-Biden Administration. In fact, in May, the State Department chose to sustain a Trump-era Cuba policy by redesignating Cuba as one of the countries not cooperating fully with U.S. antiterrorism efforts.

In July, Cuban protesters took to the streets to express frustration over food and medicine shortages, long lines, electricity outages, and a slow vaccination pace—constituting the largest protests in Cuba since the 1990s. The White House responded by establishing a Remittance Working Group to determine how Cuban Americans could send remittances to their family members in Cuba without the Cuban government pocketing a significant portion of that revenue. The unrest on the island was the catalyst that forced the Biden-Harris Administration to consider engagement with Cuba a top priority.

**LAWG signed onto a letter to President Biden in August urging him to take immediate humanitarian steps, such as suspending U.S. regulations that prevent assistance from reaching Cuba and the Cuban people.** He complied to an extent, authorizing some emergency flights to deliver humanitarian aid to Cuba. Nevertheless, these emergency measures were accompanied by several rounds of sanctions on top Cuban government officials.

The State Department announced in September that it would begin restaffing the U.S. Embassy in Havana, a move that would restore consular services to Cubans and facilitate engagement with civil society. As of now, this is the only campaign promise regarding Cuba policy that President Biden has actually fulfilled. We hope that it will be the first step of many to come and that soon, restrictions on travel and remittances, inhumane sanctions, Internet blackouts, obstructions to the flow of humanitarian aid, and accusations of terrorism sponsorship will become a relic of the past. But this won’t be easy. **Stay tuned for actions you can take to move towards a constructive relationship between the United States and Cuba!**
OFRANEH and TASSC win Letelier-Moffitt Human Rights Awards

Lesley Hernández

On October 13, 2021, the Letelier-Moffitt Human Rights Awards ceremony, hosted by the Institute for Policy Studies, was held virtually to recognize two standout organizations that tirelessly advocate for human rights. A domestic award was given to the Torture, Abolition, Survivor Support Coalition (TASSC), which aims to end the use of torture and provide a safe space for survivors who have experienced human rights abuses. TASSC, founded by the late Sister Dianna Ortiz, supports more than 300 survivors of torture from over 14 different countries. As stated by Executive Director Leonce Byimana, the participation of survivors is important given that “survivors are the only ones who understand what being tortured is about and what rehabilitation programs should look like.”

The Letelier-Moffitt International Human Rights award recipient was the Black Fraternal Organization of Honduras (OFRANEH). OFRANEH is a grassroots organization that has worked with Garífuna people of African and Indigenous ancestry for more than 40 years in Honduras. Their mission is to defend the Garífuna people from attacks against their economic, social, and cultural rights as well as to cultivate women’s leadership and cultural resurgence. Historically, the Garífuna people have been victims of displacement and dispossession. In 1797, they were expelled from their original territory, the island of St. Vincent. After they were forced out of their land, they resettled in small fishing and farming communities in Honduras. For them, their territory represents more than just physical space. Land is inextricably linked to their livelihood, culture, as well as physical and spiritual welfare. Due to their communal coexistence, their farming practices include cultivating coconut trees and other types of fruit trees for their community kitchens. In the midst of the COVID-19 pandemic, their land served as a channel to obtain natural medicine in order to strengthen their immune systems, especially those of their elders.

When OFRANEH was founded in 1978, it fought to defend the Garífuna against land grabs by transnational banana companies. Today, the Garífuna people are facing new threats to their livelihoods. These threats derive from a series of development projects such as African palm plantations, energy and mining projects, transnational tourism, model cities, as well as organized crime. Nahun Lalin, director of OFRANEH, expressed his disappointment with the government’s decision to sell land to outsiders, stating, “Since the time when the foreign banana companies operated here, the state has contracted territory to foreigners, who outfitted their own ports and docks.” As a result of the threats on their land, community coexistence, sustainable fishing practices, and other important customs and practices are at risk of being lost for future generations.

Many Garífuna have been murdered, displaced, and are being legally persecuted for the supposed appropriation of their own land. OFRANEH is working to demand an investigation into the disappearance of four Garífuna leaders. Albert Sneider Centeno Thomas, Milton Joel Martínez Ávila, Suami Mejía García, and Gerardo Misael Trochez Cálix were taken away from their homes in Triunfo de la Cruz by armed men dressed in police uniforms on July 18, 2020 and have never been heard from again. OFRANEH launched a committee called SUNLA with national and international human rights experts to investigate their disappearance. Despite calls for justice from OFRANEH and international human rights organizations such as the Inter-American Commission on Human Rights and the United Nations High Commissioner for Human Rights, there has been little action by Honduran authorities to search for them and investigate and prosecute their disappearance. LAWG stands with Garífuna activists who fight valiantly to reclaim their territories from corrupt Honduran officials and the country’s wealthy elite.
Police Brutality in Colombia
Lisa Haugaard

In July 2021, I traveled to Colombia to be part of an international verification team, SOS Colombia, to investigate and expose police brutality during the nationwide protests that erupted against the government’s regressive tax proposal and lack of jobs and access to education. We interviewed dozens of young people who had participated in the protests. Some had been wounded by live bullets, rubber bullets, and tear gas canisters shot at them by police, the ESMAD riot squad, and armed civilians working with police. Eighty-seven people, mostly teenagers and young adults, were killed in the course of the protests.

I was strongly affected by their stories and came back determined to tell our government to condemn the police brutality and suspend U.S. assistance to the police until there were steps towards justice for these crimes and serious police reform (see my report at bit.ly/3jYBi2O). Since then we have organized meetings for Colombian human rights and indigenous activists with the U.S. ambassador and State Department officials, and we participated in a press conference releasing the final mission report (bit.ly/3zmzrlup). We asked the Congress to place human rights conditions for the first time on aid to the police, and we are still pushing for tough enough conditions in the final foreign aid bill. With you, we supported an amendment to ban any future U.S. aid and commercial arms sales to the ESMAD riot squad (the U.S. does not currently provide ESMAD with direct aid, but the United States does allow commercial sales of tear gas launchers and other equipment to ESMAD). This amendment to the Defense Authorization bill won in the House but faces tough obstacles.

We will keep you posted about what you can do to support the rights of these Colombian young people, some of whom now face threats and legal action.

"Victims and witnesses reported that the police and ESMAD systematically employed excessive use of force against protesters as well as bystanders and human rights defenders and journalists who were accompanying or covering the protests and members of medical brigades providing first aid to victims of police brutality as well as to police wounded in the protests. As one medical brigade member told us, 'It was as if the goal was to make young people paraplegic or dead.'" — Lisa Haugaard, report from Cali
President Biden's Broken Promises for Asylum Seekers
Daniella Burgi-Palomino & Lauri Álvarez

It’s been a tough few months and we’ve all felt it. The images of our Haitian brothers and sisters suffering under the bridge in Del Rio, Texas at the U.S.-Mexico border and being horrifically mistreated by Border Patrol agents on horseback, using reins as if they were whips, did not represent who we want to be as a country. Yet it did highlight the inhumanity and ineffectiveness of current U.S. policies still in place under the Biden Administration. And the reality is that more than six months into the administration, not much has changed for asylum seekers and migrants at the U.S.-Mexico border. Trump-era anti-asylum policies, like Title 42, are still in place and other policies, like MPP, are on the verge of being reinstated. We were very glad to see the Biden Administration’s decision to extend Temporary Protected Status (TPS) for Haitians, Salvadorans, Nicaraguans, and Hondurans, a decision which provides relief to several hundred thousand people in the United States. Yet while President Biden made multiple promises during his campaign to protect immigrants, support a pathway to citizenship for the undocumented, and restore access to asylum at our border, there’s been very little progress. Here’s a quick summary of the latest, how we’ve been pushing back, and how you can join us to make sure President Biden doesn’t go further backwards on his promises and instead, does the right thing, welcoming the men, women, families, and children arriving at our border with dignity.

Though the Biden Administration has supported a pathway to citizenship for the undocumented, it’s ultimately up to the Congress to make this a reality for the Dreamers and Temporary Protected Status (TPS) beneficiaries. We’ve been keeping up the pressure for the Senate to move ahead with a bill to grant TPS beneficiaries a pathway to citizenship and have been holding press calls with members of Congress and sharing resources with our partners. We’ve also kept up the heat on President Biden to extend TPS protections because of the devastating impacts from last year’s back-to-back hurricanes Eta and Iota in Central America. Thanks to our collective work, the administration finally extended designations for El Salvador, Honduras, and Nicaragua for another 18 months, meaning that the citizens of those countries can continue their lives here in the United States without fear of deportation. Of course, we know that this isn’t really a long-term solution and are hopeful that with the support of all of you, we will win a pathway to citizenship.

Unfortunately, on other fronts, President Biden seems to be breaking his promises to asylum seekers. The Trump-era CDC policy, Title 42, is still in place and instead of winding it down or rescinding it, the Biden Administration extended it indefinitely and has been ramping up expulsions to Haiti, Mexico, and Guatemala. Together with U.S. and Mexican organizations, we documented (bit.ly/31oZqp0) how Title 42 expulsion flights from the U.S. border were returning asylum seeking men, women, and families from Guatemala, El Salvador, Honduras and elsewhere, without any protection screening, to remote towns along the Mexico-Guatemala border, leaving people to fend for themselves. We heard from one of our partners, Asylum Access Mexico, that one woman said she was told she was going to Houston, only to find herself in the remote jungle of El Ciebo, Guatemala. We held meetings with congressional offices and organized a virtual briefing so that our Mexican partners could directly share the migrant and refugee rights violations they’ve been monitoring in southern Mexico to the Congress and explain how U.S. pressure has fueled the Mexican government to militarize its own borders. Instead of externalizing the U.S. border, we are calling on the Biden Administration to work with the governments in the region to support humanitarian solutions like the processing of refugees from the region and allowing them to seek safety wherever they feel safe, be it Mexico or another country.
In the meantime, these deadly flights are continuing. Since August 5th, there have now been 78 Title 42 flights to the southern Mexico cities of Villahermosa and Tapachula with no clear transparency for the agreements between the United States and Mexico around these expulsions. Title 42 flights to Guatemala started in early September and are continuing, increasing the burden for civil society organizations already struggling to receive deported Guatemalans. And following the Del Rio encampment of Haitians, there has been a staggering number—more than 70—of flights to Haiti, returning over 7,900 Haitian women, men, and families to crisis-ridden Haiti.

We’ve been speaking out loud and clear to send the message that these Title 42 flights to Haiti, Guatemala, Mexico, and other countries must end. Out of the over 1 million expulsions that have happened under this policy since its start in March 2020, only around 3,000 asylum seekers have been referred for interviews with U.S. asylum officers and just 272 of those passed their interviews. This is unacceptable. We have joined forces with Haitian-led organizations to call on the administration to stop the expulsions to Haiti, protect black migrants once and for all, and to investigate what happened at Del Rio, Texas to hold CBP and DHS accountable. **We are keeping up the fight with you to end Title 42 but know that we might be in it for the long haul.** In September, the Biden Administration appealed a lawsuit that attempted to stop Title 42 from applying to families and won, so unfortunately, the policy will remain in place for adults and families.

As if that wasn’t bad enough, the states of Texas and Missouri sued the Biden Administration for the way that it ended the Remain in Mexico policy, forcing asylum seekers to wait in Mexico throughout their U.S. immigration proceedings and ordered them to restart the policy. The case went to the Supreme Court, and unfortunately, it stayed the lower court’s ruling, meaning that the Biden Administration was forced to restart the policy “in good faith.” We have been urging the Biden Administration to do what it can to not back down on ending Remain in Mexico and to issue another termination memo of the policy. Thanks to our calls, the Biden Administration finally issued a termination memo reiterating what we’ve been highlighting since the start, including the inhumanity of the policy, the human rights violations to which it subjects asylum seekers waiting in Mexico, and the lack of legal counsel afforded to people under it. We welcomed the publication of this termination memo as well as the Biden Administration’s request to the court to vacate the order, and hope that this will soon signal that DHS will ultimately not reimplement the policy, but in the meantime, we won’t stop demanding that it never be implemented again. **The Remain in Mexico policy forced over 70,000 asylum seekers into dangerous conditions in Mexico, subjected them to grave human rights violations, and made access to counsel and due process impossible for many.** We will keep up the pressure to let President Biden know that any effort to restart this policy would be breaking his promise to asylum seekers and demonstrating that his administration is not committed to truly restoring access to asylum at the border. There is no humane, safe, or lawful way to implement this policy.

**We have a lot of hard fights ahead but will keep at it with you and with our civil society partners south of the border.** It is not too late for the Biden Administration to change course to protect immigrant communities, migrants, refugees, and asylum seekers. We know that there are humanitarian solutions that are possible with strong collaboration between the U.S. government and organizations on both sides of the border. The administration needs to start by demonstrating a commitment to ending Trump anti-asylum policies and chart a course forward at the border and in the region—for a humane and dignified processing and reception of people at the border and an expansion of possibilities for migrants and refugees from Latin America and the Caribbean to seek safety without having to make the dangerous journey to the United States.
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