

# RECOMMENDATIONS TO ADDRESS DISPLACEMENT AND MIGRATION IN THE NORTHERN TRIANGLE

## URGENT STEPS TO IMPROVE SAFETY AND PROTECTION SYSTEMS IN CENTRAL AMERICA AND MEXICO

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### **Building Regional and In-Country Responses to Acute Protection Needs:**

- **Support for Central Americans displaced by violence**, investing in the ability of UNHCR and locally present NGOs to build the viability of asylum systems in key receptor countries in Central American and Mexico, increase access to durable solutions for Northern Triangle refugees, assess the magnitude of internal displacement concerns, and build the capacity of countries of origin to prevent future displacement and protect those already displaced. (See [UNHCR's Protection and Solutions Strategy for the Northern Triangle of Central America](#))
- **Support well-trained, well-resourced and accountable child protection systems in El Salvador, Guatemala, and Honduras.** Existing systems in all three countries to prevent and protect children against violence, abuse, exploitation and neglect are inadequate and require greater funding and adequately trained human resources. They must also be decentralized in order to have national reach and operational capacity. In all three countries, it is critical to have accountable and adequately staffed and resourced child protection systems to protect children at risk of violence and abuse.
- **Support the Office of the High Commissioner for Human Rights (OHCHR) in Honduras** to address broad human rights concerns including reporting and analyzing abuses allegedly committed by public forces in Honduras. The office just got off the ground this January and is an important point of reference to strengthen the rule of law in Honduras, including ending impunity in attacks on human rights defenders and community leaders.
- **Provide support and assistance to crime victims and to witness protection systems.** Mechanisms for offering protection, safety, and shelter for crime victims, including providing for the personal security of witnesses to crimes committed by organized criminal enterprises and police, must be enhanced throughout the region. Long-term support should also be provided for the development of effective witness protection programs. Investing in such mechanisms will allow witnesses and crime victims to participate in justice processes while staying in their countries of origin.
- **Ensure that the U.S. lives up to commitments to provide protection and due process for all Central Americans in immigration proceedings, including asylum seekers. Best interest determinations for children must likewise be ensured.** Repatriations that are carried out without due process safeguards to ensure that those deported are not returned to danger will put lives at risk, add to the problem of internal displacement, overwhelm the already inadequate protection mechanisms in-country, and will be largely unsuccessful.
- **Urge the Mexican government to take seriously its responsibility to care for and evaluate the protection needs of all Central Americans asylum seekers encountered within its borders, in particular vulnerable populations such as children, youth and women, including effective screening to identify and respond to asylum seekers and victims of trafficking.** The Mexican

agency responsible for child welfare (DIF) must accept that unaccompanied children from Central America fall within its mandate, accept custody of them, and ensure their best interests are evaluated and their protection needs assessed. Detention and deprivation of liberties of migrant children should be avoided at all times, regardless of whether or not they are unaccompanied and alternatives to detention should be sought for all migrants. The Mexican authorities must set aside the necessary funds to be able to protect this population and to strengthen and expand existing alternatives to detention pilot programs. Additionally, the Mexican government, in particular the Mexican Commission for Aid to Refugees, must be strengthened to develop and meaningfully implement best practices for the identification and treatment of asylum seekers, victims of trafficking and to inform these of their right to seek asylum in Mexican territory. The Mexican government should collaborate with international organizations and civil society organizations to expand and strengthen pilot models to provide legal access for asylum seekers, inform migrants of their right to seek asylum and provide safety to asylum seekers awaiting the results of their case.

## BORDER SECURITY

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### Border Security

There continues to be grave rights violations perpetrated by Mexican law and migration enforcement which raises serious concerns about increased U.S. cooperation for “**border security**” at Mexico’s southern border and in Mexico’s interior. Given these concerns, the following points should be incorporated into any U.S. response to the region:

- Additional funding for corrupt entities—especially outside the context of very serious reforms—will make the problem worse, not better.
- Funding or other assistance must not go to human rights violators.
- Any border security assistance must be redirected away from the militarization of borders towards institutional strengthening and combatting corruption within entities charged with border and migration enforcement, including federal and state police forces, the National Migration Institute, Customs, and the Mexican military.
  - These efforts may include support for internal affairs units, witness and whistleblower protection, vetting, and support for civil society groups performing outside oversight.
  - Full transparency should be provided around the role of U.S. law enforcement officials in training or collaborating with National Migration Institute officials in activities pertaining but not limited to the apprehension and detention of migrants.
  - Technical assistance should be provided to the Mexican government on investigating and sanctioning transnational crimes against migrants.
- Collusion between law enforcement and organized crime continues to be a problem. There is no point, for instance, in providing sophisticated scanning equipment if organized crime syndicates can induce security-force personnel to abstain from using it at key moments.
  - Especially given ongoing problems with collaboration with organized crime and corruption by law enforcement, border security assistance should not include any lethal weapons.

## INTERDICTION

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All interdicted migrants must be adequately screened by an appropriate trained individual for protection concerns, including persecution, torture and trafficking. The interdiction of migrants or violation of human rights of migrants in transit without robust protections such as these violates international law, and returning individuals who are at risk of persecution, trafficking, or torture will further increase the growing problem of internal displacement in Honduras, El Salvador, and Guatemala, and force these individuals to flee again.

- Individuals stopped attempting to depart Honduras, as well as those stopped by Mexican authorities on the Guatemalan/Mexican border and in the Mexican interior are routinely denied screenings for protection concerns.
- To the degree that people fleeing persecution are being subject to these interdictions because of encouragement, training, funding and in-kind equipment donations from the U.S. government, this constitutes *refoulement* by proxy, and is a violation of international law norms and US legal obligations.
- Governments in the region, and US personnel training, cooperating and/or supplying funding and equipment for migration authorities of Central American and Mexican government should ensure that migrants in transit have access to civil society organizations' support including health, social, psychological and legal services, and access to medical care, mental health care and emergency contraception for victims of sexual and gender-based violence.
  - Mexico and other countries of transit must increase their commitment to the protection of migrants and refugees by ensuring transparent and accessible channels for reporting sexual and gender-based crimes, investigating and prosecuting crimes against migrants, and protection for victims who report crimes.
  - Efforts to prevent and respond to sexual and gender-based violence against migrants in transit in particular should be supported. Civil society groups have estimated that as many as 60 percent of women and girls are victims of sexual violence during the course of their journey through Mexico, and studies have also shown high rates of sexual violence against LGBTI migrants in transit. This violence is perpetrated by gangs and organized crime, smugglers, and other migrants, as well as authorities such as police and migration officials. Women, children, and LGBTI people are also especially vulnerable to human trafficking and sexual exploitation, in southern Mexico and elsewhere along the migratory route.

## RESETTLEMENT

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Resettlement is a critical component of any refugee protection and solutions strategy, and so it is encouraging that the Administration has opened up resettlement opportunities for Central American children through the creation of the Central American Minors program (CAM-AOR) and has announced further plans to expand resettlement opportunities to Central American adults and families in the near future. However, these resettlement efforts **must not be used transactionally to justify interdiction** or border control policies which prevent Central American asylum seekers from reaching safety and requesting asylum in other countries, including at the U.S. border or interior.

The U.S. resettlement strategy for Central Americans at-risk, whether in-country processing or third-country processing, must take into account the very complex nature of violence and persecution in the context of the Northern Triangle. [See **Annex A** for a *typology of profiles at risk who have a well-founded fear of persecution within the meaning of the 1951 Refugee Convention in the context of Central America*]. Refugees who, under international legal standards and best practices, qualify for international protection under the 1951 Refugee Definition – including those persecuted by gangs and other non-state actors for reasons of their membership in a particular social group or other protected grounds – should be able to access U.S. resettlement. USCIS officers should receive training on, and should analyze cases consistent with, UNHCR's interpretive guidance on refugee claims.<sup>1</sup> Doing so will be critical to ensure that Central American resettlement processing results in appropriate grant rates.

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## **In-Country Processing of Minors (CAM-AOR)**

With the creation of the Central American Minors resettlement program (CAM-AOR), in-country processing has become an important component of the overall regional child protection strategy. However, since the numbers of families applying for the program has been very low (and the number of arriving children to date even lower), there is a need to re-evaluate its eligibility requirements, effectiveness, and operational modalities.

### **The following should be considered in evaluating the CAM-AOR program:**

- Current criteria for the CAM program prevents access to many Central American children in need of protection who have family in the U.S. CAM should be expanded to recognize adult siblings, aunts, uncles, and grandparents as qualifying relatives. In addition, authorized legal statuses for qualifying parents should be expanded to include parents with pending claims for asylum, withholding of removal, or protection under the Convention Against Torture, as well as parents who have been granted prosecutorial discretion.
- The high cost of DNA testing, which falls to qualifying parents in the U.S. (only reimburseable after processing is complete) is also creating barrier or delays to access for many families. Such delays are especially problematic insofar as children may be at increasing risk in their countries of origin, or may even age out of eligibility while their parent(s) gather the resources for DNA testing. The Administration should give priority to identifying means to reduce this particular barrier to access, so that children who might otherwise qualify do not have to resort to dangerous journeys due to lack of financial capacity to access CAM-AOR.
- Safety and protection of applicants and their families during application interviews and processing is always a particular concern in any in-country processing program, and in the case of a program designed for children it is of particular importance. Safe shelter options in-country and emergency evacuation for processing in a neighboring country may be needed for the most at-risk cases. Specific risk-assessment protocols (and related training for RSC and DHS staff) should be put in place to ensure a systematic approach which mitigates risk to the maximum extent possible. The option of evacuating certainly high-risk children to the U.S. by issuing Humanitarian Parole on an emergency/expedited basis should be considered on the menu of options, if the best interests of the child point to this option. Also, pre-screening and admissions interviews conducted in-country should not only take place in capital cities; rather, circuit rides should occur in several locations throughout the countries to ensure that children are not exposed to additional risk of traveling long distances and/or traversing dangerous areas of their country.
- PRM should review of duration of the application process and its impact on the safety of the applicant in country, and PRM and DHS should dedicate additional resources to complete the process much more quickly. Emergency cases flagged for expedited processing should be decided in less than one week (with safe shelter provided and/or evacuation as required).
- Existing interview and assessment techniques merit a review, in order to ensure that they are sufficiently adapted to include a gender and child sensitive lens, within the particular context of Central America. Given the alarming and growing levels of violence and forced displacement in Honduras, El Salvador, and Guatemala, targeting women and children specifically, children with pending claims who have suffered harm or fear suffering harm should be found eligible for refugee status without more. In other words, the status of being a child or youth (under age 23), who is a national of one of the Northern Triangle countries, and the fact of having endured or fearing harm should be enough to satisfy the refugee definition based on existing country conditions. Children found not to be refugees by USCIS should continue to be considered for Humanitarian Parole.

- To ensure the most favorable outcomes for children, DHS should allow access for child protection advocates and qualified attorneys to accompany children and youth throughout the process including during their interviews with the RSC and DHS.
- Children granted Humanitarian Parole should be given access to Reception and Placement (R&P) and other refugee services and benefits to ensure that arriving children and their parents are supported with timely school enrollment, health and psycho-social care, and post-arrival monitoring and support within their family structure. Children reunifying with parents after a long period of separation may face adjustments within the new family dynamic that can lead to family breakdown (especially in the case of adolescents). Post-arrival home visits, which are required for refugee children reunifying through resettlement but not provided for parolees, are critical to ensure that integration within the family unit is successful.
- Unlike CAM refugee children, CAM parolee children do not have a pathway to permanent status in the U.S. Consideration should be given to legislative action that would create a pathway to adjustment to permanent status for CAM parolee children, similar to pathways for Cubans entrants for example. If that is not possible, at a minimum the Administration should exercise its discretion to permit CAM parolee children to apply for TPS. Given the temporary nature of parolee status, a program component should also be added which ensures systematic referral of all arriving parolee children to qualified legal aid NGOs who can provide “Know Your Rights” presentations and ensure access to pro bono support. Parents whose children are not connected to pro bono support may fail to take the necessary steps to renew their child’s parole status, and so the children may run the risk of falling out of status over time, creating the possibility of detention and even deportation back to harm. Legal resources for parents to ensure that they also maintain their legal status (or improve it) is also important. More funding should be provided to ensure the capacity of legal aid NGOs to do this work.
- Honduran, Salvadoran, and Guatemalan children living in the U.S. who would be eligible for CAM if they were in their country of origin (i.e. are under 21, have a parent in an authorized legal status for CAM) should not be deported and should be granted Deferred Action.
- Refugee Resettlement Agencies (RAs) should be funded to complete CAM-AOR applications. Many RAs and their local affiliates have deployed (or re-directed) substantial human resources to do outreach, counsel qualifying families, and help them file AORs. Lack of funding to complete applications has resulted in a significant backlog that keeps children in potential danger in-country for longer periods of time, and creates risks of some children “aging out” of eligibility for the program. Financial support to RAs, even if a temporary “surge” of funding to hire staff to process backlogs and increase outreach, would help to ensure timely access for qualifying parents and children.
- Transparency is lacking about the CAM program. PRM and DHS should make publically available on a regular basis: 1) the number of applications filed by country, department within country, age, and gender, 2) grant rates for refugee status and Humanitarian Parole, and 3) the number of Requests for Review Filed.

### **Third Country Refugee Resettlement**

The pending implementation of the new resettlement program for Central American refugees is a positive step in the development of a comprehensive protection package for Central American families and children, and is welcome recognition that violence and persecution is a key driver of Central American flight.

Nonetheless, resettlement is a limited solution that will ensure protection only for a small percentage of refugees who need it. Access to asylum, including at the U.S. southern border, will continue to be the main avenue for most refugees to receive protection. Adding a small resettlement component to the regional

strategy does not exonerate U.S. immigration enforcement actions, border security or interdiction efforts that violate the rights of asylum seekers from the region.

**The following factors should be considered in the design and implementation of the new refugee resettlement program:**

- The U.S. should fund (and encourage other donor countries to fund) UNHCR’s appeal for 2016-2018 for Central America, ensuring sufficient funding for the “solutions” pillar of the strategy (including but not limited to resettlement and humanitarian evacuation components).
- Insofar as the Administration opts for identification of resettlement candidates still in their own countries, it will be necessary to establish an evacuation model to ensure protection in 3<sup>rd</sup> countries during processing. The Administration should carefully weigh the benefits and challenges of an “emergency transit center” model (e.g. central shelter facility where all evacuees are sheltered collectively) vs. an “emergency transit mechanism” model (e.g. community-based shelter options) in a third country. Considerations include the comparative safety of each option as well as special needs of certain resettlement candidates (including unaccompanied or separated children; LGBTI individuals; victims of SGBV; disabled or older individuals, etc.). In all cases, considering the geography of Central America and the transnational access that persecutors may have to neighboring countries, it is critical that safety considerations be very carefully weighed. The Administration must ensure sufficient funding to UNHCR and/or NGOs in any third-country evacuation site to ensure appropriate staffing, including child protection officers, community services support, etc.
- Individuals and families who are evacuated to a third country for resettlement processing should be processed swiftly, to ensure short stays in third countries. Swift processing and short stays are necessary not only for safety reasons, but also because of livelihoods, children’s education and other considerations since refugees transiting these countries temporarily will presumably not have the right to work, the right to education, and other rights that refugees should enjoy in an asylum country. Without the ability to exercise these rights, stays must be reduced to the minimum time necessary for processing and security/medical checks. Adequate resources must therefore be deployed.
- The U.S. government should actively seek and partner with national NGOs in Honduras, El Salvador, and Guatemala (including those at repatriation centers) with expertise working with IDPs, at-risk families, LGBTI individuals, children, SGBV survivors, and communities at risk of displacement to identify and refer individuals who may be in the most urgent need of resettlement. Funding should be made available to ensure that national NGOs receive training and funding support from UNHCR to build institutional capacity and know-how to establish referral systems, conduct risk-assessment, and apply resettlement criteria so that cases that are referred are viable for U.S. resettlement.
- The U.S. should strengthen support for UNHCR’s work to ensure appropriate registration and Refugee Status Determination (RSD) procedures in Mexico, Belize, Nicaragua, Costa Rica and Panama, while simultaneously identifying individuals whose needs would best be served through the use of resettlement. UNHCR should be encouraged to develop protocols which incorporate resettlement/durable solutions screening in the registration and RSD process and otherwise streamline processes.

- Provide transparency and frequent reporting around the number of individuals processed under this program—including breakdown by country of origin, gender, and age—as well as the grant rates for refugee status, and the number of results of Requests for Review filed.
- Use resettlement strategically to encourage Central American governments and Mexico to abide by their commitments as signatories to international refugee instruments, and make their own asylum systems and refugee protection infrastructure viable.
- The U.S. should employ its diplomatic relations to encourage other countries in the hemisphere, particularly Canada and Brazil, to participate in the resettlement of Central American refugees, including to ensure a solution for those refugees who ultimately are found not to qualify for U.S. resettlement. Refugees with family links in the U.S., or other compelling circumstances which indicate the U.S. as the most appropriate solution, should be resettled to the U.S. and not to other countries participating in the effort.

## BUILD SAFE REPATRIATION AND REINTEGRATION PROGRAMS

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For repatriation and reintegration programs to be humane, fair and successful, the following components must be present:

### Repatriation:

- **Repatriation of Central American migrants from Mexico to the Northern Triangle countries should adhere to established inter-governmental guidelines detailing protocols, timetables and departure and arrival points for the process.** The rights of all migrants being repatriated should be respected and all migrants should have access to basic services throughout the repatriation process, especially of vulnerable populations such as children.
- **All individuals being repatriated must have been adequately screened for international protection concerns** and provided adequate access to due process, including representation and a fair hearing. **If the U.S. fails to ensure a full and fair adjudication of these children’s cases, we can expect a significant percentage of them will attempt to re-migrate to safety, putting them in serious danger,** compromising the overall efficacy of the program, and failing to strategically utilize limited resources.
- **Children to be repatriated should be accompanied by a family member when possible, and otherwise by an individual with child welfare experience (i.e. an ORR caseworker), not an ICE officer.** Children separated from family members at apprehension time should be permitted to return with those family members –when such family members will be repatriated as well. Unaccompanied children often experience significant anxiety, fear, sadness, and failure at the time of repatriation and should be accompanied by an individual trained in child welfare to support them during this difficult time.
- **DHS must provide all migrants being repatriated with clear information regarding repatriation and their rights throughout the process.** Currently children repatriated by the U.S. receive little to no information about the repatriation process and experience significant fear and anxiety about return as a result. Children are also not informed about their rights during the process – including whether they are permitted to use the bathroom on JPATS flights. DHS should immediately remedy this situation by providing migrants with an

orientation before they depart the U.S. about their return (e.g., what to expect during travel back to the home country, what to expect on arrival at the airport in the home country, the documentation their family will need, and the support services that will be available upon their return).

- **Monitoring and verification of the well-being of failed asylum seekers** is necessary to ensure that people subject to forced repatriation from the U.S. and Mexico have not been erroneously denied access to protection. Working with civil society in countries of origin and Northern Triangle governments, the U.S. and Mexico should commit to deploying mechanisms to evaluate the efficacy of their protection screenings and adjudications to ensure that serious harm has not befallen repatriated individuals who were denied humanitarian relief. The U.S. and Mexico should work with UNHCR to design a humanitarian evacuation scheme for emergency situations in which a person in need of international protection has been returned to danger.

### Reintegration:

Reintegration from Mexico and the U.S. can only be successful if the best interests and expressed needs of the child are identified; partnerships with community based organizations that are linguistically and culturally competent are created; the need to support the family unit to help the child reintegrate is recognized; a wide diversity of services are offered, including access to school, scholarships, and vocational and skills training; and the particular needs of returning girls are addressed. Services should be available to repatriated children as well as children at risk of migration. Services must be decentralized; the dearth of services available to individuals living in rural communities and Guatemalans living in remote parts of the Western Highlands in part fuels migration. Below is a list of components to be considered for inclusion in any safe repatriation and reintegration program. They are probably best provided by a network of coordinated NGOs, through a process which includes other stakeholders, including the U.S., Mexican, Honduran, Guatemalan, and Salvadoran governments(s). Significant resources must be committed to develop and expand existing services for repatriated children and their families.

#### Initial services upon arrival in country of origin:

- **An option of short-term shelter, run by nongovernmental organizations, should be available** for children whose family members cannot pick them up immediately but who will be reunified with them relatively quickly (e.g., within 48 hours).
- **Security systems to protect children and staff in the shelters from violence and coercion.** This will need to be extremely carefully thought out as police corruption is a common problem in countries of origin and therefore the police may not be trusted to guarantee protection.
- **A systematic way to reunite children with extended family** in cases where reunification with an immediate relative is not possible or not in the child's best interest.
- **Funding for transportation from location of repatriation/processing to community of origin** (if determined to be safe), accompanied by an appropriate adult.

#### Services once children are back in their communities of origin:

- **Specialized protection screening and reintegration programming to meet the needs of girls.** Many migrant girls and some boys have experienced sexual and gender-based violence, either in their country of origin and/or in transit, and return to their countries of origin with acute needs for medical care and mental health care to address trauma. Girls who have experienced sexual violence on their journeys may return to their home communities pregnant



or parenting, and face additional stigma and discrimination. Proper screening by the governments of the both returning and receiving country is necessary to ensure that children are not returned to situations of gender-based and sexual abuse in their homes or communities. Reintegration programming must provide psychosocial support to children who have witnessed or experienced sexual or gender-based violence. Additionally, programming must address the barriers that girls face to accessing education and employment, including discrimination within the home and broader community.

- **Support localized and culturally appropriate reintegration support services.** A large portion of children who migrate from Guatemala come from the linguistically and culturally diverse Maya communities of the western highlands. Reintegration services should be offered in native languages and with knowledge and access to local culture and traditions, especially in Guatemala, but also throughout the Northern Triangle.
- **Physical and mental healthcare, potentially through a referral process to the existing system,** although dedicated mental health workers are likely to be needed given the extremely high level of trauma within the population.
- **Family reunification services, including a home visit if there is any concern** about the safety of the child upon return. Strong programs will *not* prioritize swift family reunification over the best interest of the child, as this can return children to exploitative or abusive circumstances.
- **Social workers with expertise in child welfare** to determine what catalyzed the migration, and the creation of an individualized plan to address and mitigate underlying risk factors identified (stay with extended family members, medical and psychological care for those who have been abused, re-location of families threatened by gangs).
- **School (re)enrollment, scholarships, and/or skills training** to help provide children with the kind of opportunities that will give them an opportunity to stay in the country of origin and not attempt to re-migrate.
- **Tracking to assess effectiveness and to capture best practices.** Relevant Ministries should develop a shared, integrated database of repatriated children.
- **Ensure that funding to address reintegration programs is invested in direct services for the child and the family** and in community development solutions that address the root of larger systemic issues. For example, equal access to education, accelerated schooling for older children to complete grade school or secondary school, economic development opportunities, accessible health services, and effective programs for youth that encourage leadership and help create a supportive network for youth.
- **Monitoring and verification of the well-being of repatriated children** over the longer term to ensure that in-country child welfare mechanisms are functioning and that U.S. protection screenings and adjudications are functioning effectively to correctly identify and protect persecuted, trafficked, neglected, abandoned and abused children.

## ADDRESS FACTORS THAT COMPEL MIGRATION FROM CENTRAL AMERICA

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*Endemic violence, compounded by a lack of opportunities and institutions too weak and corrupt to provide basic services to their citizens are among the main factors driving Central Americans to leave their homes and communities. Until Central American governments, with the engagement of civil society organizations on the ground and support from international donors (including the U.S.), address the needs of citizens to live in safe and sustainable communities, tackle corruption and invest in strengthening public institutions, children and families will continue to flee their communities.*

### Support Effective Violence Reduction Strategies:

- **Expand States' and localities' capacity to respond to violence against women and girls and impunity for sexual and gender-based violence.** Honduras, Guatemala and El Salvador struggle with endemic levels of intra-familial violence, and in recent years the three countries have faced a sharp and disproportionate increase in the murder rate of women. In Honduras violent deaths of women increased 260% between 2005 and 2013, and less than 10 percent of these crimes resulted in conviction. These high rates of impunity are the result of gender biases and discrimination within the justice system, combined with a lack of resources and training necessary to effectively investigate and prosecute cases. Violence prevention efforts must confront the widespread normalization and acceptance of violence against women and girls in the home, street, school, and workplace.
  - Additional resources should be dedicated to improve states' and localities' capacity to investigate and prosecute cases of intra-familial violence, sexual violence, and femicide, including the improvement of crime scene investigation and the development of forensic evidence capabilities. Resources must also be dedicated to the development of appropriate health and psychosocial assistance to survivors.
  - Governments in the region must also improve record keeping to provide accurate statistics on the levels of sexual and gender-based crime and the resolution of cases.
  - Violence prevention efforts must address the involvement and complicity of authorities, including police and military, in sexual and gender-based violence, through the investigation and prosecution of those responsible.
  - Individuals within law enforcement, hospitals, and courts must receive training in non-discrimination and in appropriate procedures for handling sexual and gender-based violence cases.
- **Provide resources and technical assistance for shelters for girls and women victims of violence.** A lack of emergency shelters leaves women and girls fleeing sexual and gender-based violence with few options for seeking safety within their countries. The few shelters that do exist have limited capacity and lack the ability to offer protection to women and girls fleeing forced sexual encounters with gang members or sexual servitude to gangs, a swiftly expanding phenomenon. A network of shelters with both staff and facilities equipped to handle acute security needs of women and girls fleeing violence should be developed in partnership with civil society and international organizations in all three countries.
- **Address violence against LGBTI people.** LGBTI people face high rates of discrimination and violence in Guatemala, El Salvador, and Honduras, and thousands have left their countries fleeing persecution based on gender identity and/or sexual orientation. Transgender women interviewed in a 2015 UNHCR study reported experiencing frequent discrimination, harassment, and violence, including sexual violence, hate-based violence, and forced sex work. These women's complaints were repeatedly ignored by authorities, and in some cases police or other officials were the perpetrators of violence. The U.S. should encourage efforts by the governments of Guatemala, El Salvador, and Honduras to develop functional legal protections for LGBTI individuals and invest in prevention, investigation, and prosecution of crimes against LGBTI people. Governments should also address bias and discrimination against LGBTI individuals within the police and legal systems and undertake proactive efforts toward increasing awareness of and respect for the rights of LGBTI individuals through public education. The U.S.

government should urge investigation and prosecution of violence and abuse of LGBTI Central Americans by police forces, a serious and widespread problem. Additionally, assistance should be made available to LGBTI individuals fleeing violence related to gender identity and sexual orientation, including safe and appropriate shelter options.

- **Expand community-based programs to reduce youth crime and violence.** Substantially increase support for evidenced-based, community-level violence prevention programs, particularly for efforts that build local, multi-stakeholder community councils; for training and support for civil society organizations involved in community-based prevention programs with at-risk and gang-involved youth; and to develop training programs, education projects and/or exchanges to improve expertise on violence prevention at the governmental and non-governmental levels. Programs like the Paso y Paso social education program in San Pedro Sula, Honduras, the Puente Belice Program in Guatemala, local project supported by the UNDP in El Salvador, as well as the work of other groups, including those of many of the members of the Central American Coalition for the Prevention of Youth Violence, are being pioneered in cities struggling with some of the highest levels of violence in the world. In Los Angeles, California and Santa Tecla, El Salvador such programs have yielded verifiable reductions in youth violence and victimization. Evaluations show declines in homicides and gang crimes in Los Angeles over four years, and Santa Tecla, which started its program in 2003, has a 40% lower homicide rate than other surrounding communities. Mechanisms should be put in place to ensure that U.S. assistance is coordinated with other donors to prevent duplication and maximize impact.
- **Invest in comprehensive early childhood development which has shown to yield significant benefits in the long-term for both healthy development and violence prevention.** Family support programs in early childhood should help ensure that children grow up in violence free homes and with proper care (health, education, psychosocial, etc.). Violence breeds violence. We need to teach and model non-violence from the outset and this requires support to parenting programs and family support through a functioning child protection system.
- **Provide resources and technical assistance for the successful re-insertion of youth and children seeking to leave gangs** allowing children and youth opportunities to successfully leave the influence of gangs and criminal groups, reconcile with their communities and families, confront the trauma they endured, and become productive and working members of society. While Central American youth gangs are a different social phenomenon than militias, USAID's experience with the demobilization of youth recruited into militias in Western Africa might have useful lessons for the re-integration of gang involved youth. This is a long-term strategy that can successfully break cyclical violence.
- **Support institutional reforms to improve police capacity and capabilities to prevent violence and investigate crimes while enhancing community relations.** Victims of violence, extortion, and death threats frequently find no protection from the authorities, and report that threats escalate when they turn to authorities for assistance. In Central America, law enforcement institutions are weak and have been marked by corruption. The majority of police forces are underfunded and sometimes complicit in criminal activity. Further, credible evidence exists linking members of the Honduran police to social cleansing campaigns targeting youth in marginalized urban centers. There are troubling reports of extrajudicial executions, abuse and torture by police in El Salvador, as well. Efforts should be oriented toward strengthening the civilian policing capacity overall, rather than targeting resources to specialized vetted units and other programs that have little impact on improving broader law enforcement institutions. In countries that have shown a strong commitment to public security reforms, the U.S. should support efforts to bolster internal and external control mechanisms (internal affairs units, Inspector Generals, etc.) and effective vetting processes; support creation or expansion of systems to receive and process

complaints against police officers; and support the strengthening of police investigation techniques while enhancing recruitment and training. Clear and appropriate indicators should be put in place to measure progress in enhancing police capacity and capabilities.

- **Focus investment in police reform where evidence shows government commitment to civilian policing.** To date, the Honduran, Guatemalan and Salvadoran governments have not demonstrated a strong commitment to meaningful reform of the police. Meanwhile, the three governments have invested in continuing or expanding the participation of the military in policing functions, which has led to human rights abuses. Without significant reform of the police and public security apparatus in these countries, additional U.S. support will not be effective in addressing the serious crisis in citizen security. The U.S. should refrain from providing police assistance until there is clear evidence that the Guatemalan, Salvadoran and Honduran governments are fully committed to and have a strategic plan to professionalize the police and phase out military policing. Authorities must also demonstrate that they are taking significant steps to investigate police corruption and remove and prosecute high-level officials implicated in human rights abuses and/or criminal activities, as well as members of the security forces implicated in extrajudicial killings and torture.
- **Continue to condition assistance to Guatemala, Honduras and El Salvador on progress in combating corruption, enhancing transparency and accountability, protecting human rights, and strengthening public institutions.** U.S. assistance to the region will not make a difference unless the Guatemalan, Honduran and Salvadoran governments demonstrate a firm commitment to strengthening the rule of law and addressing corruption, poverty and inequality. **Assistance to the Honduran and Guatemalan militaries should be strictly conditions on compliance with basic human rights standards.**
- **Continue to provide financial and political support to the International Commission against Impunity in Guatemala (CICIG).** The CICIG has been instrumental in the fight against corruption and organized crime in Guatemala strengthening the investigative and prosecutorial capacity of the Public Prosecutor's Office, providing support for much-needed reforms, and equipping the country with modern crime-fighting techniques. The Commission has also helped launch numerous high-profile cases, prosecuting powerful criminal networks deeply embedded in the State. The Commission's mandate was extended through 2017. Evaluate whether other international anti-corruption efforts, such as the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), have shown success in leading to effective investigations and prosecutions, and have evidence of national government support, before committing resources to them.
- **Strengthen judicial independence, transparency and accountability.** Provide funding for strengthening the justice sector, including support for criminal analysis units within the Public Prosecutor's Office and investigative capacity of specialized prosecutors including those investigating homicides, extortions, and organized crime, as well as support for improving witness protection programs and access to justice. Ensure that adequate indicators are put in place to measure progress in reducing violence and strengthening criminal justice institutions.
- **Strengthen civil society oversight capacity.** Provide funding to enhance civil society organizations' capacity to effectively monitor, oversee and hold public security and justice systems accountable.

**Development and Poverty Reduction Strategies:**

- **Support development strategies that address the specific needs of women and girls.** Poverty disproportionately impacts women, who often face discrimination and limited access to education and employment opportunities. In many cases, women’s economic dependence limits their ability to leave situations of domestic violence or to protect their children from abuse within the home. Further, the employment opportunities most frequently open to women, including domestic work, factory work, and work within the informal sector, are often low-paying, insecure, and leave them vulnerable to workplace abuses. In light of these specific vulnerabilities, there is a need for development strategies that prioritize women’s economic independence and increase access to education, skills training programs, scholarships, micro-lending opportunities, and well-paid and stable employment.
- **Urgent assistance funding should target municipalities and regions within each country most directly impacted** by 1) destabilizing levels of violence 2) internal displacement and increasing emigration (3) receiving high rates of people deported from the U.S. and Mexico. Poverty makes communities less resilient in the face of violence and impedes in-country options for protection and safe relocation.
- **Increased aid resources should prioritize employment and educational opportunities, particularly for youth.** Youth with few viable opportunities to study or work are particularly at-risk of gang recruitment and irregular migration. Greater resources are necessary to improve educational systems, improve the quality of government workforce development institutions, expand effective job training and employment opportunities programs for youth, and to support development of small businesses, which are important for employment generation. In tandem with these programs, funding must be invested in providing youth and communities that have suffered high indices of violence with trauma-informed care and resources.
- **Support effective rural poverty reduction.** Poverty is most heavily concentrated in rural areas in the Northern Triangle, particularly among indigenous populations. Small-scale family farming is central to rural livelihoods and investing in sustainable agriculture is critical to the region’s long term poverty reduction. More assistance is needed to support rural development plans, developed with the full engagement of local farmer organizations, to improve the livelihoods of the rural poor, including small-scale and subsistence farmers. Such efforts have also been shown to help reduce high levels of hunger and malnutrition, factors that also influence the propensity to migrate. Strengthening small and medium scale farmers’ access to markets and participation in value chains, and expansion of rural extension services, have demonstrated impact for rural poverty reduction. But more must be done, particularly to support the poorest, including the rural landless. Targeted support should also be provided to coffee farmers, currently facing the devastation of their crops and livelihoods due to coffee rust, to reduce the likelihood of displacement. Resilient rural communities, with strong domestic markets, are the basis for job growth and effective local institutions.
- **Ensure U.S. policy coherence** with regard to Honduras, Guatemala and El Salvador, with the goal of effectively reducing poverty and violence. An audit of all foreign assistance programs in Guatemala, El Salvador, and Honduras should be conducted, which will provide a better understanding of what programs and initiatives are helping to reduce violence and increase economic opportunity in high-migration regions. Further, U.S. trade and investment policies should be reviewed to ensure that they do not undermine country initiatives intended to strengthen domestic markets, improve food security and generate employment.

## Foreign Assistance Strategies in the Northern Triangle to Address Violence and Poverty:

- **Ensure that U.S. policy is guided by understanding of the different country conditions in the Northern Triangle.** There are notable differences in country context and government responses to insecurity, violence, impunity, and entrenched inequality and poverty. There cannot be a ‘one size fits all’ approach to all three countries. U.S. policy and aid commitments need to be guided by the different country contexts, in particular the extent to which government agencies at all levels are tackling corruption, promoting transparency, undertaking institutional reforms, increasing public revenues, addressing inequities and investing in the economic and social well-being of their people.
- **Ensure the active engagement of civil society in the design and implementation of aid initiatives.** Given the limited capacity of authorities and governmental agencies in the Northern Triangle and their long-standing failure to effectively engage civil society, the effective engagement and meaningful participation of civil society by their own governments and by donor agencies should be a requirement in the design, implementation and evaluation of international aid strategies and programs. Where political will and commitment is lacking, donors should prioritize the support of civil society efforts to meet immediate needs and advocate for policy reforms.
- **Donor strategies in the region should build upon evidence-based models, and support efforts to bring the most effective programming to scale.** There are important examples in the region of both government and civil society programs demonstrating positive outcomes on institutional reform, violence and poverty reduction, particularly in El Salvador.
- **Ensure that all U.S. funding is transparent and accountable,** and that it includes clear metrics and specific indicators that can be used to evaluate whether progress is being made on citizen security, social inclusion, youth employment and poverty reduction, and combating corruption.
- **Addressing widespread violence and poverty in Honduras, Guatemala and El Salvador remains primarily the responsibility of these countries’ governments and societies.** U.S. and international donor assistance should support initiatives that reflect comprehensive strategies developed by these countries, as a result of a meaningful engagement with civil society in setting priorities in each country. A regional and coordinated aid strategy should be developed by the U.S. and international donors in this context.

## Apply cautionary lessons learned from Plan Colombia:

- **Plan Colombia is not an appropriate security model for U.S. policy towards Central America.** The military tactics and widespread deployment of the armed forces in Colombia does not provide an appropriate model for Central American countries that face criminality, corruption and violence but are not in a state of war. A militarized strategy in the Central American context undermines important efforts by Central American societies to place militaries under civilian control and move police forces under the auspices of civilian ministries in the post-conflict era. In addition, Plan Colombia had troubling consequences that Central America should avoid: During Plan Colombia approximately 4 million people were internally displaced from their homes due to violence and serious human rights abuses by the U.S.-trained military escalated dramatically. And over 4,000 civilians are believed to have been extra-judicially executed by the military over the course of Plan Colombia. Moreover, stepped-up antinarcotics efforts in Colombia (and Mexico) have contributed to the growing presence and influence of transnational drug cartels in Central America; trafficking routes and trafficking organizations have moved, while supply in the United States has not been reduced.

- **There are important positive lessons to be learned from Plan Colombia in terms of support for accountable civilian institutions and an independent judiciary.** Over time, U.S. assistance to Colombia shifted from a primarily military strategy to one that emphasizes strengthening of civilian institutions. This was a positive shift, but the challenges involved make clear that if U.S. assistance in Central America is to have any positive impact, governments must have the political will to reform police, strengthen independent judicial systems and to conduct oversight. One of the positive and negative lessons of Plan Colombia is that the U.S. government must have a continuously evolving analysis and strategy to zero in on institutions with political will and tackle those without. **Aid strategies must seek to strengthen civilian government accountability, curtail impunity, and create opportunity for excluded sectors.**
- **Plan Colombia also demonstrated that human rights conditions can be a useful tool.** Although the conditions did not prevent military forces from implementing a strategy of extrajudicial executions (the “false positives” scandal), they played an important role in forcing an end to the strategy after it came to public attention. Finally, in Colombia, the country’s elite eventually shouldered a significant percentage of the financial burden themselves, through a “security tax.” In the case of Central America, national governments must increasingly assume the financial burden that is required to transform their governments and societies through fiscal reform, improving tax collection and insisting that their elites pay their fair share.

**These recommendations were drafted as a collaborative effort of an ad-hoc working group of civil society organizations, including the following organizations:**

CENTER FOR JUSTICE AND INTERNATIONAL LAW  
EVANGELICAL LUTHERAN CHURCH OF AMERICA  
GUATEMALAN HUMAN RIGHTS COMMISSION  
HIAS  
INTERNATIONAL RESCUE COMMITTEE  
JESUIT CONFERENCE OF CANADA AND THE UNITED STATES  
KIDS IN NEED OF DEFENSE  
LATIN AMERICA WORKING GROUP  
LUTHERAN WORLD RELIEF  
OXFAM AMERICA  
SAVE THE CHILDREN USA  
SCALABRINIAN INTERNATIONAL MIGRATION NETWORK  
WASHINGTON OFFICE ON LATIN AMERICA  
WOMEN'S REFUGEE COMMISSION  
UNITARIAN UNIVERSALIST SERVICE COMMITTEE

## ANNEX A: TYPOLOGY OF GROUPS AT RISK OF PERSECUTION IN THE CONTEXT OF EL SALVADOR, GUATEMALA & HONDURAS

| Broad risk groups  | Profiles or risk factors ( <i>not an exhaustive list</i> )  |
|--|---|
| Victims of gang violence   | <ul style="list-style-type: none"> <li>• Resistance to gangs by youth of recruitment-age               <ul style="list-style-type: none"> <li>- Refusal to be recruited as active member or resistance to coercion to perform labor for gang</li> <li>- Refusal to give in to sexual demands (providing sexual services or being a “girlfriend” of a gang member, evading demands to engage in prostitution, trafficking, etc.)</li> <li>- Youth forcibly recruited to gangs who desert the gang</li> </ul> </li> <li>• Family members of youth who refuse to join/collaborate/give into demands of gangs</li> <li>• Persons who unwilling or unable to pay extortion fees or “taxes”, such as:               <ul style="list-style-type: none"> <li>- Small business owners</li> <li>- Shop-keepers, street vendors</li> <li>- Bus drivers, others involved in transport</li> <li>- Individuals with family members in US</li> <li>- Any household in a gang-affected or gang-controlled community can be affected</li> </ul> </li> <li>• IDPs displaced into another community where they are not known</li> <li>• Individuals perceived to have loyalty to rival gang (for example, based on mere place of residence in specific gang-controlled territory)</li> <li>• Individuals who call attention to impunity, help combat impunity, or do anti-violence work               <ul style="list-style-type: none"> <li>- Local authorities (mayors, councilmen, etc.)</li> <li>- Human rights defenders</li> <li>- Journalists</li> <li>- Community organizers and activists, including through youth groups and church groups</li> <li>- Academics, students</li> <li>- Religious leaders, pastors</li> </ul> </li> <li>• Individuals involved in the administration of justice, including:               <ul style="list-style-type: none"> <li>- Judges, lawyers</li> <li>- Victims who file police reports</li> <li>- Community informants</li> <li>- Witnesses to criminal activity (whether or not they collaborate with law enforcement)</li> </ul> </li> <li>• Family members of all of the above</li> </ul> |
| Victims of intra-family violence ( <i>state unable/unwilling to protect</i> )                              | <ul style="list-style-type: none"> <li>• Women</li> <li>• Children and youth               <ul style="list-style-type: none"> <li>- Children and youth dependent on non-parent caregivers</li> <li>- Children abused or neglected by parents or other caregivers</li> <li>- Children at risk of trafficking, exploitation with complicity of family members</li> <li>- LGBTI youth rejected within the family unit</li> </ul> </li> <li>• Individuals with mental or physical disabilities</li> </ul>   |
| Victims of persecution perpetrated by state actors ( <i>often in collaboration with non-state actors</i> ) | <ul style="list-style-type: none"> <li>• Human rights activists</li> <li>• Journalists</li> <li>• Trade unionists</li> <li>• Environmental and land rights rights activists</li> <li>• Academics, students, other social activists</li> <li>• Critics of state’s anti-gang (<i>mano dura</i>) policies or practices, including faith leaders</li> <li>• Individuals who bring attention to, or are involved in combatting, impunity</li> <li>• Young men perceived to be involved in gang activity</li> <li>• Marginalized social groups*               <ul style="list-style-type: none"> <li>- LGBTI individuals</li> <li>- Street children</li> <li>- Members of indigenous groups</li> <li>- Afro-descendant populations</li> </ul> </li> <li>• Victims of gangs denied state protection on basis of gender, age, socio-economic status, sexual orientation or gender identity, and/or presumed affiliation with gangs (<i>note: residence in a marginalized or gang-controlled neighborhood can be a proxy for socio-economic status and imputed affiliation with gangs</i>)</li> </ul>  |

\* These marginalized social groups may also be targeted by an array of private, non-state actors given a culture of acceptance of discrimination, violence and even persecution against these social groups.