

# Central American Report on Human Rights and Social Conflict

2018-2019



Central America Regional Human Rights Monitoring and Analysis Team

# Central American Report on Human Rights and Social Conflict

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2018-2019

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- Nicaragua Club of Young Environmentalists.
- Honduras Association of Women Defenders of Life.
- Honduras Social Environmental Movement of the South for Life (MASS-VIDA).

## FOREWORD

For the Lutheran World Federation / World Service, Central America Program, the 2018-2019 Central American Report on Human Rights and Social Conflict is the result of the work and commitment that the Central America Regional Human Rights Monitoring and Analysis Team makes every year to make visible what the situation of rights in the region is.

In its fourteenth edition, the report accounts for the vulnerabilities, risk situations and human rights violations faced by our Central American populations.

This document offers data, reliable and verified information to have elements that allow you to analyze the contexts and understand the regional problems that afflict, above all, the most vulnerable populations, who face impotence with the negligence and corruption of their governments, who, in general, does not feel represented by the political class, which causes cracks in the democratic system because these governments are not guaranteeing the rights of the population, a topic broadly addressed in the first part of the Report.

Violence and crime have put Guatemala, Honduras and El Salvador in the eye of the hurricane, which among other causes, have significantly increased migration. A special case is that of Nicaragua, which has been experiencing a crisis of violence since April 2018, over which communities, civil society organizations, and the media have denounced the repression of the government in the face of social protests. These issues are presented in the second part of the document, which emphasizes gender violence, and addresses sensitive issues such as femicides, pregnancy in girls and adolescents; for instance, in Nicaragua, the rights of women who disagree with the government have been violated, and many of them have been arrested.

In this context, the 2018-2019 Central American Report on Human Rights and Social Conflict presents advances and setbacks in the fulfillment of rights in the region, where these situations are the product of structural causes that do not allow the majority of the population to be able to enjoy them with dignity and increase the gaps in inequality, inequity, and exclusion.

We appreciate the efforts of the Central America Regional Human Rights Monitoring and Analysis Team, for this document that constitutes a valuable contribution for the region and is an important input for organizations, human rights defenders and governments to improve and comply with the policies and laws to protect the most vulnerable populations and create spaces, so that the population expresses itself, takes into account and guarantees the full fulfillment of their rights.

Sincerely,

Martin Ruppenthal  
Regional Representative  
Central America Program  
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Lutheran World Federation

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## Acronyms and Abbreviations

AMHON: Association of Municipalities of Honduras

ASOCAMBIO: Association I Change

ARENA: Nationalist Republican Alliance

ANDA: National Administration of Aqueducts and Sewers

APES: Association of Journalists of El Salvador

UNHCR: United Nations High Commissioner for Refugees

BCN: Central Bank of Nicaragua

IDB: Inter-American Development Bank

IACHR: Inter-American Commission on Human Rights

CICIG: International Commission Against Impunity in Guatemala

CICIES: International Commission Against Impunity in El Salvador

CSE: Supreme Electoral Council

CPP: Criminal Procedure Code

CNSD: National Security and Defense Council

CSJ: Supreme Court of Justice

CAMST: Body of Municipal Agents of Santa Tecla

CENIDH: Nicaraguan Center for Human Rights

CIPRODEH: Center for Research and Promotion of Human Rights of Honduras

CIEN: National Economic Research Center

CICAD: Inter-American Drug Abuse Control Commission

CACIF: Coordinating Committee of Commercial, Industrial and Financial Agricultural Associations

CNSCC: National Council of Citizen Security and Coexistence

CRH: Constitution of the Republic of Honduras

ECLAC: Economic Commission for Latin America and the Caribbean

CONALFA: National Literacy Committee

CNU: National Council of Universities

CST: Superior Labor Council

CBA: Basic Food Basket

CDH: Center for Human Development

ENCOVI: National Survey of Living Conditions

EHPM: Multi-Purpose Household Survey

ECE: Continuous Employment Survey

ENEI: Employment and Income Survey

FSLN: Sandinista National Liberation Front

FGR: Attorney General's Office

FESPAD: Foundation of Studies for the Application of Law

FUSINA: National Interagency Security Force of Honduras

FNA: National Anti-Extortion Force

FMLN: Farabundo Martí National Liberation Front

FUNDESA: Foundation for the Development of Guatemala

FOSDEH: Social Forum of External Debt and Development of Honduras

FAO: United Nations Food and Agriculture Organization

GANAN: Grand Alliance for National Unity

GAFILAT: Latin American Financial Action Group

GIEI: Interdisciplinary Group of Independent Experts

CPI: Corruption Perception Index

HDI: Human Development Index

IPG: Global Peace Index

IHSS: Honduran Social Security Institute

VAT: Value Added Tax

IDD: Crime Reporting Index

INAMU: National Women's Institute

INACIF: National Institute of Forensic Sciences

INE: National Statistics Institute

IPM-NNA: Multidimensional Poverty Index of Children and Adolescents

INIDE: The National Development Information Institute

LPG: La Prensa Gráfica (newspaper in El Salvador)

LGBTI: Lesbians, Gay, Bisexual, Trans, Intersex

LZEE: Special Economic Zones Law

MACCIH: Support Mission against Corruption and Impunity in Honduras

MIDES: Ministry of Social Development

OAS: Organization of American States

OIJ: Judicial Investigation Agency

UN: United Nations

ORMUSA: Organization of Salvadoran Women for Peace

OTRANS: Trans Queens of the Night Organization

ILO: International Labor Organization

PND: National Development Plan

PARLACEN: Central American Parliament

PNC: National Civil Police

GDP: Gross Domestic Product

UNDP: United Nations Development Program

PEA: Economically Active Population

RNES: National Radio of El Salvador

RACDES: Network of Community Environmentalists of El Salvador

SAG: Ministry of Agriculture and Livestock

STISSS: Union of Workers of the Social Security Institute

SDPe: Sub-index of Crimes against Persons

SSM: Secretariat for Multidimensional Security

IT: Transparency International

TSE: National Elections Court

UFECIC: Prosecution Unit Against Impunity of Corruption

UNAH: National Autonomous University of Honduras

UCA: José Simeón Cañas Central American University

UNICEF: United Nations Children's Fund

UNAN: National Autonomous University of Nicaragua

ZEDE: Employment and Economic Development Zones

## REGIONAL CONTEXT

Central America continues to be a region with violent conflicts; mainly political, social, cultural, with transnational phenomena such as migration; among others. Without a doubt, the current challenges require true regional integration, without giving more weight to the economy rather than the social area. The region has come a long way full of suffering. We cannot talk about peace, democratization, reconciliation, citizens security, human development, justice, among others, due to the serious violations of human rights in the region.

Guatemala, Honduras, and Nicaragua have highly questionable governments in the framework of having been democratic and freely elected, where they have shown instability, with situations of serious internal difficulties; weakening of democratic institutions and high repression of opposition sectors through the armed forces and security forces.

Governments have not joined forces to generate sustainable development conditions in Central America, a climate of political and institutionalized violence predominates, stimulated by inequality in the distribution of wealth, high rates of social exclusion and fear widespread by common and organized crime.

The human rights situation presents high levels of non-compliance, such as health, education, security, housing, decent employment, food security or the violation of social identity rights, which are the cause of situations of violence or conflict in a latent state. Given this, the Governments continue to implement unsustainable public policies over time, without any real impact. Most of the public policies adopted have been to favor power and pressure groups, arguing that macroeconomic stability, economic liberalization and state modernization will be achieved. However, the reality is different, since they have not been able to eradicate poverty, create jobs, have access to fundamental rights. This is generating discontent in the Central American population, which increasingly plays a transcendental role.

Currently, human rights defenders in Central America, as around the world promote, seek, follow up, influence the political agenda and legally and legitimately defend human rights and fundamental freedoms, through monitoring, denunciation, and diffusion.

Therefore, human rights defenders in Central America face a series of obstacles, including criminalization, persecution and stigmatization, and in extreme cases, violent death.

On average, if Central America were evaluated in its entirety by the Global Peace Index (GPI) in the year 2019, it would be located at position 91.6, with respect to the list of the 163 countries, above the world average. By developing a trend analysis from 2015 to 2019, including an annual interpretation, it is identified that the countries of the Central American northern region continue to face higher levels of violence, compared to other countries.

The GPI average places the countries of the Northern Triangle of Central America in the position 115 if it were evaluated as a whole, which makes visible the asymmetries existing in the region with respect to the North and South in terms of violence. Thus, as the average of the Northern countries doubles that of the South (56).

In this sense, the GPI of the Central American region of the year 2019, indicates that Costa Rica is the best-evaluated country in position 33, followed by Panama that is in position 47 of the 163 countries analyzed, and the worst qualified it is Honduras which went from post 118 to 123; placing the country in one of the most violent in the world, followed by Nicaragua with position 120, both countries face a political and social crisis, where military powers converge which generate a high degree of social upheaval and violence. In addition to the existence of multiple and non-transparent quasi-public businesses with links to the ruling party that manage large cash transactions, as well as the proliferation of subsidiary companies with unclear property increases the vulnerability of both countries to money laundering.

Another of the trends in Central America is the emergence of a series of “security” measures promoted by governments, which are focused on safeguarding public institutions, the interests of the current governors and protecting the interests of economic power, but in less measure to preserve the security and rights of the population.

By nature, repressive patterns develop consubstantial problems as different forms of marginality, by promoting stigmatization of the population for age and geographical reasons, which leads to vulnerable populations being recipients of the repressive public force of the Government. In turn, restricting human and fundamental rights by promoting exceptional measures or exception regimes, transgressing guarantees such as due process.

On the other hand, although all the countries of the Central American region have a legal framework for the protection of women, they continue to commit acts of violence against them not only causing physical, sexual or psychological harm or suffering but also up to the highest degree that is violent death. According to official data and records made by women's organizations in each of the countries of the region, in Central America in 2018, 1,590 femicides were committed and from January to August 2019, 628 femicides are reported.

On the other hand, the Central American governments have been betting on development strategies focused on deepening the extractive model, which is manifested through their public policies and the generation of regulations that facilitate their development, which prioritize exploitation and accumulation projects of the common goods of nature, which cause the disappearance of organizational structures, social fabric and the different manifestations of culture of indigenous peoples and peasant populations. In addition to breaking into their culture and their worldview of the world and their relationship with natural assets, they are also persecuted, criminalized, threatened, prosecuted and in many cases, they are killed from concessionary companies and the Government itself.

This is evidenced by the existence of a set of projects in the region, in which there has been the support and commitment of the Governments for their implementation, operation, and operation; for example, mining, hydroelectric, monoculture and Employment and Economic Development Zones (ZEDE), to name a few.

In short, the Central American region has to assume a more coherent role with reality, organized civil society must exercise an exhaustive comptroller to ensure the fulfillment of their rights; in this way, avoid the migration or expulsion of citizenship from the respective territories of the countries that make up the Central American isthmus.

In turn, it should provide the opportunity for organized civil society in the Central American region to create proposals that will allow further development in the face of regional spaces such as the Central American Integration System (SICA), the Secretariat for Central American Social Integration (SISCA), as well as the Secretariat for Central American Economic Integration (SIECA), which are highly political spaces, but unfortunately with a lack of consultation with civil society.



The deep social and political crisis in Honduras that is doomed to media silence. Photo by: Actualidad.rt.com

# Chapter 1

## DEMOCRATIC SYSTEM

Central America faces great challenges in the consolidation of democratic development, because the countries do not fulfill their obligations to guarantee the rights of the Central American population. On the contrary, they have favored economic, political or factual power groups, who have absorbed control of public powers. The non-existent effective citizen participation in the destinies of society, generates a vertical relationship between rulers and governed, this is evidenced through the political behaviors and interactions of the State and its institutions, in which it excludes and increases inequalities in the population.

The political system in the countries of the region is characterized by favoring corporatism, also strengthening a culture of patronage by the rulers to ensure their permanence in power, reforming the Political Constitution to achieve reelection and remain in power, which does not guarantee democratic security since authoritarianism, totalitarianism and absolute permanence in power are not the goals of democratic systems. The result is democracies created by those who hold political and economic power with little participation of citizens who, although they have managed to maintain electoral continuity, are far from solving the problems of inequality and poverty that affect the vast majority of the population.

The negative factors that stand out in the Central American region are oriented towards a higher level of economic and social insecurity that impacts the quality of life; and high levels of corruption by the countries, which has reduced confidence in the actions of governments to generate development and has caused greater social unrest.

As the cases of Guatemala, Honduras and Nicaragua especially prove, where a weak country (ineffective, established by corporate interests, corrupt and with little legitimacy) has been formed, together with a huge population in poverty and affected by multiple inequalities, which gives way to situations of instability, which are manifested in permanent conflicts before authoritarian practices with human rights violations, among these serious violations of freedom of speech; mobilization, organization, association, among other rights. Therefore, it is important for countries to retake in practice respect for political rights and civil liberties, for true institutional quality and political efficiency to be given; ability to generate social and economic policies with the objective of ensuring well-being and having economic efficiency.

A clear example of the regressivity of democratic countries are the serious threats to the political participation of the opposition and the antidemocratic pacts that Nicaragua, a country that is experiencing one of the most serious human rights crises in the history of the region, due to the *de facto* implementation of a State of Exception, characterized by the abusive exercise of the public force to repress the dissenting voices of the Ortega - Murillo regime. As well as to the interference and control of the Executive Power in the other public powers, factors that perpetuate the impunity of human rights violations that occurred in the context of State repression of protests, which keeps society in a permanent destructive tension; the growing presence of powerful criminal actors and the so-called «parallel-State» in Guatemala that make State action partial and inoperative, with no results in democratic life; the conservative intolerance of the elite Honduran leader that led to the *coup d'etat* that showed not only the total disrespect for legal, democratic resources, but also the prevalence of private interest groups in public life. President Juan Orlando Hernández has implemented a repressive military force against people who defend their basic human rights, which has caused the Honduran population to demand the president's resignation.

Another fact that reveals the deterioration of democracy in Central America is reflected in Costa Rica, although it is classified as one of the most stable democracies in Central America; however, it progressively restricts the right to social protest or the right to strike for workers. On the other hand, El Salvador is characterized by having a hybrid democratic system, after the appearance of a popular democracy there is a domination of authoritarian and democratic practices. With lack of capacity to respond to the demands of the population, always leaving out marginalized sectors with situations of vulnerability, such as women, youth, children, LGBTI population, among others. On the other hand, Panama does not have democratic governance due to lack of political stability, respect for private property, freedom of speech, right to justice, little investment to promote development, growth and social stability, among other factors.

We cannot speak of a democracy established in Central America, when corruption becomes increasingly latent in State institutions and their public officials; as well as hindering civil society participation processes and the general population. The Central American population does not perceive a representation of their interests in politicians, often because they do not appear on the political agenda, which has affected the human development of its citizens.

# 1.1 CORRUPTION AND IMPUNITY

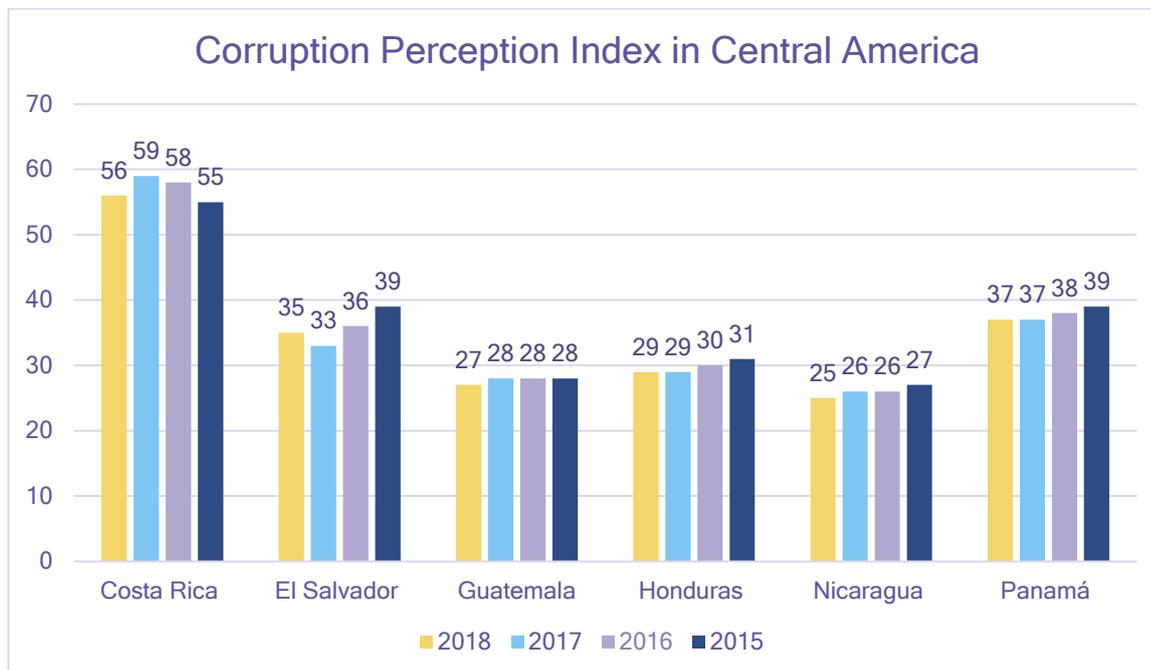


Figure 1: Corruption Perception Index in Central America, 2015 to 2018.  
Own elaboration with International Transparency data.

Corruption, violence and impunity prevail in the Central American region, or pervade widely with the permission and participation of political and economic classes. The former Attorney General of Guatemala, Claudia Paz, points out that the advances that have existed in the fight against corruption and impunity in the region have come from legitimate social demands. In Guatemala the creation of the **International Commission against Impunity, (CICIG)**, was a demand of human rights organizations that had been suffering attacks and even murders; on the other hand, in Honduras, the establishment of the **Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH)** was precisely because citizens, in the face of major corruption scandals linked to social security, took to the streets with the important movement of *Las Antorchas* (The Torches), that is a clear example of what citizens can achieve in the demand for their rights. As far as MACCHI is concerned, it has made deep investigations, among them the case of the former First Lady, where for the first time in this country a person belonging to the political elites of the country is sit on the "bench of the accused," prosecuted and sentenced.

With an average score of 44 out of 100 for three consecutive years in the Corruption Perception Index (CPI), the Americas continues without making significant progress in the fight against corruption.<sup>1</sup> According to the tenth edition of the 2019 Global Corruption Barometer in Latin America and the Caribbean —published by Transparency International— reveals that most citizens argue that their governments do not do enough to address corruption and that levels of corruption they increased in the last 12 months of 2018, throughout the region concluding that “the lack of political integrity threatens to undermine the democratic foundations of many countries in Latin America and the Caribbean.” In Panama, 56% of the population argue that corruption has increased in the last 12 months; Honduras, 54%, Costa Rica, 49%; Guatemala, 46% and El Salvador, 45%.

Nicaragua was the most corrupt country in the region in 2018, ranking 152 in the ranking of the 180 countries evaluated by the population based on their perception of the levels of corruption determined for each country according to the data reported by Transparency International (IT) in its annual report. This raking is followed

<sup>1</sup> Americas: the weakening of democracy and the rise of populism. Source: [https://www.transparency.org/news/feature/el\\_debilitamiento\\_de\\_la\\_democracia\\_y\\_el\\_auge\\_del\\_populismo\\_en\\_las\\_americas](https://www.transparency.org/news/feature/el_debilitamiento_de_la_democracia_y_el_auge_del_populismo_en_las_americas).

by Guatemala in 144th place, Honduras in 132nd place, El Salvador in 105th place, Panama in 93rd place and Costa Rica is in 48th place.<sup>2</sup>

The high degrees of corruption in Honduras, responds to the concentration of power, unprecedented in the recent history of Honduras (1982 to the present). This concentration of power from the Executive Branch, as from the other branches of the State and from constitutionally autonomous institutions such as the Attorney General's Office, Superior Court of Accounts, Attorney General's Office, the National Commissioner for Human Rights (CONADEH), Supreme Electoral Court ; even the municipalities part of the Association of Municipalities of Honduras (AMHON), have allowed President Juan Orlando Hernández to be re-elected unconstitutionally, causing greater social polarization and that impunity continues to prevail in the country, damaging democracy, the well-being of citizenship, limiting the enjoyment of each of their elementary rights.

At the level of emblematic cases, since the implementation of the MACCIH, the prosecution of low and intermediate level officials involved in the looting of the Honduran Institute of Social Security (IHSS) has been achieved. However, the investigation and prosecution of senior officials of the ruling party who are involved has not been achieved. Even the current president, in a forum and on national television, acknowledged that in his political campaign he received funds from the embezzlement to the IHSS, but that "they were going to return that money" (something that has never happened), but it is insufficient in matters of justice applied to corruption cases. Linked to this, a former president of the National Congress of the previous term (2014-2018) was denounced because one of the pharmaceutical companies that sold adulterated drugs (with flour) to the IHSS. She was charged since June 2015 for crimes against public health, forgery of public documents and other fraud.<sup>3</sup>

Another of the emblematic corruption cases, in the case of Honduras, is the so-called "Pandora Case" in which some 120 public officials and political party activists diverted 282 million lempiras (about 11.7 million dollars) from the Secretariat of Agriculture and Livestock (SAG), mainly for the campaigns of certain candidates for popular election positions of the ruling party (National Party) and the Liberal Party.<sup>4</sup> Of those 120 officials, the Special Prosecution Unit Against Impunity for Corruption (UFECIC) formally accused 38 people of money laundering, including deputies from 2014-2018, and 2018-2022. Of these, 19 have been in custody since July 24, 2018, including deputies of the National Party, the Liberal Party and the Democratic Unification Party.

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<sup>2</sup> International Transparency Corruption Perception Index 2018. Source:

[https://www.transparency.org/files/content/pages/CPI\\_2018\\_Executive\\_summary\\_web\\_ES.pdf](https://www.transparency.org/files/content/pages/CPI_2018_Executive_summary_web_ES.pdf)

<sup>3</sup> *La Prensa*. August 20, 2019. Astropharma case: They declare Lena Gutierrez innocent for lack of evidence. Source: <https://www.laprensa.hn/honduras/1311624-410/astropharma-lena-gutierrez-ihss-seguro-social-corrupcion-honduras-sentencia-juzgado-penal>

<sup>4</sup> *La Prensa*. June 24, 2018. Pandora Case: 120 involved in millionaire diversion of the SAG. Taken from <https://www.laprensa.hn/honduras/1191122-410/caso-pandora-millonario-sag-corrupcion-honduras-fraude->



Former First Lady of Honduras Rosa Elena Bonilla, wife of former President Porfirio Lobo (2010-2014), upon arrival at the Court of Judgment on Corruption I. Photo by: EFE / Gustavo Amador.

Also, the former First Lady, Rosa Elena Bonilla de Lobo, wife of former president Porfirio Lobo Sosa (2010-2014 presidential term), was captured on February 28, 2018, accused of the crime of money laundering and misappropriation of some 12 million lempiras which she transferred from an account of the Office of the First Lady to a personal account, a few days after the president took the Oath of Office, on January 27, 2014.<sup>5</sup> He hired fake shoemakers, in the framework of the Calzando a Niños de Honduras Program, destined for public schools, where the shoemakers received a portion of the money and the other returned it to the former first lady. For the month of August 2019, UFECIC/MACCIH, obtained a sentence against it and Saúl Escobar Puerto. The sentence received was 58 years in jail.

Honduras has an Official Secrets Act and how it limits access to official information, classifying which information should be public and which shouldn't. Undoubtedly, what is intended, among other things, is to limit that citizens have access to official information in their processes to fight against corruption and impunity.

Given this context of a medium achievement in the country's anti-corruption agenda, of opposition sectors of Honduras, with the implementation of the MACCIH/OAS, under the "Agreement between the Government of the Republic of Honduras and the General Secretariat of the Organization of American States for the Establishment of the Mission to Support the Fight Against Corruption and Impunity in Honduras" signed on January 19, 2016 and ending in January 2020, but which can be extended, according to its article 16.2 with an exchange of notes between the parties, during the months of June-August 2019, the president of the National Congress, Mauricio Oliva Herrera, the president of the Supreme Court of Justice, Jorge Argueta, have given statements to the media saying that the presence of MACCIH in Honduras it's not necessary. The Parliamentary Front to Support MACCIH, civil society organizations, international cooperation agencies and embassies, are pressing the Executive and Legislative branch to extend the mandate of MACCIH. This only shows that they want to protect themselves as business and political elites from possible demands for corruption and impunity.

In this regard, the National Congress approved the new Criminal Code, which was published in the Official Gazette, on May 14, 2019.<sup>6</sup> This legal instrument contains some articles that represent setbacks in key issues, including the fight against corruption and impunity and criminalization of social protest, which, in the case of Honduras, is important to mention that there are demonstrations against the corrupt because it cuts penalties for corruption crimes to mutable levels. Under these new figures, some State officials who are being prosecuted and others who are already in prison may be released, because in Honduras there is retroactivity of the law only when it benefits the inmate. Broad sectors of Honduran society, such as the political opposition, civil society organizations, social movements, human rights defenders, a part of the private sector, the National Platform in Defense of Health and Education, oppose certain articles of this new Criminal Code that will take effect in the month of November 2019.

It is concluded that, in Honduras, given the anti-corruption agenda of sectors of the political opposition, social movements, unions and civil society organizations, the traditional and corrupt political class, is generating an enabling framework to continue in impunity. However, there are sectors that actively demand the judicialization of businessmen and politicians who have subjected the country to poverty and social exclusion, due to the high levels of corruption and impunity.

<sup>5</sup> *La Prensa*. August 20, 2019. They convict former Honduran first lady, Rosa Elena de Lobo, taken from <https://www.laprensa.hn/honduras/1311655-410/culpable-rosa-elena-lobo-exprimera-dama-honduras-caja-chica-dama->

<sup>6</sup> *El Heraldo*. May 16, 2019. The six facts you should know about the new Criminal Code of Honduras. Taken from <https://www.elheraldo.hn/pais/1284931-466/los-seis-datos-que-debes-saber-sobre-el-nuevo-código-penal-de>

In the case of Guatemala, with the arrival of President Jimmy Morales, the country has stepped back in the fight for transparency; and the little that had been advanced in 2015 was lost due to the alliance that exists between corrupt to the Congress of the Republic, the Supreme Court of Justice and the president's office. At the same time, in 2018, Guatemala had a score of 27 in the Corruption Perception Index.

In the judicial field there has been an unprecedented setback. This is due to the fact that, in 2014, an alliance between two parties already disappeared, but which were committed to corruption and State co-optation, reached an agreement for the appointment of 130 magistrates of the Appeal Courts, and 13 of the Supreme Court of Justice.

The 13 judges of the Supreme Court of Justice have transformed that high body into the court of impunity, being the main architects of the impunity process, where they favor people involved in corruption or organized crime.

It is not intended to generalize the action of all the Appeals Courts, so the example of the action of the 3<sup>rd</sup> Court of Appeals of the criminal branch that together with the Supreme Court of Justice has been characterized by favoring those who have been publicly linked with acts of corruption or actions that are outside the law. Simultaneously, it has harmed those who have dedicated their lives to work against impunity.

The link established between the Supreme Court of Justice (CSJ) and this court has allowed the cases known by the first to be sent, without further processing, to said court or to any of its magistrates, with the security that they will resolve according what interest groups linked to organized crime or corruption. Those who make up this court have accumulated a series of cases in which, collectively or individually, they have resolved in a questioned manner, favoring groups of political and criminal power, it is important to cite some examples:

For the misfortune of the former congressman of the *Encuentro por Guatemala* (EG) party, Nineth Montenegro, the procedure of withdrawal of prejudice was sent by the CSJ to one of the magistrates of this court, so that, performing the function of investigating judge, she decided on that request, which, as was known beforehand, would be unfavorable for the legislator, due to the links with dark people and groups that the judge has, who knew the case of the congresswoman.

In an unequal way to the resolution against Nineth Montenegro, members of that court favored the son and brother of President Jimmy Morales, Alvaro Arzú and, a few days ago, left those responsible for having been involved in the IGGG-PISA case without criminal responsibility. (Those reported were possibly involved in acts of corruption that killed hundreds of people who did not have access to quality medicines).

The third court of appeal has become the favorite of those who seek to evade justice, its members are linked to the political parties and the darkest characters, many of them entrenched in the State, where they are illicitly enriched.

Unfortunately, neither the Attorney General's Office nor the CICIG will worry about investigating the actions of the three magistrates that make up this court, because their actions linked to those of the CSJ promote the benefit for officials that are possibly linked to acts outside the law and with this cause serious setbacks in the credibility of the institutions in charge of administering justice.

Until now, the decisions of the CSJ and the third court have gone unpunished, it has not been possible for their decisions to change, the beneficiaries are enjoying freedom and power, while the injured are unfairly facing the accusations that have been poured into against him

The co-optation of the system of administration of justice by groups that promote corruption, by military violators of human rights and members of organized crime has allowed progress to be made in cases that are promoted because judges act in anomalous ways, an example of this is Judge Marta Claudette Dominguez Guerrero who has prevented criminal proceedings against the military from advancing.

In addition, the Supreme Electoral Court has placed itself at the disposal of political parties with questionable assignees, the electoral process of the year 2019 has weakened the process of building democracy, due to doubts that remain about whether there was transparency or not.

It has been evident the benefit that existed in favor of some of the political parties and attitudes against other parties, the accelerated registration of some was favored and during the process, attitudes were raised that left doubts about the impartiality of this something organism.

The director Gustavo Adolfo Castillo and Beny Roman deputy director of informatics have been arrested, possibly there was destruction of evidence that could involve other people, including senior officials of this body.

Judge Fredy Orellana asked the Attorney General's Office to investigate the responsibility of the magistrates, especially the president of the TSE, for the damage they could have done to the electoral process and for having been involved in crimes linked to the elections.

With regard to El Salvador, it has been seen how many rulers appropriated the State with illicit interests. Not only to obtain greater privileges but also to guarantee impunity. Currently, it has an inability to control corruption, which contributes to a crisis of democracy throughout the world.<sup>7</sup> Therefore, El Salvador continues to be one of the countries with a high degree of perception of corruption and impunity. The 2018 score for El Salvador was 35 (see chart 1); it is intertwined with countries such as Brazil and Peru, which had various corruption scandals involving the highest structures of the State and for which, in 2016 and 2018, their respective leaders left power.

The Latinobarómetro 2018 report indicates that there is a perception of increase by Salvadorans of 58% in terms of corruption. It can be interpreted that as it invades political parties, public officials, state institutions, local governments, citizens decrease support for democracy. In 2016, it was recorded that 54.6% of Salvadorans supported democracy.

One of the most relevant cases in El Salvador has been that of former President Elías Antonio Saca, who since last September is serving a 10-year prison sentence for corruption offenses; specifically, for the diversion and laundering of more than US\$300 million of State funds, he was also given two years in prison, after confessing that he bribed a judicial employee with \$10,000. It is important to mention that the penalties of the first crimes could have reached 30 years in prison, and for the crime of bribery they are punished with between six and 10 years in prison. Unfortunately, the former president underwent an abbreviated process. This brought great discontent in the Salvadoran population since justice has not been equitable or exemplary for these acts of corruption.

On the other hand, former President Mauricio Funes, who accumulates at least five criminal proceedings. All for various corruption offenses. Currently, he and his family have Nicaraguan citizenship and seek to avoid Salvadoran justice.

Recently, other public officials such as the former Deputy Minister of Commerce and Industry in the government of Elías Antonio Saca (2004-2009), Blanca Imelda Jaco de Magaña, along with her husband and daughter, who must reimburse the State for \$103,225.42 they obtained illegally, in accordance with the Statements made by the Attorney General's Office (FGR).

In June 2019, the President of the Republic denounced before the media acts of corruption in the Bureau of Prisons through *Asociación Yo Cambio* (ASOCAMBIO). Specifically, the NGO managed funds from institutional stores and products made by inmates.

Before the creation of ASOCAMBIO, the funds were administered by the Bureau of Prisons. Currently, they are in charge of the association created by the former Minister of Justice and Public Security, Mauricio Ramírez Landaverde, and the former director of Bureau of Prisons Marco Tulio Lima. Both are founders of the association. So far there is no criminal process initiated. But the current president ordered the dismissal of his new posts for both Commissioner Mauricio Ramírez Landaverde; as well as, for the Deputy Commissioner Marco Tulio Lima. This could be positively described as it reflects the intolerance of corruption actions. However, it is necessary that the corresponding instances investigate and that the due administrative process to be carried out.

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<sup>7</sup> The analysis reveals that corruption is contributing to a crisis of democracy on a global scale. Source: [https://www.transparency.org/news/pressrelease/el\\_indice\\_de\\_percepcion\\_de\\_la\\_corrupcion\\_2018](https://www.transparency.org/news/pressrelease/el_indice_de_percepcion_de_la_corrupcion_2018)

A report by the Probity Section of the Supreme Court of Justice (CSJ) shows that in the last 10 years a total of 8,974 former officials have not declared their assets at the end of their duties. It is a violation of the mandate of the Constitution of the Republic.<sup>8</sup> At the end of July 29, 2019, many officials, including the President and Vice President, of the new government had not declared their assets as required by the Constitution of the Republic.<sup>9</sup> Therefore, this non-compliance action generated concern, due to the importance of the fight against corruption and transparency. However, on August 22 they presented their declaration of assets and income.

Traditionally, the way in which second-degree elections are held allows for political and economic power to distribute public institutions; consequently, favors payments are given to those who supported their choices; lacking the process of choosing efficiency and transparency; an example of this, the delay of four months in the election of the five magistrates to integrate the Constitutional Chamber and the Civil Chamber of the Supreme Court of Justice. The officials had to be elected on July 15, 2018; however, the Legislature elected them on November 16 of the same year.

Another example was the election of the current Attorney General of the Republic, Raúl Melara, who is linked to the ARENA party and not only had the votes of that fraction but also of the others, observing deficiencies in the due process that he carried out the Legislative Assembly. One of the requirements that must be met by the candidate for second-degree elections is independence from political parties; which remains a pending challenge in the framework of this election. It is important that in the second-degree elections there are counterweights, greater control, and vigilance by Civil Society, which can evaluate its exercise, according to morality, transparency, and effectiveness.

In the case of Costa Rica, the issue of corruption and impunity has been invisible for years. The last Corruption Perception Index (CPI) shows that it fell back three places in the list, step 59 to 56 (see chart 1).<sup>10</sup> This shows a deterioration in the fight against corruption. It becomes one of the countries with the most decline in the world, next to Haiti, Congo, Yemen, Greece, East Timor, United States. Undoubtedly, the increasing impunity in acts of corruption that have been denounced in the country and remain without sanctions, such as the case of Chinese cement, which, more than three years after initiating judicial investigations, no concrete results have been obtained.<sup>11</sup> The case is being investigated by the Costa Rican Attorney General's Office.

Another case of corruption is the millionaire loan to the Yanber company, the diversion of Infocoop funds that according to public information amounts to €23 billion, to the route to the container terminal in Limón for almost \$15 million, between others.

In the administration of former President Solís Rivera, promises on transparency and anti-corruption were specifically breached. Taking into account that the fight against corruption was one of its priority axes in the National Development Plan (PND), the objective was to bring Costa Rica up to 66.5 points in the CPI for 2018, but it was not achieved.

In parallel, another cause is the financial difficulty that Costa Rica is going through. An example of this, the fiscal crisis that the country has experienced in recent times. According to the Costa Rican situation report, carried out in 2018, by the Judicial Investigation Agency (OIJ), it indicates four types of corruption against the country, among them, the “malicious action” of an individual as a person who seeks an asset advantage but does not interact with other people. An example of this is the embezzlement of funds or theft of State assets; next is the payment of bribes for a capital advantage to a third party to do or stop doing certain work of a position; the third responds to collaborative schemes in which officials have interaction with organized groups, such as private companies that conduct lawful business, organizations recruit officials and offer them

<sup>8</sup> 8,974 former officials report without declaring their assets. Source: <https://www.laprensagrafica.com/elsalvador/Reportan-8974-exfuncionarios-sin-declarar-su-patrimonio-20190717-0443.html>

<sup>9</sup> El Salvador.com. August 7, 2019. New government cabinet without declaring assets to Probidad. Source: <https://www.elsalvador.com/eldiariodehoy/nuevo-gabinete-de-gobierno-sin-declarar-bienes-a-probidad/628221/2019/>

<sup>10</sup> This index classifies 180 countries and territories according to the perceptions of experts and businessmen on the level of corruption in the public sector, also uses a scale from zero to 100, in which zero equals very corrupt and 100 to very transparent.

<sup>11</sup> The case of the Chinese cement is a loan granted by the Bank of Costa Rica (BCR), for more than \$30 million, to businessman Juan Carlos Bolaños and that apparently occurred irregularly during the Solís administration.

money, travel, pleasure, among others. And, finally, the penetration of organized criminal groups that, in order to maintain their marginal activity, resort to the recruitment of officials in key positions, through intimidation or threat.

In Nicaragua, since Daniel Ortega assumed the presidency, corruption has risen vertiginously. The concentration of the powers of the State has been precisely to eliminate transparency and accountability to the population by oxygenating the corruption of the State. According to the Corruption Perception Index in 2018, Nicaragua ranked 152th, with a score of 25, which means that Nicaraguans perceive an increase in corruption in the country's public sector, taking into account the concentration of wealth by those who govern the country.

"The dance of corruption is palpable in any State institution, you don't have to wear glasses to see it (...) The law is wet paper" for Ortega, retired general Hugo Torres told Agence France-Pressé.<sup>12</sup>

An emblematic case of corruption is the former president of the Supreme Electoral Council (CSE), Roberto Rivas, an ally of Ortega, who was sanctioned in December 2017 by the United States that included him in a list of the Magnitsky Act, which establishes penalties for violation of human rights and corruption. The US provision indicated that Rivas to accumulate "considerable wealth," including private planes, luxury vehicles, and a yacht, in addition to "perpetrating an electoral fraud that undermines institutions." This case today continues in impunity.

Another of the great acts of corruption of the Ortega - Murillo government are the businesses carried out by the holding of companies known as Alba de Nicaragua SA (ALBANISA), used by the presidential family and their closest collaborators to form a new economic group, using the capital that came from Venezuelan cooperation valued at about \$500 million annually, the lack of transparency in the management of funds coming from Venezuela and its discretionary use are part of the multiple acts of corruption of the State of Nicaragua.



Eleven officials of the State of Nicaragua, sanctioned by the United States, reported corruption and human rights violations.<sup>13</sup>

<sup>12</sup> Biobiochile.cl. Friday, May 4, 2019. The causes that led Nicaragua to a crisis and various protests against the government. Source: <https://www.biobiochile.cl/noticias/internacional/america-latina/2018/05/04/las-causas-que-llevaron-a-nicaragua-a-una-crisis-y-diversas-protestas-contra-el-gobierno.shtml>

<sup>13</sup> *La Prensa*. June 26, 2019. What have been the consequences of the United States sanctions for the 11 orteguista officials indicated of corruption and human rights violations? Source: <https://www.laprensa.com.ni/2019/07/26/politica/2573258-cuales-han-sido-las-consecuencias-de-las-sanciones-de-estados-unidos-para-los-11-funcionarios-orteguistas-senalado-de-corrupcion-y-violaciones-a-los-derechos-humanos>

In October 2019, the case of the Congressman to the Central American Parliament (PARLACEN), Francisco Sarria García, was represented on behalf of the ruling party (Sandinista National Liberation Front - FSLN), who is accused of leading a network that moved cocaine and marijuana from Costa Rica through Nicaragua to Honduras. The Attorney General's Office alleged that also known as "El Doc", Sarria García led a group that included two Guatemalans and a Colombian resident in Costa Rica. They used the coastal city of Mechapa, on the Pacific coast—separated from Honduras only by the Gulf of Fonseca—in the western department of Chinandega to receive shipments of drugs and money.

The authorities, supported by alleged eyewitnesses and photographs of a mobile phone, have also linked the narco gang of Sarria García with a brutal homicide in September 2019. The victim, Máximo Ríos, had to deliver to Sarria García more than 250 kilograms of cocaine from Costa Rica in the city of Mechapa in exchange for \$60,000. But when the cargo did not arrive, Rios was tortured, killed and dismembered.

Nicaragua has become the refuge for fugitives from justice, as is the case of former President Mauricio Funes and former President of the Parliament of Guatemala, Luis Rabbé, investigated by the Attorney General's Office and the International Commission against Impunity in Guatemala (CICIG) for the supposed creation of ghost employment during his presidency in Parliament.

Regarding impunity levels, it remains one of the scourges that impacts the Nicaraguan society. In September 2019, during the presentation of the Report on the Situation of Human Rights in Nicaragua, made by the UN High Commissioner for Human Rights, Michelle Bachelet, demanded an end to "impunity" in Nicaragua. National Police officers, parastatal forces and supporters of the government party have been reported to commit murders and a series of abuses that, in some cases, constituted torture, such as beatings, drowning drills, electric shocks and rape, among others serious events that have been classified as crimes against humanity. All these abuses committed by the authorities remain unpunished, while the Justice System has been used to criminalize dissent and ensure impunity for those responsible for human rights violations.

996 Act – Amnesty Act, passed on June 10, 2019. According to this legislation, the application of amnesty extends to people who have not been investigated, who are in investigation processes, in criminal proceedings to determine responsibility, or in compliance with the execution of sentences for acts committed within the context from April 2018. This legislation represents serious violations of the Human Rights of Nicaraguans, impeding the right of victims to access justice, truth and reparation. It also prevents the responsibilities of people who committed serious human rights violations from being defined in the context of the political crisis.

To date, the authorities have not diligently and impartially investigated allegations of torture and ill-treatment against political prisoners and prisoners and persons in custody. The Attorney General's Office and the Supreme Court have hindered the efforts of international human rights bodies to document and investigate these cases. On the contrary, they have dedicated themselves to manufacturing files for people who participated in the peaceful protests by

charging them with non-existent crimes and condemning them to many years in prison. As revealed by a journalistic investigation published by *Confidencial*<sup>14</sup>, which demonstrates the modus operandi of political trials and who are their intellectual and direct executors, who also dedicated themselves to erase evidence and evidence that implicate the true executors of the crimes and serious violations recorded during the April protests to date, especially in cases of homicide, torture and extrajudicial executions carried out by the State, in which police and paramilitaries are involved, promoting impunity.

The State flagrantly violates access to justice for victims and their families, some are prosecuted and convicted of crimes they did not commit, accusing them of alleged terrorism, coup d'etat, destruction of national heritage, among others, who they continue to be victims of threats and persecution and face an uncertain legal situation, and to others, the Amnesty Act<sup>15</sup> is applied, through which their criminal records are canceled as happened in

<sup>14</sup> *Confidencial*. August 22, 2019. Prosecutor's Office: the factory of crimes against political prisoners.

Source: <https://confidencial.com.ni/usaron-fiscalia-para-fabricar-casos-contra-presos-politicos/>

<sup>15</sup> 996 Act. Source: <https://confidencial.com.ni/wp-content/uploads/2019/06/2-LEY-996-LEY-DE-AMNISTIA-ESP.pdf>.

the case of Pierson Adam Gutiérrez Solís<sup>16</sup>, a paramilitary confessed the assassination of Brazilian student Raynéia Gabrielle Da Costa Lima Rocha in 2018.

Another element of concern is discretion in the application of the law by the Judiciary. According to the agreement number MRE/MD-DMC-0016/03/19, of the negotiating table between the Government and the Civic Alliance for Justice and Democracy, on March 20, 2019, the releases should be based on the list of political prisoners delivered by the IACHR; what added to the agreement signed on the 28th of the same month, in which they agreed on the "definitive release, being understood as the definitive closure of the legal status of the persons beyond the release of the said persons deprived of liberty ..."; the law should then have been applied in all cases; however, at the close of this report this has not happened, more than 130 political prisoners and a political prisoner remain deprived of liberty.

The independence of branches in Nicaragua is annulled because the powers of the State are subject to the Executive, where nepotism, corruption, influence peddling, political patronage are promoted. Particularly, the judiciary has been used as an instrument of persecution, exclusion, and sanction against those who dare to denounce human rights violations, creating an environment of legal insecurity in the country.

An example of this, the judges in complicity with the regime are evading to dictate as established in article 156 of the Criminal Procedure Code (CPP), sentences of dismissal of political prisoners and prisoners, are issuing court orders in which they send the cases, they suspend the effects of the precautionary measures and send to erase antecedents, but they do not "exceed the defendants", with which they "guarantee" for the

#### Blue Apple case

The process on the Blue Apple case was opened in September 2017 when a basket company was detected, presumably created in order to receive bribes paid by State contractors in exchange for expedited disbursements of projects allocated between 2009 and 2014.

Last February, the prosecution reported that through the Blue Apple company a possible property damage of 78.3 million was detected, of which 33.6 million have been recovered.

The investigations have identified as main protagonists the former Minister of Public Works (MOP) Federico José Suárez; former director of contracting administration of the MOP, Jorge Ruíz; former Vice President of Factoring Global Bank, Joaquín Rodríguez Salcedo; Federico Barrios, Blue Apple Services lawyer, Luis Enrique, Ricardo Alberto Martinelli and Marta Linares de Martinelli, the aforementioned case constitutes a blatant corruption.

benefit of the regime, to be able to reopen those causes for a period of one year as provided by article 268 CPP; period in which those released will continue to be hostages of the Government, as they do not enjoy full freedom as agreed in the Agreement signed between the Alliance and the government in March 2019.

In Panama, the fight against corruption has been ineffective in recent years: the authorities have opened various investigations, but most cases are paralyzed or do not reach the courts. For example, the bribes of the Brazilian Odebrecht and the Panama Papers are the scandals that have had the most sequel outside, but the Panamanians have also shuddered with the alleged corruption of the administration of former President Ricardo Martinelli or the waste of funds of the deputies.

There are many politicians entering to testify to the Attorney General's Office, but it is important to mention that this institution has been facing budget problems, which has limited investigations, as is the case, of the Judicial Branch that has not been able to issue sentences.

Since 2015, a hundred cases of corruption have been opened, more than 700 people have been charged and more than 416 million dollars have been recovered, according to data provided by the Attorney General's Office. Most of those cases have not yet reached the courts. Officials from outgoing administrations, political parties, companies are agreeing not to publicize these crimes.

<sup>16</sup> Artículo 66.com. They repudiate the release of the Brazilian student's killer. July 24, 2019. Source: <https://www.articulo66.com/2019/07/24/repudian-la-liberacion-del-asesino-de-la-estudiante-brasilena/>

## 1.2 POLITICAL AND SOCIAL CRISIS

Central America lives one of the most severe crisis in its history. It faces major socio-political and economic problems, being one of the causes the abuse of authority, accompanied by a political corruption that eats away the weak democratic fabric and prevails the violence that forces thousands of Central Americans to emigrate and flee their countries, a phenomenon that it continues to grow as a product of poverty, crime, abuse of authority and corruption.

Homicide figures in recent years point to a violent trend even greater than that of the civil war period. Thousands of people have died as a result of violent actions in El Salvador, Guatemala, Honduras and Nicaragua, violence is a manifest reality in intimidation, threats, harassment, and abuse of authority. These deaths are the result of multiple causes of violence, but in particular, the presence of an organized crime ecosystem that includes well-armed gangs, gangs of extortionists, drug traffickers who carry drugs with their own armed militias, kidnappers and even crash forces and parastatals organized by government authorities, leaders and political groups as it is in Nicaragua.

This social and political situation does not escape Costa Rica who has had to face repeated social protests, which have been led by different actors, from trade union organizations to the student and transport sectors through feminist organizations, among others. Due to a series of policies and projects promoted by the new Government, who has reacted by combining containment strategies that have included denial and postponement of demands, repression of protests and negotiation. In the case of the latter strategy, its use has been limited only to times when conflicts have reached a point of confrontation that puts at risk the normal functioning of the country's economy or the provision of public services, such as health or education.

From January to July 2019, 410 protests were recorded. The actions of students initiated in June and continued in July, resulted in the departure of Edgar Mora as Minister of Education. Likewise, the transport sector took the streets to denounce the possible effects that the entry of the collection of Value Added Tax (VAT), implemented as part of the 9635 Act on Strengthening of Public Finance, would have on the sector.

In El Salvador, on February 3 the presidential elections were held that reflect and reproduce a good part of the features that characterize the current electoral political moment in Latin America since 2017. On June 1, 2019, Nayib Bukele took office as President of the Republic, as the presidential candidate of the Grand Alliance for National Unity (GANU) party, thus also sworn to a part of his government cabinet.

One of his first actions was to suppress various secretariats attached to the Presidency of the Republic, including Legislative and Legal Affairs; Social Inclusion; Technical Secretariat; Citizen Participation, Transparency, and Anti-Corruption; and the Vulnerability Secretariat. Given this, massive layoffs were carried out in the Presidential House, without following due process, evidencing an arbitrariness. This has caused job, social and political uncertainty in the population.

Approximately 698<sup>17</sup> jobs are suppressed by the new government, affecting 3,000<sup>18</sup> families due to the cuts. In this sense, this request for the suppression of places is not specified if the affected people would be relocated to other areas or if there were previous studies that determined the need to suppress them. Recently, the Constitutional Chamber of the Supreme Court of Justice admitted thirteen lawsuits against the President of the Republic and the Council of Ministers of the Executive Branch, filed by persons who claim to have been dismissed arbitrarily, through notification of cessation of place. In this regard, the Chamber considered that the demands meet the requirements for admission; therefore, he ordered the restitution of 13 people dismissed from the different secretariats of the Presidential House, as well as granting them fallen wages.

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<sup>17</sup> Elsalvadorgram. June 14, 2019. Government seeks to suppress 698 jobs in the Presidential House. Source: <https://elsalvadorgram.com/2019/06/698-plazas-busca-suprimir-el-gobierno-en-dependencias-de-casa-presidencial/>

<sup>18</sup> *El Mundo*. September 16, 2019. FMLN promises to accompany 3,000 dismissals of the Executive Branch. Source: <https://elmundo.sv/fmln-promete-acompanar-a-3000-despedidos-del-ejecutivo/>

Another important aspect in the Salvadoran reality has been the repression of the protest product of the marches that both unions, ex-combatants, students of the University of El Salvador (UES), people dismissed by the government, water defenders and social movements have been carrying out, in the framework of violations of labor rights, defense of water, pollution of rivers due to urban development projects, in some parts of the Salvadoran capital, among them, the Legislative Assembly, ministries and autonomous such as the National Administration of Aqueducts and Sewers (ANDA).

After protests against the privatization of water, carried out on March 20, 2019, the National Civil Police arrested two young people during the march, attributing the crime of public disorder and damage to private property. The young detainees were identified as José Luis Bernal, a journalism student at the University of El Salvador and Bryan Martínez, participants in the demonstration, who face criminal proceedings.

On the other hand, the PNC made disproportionate use of force to evict the manifestation of the Workers' Union of the Social Security Institute (STISSS), violating the right to peaceful demonstration of citizenship as established by the Constitution of the Republic of El Salvador. This arose as a result of the Minister of Finance decided to cancel collective agreements with 11 unions in the health sector. In turn, in the municipality of Santa Tecla, department of La Libertad, riots took place, as members of the Santa Tecla Municipal Agents Corps (CAMST), made excessive use of force against sellers in the informal sector. Due to the lack of permits for sales of the Christmas season of the year 2018. As a result, a person with a gun projectile in the head and more than 60 injured.

Within the framework of extrajudicial executions in 2018, the PNC was one of the institutions most indicated for violating human rights.<sup>19</sup> Most of these executions remain in impunity or with short sentences. In turn, the Armed Forces are also instructed to commit these crimes such as torture and excessive force. Within the framework of the current Territorial Control Plan, which the current president has implemented, under a focus of highly repressive measures, there have been recurrent abuses of power after the alleged clashes between police and gang members, as there were in the framework of management previous government.

The lack of protection of life as well as physical integrity is increasingly visible in Salvadoran reality, where the Government, State institutions such as the Attorney General's Office must guarantee due process so as not to engage in violent and abusive practices of power. It is important that the facts be investigated and responsibilities deducted. According to the Report of the Office of the Prosecutor for the Defense of Human Rights, the 2014-2018 period, it indicates that 116 people died in 48 events considered extrajudicial executions by members of the PNC. 93.1% of cases died from gunshot injuries. On the other hand, 41.7% of the cases were executions against a single person, carried out by several police officers.

On the other hand, forced disappearances has been a problem that concerns the country greatly and that so far is on the political agenda of the congress. Some of the causes are organized crime and gangs. In the armed conflict, it is estimated that at least seven thousand people have disappeared, thousands of these cases remain unsolved. Given this, security institutions have not implemented strategic actions to stop this problem. According to official records by the FGR, they detail that 1,687 people are missing from January 1 to June 30, 2019, the majority of the victims are aged between 15 and 30 years.

It is necessary to express that it is not only the responsibility of the PNC and the Attorney General's Office to join forces, but rather the involvement of the three State Bodies and other institutions such as the National Counsel for the Defense of Human Rights, and the Office of the Attorney General of the Republic; an also the civil society.

The last five years in Guatemala have presented characteristics of discontent due to the impossibility of preventing corruption from continuing, the President of the Republic promotes and defends it, he has surrounded himself with a team of people operating outside the legality, those who make use of that political power influence to increase corruption, illegal activities, smuggling and especially that there is greater impunity through the control exercised over the Supreme Electoral Court, the Supreme Court of Justice, the Comptroller General of Accounts, and the Congress of the Republic.

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<sup>19</sup> *La Prensa Gráfica*. December 21, 2018. National Civil Police leads complaints for human rights violations in November. Source: <https://www.laprensagrafica.com/promociones/Policia-Nacional-Civil-encabeza-denuncias-por-violacion-de-derechos-humanos-en-noviembre-20181221-0212.html>

The ungovernability has generated discontent in the population and in the government an attitude of carelessness, regardless of what the population thinks they have adopted unpopular positions, including the attack on anyone who works against impunity and corruption, the closure of the CICIG and the generation of alliances between the darkest groups in society. Co-optation also includes the exercise carried out by the attorney general and head of the Public Attorney General's Office, who from the moment he assumes, has dedicated himself to favoring people involved with human rights violations, organized crime, and corruption.

In Honduras, on November 26, 2017, the general elections were held, with the participation of eight political parties; in this way, the population chose the holders of the following entities:

- President of the Republic of Honduras: who serves as Head of State of Honduras and serves as the head of the Executive Branch and General Commander of the Armed Forces; through the figure of the National Security and Defense Council (CNSD).
- 128 proprietary congressmen and 128 alternates of the National Congress.
  - National Party (which has held the government since 2010), obtained 61 seats.
  - Freedom and Refoundation Party, 30 seats (opposition).
  - Liberal Party, 26 seats.
  - Patriotic Alliance Party, 4 seats.
  - Innovation and Social Democratic Party, 4 seats.
  - Christian Democracy Party, 1 seat.
  - Democratic Unification Party, 1 seat; and,
  - Anti-Corruption Party, 1 seat.
- 20 congressmen to the Central American Parliament,
- 298 mayors and 298 vice mayors; and,
- 2,092 aldermen.

The election of the presidency has been the most controversial in the country after the Supreme Court of Honduras decided to allow a president to seek reelection, which Juan Orlando Hernández has held the position since 2014. Historically, he has been the first president since the Constitution of the Republic of Honduras was approved in 1982, to run for a second term.

Under this scenario, an alliance was formed between two political parties (Freedom and Refoundation, Innovation Party and Social Democratic Unit), called the Opposition Alliance Against the Dictatorship or Opposition Alliance; together they took citizen Salvador Nasralla, who was a former candidate for the 2013 presidency. During the process of counting votes, the National Electoral Court (TSE) mentioned in a preliminary report that Salvador Nasralla had 45.17% of the votes against 40.21% of Hernández, providing a 5% advantage with an amount 57.18% of the counted tables.<sup>20</sup>

It is until December 17, 2017, twenty-one days after the elections, that Hernández was declared the winner by the TSE with a narrow advantage of 1.53%. The OAS Mission, which conducted independent monitoring of the elections, found several irregularities during the process and doubted the credibility of the official results.

Other international observers also questioned the transparency and fairness of the results. This added to the refusal of the candidates of the Opposition Alliance and the Liberal Party to recognize the results, resulted in a post-election crisis.

This situation led to thousands of people protesting at the national level and marked a milestone in the history of the country, again generating human rights violations, according to the report of preliminary observations made August, in the framework of the visit of the Inter-American Commission of Human Rights (IACHR); highlights the polarization of Honduran society, while pointing out that the credibility of the elections caused citizens to protest and about the abuses committed by entities such as the Army, and Military and National Police Forces; who through excessive use of force and against international standards; they allowed at least

<sup>20</sup> *La Prensa*. November 27, 2017. Honduras: Nasralla up in first screening of the TSE. Source: [https://www.laprensa.hn/honduras/elecciones2017/1129807-410/resultados-elecciones\\_honduras-tse-johnasralla-partido\\_nacional-alianza\\_oposicion-partido\\_liberal](https://www.laprensa.hn/honduras/elecciones2017/1129807-410/resultados-elecciones_honduras-tse-johnasralla-partido_nacional-alianza_oposicion-partido_liberal)

22 people to lose their lives; more than a thousand people detained and lifting criminal legal proceedings against 84 people.<sup>21 22</sup>

The foregoing also resulted in the suspension of citizen guarantees through “Toques de Queda”, which lasted 10 days, it is in this context that the first murders occurred.

In response to social instability, the government began a process of preparation for a "national dialogue", which was later integrated by representatives of five minority political parties. The dialogue began on August 28, 2018, with the participation of representatives of the government, the Liberal Party, the National Party, the Innovation and Unity Party and Salvador Nasralla.

The events that triggered the crisis of 2017, obtained strong content in citizens, especially in reparation of the incidents; in such a way to reach new political agreements. Therefore, four thematic tables were generated:

- **Elections and reelection:** At this table, issues related to allegations of electoral fraud, the participation of gangs during and after the elections would be addressed.
- **Human rights:** human rights violations in the electoral context, amnesty for political prisoners, compensation for victims and their families; and, the release of detainees.
- **Constitutional reforms:** to address the referendum and referendum, anti-corruption legislation, justice system, constitutional court and the independence of powers.
- **Electoral reforms:** new identity card, voting rights for police and military, Contentious Electoral Tribunal, separation of the election to public office in the elections and second round.

In this process, the United Nations Organization (UN) provided experts as a neutral ally and guided the work methodology. It concluded on December 11, 2018, without specific agreements between the parties.

This initiative to convene national dialogues, in which the thematic axes are observed as immediate responses to political conflicts and not seen from a holistic view to provide the guarantees and exercise of fundamental and derived rights to the exercise of civil and political rights ; It has been observed as a practice that it is a mechanism to strengthen human rights violations through the militarization of society and install illegitimacy in the case of Honduras.<sup>23</sup>

In this context, crises are generated within the country that detracts and collapses the lives of people, the effect of this has been the caravans of migrants that were evidenced in October 2018; on the other hand, the approval of environmental licenses and megaprojects and the search for privatization of education and health in the country.

On January 18, 2019, the National Congress approved the new Criminal Code<sup>24 25</sup>; said legal instrument was approved in a context where acts of corruption and links with drug trafficking concern public officials who hold positions and exercise power; This new code reduces penalties for people who commit money laundering, drug trafficking; penalties that went from 15-20 years to 4-7 years; These types of acts have been classified by human rights organizations as a “Pact of Impunity”; This categorization responds to the increase in

<sup>21</sup> See document at <https://www.oas.org/es/cidh/prensa/comunicados/2018/ObsPrelHnd.pdf>

<sup>22</sup> CIPRODEH. January 28, 2019. CIPRODEH warns of the responsibility of the State of Honduras in cases of torture and serious human rights violations in the framework of the demonstrations against the government of Juan Orlando Hernández. Source: <http://j2.honduraction.hn/index.php/noticias-principales/442-el-ciprodeh-advierte-sobre-la-responsabilidad-del-estado-de-honduras-en-casos-de-torturas-y-graves-violaciones-a-derechos-humanos-en-el-marco-de-las-manifestaciones-contra-el-gobierno-de-juan-orlando-hernandez>

<sup>23</sup> CIVICUS. Honduras: 'The conflict generated by the citizen reaction against fraud can make us lose a year now, but it will make us win ten in the future'. Source: <https://www.civicus.org/index.php/es/component/tags/tag/ciprodeh>

<sup>24</sup> Digital process January 18, 2018. The new Criminal Code of Honduras has been approved. Source: <https://www.elheraldo.hn/pais/1285837-466/honduras-nuevo-c%C3%B3digo-penal-reduce-penas-de-lavado-de-activos>

<sup>25</sup> Approved by Decree 130-2017. It is in *vacatio legis* until November 10, 2019.

“On August 1, 2018, residents of communities in the Guapinol sector set up a camp in protest to the activities of the company “Inversiones Los Pinares” that worked on the opening of a road to an area of the Mountain National Park of Botaderos, where Two mining concessions of the company Emco Mining Company SA de CV are located, passing about 20 meters from the Guapinol River. According to the residents, the dragging of the sediments from the opening of the road caused the drinking water systems to be filled with mud. In addition, residents of 13 communities in the San Pedro sector joined the protest since mining is located in the area where the San Pedro River is born, which supplies them with water. The villagers consider the authorization without consultation of mining concessions in the core zone of a protected area where the water they use to survive is born illegal and unfair.

On September 7, 2018, a person was injured after being attacked by a group of guards hired by the company “Inversiones Los Pinares”, at the site where the residents of Guapinol and San Pedro kept the camp.

On October 27, 2018, approximately 1500 military and police officers carried out a violent eviction from the camp.

penalties on issues such as the right to freedom of speech and the right to protest; the latter being treated as "acts of terrorism."<sup>26 27 28</sup>

The implicit affirmation that leads criminalization to social protest, under the figures of illegal demonstrations, association to commit crimes, preparatory acts of attack, disobedience, public disorder, terrorist association; the majority of these crimes are subjective for the consideration of the justice operators and in the absence of parameters allows direct involvement to people, for example, who defend territory and environment; as is the case of the defenders of the Guapinol River, who in the defense of water at least 12 people have been criminalized:

On February 21, 2019, 13 of 18 people from the community of Guapinol voluntarily presented themselves to the La Ceiba court before the arrest warrant issued against them for alleged crimes of usurpation and damages against the company “Inversiones Los Pinares” and the State of Honduras. When appearing in court, the people of the community and their lawyers were surprised with the existence of a second request for capture against 31 people, among which, 12 of the 13 people who filed, who accused them of additional crimes, among those found unjust deprivation of liberty, aggravated fire, robbery and illegal association. Faced with this situation, the defense lawyers filed an appeal against the judge of La Ceiba and the case was transferred to a judge of National Jurisdiction based in Tegucigalpa.

The 13 people were transferred to Tegucigalpa with strong military and police security measures. The next day, the hearing was held where the judge of National Jurisdiction illegally ordered judicial detention for 12 of the 13 persons, because only

one of the persons was not included in the second request for detention.”<sup>29</sup>

Another case of importance in the use of power is the privatization of health and education in Honduras, the Government of Honduras through the initiative of the Law on Restructuring and Transformation of the Health and Education System; This law granted the power to the Government to make direct contracts for people who work in health and education centers, as a practice of the governments of the day, usually the places are provided to people who have a political subsidiary addressed to them, dismissing the contests according to law and that are oriented by the collegiate sectors of these disciplines; on the other hand, it allows the hiring of private companies to provide assistance and these private entities would charge users of the services, removing the right to free education and health that must exist in the country.<sup>30</sup>

<sup>26</sup> *La Prensa*. May 16, 2019. New Criminal Code softens penalties for drug trafficking. Source: <https://www.laprensa.hn/honduras/1285084-410/nuevo-codigo-penal-reduce-penas-narcotrafico-honduras->

<sup>27</sup> *El Heraldo*. Honduras: New Criminal Code reduces penalties for money laundering. Source: <https://www.elheraldo.hn/pais/1285837-466/honduras-nuevo-c%C3%B3digo-penal-reduce-penas-de-lavado-de-activos>

<sup>28</sup> <https://www.elheraldo.hn/pais/1284931-466/los-seis-datos-que-debes-saber-sobre-el-nuevo-c%C3%B3digo-penal-de>

<sup>29</sup> International Federation for Human Rights. March 13, 2019. Honduras: Cessation of criminalization against the 13 inhabitants of Guapinol. Source: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-cese-de-la-criminalizacion-contra-los-13-pobladores-de>

<sup>30</sup> *Radio Progreso*. April 23, 2019. Warning about privatization that will cause the Health and Education Restructuring Act. Source: <https://wp.radioprogreso.hn.net/alerta-sobre-privatizacion-que-provocara-ley-de-reestructuracion-en-salud-y-educacion/>

The National Platform for the Defense of Health and Education, led by teacher associations and the Medical College of Honduras; who demanded from the government the repeal of all policies and laws aimed at privatizing these elementary human rights for the Honduran people.

These sectors have been added, opposition parties, student movements, heavy transport sector, and movements that oppose the concessions of natural resources in various parts of the country.

The social protests prevented the National Congress of the Republic from ratifying the decree "Restructuring and budgetary transformation of the Ministry of Health Act" and the decree "Restructuring and Budgetary Transformation of the Ministry of Education Act"; there were more than 70 protests nationwide only on April 29, 2019, these were held for at least 1 month; until June 2, the Executive Branch representative repealed the decrees, but new laws were generated; the government raised a dialogue between the sectors; however, two dialogues have been installed: a) the official, in which the government dialogues with its civil society allies and certain unions, b) the alternative dialogue, led by the demanding sectors: the independent teaching and the Medical College of Honduras; This dialogue has the support of broad sectors of Honduran society.<sup>31 32</sup>

In this context, the plaintiffs sectors have held information assemblies, seedlings, mobilizations and takeovers of roads in various parts of the country, this has led to repression by the Honduran government, through the National Police and the PMOP, through of blows, tear gas, bullet shots, illegal detentions to the detriment of teachers, doctors and the general population.

It should be noted that the repression has been used strongly against the students of the National Autonomous University of Honduras (UNAH), and students of secondary schools; what has caused, in addition to the usual methods of repression, the intervention of the police and the army in the educational centers; in some university centers such as Valle de Sula and Ciudad Universitaria; located in San Pedro Sula and Tegucigalpa respectively; they have been subject to shots against university students.<sup>33 34 35</sup>

This form of repression has also affected high school youth, who, in addition to being repressed, have been illegally detained as the recent case of students of the José Trinidad Reyes Institute in San Pedro Sula, in addition to the savage gassed to the detriment of primary school children. of the Educational Research and Innovation Center, adjacent to the Francisco Morazán National Pedagogical University, located in Tegucigalpa.<sup>36 37</sup>

As of June there are 3 murders and more than 40 people injured by high-caliber firearms; murders imputed to military forces that have reacted violently in refolding protesters, these actions protect them within the framework that the demonstrations are not peaceful and are triggered by looting of private companies; On the other hand, the people killed and injured are youths of the country's education centers.

The current crisis in the country, not only responds to the struggle led by the National Platform in Defense of Health and Education, public, but are the accumulated of social discontent, before the electoral fraud of the last two periods, cases of mega State corruption, and association of organized crime (drug trafficking) with high-ranking State officials, natural resource concessions where the right to free, prior and informed

<sup>31</sup> Study Center for Democracy. May 31, 2019. ANALYSIS | The fight against the privatization of Health and Education: a new wave of protests that increases the crisis in Honduras. Source: [https://cespad.org.hn/2019/05/31/la-lucha-contra-la-privatizacion-de-la-salud-y-la-educacion-una-nueva-ola-de-protestas-que-aumenta-la-crisis-en-honduras/#\\_ftn4](https://cespad.org.hn/2019/05/31/la-lucha-contra-la-privatizacion-de-la-salud-y-la-educacion-una-nueva-ola-de-protestas-que-aumenta-la-crisis-en-honduras/#_ftn4)

<sup>32</sup> EFE June 3, 2019. The Honduran president repeals two controversial decrees on education and health. Source: <https://www.efe.com/efe/america/portada/el-presidente-hondureno-deroga-dos-polemicos-decretos-sobre-educacion-y-salud/20000064-3991001>

<sup>33</sup> Telesur. June 25, 2019. UNAH students denounce police repression in Honduras. Source: <https://www.telesurtv.net/news/honduras-estudiantes-unah-represion-policia-marcha-tegucigalpa-20190625-0024.html>

<sup>34</sup> Radio Progreso August 12, 2019. New day of protests and repression lives Honduras. Source: <https://wp.radioprogressohn.net/nueva-jornada-de-protestas-y-represion-vive-honduras>

<sup>35</sup> Univision News. June 28, 2019. These are the reasons why Hondurans protest (and migrate to the US). Source: <https://www.univision.com/noticias/america-latina/estos-son-los-motivos-por-los-que-los-hondurenos-protestan-y-migran-a-eeuu>

<sup>36</sup> Cibre. July 19, 2019. Police officers enter and detain five students in an educational center. Source: <http://www.clibrehonduras.com/index.php/portada-alertas/1043-policias-ingresan-y-detienen-a-cinco-estudiantes-en-centro-educativo>

<sup>37</sup> *El Libertador*. July 21, 2019. Honduras / What if the children of CIIE were the children of the Americana? Source: <http://www.web.ellibertador.hn/index.php/noticias/nacionales/3444-honduras-y-si-los-ninos-del-ciie-fueran-los-ninos-de-la-americana>

As a disastrous result of the repressive policy of the Ortega-Murillo dictatorship, in the period from April 19, 2018 to May 16, 2019, 328 people murdered in the context of social protest are registered, including 25 children and adolescents, among which the death of the boy Teyler Lorío Navarrete of one year and three, who was shot in the head while being carried by his father. An implausible cause of death is expressed in the epicrisis issued by the German Nicaraguan Hospital: suspected suicide.

consultation of communities, the increase in public services and the cost of public services have been violated. the costs of living in general added to the persecution, criminalization, death, and judicialization of leaders and human rights defenders.

In Nicaragua, since President Ortega took office in 2007, most of the social mobilizations have been strongly repressed resulting in detainees, assaults and serious injuries, increasing this violence as of April 18, 2018, when students university students and young people tired of the continuous repression mobilized in different parts of the national territory in demand of justice and restitution of the Rule of Law. In this sense, there have been more than three hundred marches, three national strikes and countless peaceful protests demanding justice, freedom for political prisoners and prisoners and the cessation

of government repression, with the response of the Ortega-Murillo government, greater repression, through the so-called "Operation Cleaning", where more than two thousand Nicaraguans were injured, many of them seriously who were denied medical care in public health units and hospitals.

As of October 13, 2018, the Ortega-Murillo regime has forcibly prevented any social protest, even when permission is requested to demonstrate, such as the case of more than twelve requests made to the National Police by different sectors of civil society, those that have been denied under the argument that the applicants are people who have promoted terrorist actions and participated in a coup d'etat to overthrow the government and in the last four, the police have not even allowed access to the reception at the offices of Plaza El Sol and has refused to receive such requests expressing, that "there is no permission to march, nor open it." In this regard, the Mission of the United Nations High Commissioner for Human Rights (OACNUDH) in its report stripped the official propaganda of justifying the atrocities against the population under the allegation of attempted coup d'etat and verified that since April 2018 the Ortega-Murillo regime unleashed a fierce repression against the population.

To this day, the main streets, shopping centers, points of reference where the population used to gather to march or make seedlings both in Managua, as in other departmental capitals remain militarized. The deployment of police patrols, paramilitary trucks, and motorized groups that violently repress and assault all those who dare to demonstrate is notorious. Even in private premises, many protesters have been violently repressed by the police, who have used stun bombs, tear gas and high caliber firearms with the AK 47, resulting in injured and detained people.

Similarly, the right to peaceful assembly continues to be systematically violated. Surveillance, harassment, threat and siege by police patrols when press conferences, meetings, educational activities, among others, are besieged with strong police devices, which threaten the entrances of the premises, in order to generate fear and demobilize the population in demands of their rights, such as the permanent siege of the Central American University (UCA), the facilities of the La Fise Centers, closure with patrols and riot police in the Entrances to hotels where some activities are carried out such is the case of September 13, 2019, when the entrance to the Holiday Inn Hotel was closed while Cenidh presented his ninth report on the situation of human rights in the country. Repression that is also recorded systematically around the Catholic churches, including the Managua Cathedral, San Agustín Church, La Divina Misericordia, as well as in the churches of León, Masaya, Catarina, Matagalpa, and Estelí.

On May 16, 2019, custodians of the La Modelo Prison System fired firearms at several detainees in Gallery 16, seriously injuring political prisoner Edwin Montes Praslin, who died on the way to the hospital. So far, no investigation into his death has been carried out.

José Alejandro Martínez Vásquez, 27, released on July 12, 2019, was shot twice, once in the head and one in the spine who has been disabled for life.

On July 17, 2019, in the early morning hours, police officers violently entered the house of Marina López, located in the Guadalupe neighborhood, in León, who without saying a word began firing, killing the 22-year-old age, Bryan Murillo López, also injuring Kener Murillo López and Javier Feliciano Cortés Castillo. According to the official note, issued by the Police, he searched the house of Murillo López, in compliance

with a court order, who, according to the institution, was a fugitive for dangerous crimes such as robbery with intimidation and violence and that, faced with the imminent danger against his life, one of the agents responded to the aggression using his regulation weapon, which resulted in the death of Bryan Yeraldin Murillo López. CENIDH found, through witnesses of the facts, that the victims were sleeping in their home when the police illegally broke in and that they immediately executed the massacre using lethal armament: AK 47 war rifles, which are not of use of the regulation of the National Police, which contradicts the official version.”

On the other hand, the selective murders that have occurred in recent months in the rural area of the northern region of the country and in border communities with Honduras are added, registering from January to September 2019 more than 18 cases of selective executions as part of a new repressive stage in Nicaragua. Relatives of the victims have denounced that these crimes have been carried out by "paramilitaries" and people finally to the government of Daniel Ortega. Such is the case of the murder of Edgard Montenegro Centeno and his son Yalmar Montenegro Olivas, in the municipality of Trojes, Honduras, a community where they had taken refuge to preserve life from threats received by supporters of the government party, taking into account the murder of his brother Oliver Montenegro Centeno, on January 23, 2019, where farmworkers and a cousin of Oliver witnessed the execution by a dozen armed men.<sup>38</sup>

According to the media monitoring and daily incident log, from July 2018 to September 2019, more than four thousand arbitrary and illegal detentions are counted against people who participated or express their disagreement with government policies, depriving them of freedom without any cause, violating due process and access to information to family members and defenders, about their legal status and physical conditions.

As of March 30, 2019, the Committee for the Release of Prisoners and Political Prisoners, registered 777 prisoners and political prisoners in the facilities of the Directorate of Judicial Assistance (DAJ), known as El Chipote, and in the prisons of “La Modelo” and “La Esperanza”, of the Penitentiary System, many of them sentenced to more than 200 years in prison, such as the case of Medardo Mairena and Pedro Mena, leaders of the peasant movement, who were charged with crimes such as terrorism, organized crime, and Even alleged murders. Released in June 2019 under the Amnesty Law.

As part of the negotiations between the Civic Alliance and government representatives in the period between February-June 2019, approximately 673 people were released, those who do not enjoy total freedom, as long as they continue to face legal proceedings, they live under harassment and surveillance, and under threat of being arrested again, including the 106 prisoners and political prisoners released on June 10 and 11 under an Amnesty law, through which the regime perpetuates impunity in Nicaragua.

For CENIDH, the background of said law is to protect the perpetrators of all crimes against humanity and serious human rights violations committed since April 2018, exempting them from any criminal responsibility. As of July 31, 2019, more than 130 political prisoners and prisoners still remain in prisons, a figure that tends to grow as a result of the arrests and kidnappings carried out daily by the police and/or paramilitaries throughout the national territory.

In Panama, in the last 10 years, there have been the greatest repressions in the governments of Martín Torrijos (2005-2009) and Ricardo Martinelli, (2009-2014), former presidents of Panama. The first repressed the people for opposing the reforms of the social security law, and the second curtailed, killed and beaten part of the population protesting to defend their just rights, in this case for opposing 30 Act<sup>39</sup>, known as Chorizo Act. In this sense, there was an arrest of 300 union and popular leaders, who were released and subsequently persecuted selectively by elements of the Panamanian police. Meanwhile, the repression was waged in the province of Bocas del Toro, where there was a strike in the banana fields. The demonstrations left two victims, some 120 injured and more than one hundred arrested as a result of the violence with which the protesters were repressed.

This does not imply that later governments have not imposed on the people harmful laws to the population. For example, teachers carried out in the middle of the year 2018, a march towards the National Assembly to

<sup>38</sup> La Prensa. June 28, 2019. They kill a former military man and his son who were persecuted by the Orteguismo. Source: <https://www.laprensa.com.ni/2019/06/28/departamentales/2564569-asesinan-balazos-un-exmilitar-y-su-hijo-que-eran-perseguidos-del-orteguismo-en-honduras>

<sup>39</sup> This Act modified the Labor Code, Criminal Code, Judicial Code, as well as the Environmental Act, Organic Act of the National Police, Aeronautics Act, Court of Accounts Act, and Migration Act, among others.

demand the elimination of the increase in the electricity tariff since the population is tired of the abuse of governments.

The protesters handed over to the National Assembly, a document through which they requested that the revitalization of public services be discussed, in this case, that of electric power. The document was received. Subsequently, on July 13, the president of the Republic of Panama Juan Carlos Varela ordered the director of ASEP, the suspension of the adjustment in the electricity tariff, and that the Executive Branch assumed the same, which represents a charge of around 60 million of dollars to the State Budget.

Recently, in October 2019, a series of protests have been carried out following the current package of constitutional reforms that are debated in the National Assembly. The protesters ask for the file of the reforms and the impulse of a parallel constituent because they consider that they have not been consulted with the Panamanian people.

The State maintains the 14/2010 Act, which imposed restrictions on the rights of assembly and demonstration, and that union leaders were prosecuted and sanctioned under their protection. This law affects and violates the rights of assembly and demonstration. Therefore, arbitrary detentions arise, where the police or public forces in Panama constantly intercept people in their free transit to request their personal identity, which is illegal and unconstitutional.

## 1.3 FREEDOM OF SPEECH

Freedom of speech is a fundamental right. The Inter-American Court of Human Rights has stated that freedom of speech is the cornerstone of a democratic society and is an essential condition for it to be sufficiently informed (Judgment 5-II-2001; case of Olmedo Bustos et al. Chile, paragraph 68). Therefore, every society and the different institutions of the State must ensure that freedom of speech is protected. Such protection must be intense when it comes to questioning political power.

Therefore, freedom of speech must be understood as a fundamental human right that consists of:

- The right to express ideas, opinions and issue information of all kinds.
- The right to access, search and receive information.
- The right to disseminate information and ideas without regard to borders and by any means of expression

The right to freedom of speech is fundamental because:

- It is essential for the realization of the human being.
- It is a fundamental condition for democracy.
- It is essential for the exercise of other human rights.

Consequently, in Central America, there has been a setback in the global classification of press freedom 2019 (see table 1), according to the Annual Report of Reporters Without Borders. Honduras dropped 5 positions and is located in #146, Guatemala is #116. While Costa Rica is in the #10 of the ranking, which means that it is in “good situation”; El Salvador is #81; Nicaragua in #114, and Panama in #79.

Country	Classification	Punctuation
Costa Rica	10	12.24
El Salvador	81	29.81
Guatemala	116	35.94
Honduras	146	48.53
Nicaragua	114	35.53
Panama	79	29.78

Table 1: Central American Ranking on Press Freedom 2019

Source: Own elaboration with data from Reporters Without Borders.

Costa Rica, one of the best-qualified countries in Latin America in terms of freedom of speech, constitutes an exception in the Central American region undermined by corruption, insecurity and daily violence against the press. Journalists in the country work quietly and have a strong legal framework on freedom of speech. In Costa Rica, there are very few cases of attacks or intimidation of journalists. Likewise, the State does not usually interfere with the work of the press, although sometimes reporters face difficulties in accessing public information. The concentration of the media also constitutes an important brake for the pluralism of the country.

In Panama, journalists who criticize government policies or cover issues related to corruption, especially financial scandals that have an international echo, are often in the crosshairs of justice. Journalists often face legal proceedings for defamation, which are often punishable by fines. The government continues to control access to information, especially through the allocation of official publicity.

Monopolies in the framework of press freedom have affected the Panamanian population. It is worth noting the accumulation of media in an oligopolistic group such as medcom, tvn, which take over the radio spectrum and do not give space to the media. Alternative communications arise, such as community radios, among others.

El Salvador is one of the countries where attacks, threats, and intimidation are continually carried out on journalists, committed by public officials, private entities, State agents, among other actors. The 2018-2019 Press Freedom report, presented by the Association of Journalists of El Salvador (APES) on May 3 highlights a list of aggressors, namely:<sup>40</sup>

<sup>40</sup> The fragile freedom of the press in El Salvador. Source: <http://comunica.edu.sv/2019/05/05/la-fragil-libertad-de-prensa-en-el-salvador/>

Aggressors	Number of Recurrences
Not established	4
Individuals through social networks	2
National Civil Police	4
Other Security Forces	2
Metropolitan Agents Bodies	1
Supporters	2
Individuals	1
Gangs	1
FGR	1
<b>TOTAL</b>	<b>18</b>

Table 1: List of aggressors in the framework of Freedom of the Press.

Source: Own elaboration with data from the APES Press Freedom Report

So far in 2019, there have been several events that could be possible alerts on this topic. Among which are the strong attacks on any person, academics, universities, civil society organizations, human rights activists, the media and the general population who give their opinion or criticism against the new president of El Salvador, Nayib Bukele.

In addition, the media are victims of drug trafficking and the widespread violence that plagues El Salvador. In recent years several journalists have been killed; There have also been cases of aggression. Salvadoran legislation protects the press and journalists investigating issues related to corruption or public finances suffer intimidation and pressure from officials. In February 2019, a team of investigative journalists from Factum magazine was intimidated by the authorities to reveal their sources, as it investigated a compromising case for the government.

A massive denunciation was carried out on Facebook to stop a publication of a critical article to the president-elect, which was written by the Vice Chancellor of Social Projection of the Central American University José Simeón Cañas. This is just an example of critical intolerance towards the right to freedom of expression. But the most serious thing is the aggressive appearance of trolls promoting the generation of violence against people who exercise their freedom of expression.

On October 23, 2018, the Association of Journalists of El Salvador (APES) and representatives of the Bureau of Protection of Journalists and Media Workers Related to Information, with the purpose of guaranteeing protection and protection against any type of aggression towards the journalistic union, they presented to the Legislative Assembly a proposal for a Special Law for the Integral Protection of Journalists, Communicators and Workers related to Information.<sup>41</sup>

According to statements issued by the President of the Republic through Facebook Live, he said: “Freedom of speech is not only for them, it is everyone's right. Just as they have the right to criticize us, we also have the right to criticize them.” This only evidences the intolerance to dissent and fails to observe that public officials are subject to public scrutiny and not citizens in general.

On September 6, 2019, the government signed a Letter of Intent with the Organization of American States (OAS), for the creation of the International Commission Against Impunity in El Salvador (CICIES), in this context several media they went to cover the press conference, but two journalists from El Faro and another from the Factum magazine were restricted access, alluding in a Statement by the Ministry of Communications of the Presidency, who were not allowed to enter these two media for alleged bad behaviors of their journalists in previous conferences.

Freedom of Press is a human right that must be respected by the organs of the Salvadoran State, political parties and all public officials. There should be no restrictions on journalistic coverage since they block the country's democratic process. 53% of Salvadorans believe that there is little freedom of press, according to the 2016/17 Barometer of the Americas survey.

This situation of intolerance to diverse ideas, to the behaviors of journalists who, acting in their role, and as they have done in other presidential efforts, increase officials in search of information, is affecting even certain

<sup>41</sup> The Association of Journalists of El Salvador (APES). October 23, 2018. APES and the Journalists Protection Board present a draft bill for journalists. Source: <http://apes.org.sv/apes-y-mesa-de-proteccion-a-periodistas-presentan-anteproyecto-de-ley-para-periodistas/>

media, that really are very few, that when issuing critical opinions that overshadow or challenge government management, they are recriminated, stigmatized and excluded.

Given the monopolies in the framework of freedom of press, there has been an important shift because social networks have moved to a leading role. Used by public officials and state institutions and political leaders. But even if the concentration of media is outstanding.

According to the 2018-2019 APES Press Freedom Report, it indicates that from May 2018 to April 2019 there have been no murders of journalists. Currently, two cases remain in impunity. The first related to Roxana Contreras, who was murdered on August 22, 2017; and Samuel Rivas, who worked as a cameraman on a television channel who was killed on November 16, 2017, while in a church that he regularly visited in the city of Ilopango. Both cases are still under investigation by the Attorney General's Office without any progress in the cases.

On August 16, 2018, Radio Güija, located in Metapán, Santa Ana, received an attack by strangers, who made a 30 cm hole in the radio wall. On the other hand, Balsam radio, located in Zaragoza, La Libertad, shattered the door of a repeater trying to enter the space.

These attacks have been the product of the complaints they spread about the damage to the environment caused by private companies.

On the other hand, in the second half of 2019, there have been a series of mass layoffs to journalists; as well as working people related to written media information, such as *La Prensa Gráfica* (LPG), *Mi Chero* and *El Gráfico*, on the grounds that the media is going through a restructuring.

The Ministry of Communications of the Presidency has also made some layoffs on Television of El Salvador (TVES Channel 10) and National Radio of El Salvador (RNES 96.9). According to APES, 36 people have become unemployed. Given this, the administration of the aforementioned media added that there was an "economic and personnel overload."

In Nicaragua the violation of the right to freedom of speech and freedom of press has been systematically visible, executing, through its shock and police forces, attacks, robberies, beatings, harassment, threats and defamation in social networks, arbitrary detentions of journalists, in addition to occupations and closures of independent media and to practice a policy of impeding independent journalistic work in public entities, violating the right to information of citizens.

The campaign against the critical press or against journalists who have denounced serious human rights violations in the context of the socio-political crisis, includes five jailed journalists, one murdered (Ángel Gahona, April 21, 2018) and according to the Foundation Violeta Barrios de Chamorro, 90 communicators have opted for forced exile. In addition, this civil society organization that watches over freedom of speech and information in Nicaragua has registered 1,080 cases of press freedom violations since the beginning of the crisis.

The group in exile includes journalists from the television programs "*Esta Semana*", "*Esta Noche*" and "*Confidencial*", directed by the journalist Carlos Fernando Chamorro, whose facilities were illegally raided and looted and remain occupied since December 2018.

A good part of the journalists in exile made up the newsrooms of the private television station "100% Noticias", taken off the air and usurped by police and pseudo-police on December 23, 2018, date on which the owner and director are arrested Miguel Mora, and his press chief Lucia Pineda, accused of the alleged crimes of "fostering and inciting hatred and violence" and "provocation, proposition and conspiracy to commit terrorist acts."

In December 2018, the National Assembly under official control also stripped of its legal status, along with eight other NGOs, the Communication Research Center (CINCO, for its Spanish acronym), a non-profit organization specialized in communication, culture, democracy and public opinion.

In this same period, the regime ordered the closure and occupation of the community radio stations *Radio Voz Juvenil*, which was broadcasting from San Miguelito, department of Río San Juan, and *Radio Humedales* with headquarters in the Boca de Sábalo community, in the same department. Both stations were owned by the Foundation for the Conservation and Development of Southeast Nicaragua (*Fundación del Río*), which was also raided and stripped of all its assets in December 2018.

Those who exercise the constitutional right to report face a constant criminal pattern from shock forces in complicity with the Police, through insulting attacks, smear campaigns and threats of all kinds on social networks, street harassment, robberies with violence, beatings, stigmatization and criminalization of critical journalism, which in addition to endangering life, the physical and psychological integrity of journalists seeks to silence any dissenting voice.

Independent journalism plays a strong role in this crisis context; that is, it is a strong voice that has denounced the human rights violations that are reported daily in the country. That is why the regime exercises a customs embargo against the production inputs of the newspapers *La Prensa*, *El Nuevo Diario* and *Hoy*, the main print media in the country.

On September 27, 2019, the Board of Directors of *El Nuevo Diario* newspaper, with almost 40 years of existence, reported that it suspended the circulation of both the paper and digital versions, and the publication of the newspaper *El Metro* was also discontinued. part of the editorial group both newspapers suffered the retention of the raw material for circulation.

In Guatemala, the president of the Republic often attacks journalists who criticize his administration, which has generated a very tense environment and provoked self-censorship. The country is still undermined by organized crime and impunity, which makes journalists' work dangerous. Reporters may suffer threats and attacks if they report corruption cases in which politicians and rulers are involved. Murders of journalists are often recorded, so Guatemala remains one of the most dangerous countries on the continent for the press. A national mechanism for the protection of journalists was planned to be approved in 2016, but the project has been postponed many times. On the other hand, there is still a great concentration in the country's media landscape.

At the same time, the TSE, through internal regulation, tried to limit the right of journalists to report, but after social pressures it was not possible for them to have achieved it, having to recede in that intention clearly unconstitutional.

The bulwark of the struggle in favor of the Rule of Law has been the Constitutional Court, whose magistrates have made efforts because the Constitution prevails over the rest of the laws, that has earned them enmities between groups of deputies who are in conflict with the criminal law, but they have continued their work plausibly, one of the rights they have maintained, has been precisely that of information.

In Honduras, the approach to freedom of speech is complex, understanding that there are different editorial lines, as well as different positions and different media; in this sense it cannot be said that there is exercise as a human right not to be exercised; However, there are systematic violations for certain people who make constant use of this right, such as journalists or social communicators.

There are also limitations for those groups that have been discriminated against or socially excluded; As an example, the women's sectors, LGBTI people, students, or people who have a political subsidiary do not end the government official.

There are great risks in Honduras that limit the right to freedom of speech, it undermines democracy in the country, this Statement is based on the fact that in February 2018 the National Congress of Honduras will try to promote a bill on Cyber Security in Honduras, what under the excuse of fighting hate campaigns and discrimination in social networks; a serious violation of the constitutional rights that are contained in the American Convention of Human Rights and the Universal Declaration of Human Rights was imposed.<sup>42</sup>

Through the incidence of human rights organizations and journalists' organizations, professional associations and other sectors, the bill was not successful.

Subsequently through the approval of the new Criminal Code, which will take effect on November 10, 2019; a new controversy broke out, this as a result of its articles 28, 229-234; which refers to crimes against honor, are contained in prison sentences and fines to the media, and public speeches on social networks, websites;

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<sup>42</sup> El País. February 14, 2018. Cybersecurity Law in Honduras seeks to curtail freedom of speech, journalists say. Source: <https://www.elpais.cr/2018/02/14/ley-de-ciberseguridad-en-honduras-busca-coartar-libertad-de-expresion-dicen-periodistas/>

These offenses or offenses must be addressed from the civil and administrative level; however, it limits investigative journalism; remembering that this type of exercise is the one that has revealed acts of corruption in the last 6 years in Honduras.

As background it is important to note that, in Honduras, at least 41 criminal proceedings have been carried out for crimes against honor since 2003: 13 against journalists, 8 partisan politicians, 3 trade unionists, 4 defenders of the territory, 2 human rights defenders of women, 2 victims demanding justice for a murdered relative, and 1 public official, mostly for having disclosed information or having issued an opinion on matters of public interest.<sup>43</sup>

Case of this type of penalty actions is from the journalist David Romero Ellner; who was a whistleblower of corruption in Honduras, even witnessed in one of the most scandalous cases of corruption in the country. The journalist has denounced the fact that they involve the former Deputy Attorney General of the Republic of Honduras, - the lawyer Rigoberto Cuellar - to acts of corruption at a higher level, the sources of the journalist also involve Attorney Sonia Inés Gálvez Ferrari, wife of the former Cuellar prosecutor.

The impact of the criminalization of journalism is devastating for information professionals. It generates a paralyzing effect and promotes a context of self-censorship in which journalists fear investigating issues of public interest. This limitation reduces the space for public and open debate, in addition to representing a long-term threat to civil society, not only for limiting the right to freedom of speech but also for the defense of other fundamental human rights and although it is not denied that Freedom of speech is not an absolute right, it is considered that the protection of a person's reputation should be resolved by measures or sanctions that affect this right to a lesser extent or sanctions that do not include deprivation of liberty.

#### **Characteristic patterns that Honduras shares with other countries in the region that criminalize defamation:**

- Generally, the criminal sanction of defamation is used to punish expressions of public interest or the conduct of public officials;
- The penalty of the crime of defamation is particularly disproportionate;
- The civil sanctions imposed by criminal courts are of proportions that produce an inhibitory and dissuasive effect on freedom of speech;
- The criminal sanction of defamation generally seeks to compensate the injured person and does not restore their reputation; seeks to punish the defendant from a purely punitive justice approach;
- Generally, allegations of corruption and human rights abuses are diluted in the official judicial speech.
- At the structural level, the Judiciary shows characteristics of having a relationship of subordination to the Executive Branch, which concentrates most of the acts of corruption reported by journalists.

Honduras has an Official Secrets Act and how it limits access to official information, classifying which information should be public and which shouldn't. Undoubtedly, what is intended, among other things, is to limit that citizens have access to official information in their processes to fight against corruption and impunity.

<sup>43</sup> CIPRODEH. January 16, 2019. Pronouncement: The criminalization of freedom of speech should never be the way. Source: <http://www.ciprodeh.org.hn/index.php/noticias/noticias2/441-la-criminalizacion-de-la-libertad-de-expresion-nunca-debe-ser-el-camino>

## 1.4 SITUATION OF HUMAN RIGHTS DEFENDERS

Human rights defenders in Central America and around the world promote, seek, follow up, influence the political agenda and legally defend human rights and fundamental freedoms, through surveillance, denunciation, and dissemination.

In Costa Rica, it has not taken the necessary measures to protect the physical integrity of human rights defenders, it is not enough for the State to refrain from violating rights, but it is essential to adopt positive measures for the protection of human rights defenders. of rights.

The limitations of the work and the aggressions against defenders are a reality in Costa Rica. There are many examples in this regard, unfortunately, not much progress has been made. As a result of serious violations of the defenders, Bill 19.610 was introduced that imposes imprisonment on anyone who kills or deprives a human rights activist of personal liberty when in the crimes committed the mobile is the condition of activists.

This project complies with Costa Rica's international obligations to take the necessary measures to punish violations of the physical integrity of rights defenders. The cases of aggression and homicides against activists, especially environmental ones, are not isolated events. There has been persecution against these people and an unfortunate omission of the State.

However, the Legislature decided to file this bill, which represents a setback to ensure the protection of human rights and the people who defend them.

The Regional Rights Monitoring and Analysis Team in Central America, on May 21, 2019, condemned the lack of protection of life; as well as to the personal integrity of the members of the Bribri de Salitre Indigenous People. This following the murder of the Costa Rican indigenous leader Sergio Rojas. In addition, he criticized the failure of the State with respect to the precautionary measure of protection MC 321-12 issued by the Inter-American Commission on Human Rights in favor of the Teribe de Térraba and Bribri de Salitre peoples.

According to information provided by social organizations and the media, he was killed by fifteen shots in his house located in the community of Yeri, in the indigenous Bribri territory, in Salitre, Puntarenas.

It is known in the country that the conflicts between indigenous people and farmers in Salitre are not new. For more than 10 years there have been serious disputes over the possession of indigenous lands, since the 6172 Indigenous Act, of 1977, stipulates in its article 3 that: "Non-indigenous people may not rent, lease, buy or in any other way acquire land or farms included in these reserves". Sergio Rojas was the main driver of compliance with the Indigenous Act in Salitre.

The indigenous leader had accompanied other indigenous Bribris to file a criminal complaint for threats committed by land usurpers, who had used detonations to intimidate indigenous people who had recovered a farm in that area, reported the Ombudsman's Office, an institution that qualified the fact as "a hard blow in the fight for the defense of human rights", as it is the death of a person defending the rights of indigenous peoples in Costa Rica.

In April 2015, the Inter-American Commission on Human Rights (CIDH, for its Spanish acronym) had granted precautionary measures for members of the indigenous peoples Teribe de Térraba and Bribri de Salitre, including Rojas, who had denounced, in the past, attempted homicide against him. for his activism in the recovery of indigenous territories illegally occupied by non-indigenous people.

In El Salvador, human rights defenders continue to be criminalized, stigmatized and face a series of obstacles that often stop their struggle against the defense of human rights. In the country, there are no legal mechanisms that protect the protection of these people, since the State has not carried out actions to recognize them and therefore has not guaranteed their life, as well as their physical integrity.

Violence and stigmatization of environmental defenders in many cases occur with the participation of business groups that see their interests affected by the defense of the environment. An emblematic case is that of defender Margarita Posada, promoter of the Alliance against Water Privatization who in a press release was described as a terrorist by the National Association of private companies. In this same context, in July 2018, several activists of the Alliance against the privatization of water were subjected to threats by people close to the same business association.

In the First National Meeting of Human Rights Defenders in El Salvador, it was pointed out that: “there are currently serious violations against defenders, and that unfortunately these are mostly perpetrated by State agents, fundamentalist religious groups, organized crime, private company, among others.”<sup>44</sup>

The main problems to which human rights defenders in El Salvador are exposed are: extrajudicial executions and murders; forced disappearances; physical aggression, threats, and harassment; violation of domicile and other arbitrary or abusive interference; illegal intelligence activities; abusive use of public force; among others.<sup>45</sup>

In August 2018, environmental defender Dina Yeseni Puente was killed. She was a leader of the Network of Community Environmentalists of El Salvador (RACDES) and had organized her community around the protection of her territory.<sup>46</sup> Until now her death continues unpunished.

Human rights defenders of the LGBTQI community, women human rights defenders and sexual and reproductive rights continue to be in a situation of greater vulnerability in El

Salvador.

A determining factor that often limits the work of defenders is the violence that the country is experiencing, especially because of gangs<sup>47</sup>, since they make the environment for the defense of human rights even more difficult.

In September 2018, a coalition of civil society organizations called the "Board for the Right to Defend Rights", of which FESPAD is a party, presented a bill that seeks recognition and protection of human rights defenders, up to at the moment there has been no response from the Legislative Branch. On the other hand, FESPAD presented to the presidential commissioner for Rights, in the management of Sánchez Ceren, the guidelines for a policy of human rights defenders. So far, the actions that the new government will implement regarding such an important issue as human rights defenders are unknown.

In Guatemala, from the arrival of Otto Pérez to the presidency of the Republic, a discourse contrary to any form of social organization was adopted, it was increased with the emergence of groups linked to human rights violators. Subsequently, with the arrival of Jimmy Morales, the link and the presence of military personnel in high governmental spheres became more concrete, in such a way, he retreated in the field of human rights, the country incurred international contempt

Little or nothing progress was made in the relationship between social organizations, human rights defenders and government officials, law initiatives emerged aimed at blocking the few advances that had been registered in freedom of association, locomotion, and social organization.

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A law initiative was presented that seeks to regulate the functioning of social organizations, intending to curtail the free operation and even its cancellation for decisions that could be arbitrary in officials linked to human rights violations.

<sup>44</sup> FESPAD Human rights defenders in El Salvador urge a law to protect their work. Source: <https://www.fespad.org.sv/defensoras-y-defensores-de-derechos-humanos-en-el-salvador-urgen-de-ley-de-proteccion-a-su-labor/>

<sup>45</sup> Proposal of guidelines for a national policy for the protection of human rights defenders. Source: <https://es.calameo.com/read/005879919b9bee2f1bb77?page=1>

<sup>46</sup> Mesoamerican Initiative of Women Human Rights Defenders. Dina Yaseni Puente, defender of the land, territory and common property of the RACDES, is murdered, <https://im-defensoras.org/2018/08/alertadefensoras-el-salvador-asesinan-a-dina-yaseni-puente-defensora-de-la-tierra-el-territorio-y-los-bienes-comunes-integrante-de-la-racdes/>

<sup>47</sup> According to data from the International Crisis Group, gangs in El Salvador have approximately 60,000 active members and 500,000 supporters and passive members (retired members) who control much of the territory in urban peripheries.

Social activists have been criminalized, not only in the discourse but also in the judicial attack through the arrest of leaders working with indigenous people, peasants, access to land, women, as well as journalists have been victims of violent actions in which some have lost their lives.

Organizations and population of sexual diversity have been marginalized, are frequently detained and abused in their rights, without any mechanism to restore them.

The State of Honduras is part of international declarations, covenants, and human rights treaties, including the “Declaration on the right and duty of individuals, groups, and institutions to promote and protect human rights and fundamental freedoms universally recognized” created by the United Nations Organization (UN) in 1998. In this general framework, the right to defend human rights is recognized. In addition, it has ratified the instrument “Inter-American Declaration of the Right to Defend Human Rights” of the OAS, created in 2001.

At the level of internal legislation, in 2016 the “Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators Act” was created. Due to pressures from sectors of Honduran civil society and the international community. This is the product of the high risks of human rights defenders.

The direct institutions responsible for guaranteeing human rights are: the National Commissioner for Human Rights (CONADEH), which has the function of receiving and accompanying lawsuits, conducting investigations of rights violations and training Honduran society in human rights ; the Secretariat of Human Rights, under the Executive Branch, responsible for ensuring that all State institutions work with the human rights approach.

In the framework of the "Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators Act", the Protection Mechanism is created, so that these sectors make complaints and request protection measures. As of May 2018, this mechanism has provided 810 protection measures to 211 people, the vast majority of whom were human rights defenders. Within the current number of cases of the mechanism, there are 198 open cases of which: 125 correspond to human rights defenders, 37 to journalists, 22 to social communicators and 14 to justice system officials.”<sup>48</sup>

Within the framework of a government that concentrates power, re-elected unconstitutionally and with serious indications of electoral fraud, human rights violations are constant and are increasingly escalating to other levels of deepening in matters of stigmatization, criminalization, threats, persecution, prosecution, and death to human rights defenders.

According to the 2017 Global Witness report, Honduras is one of the most dangerous countries in the world for human rights defenders.”

In the report of the Rapporteur of the United Nations High Commissioner for Human Rights, in the month of May 2018, he reflects the shortcomings and weaknesses of the State of Honduras, in order to adhere to his commitments made in the field of human rights at the international concert. He expresses “I have really been moved by all the meetings, testimonies and stories of relatives of missing persons, as well as defenders who have been arbitrarily arrested, some of whom have been mistreated by the police or the army, community and indigenous leaders, who have reported being deprived of their land, their crops have been destroyed and their crops stolen, defenders who work on sensitive issues such as sexual and reproductive rights or sexual orientation and gender identity.”<sup>49</sup>

At the level of impunity, "According to several reports, in Honduras approximately 97% of crimes committed against human rights defenders remain unsolved."<sup>50</sup> This reflects the lack of political will of the State to reverse the criminalization of human rights defenders. “Subjecting defenders to long legal processes is clearly a tool to intimidate them and submit their impact on human rights” (United Nations Rapporteur Report. 2018). The main aggressors against human rights defenders are police and military elements. What worries, because it is the Ministry of Security who is responsible for providing security to people who access the Protection

<sup>48</sup> Michel Forst End of Mission Statement, The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Honduras trip, April 29 to May 12, 2018.

<sup>49</sup> Michel Forst End of Mission Statement, The United Nations Special Rapporteur on the Situation of Human Rights Defenders, Honduras trip, April 29 to May 12, 2018.

<sup>50</sup> Idem.

#### Penalty case from journalist David Romero Ellner

On August 21, 2014, Attorney Gálvez filed a complaint for 15 crimes of defamation derived from constitutive expressions of insults and slander against journalists: David Romero; Ivis Alvarado; César Silva; and, Rony Martínez. In the first instance, Mrs. Galvez withdrew the complaint against the last three, except for the beneficiary of Precautionary Measures.

The criminal proceedings against Romero were initiated in a context of denunciation against corruption and lasted unjustifiably for four years. During this period, the journalist experienced a series of judicial harassment and threats to stop his journalistic work, to the extent that on July 28, 2015, Judge of Judgment José Echenique who heard the Case against David Romero, denounced that the president of the The Judicial Council instructed him on the orders of the President of the Republic that he should condemn the beneficiary of precautionary measures. Given the refusal of Judge Echenique, the State of Honduras removed him from *office*

Mechanism and this type of measure is dictated. There is no doubt that there is a general pattern of criminalization and judicial harassment against those who denounce the dispossession of their lands and those who defend the interests of these communities.

The IACHR granted precautionary measures in favor of David Romero Ellner on March 25, 2019, which were registered under No. 75-19 and granted through resolution No. 15/19. The precautionary measures are linked to the individual petition against the State of Honduras No. P-696-19 presented the CIPRODEH.

The precautionary measures granted in favor of the journalist David Romero Ellner consist in the suspension of the condemnatory sentence until the Inter-American Commission on Human Rights (IACHR) has ruled on the merits of the aforementioned petition and that the State of Honduras inform it Commission on the precautionary measures required and update said information periodically.

On March 25, 2019, the Attorney General of the Republic of Honduras communicated the decision of this Commission to the Supreme Court of Justice of Honduras, the same communication that was transferred by the secretariat of the Supreme Court of Justice to the execution court for its knowledge and legal effects, as of March 26.

In a clear breach of the resolution of this Commission, the Execution Court ordered compliance with the arrest warrant

issued on March 13, against the beneficiary of precautionary measures, declaring the decision “without place”, reducing it to a “recommendation”. In addition, the court declares itself incompetent to adopt the provisions resolved by the Commission.

Currently, Romero is imprisoned in an annex to the center attached to the Marco Aurelio Soto National Penitentiary. He is totally incommunicado by telephone. He is being held with high-risk prisoners. The center has high levels of access control; Prison custodians are military and do not have personal security devices other than those that the center imposes on other inmates, in addition, the center does not have security cameras that allow fully identify visitors and document the events that arise in the place. CIPRODEH failed to identify measures aimed at Romero's protection since the provisions adopted are aimed at monitoring him and controlling his behavior and that of his visitors in an excessive manner. Far from preventing the damages that Romero may suffer and ensuring that he will not be subjected to threats or other forms of violence, the State has been in charge of overseeing him and punishing his journalistic work.

In July of this year, his wife denounced the authorities' intention to transfer him to a maximum-security criminal center, where riots have taken place and several people have been killed. In addition, the family was notified of the suspension of their visit, that is, the journalist is totally isolated.

#### Case of Berta Cáceres

At the level of emblematic cases, the murder of the Lenca indigenous leader, environmentalist, Berta Isabel Cáceres, occurred in March 2016, has made little progress. To date, nine people have been charged with manslaughter or attempted homicide and are currently being held. “Recently, two years after his murder, Mr. Castillo, executive president of DESA, the Honduran company that built the Agua Zarca dam, which Berta Cáceres opposed, was arrested. He is the fourth detainee linked to the Honduran army and the first person accused of being the intellectual author of the crime.”<sup>51</sup> This is a case that reflects the levels of impunity, especially of personnel from high political and business spheres.

<sup>51</sup> Idem.



*Tomb of Berta Cáceres. Source: CDH.*

### Case of Guapinol and San Pedro

Another emblematic case is that of the communities of Guapinol and San Pedro, in the department of Colón, who oppose a mining concession in the Carlos Escaleras National Park reserve, since 2018, in favor of Empresas Los Pinares. Because it would contaminate its rivers and water for human consumption. “Between April and May 2019, the Municipal Committee in Defense of Common and Public Assets of Tocoa and its body of lawyers, filed an appeal for Amparo before the Supreme Court of Justice (CSJ), to declare the mining concession granted unconstitutional to Empresa Los Pinares, and that way to end the origin of the conflict, because it is within the perimeter of the protected area where the Carlos Escaleras National Park is located”.<sup>52</sup> In this adverse context for territorial struggle, criminalization, during the months of August and September 2019, reached high levels of political tension: murders and pretrial detention. On August 28, defenders Roberto Argueta and José Mario Rivera were killed. The crimes caused the Secretariat of Human Rights, Karla Cueva, to publicly demand to investigate the crimes and recognize the contribution of environmentalists in the protection of the environment. Up to the date of carrying out this analysis, the police and judicial entities have not ruled in this regard.



*Photo: Committee for Freedom of Speech (C-LIBRE)*

On August 26, 2019, eight defenders accused of illicit association, aggravated fire and deprivation of liberty voluntarily appear before the courts. On September 1, a judge of national jurisdiction issued preventive detention against those 8 defenders, solely for the crime of aggravated fire, although, in March 2019, 13 defenders charged for the same crimes, a judge of national jurisdiction dictated definitive dismissal, for lack of forceful evidence. “The current process against the defenders of Guapinol and San Pedro presents at least 4 strategies: political strategy (criminalization of social protest), disinformation strategy (stigmatization and discredit), media strategy (hate speech and violence) and

criminal prosecution strategy (judicialization and jail).”<sup>53</sup>

In Nicaragua, human rights defenders and other critical government actors face hostile situations and have become targets of repression, harassment, direct threats through social networks and are victims of permanent surveillance by like-minded people. to the ruling party, for denouncing and documenting human rights violations, among them the disproportionate use of force by the Police, which sometimes resulted in extrajudicial executions; forced disappearances; obstruction of access to medical care; arbitrary or illegal detentions of a generalized nature; frequent abuse and cases of torture, as well as sexual violence in detention centers; violations of freedom of peaceful assembly and expression, among other rights.

<sup>52</sup> Center for Studies for Democracy. September 17, 2019. Conjuncture from the territories | What strategies does the mining company use to criminalize water defenders in Guapinol and San Pedro? Source: <http://cespad.org.hn/2019/09/17/coyuntura-desde-los-territorios-que-estrategias-utiliza-la-empresa-minera-para-criminalizar-a-las-y-los-defensores-del-agua-en-guapinol-y-san-pedro/>

<sup>53</sup> Idem. See note 32.

Similarly, smear campaigns are promoted through digital media, promoting hate and exposing human rights defenders to greater risks, undermining their lives and their security; such is the case, of the President of CENIDH, Dr. Vilma Núñez, against whom they maintain a systematic campaign of discrediting and monitoring their actions, with the aim of interfering in the activities they carry out as a human rights defender, for 61 years in a row.

These aggressions and obstacles against the defenders motivated the IACHR to request the Inter-American Court of Human Rights to adopt provisional measures. The President of the Inter-American Court granted urgent measures regarding the existence of a serious situation of harassment, stigmatization and threats, as well as follow-ups and attacks directed at the members of the CENIDH that remain in the country and that despite the withdrawal of their legal status by the National Assembly, they continue to work with many obstacles and limitations, which makes them targets of threats through intimidating publications on social networks, together with the alleged public Statements by government officials calling to discredit the work that these perform, which puts you in a situation of serious risk regarding your life or personal integrity.

This repressive policy has permanently generated a climate of hostility, persecution, and threat to human rights defenders, forcing many to leave the country, to move or renounce their work.

In 2018, 520 attacks on 276 Defenders were registered, 9 human rights organizations were victims of the raid, usurpation of their property, cancellation of their legal status, sending unemployment to more than one hundred defenders, who have also been subject to persecution, harassment, and threats.

From January to June 2019, the Nicaragua Defenders Initiative registers 252 attacks on 116 defenders and 20 collective aggressions against human rights defenders, whose work is hindered.

Nicaragua has been legislating to restrict the right to freedom of association, establishing unconstitutional and unjustified restrictions in a society where democracy is suffering from large fissures, which intimidates and harasses freely constituted organizations, criminalizes use of international financing and attempts are made to reduce the space of civil society in its legitimate right to exist and defend rights. Such is the case, of the approval of Law 976 and its regulation through Executive Decree No. 14-2018, which gives the State powers to issue discretionary and arbitrary measures that may restrict NGOs' access to international funds but also to criminalize and cancel legal entities solely because of the origin of the financing.<sup>54</sup>

On December 13, 2019, the Ministry of Interior raided the offices of CENIDH in Managua, getting into the roofs and late at night more than 60 policemen, physically and psychologically assaulting Mr. José Morales, who was forced to remain under a desk for four hours tied hands and feet. They destroyed furniture and stole documents without any order, seizing even the personal objects of the work team. On December 14, the branch office in Juigalpa, Chontales was raided and that same day the organization's bank accounts were frozen. To date, both movable and immovable property remain in the hands of the police, who remain in both offices, without allowing the entry of personnel.

Mechanisms have been imposed that affect the autonomy and independence of civil society organizations and in particular human rights organizations such as Cenidh, since 2008 it has been impossible to have the necessary dialogue with the authorities and has been banned access to information, reaching the extreme of not receiving correspondence from the organization in public institutions, nor allowing entry to places near the presidential house, keeping its offices fenced in 2016 and establishing strict control over those who approached the implementations.

On the other hand, in Panama, there are several cases of human rights defenders, social and community activists who are harassed by companies, or of the same State for their actions in defense of the environment or vulnerable human groups.

For example, the case of residents of the Island of Pedro González, who have carried out various protests to defend the land, as a result, has been the arrest of activists, where the abuse of power and police force has been visible.

<sup>54</sup> Regulations to the 976 Act, Financial Analysis Unit Act. Executive Decree No. 14-2018, approved on September 27, 2018, published in La Gaceta No. 190 of October 3, 2018.

- The case of Mrs. Larissa Duarte, a social and environmental activist from the province of Veraguas, who was sued for \$10 million dollars, for having expressed opposition to a hydroelectric project.
- Ligia Arreaga, an environmental activist and human rights defender from the province of Darién, was threatened with death because of her defense of the Matusagaratí lagoon and had to leave the country to protect her life.

Episodes of police abuse in Changuinola, Bocas del Toro Province, Panama, are still discouraging the population, specifically indigenous and Afro-descendant communities were affected. It should be noted that none of these cases of serious human rights violations have been investigated or prosecuted; therefore, there was no condemnation of its material and intellectual authors, and no reparation has been offered to the victims, leaving these cases of abuse in the exercise of State force impunity.

Like all the people submitted to the Panamanian judicial system, the hundreds of cases due to socio-environmental conflicts that affect urban, indigenous, Afro-descendant and rural communities, and many other high-profile corruption cases, have caused property damage that exceeds 500 million dollars to the Panamanian State, and that are waiting for judicial decisions.

## CONCLUSIONS

- The exercise of political authority is aimed at the abuse of power, corruption and human rights violations that keep the Central American region in a deplorable state and at high levels of conflict that put social peace at risk. The second degree election mechanisms and the republican regulatory bodies do not guarantee the independence of the Government Branches. In the region there are records of strong repressions to the social protest that cause the death of many citizens —as in Honduras and Nicaragua—, and the rupture of the Constitutional Rule of Law transgressing the elementary principles of democracy as it occurs in El Salvador.
  
- The Central American countries have promoted a total dissociation with their citizens, leaving aside that they are the representatives of the people, thus making decisions that disrupt democracy, human development and peace. The strictly representative structure of the Central American democratic designs prevents greater citizen participation.
  
- Corruption has increased in Central America since its democratic bases are weak and, it has been evidenced over the years in the countries of the region such as political parties, national and transnational companies, senior officials have used it in their benefit.
  
- In Central America, serious aggressions and threats against journalists and independent media continue to occur, recording cases of limitation to hard journalistic work and access to information during administrative, political and judicial efforts. On the one hand, there are media oligopolies that determine public agendas, preventing the normal performance of community media; next, there are layoffs of journalists that generate self-censorship.
  
- Throughout the Central American region, criminalization is one of the repressive methods used by governments to curb the work of human rights defenders when they are charged with crimes against the Government and pass laws that allow a wide range of interpretation, to prosecute those who defend and promote rights in Central America, which has a negative impact on various areas of their lives, from individual, family and collective and generate, as a result, silencer and paralyzing effects of their work. As well as from personal attacks in social media to serious life threats.

## RECOMMENDATIONS

- Governments should seek efficient and effective mechanisms to create a true relationship with society, which will foster a coherent and timely establishment, so that the representatives think and act on behalf of the citizens, so that they feel represented. In that order of ideas, they should generate normative proposals aimed at increasing citizen participation in public activity.
- The Central American countries are urged to adopt the proposals of civil society in the framework of promoting adequate mechanisms for the protection of journalists, among them, proposals for legislation to guarantee the security of the sector, as well as raising awareness among Government institutions regarding the work that journalists do every day.
- It is necessary for the Central American governments to comprehensively address the situation of human rights defenders in the region, with prevention strategies towards protection and justice, ensuring greater political commitment and legal support. For this, it is relevant that the governments create a public policy of integral protection, built with the participation of defenders and their social organizations.
- Governments must adopt and report publicly on the progress made regarding the Lima Commitment signed at the 8<sup>th</sup> Summit of the Americas, which describes 57 measures to strengthen democratic governance in the fight against corruption.



The government of El Salvador launched on June 20, 2019, the Territorial Control Plan, which seeks to hit the gangs. Photo by EDH / Huber Rosales

## Chapter 2

### CITIZENS SECURITY

The Central American region is among the most violent in the world. This problem that puts citizens' lives at risk is deepening, causing states to lose control of public safety. The rates of homicide, femicide, acts of violence and conflict account for the constant increase in crime and victimization in the region. In addition, from the impact of inequality and chronic impunity, much of the problem stems from the strict application of repressive and punitive approaches to dealing with crime.

The emergence of a series of “security” measures promoted by governments are focused on safeguarding public institutions, the interests of the current governors and protecting the interests of economic power, but to a lesser extent to preserve the security and rights of the population. The security approach is denatured in the way that decision makers encourage immediate measures to generate support for future electoral elections that allow them to preserve the political power of the State.

As a whole, Central America has experienced a reduction in the levels of homicidal violence due to the fact that countries have promoted strong repressive actions that generate unsustainable decreases in the figures. An exceptional case in the region is Nicaragua, which due to political violence has increased its numbers.

By nature, repressive patterns develop substantial problems as different forms of marginality by promoting stigmatization of the population for age and geographical reasons, which leads to vulnerable populations being recipients of the repressive public force of the State. In turn, restricting human and fundamental rights by promoting exceptional measures or exception regimes, transgressing guarantees such as due process.

The regional homicide rate, especially in the countries of northern Central America (Guatemala, Honduras and El Salvador) has remained above the world average; citizens register a high perception of insecurity. In Nicaragua, far from the citizenship trusting the National Police, they have lost confidence. The population identifies in said security body a repressive agent of fundamental freedoms and rights. The attempts of governments to eliminate organized crime and youth violence, known as “hard hand” policies, continue to be applied by governments as the only measure. Many of the strategies adopted in the region included programs to combat drugs, or gangs (*maras*), have not had the expected results. It was hoped that the strongest enforcement of the law, more severe sanctions and longer sentences in the terrible prisons in the region would deter drug traffickers and organized crime. On the other hand, collusion between justice operators (police, prosecutors and judges) with criminal groups, along with corruption and impunity, have undermined these citizen security measures. Today, gangs, drug trafficking and organized crime threaten sovereignty and peace in the Central American region.

Every year, it is published through the Institute for Economics and Peace, the Global Peace Index (GPI), which measures the level of peace and the absence of violence according to the countries; this study includes internal variables such as violence and criminality, and external variables such as military spending and wars in which the country is a participant. In this case, it evaluates 163 countries worldwide.

On average, if Central America were evaluated in its entirety by the GPI in the year 2019, it would be located at position 91.6, (see table 1) with respect to the list of the 163 countries, above the world average. By developing a trend analysis from 2015 to 2019, including an annual interpretation, it is identified that the countries of the north of the Central American region continue to face higher levels of violence, compared to other countries.

The average of the GPI places the countries of the North of Central America in position 115, if it were evaluated as a whole, which makes visible the asymmetries existing in the region with respect to the north and the south in terms of violence. Thus, as the average of the northern countries doubles that of the south (56).

Countries	Global Peace Index in Central America					Country Average
	2015	2016	2017	2018	2019	
Costa Rica	3.4	33	3.4	40	33	34.8
El Salvador	123	112	115	116	113	115.8
Guatemala	118	116	117	111	114	115.2
Honduras	116	111	106	118	123	114.8
Nicaragua	75	69	74	68	120	81.2
Panama	64	48	49	50	47	51.6
<b>Central American annual average</b>	<b>88.3</b>	<b>81.5</b>	<b>82.5</b>	<b>83.8</b>	<b>91.6</b>	<b>85.5</b>

Table 2: Global Peace Index in Central America.

Source: Own elaboration with Global Peace Index data.

In this sense, the GPI of the Central American region of the year 2019, indicates that the country best evaluated with the position #33 is Costa Rica, followed by Panama that is in position #47 of the #163 that analyzes this indicator, and the worst qualified is Honduras which went from position #118 to #123; placing the country in one of the most violent in the world, followed by Nicaragua with position #120. Both countries face a political and social crisis, where military powers converge which generate a high degree of convulsion or violence. In addition to the existence of multiple and non-transparent quasi-public businesses with links to the ruling party that manage large cash transactions, as well as the proliferation of subsidiary companies with an unclear property increases the vulnerability of both countries to money laundering.

Costa Rica continues to bet on the implementation of citizen security and violence prevention programs, an example of this is a loan granted for \$100 million, with the purpose of contributing to the reduction of homicides and assaults through an improvement in police effectiveness in preventing crime in prioritized districts. With this, a 10% reduction in homicides and assaults is sought in the 40 districts most affected by these crimes.

Insecurity remains one of the main concerns of Costa Ricans, although it continues to be among the least violent countries in Latin America. However, there is a greater presence of firearms and the country's role in the regional drug map, among others.

In the macro data page<sup>55</sup> to Guatemala, it is placed at number 114 (with 2,264 points), worsening its position by three positions since 2018 (with 2,214). If the ranking data of 10 years ago is compared, Guatemala was ranked 102nd. With this, it can be broadly identified that the rates of violence have been increasing and at large scales.

Although it has been increasing, the data presented by the Center for National Economic Research (CIEN) in Guatemala and the Crime Reporting Index (IDD) mentions that in March 2019 it decreased by 4.9% compared to the month of February of that same year; the Sub-index of Crimes against Persons (SDPe, for its Spanish acronym) also shows a reduction of 3.6% in the same period, as a result of a decrease in the rates of violations and injuries between both months.<sup>56</sup>

According to InSight Crime<sup>57</sup>, in Guatemala criminal organizations are the most sophisticated in Central America, as members of the army, intelligence agencies and even active members of the police participate; its activities range from transporting drugs, human trafficking, kidnapping, extortion, money laundering, arms smuggling, and other illegal activities that undermine the security of Guatemalan citizens.

<sup>55</sup> Macro Data (s/f) Global Peace Index. Source: <https://datosmacro.expansion.com/demografia/indice-paz-global>.

<sup>56</sup> CIEN (April 22, 2019). Statistical crime bulletin. p. 1-2. Source: <https://cien.org.gt/wp-content/uploads/2019/04/Boleti%CC%81n-estadi%CC%81stico-delitos-marzo-2019.pdf>

<sup>57</sup> InSight Crime (s/f) Profile of Guatemala. Source: <https://es.insightcrime.org/noticias-sobre-crimen-organizado-en-guatemala/>

Attacks by criminal groups of drug traffickers have been increasing. For example, on September 4, 2019, members of the Marine Corps of the National Army were attacked, after an ambush carried out by an armed group of people allegedly identified as drug traffickers in El Estor, Izabal.<sup>58</sup> In June 2019, the seizure of more than 5.8 tons of cocaine was recorded in a container in Puerto Barrios, Izabal.<sup>59</sup>

On the other hand, in Guatemala, until March 2019, the National Civil Police (PCN) registered 985 extortion complaints, the complaints per 100,000 inhabitants are 53.4; 2.9 more than January statistics, and 3.8 more than December 2018.<sup>60</sup>

In Honduras, the security policy implemented by the government focuses on the militarization of specific internal security functions, under a “hard hand” cut. This policy mistakenly combines internal security with national defense and has its genesis in approval mainly in at least seven laws.<sup>61</sup>

The National Defense and Security Council<sup>62</sup>, led by President Juan Orlando Hernández, is constituted as the maximum security instance and from which all the guidelines on this issue emanate, without admitting spaces for consultation or discussion with the different sectors of the country, which leads to a disconnection from reality and what is even more serious, to the elaboration of strategies distant from citizen security and human rights.

As part of the public policies that the Honduran government refuses to implement are: The 2011 – 2022 Honduras Integral Policy of Coexistence and Citizens' Security; National Policy for the Prevention of Violence Towards Children and Youth; Public Policy and National Human Rights Action Plan.

It should be noted that since 2016, that the National Police Debug Commission was created, far from strengthening this instance, its actions have been dispersed; on the one hand, with the growth of the Military Police of Public Order which was established temporarily and far from closing given its temporality it has grown in number and actions; on the other hand, the creation of different task forces for specific issues that do not achieve the promised impact.<sup>63</sup>

In Honduras there are at least 70 thousand people linked to gangs (*maras*); distributed in criminal groups, among which are: *Mara Salvatrucha*, *Mara 18*, the *Combo Que No Se Deja* and the *Chirizos*. Extreme poverty, social marginalization, lack of opportunity for education, decent work, among others, generate favorable conditions for many of these young people to be easy victims for criminal groups; who apply policies of terror or fear before them.

Likewise, the tightening of surveillance on the northern border with Mexico has led to the opening of new routes and ways for arms trafficking. These not only arrive from the United States, but also from Central America. More and more cargoes are transported from Nicaragua that enter Mexico by land through the borders with Guatemala or Belize.<sup>64</sup> According to federal authorities, they reach Tepito, which has become the largest weapons warehouse in Mexico.<sup>65</sup> Rifles and guns arrive unassembled to Mexico in double bottoms

<sup>58</sup> Chumil, K. (September 4, 2019). Army confirms the death of three soldiers in Estor, Izabal. Source: <https://elperiodico.com.gt/nacion/2019/09/04/ejercito-confirma-la-muerte-de-tres-militares-en-el-estor-izabal/>

<sup>59</sup> EFE (June 26, 2019). More than 5.8 tons of cocaine in Puerto Barrios seized. *Prensa Libre*. Source: <https://www.prensalibre.com/guatemala/decomisan-mas-de-5-8-toneladas-de-cocaina-en-puerto-barrios/>

<sup>60</sup> *Ibid.*, p. 8.

<sup>61</sup> Population Security Law, Decree No. 105-2011, Special Law of the National Defense and Security Council, Decree No. 239-2011; National Intelligence Law, Decree No. 243-2011; Law for the Classification of Public Documents related to National Security and Defense, Decree 211-2012; Special Law on Intervention of Private Communications, Decree No. 418-2013; Interinstitutional Strategy on Security and Comprehensive Governmental Taking of Special Security Response (TIGRES), Decree No. 103-2013; Law of the Military Police of Public Order (PMOP), Decree Law No. 168-2013.

<sup>62</sup> <https://www.presidencia.gob.hn/index.php/2018-01-08-22-44-37/183-mas-seguridad>

<sup>63</sup> <https://criterio.hn/2018/05/07/al-cumplir-cien-dias-regimen-de-joh-anuncia-fuerza-nacional-antimaras-y-pandillas/>; <https://www.presidencia.gob.hn/index.php/seguridad/5554-presidente-hernandez-fnstu-dara-seguridad-al-transporte-urbano-para-protoger-a-la-gente-humilde-y-luchadora>

<sup>64</sup> <http://f5nicaragua.com/2019/09/17/nicaragua-origen-de-armas-para-crimen-organizado/>

<sup>65</sup> Tepito, Mexico City is located in the Cuauhtémoc and Venustiano Carranza delegations, bordering on Garibaldi.

Tepito is a popular neighborhood in Mexico City, characterized by the large number of merchants who turn their streets into a street market, where everything is sold, including products considered illegal.

of cargo or passenger trucks, which circulate from Nicaragua to Mexico with the support of corrupt authorities, which receive various amounts of money.<sup>66</sup>

According to the National Inter-Institutional Security Force of Honduras (FUSINA), made up of members of the Armed Forces, agents of the National Police and law enforcement authorities in 2018, 8.7 tons of drugs were seized in the country, 1,585 kilos of cocaine and 7,135 marijuana, plus 112,000 cocaine plants and 753,762 marijuana.

In cases related to drug trafficking there are public officials with links to criminal structures, it is estimated that at least 10 drug cartels were dismantled as of 2014; also, it is argued that the government of Juan Orlando Hernández created 20 laws and legal instruments to combat drug trafficking; As of August 2019, at least 23 people have been extradited in the country.

Alexander Ardon, linked to drug trafficking and a key witness in the trial against Tony Hernández, on October 8, 2019 told the court in New York that he attended meetings with President Juan Orlando Hernández to discuss the use of drug money in election campaigns. On his second day of testimonies, Ardon said he told Tony Hernández of a meeting in 2013 that Joaquín 'El Chapo' Guzmán requested with him to talk about the security of his cocaine shipments from Nicaragua to Mexico. These statements indicate that Nicaragua is penetrated by the highest-level drug trafficking and evidence at least that the official discourse assumed by the Government of Daniel Ortega that the police and the army have turned Nicaragua "into a retaining wall for drug trafficking" it is not entirely true.

In particular, on November 23, 2018, Antonio Hernández Alvarado (aka Tony Hernández)<sup>67</sup> was captured; brother of the current president of Honduras, Juan Orlando Hernández; who is tried for international drug trafficking and the evidence so far indicates that his brother received financing from the "El Chapo" cartel to execute the campaign that brought him to power. Documents presented by the Prosecutor's Office indicate that President Juan Orlando Hernández is identified as Co-Conspirator in his brother's operations, to receive money from drug trafficking for two political campaigns.<sup>68</sup>

The links of Tony Hernández with the cartel called "Los Cáchiros"; He has unleashed great controversies in the country, not only because he was the brother of the president, but because of the proceeding of Juan Orlando Hernández, since, as direct manager of the National Defense Council in Honduras, he did not proceed to conduct an investigation or detention directly to his brother; which has led to strong questions at national and international level. Tony Hernández pleaded not guilty to charges related to drug trafficking, but the prosecution accuses him of leading "a sophisticated state-sponsored organization that distributed cocaine for years" and in the process made Honduras "one of the most violent places of the world".

On the other hand, since 2014, the Honduran government has made purchases of equipment for air and sea combat; has made adjustments to the legislation, for example to "shoot down planes" in its territory; thereby allowing at least 233 clandestine airstrips<sup>69</sup> to be destroyed, but airplanes continue to land in the areas of Gracias a Dios and Puerto Cortes; so the people wonder if this military armament is to fight organized crime and drug trafficking or rather to guarantee the circulation of merchandise from allied cartels.<sup>70</sup>

<sup>66</sup> *El Universal*. September 17, 2019. From Central America to Tepito, the arms trafficking route. Source: <https://www.eluniversal.com.mx/estados/de-centroamerica-tepito-la-ruta-del-trafico-de-armas>

<sup>67</sup> *La Prensa*. November 23, 2018. "Tony" Hernández was arrested in the United States. Source: <https://www.laprensa.hn/honduras/1236334-410/tony-hernandez-captura-dea-estados-unidos-fabio-lobo-devis-rivera-cachiros-joh>

<sup>68</sup> Redaccion@criterio.hn. Tegucigalpa. August 28, 2019. New York Prosecutor presents list of Honduran politicians and officials and partners of Tony Hernández Source: <https://criterio.hn/fiscalia-de-nueva-york-presenta-lista-de-politicos-y-funcionarios-hondurenos-complices-y-socios-de-tony-hernandez/>

<sup>69</sup> Presidency of Honduras. April 4, 2019. Honduras advanced in the capacity to investigate and combat criminal gangs and drug trafficking. Source: <https://www.presidencia.gob.hn/index.php/seguridad/5674-honduras-avanzo-en-la-capacidad-de-investigacion-y-el-combate-de-bandas-criminales-y-narcotrafico>

<sup>70</sup> InSight Crime: Fight against drug trafficking in Honduras does not work. Source: <https://tiempo.hn/combate-narcotrafico-en-honduras/>

According to the data provided by the National Anti-Extortion Force (FNA, for its Spanish acronym); for the year 2018 there were 434 cases of extortion, the transport and commerce sectors being affected.<sup>71</sup> Being the most affected cities: La Ceiba, San Pedro Sula, Choloteuca, Comayagua and Tegucigalpa. Statements by the Public Ministry spokesman Mr Yuri Mora, said that “The purpose is to give hard blows to their assets, their bank accounts and their companies, in which they were laundering their money. That weakens its structure, but it must be a constant struggle and that is why three operations have been carried out.”<sup>72</sup>

As for El Salvador, public and citizen security has been one of the main problems facing El Salvador. For both the governments of the Nationalist Republican Alliance Party (ARENA) and the Farabundo Marti National Liberation Front (FMLN), it was a problem to solve, the measures promoted in practice were strictly repressive. It is still a challenge to be able to recover the territories in El Salvador which today are being controlled by gangs. The new government led by Nayib Bukele seems to always enhance a scheme with a strong strictly repressive component. At the moment, by means of declarations of the President of the Republic and of officials of the security committee it is known about the existence of a security plan, which has been declared as classified information.

The retired Major of the Army of Nicaragua Roberto Samcam, considered that drug trafficking in Nicaragua operates with the consent and direct support of the political power. The ex-military told *Nicaragua Investiga* that the links between drug trafficking and the FSLN are widely documented.

In addition, El Salvador is considered a drug transit country that comes from the countries of South America to the United States. In turn, drug trafficking organizations have ventured into the creation of networks of local operators, which are responsible for supplying the markets with the drugs they receive in payment for the provision of services in international traffic operations. According to the cases investigated by the police authorities, there are small drug distributors in the country (mainly marijuana and crack) with a presence in the 14 departments of the country.

Extortions remain a country problem, where gangs continue to affect merchants and citizens in general. The majority of complaints come from the informal sector of the country. According to global data provided by the PNC, there were a record 2,242 reports of extortion in 2015; 1,607 in 2016; 1,658 in 2017; 1,636 in 2018; and 209 during the first quarter of 2019.

Undoubtedly, the scourge of extortion is present throughout the region, with a greater presence in Guatemala, El Salvador and Honduras, criminal activity carried out by criminal groups and gangs. In Honduras they call it "war tax" and in El Salvador "rent." In many cases this criminal action forces the forced displacement of thousands of citizens, who live under threat of losing their lives if they do not yield to extortion.

In Nicaragua, the security policy is under the command of President Daniel Ortega, who in his eagerness to perpetuate himself in power has used the security forces to repress and exert violence, to the point of denaturing his constitutional function which is to protect the security of citizens and their property and has become the guardian of the interests of the *Ortega-Murillo* regime. The population not only distrusts the police, but also rejects it and creates insecurity.

The Nicaraguan State assumed a series of commitments with the Financial Action Task Force of Latin America (GAFILAT, for its Spanish acronym), in that framework recently the National Assembly has approved a series of reforms and laws under the argument that are to comply with the recommendations of that agency in the fight against money laundering, terrorism and proliferation of weapons of mass destruction. However, these are not applied for such purposes, but to criminalize all those who identify themselves as opposed to the government.

In an interview conducted by the Euronews chain and published on July 31, 2018, President Ortega said that his government guaranteed the security of the country, the region and that his continued power depended on



Paramilitary Group in Nicaragua, Photo from *La Prensa*.

<sup>71</sup> *Tiempo Digital*. April 9, 2018. 54% of the extortion charge corresponds to the commerce sector and 21% to transport. Source: <https://tiempo.hn/extorsion-sector-del-comercio-transporte-honduras/>

<sup>72</sup> *El Pais*. February 15, 2018. Honduras and its fight against the maras, a difficult evil to eradicate. Source: <http://www.elpais.hn/2018/02/15/honduras-lucha-las-maras-mal-dificil-erradicar/>

The retired Major of the Army of Nicaragua Roberto Samcam, considered that drug trafficking in Nicaragua operates with the consent and direct support of the political power. The ex-military told *Nicaragua Investiga* that the links between drug trafficking and the FSLN are widely documented.

continuing. "Nicaragua is the point of containment of the drug trafficking and organized crime line, with a break from Nicaragua, it would simply be taken by drug trafficking and organized crime throughout the region from Guatemala, to Panama."

In Nicaragua, most cases of corruption and impunity are linked to narcoactivity, where the collaboration of security system officials has been pointed out. However, one of the main concerns of the population is the presence of paramilitaries, who have the acquiescence of the government; as well as, with "license" to kill, kidnap and repress. They exercise criminal political violence. President Daniel Ortega himself in an interview with an American media said that the most "dangerous" of this crisis is the issue of security and stability of Nicaragua," concentrating all the public force to repress anyone who demonstrates against his management and leaving free space for the passage of drugs, since the cartels use the country as a bridge to traffic drugs.

Citizen insecurity continues to increase, despite the militarization of the national territory, which shows that this measure is ineffective. For its part, Nicaragua's military spending has increased dramatically in recent years, reaching almost US \$72 million in 2016, approximately 0.5% of GDP. The Army has approximately 13,000 agents and the National Police reported in its 2018 yearbook, a total of 14,946 (9,848 men and 5,098 women) distributed in the delegations of the 17 departments of Nicaragua, as well as sub-delegations in the eight districts of Managua. These two institutions have been singled out for acts of torture and extrajudicial executions, covering up crimes and being involved in acts of corruption.

On July 26, 2019, in the department of Rivas, the national police reported the arrest of Joan Paul Martínez and Erick Alberto Hernández, Nicaraguans who along with the Guatemalan Carlos Enrique Quant Texas, seized 3 million 619 thousand 470 dollars. In addition to detecting cocaine residues both in the vehicles and in the body of the three detainees, this being one of the largest seizures of money made in Nicaragua in recent years. In the month of May 2019, the police had occupied 1.7 million dollars to alleged drug traffickers in the department of Chinandega and in March 2018, reported the confiscation of 5.5 million dollars to an alleged network of organized crime. Through operations carried out in three cities of the country and recently on October 7 of this year, it announced the seizure of 699 thousand 370 dollars to the transnational organized crime.

The Inter-American Drug Abuse Control Commission (CICAD, for its Spanish acronym) in its seventh round (2014-2018), noted that in Nicaragua no mechanisms have been developed to monitor and evaluate the impact of the application of alternative measures established by the Secretariat of Multidimensional Security (SSM, for its Spanish acronym), whose mission is to promote and coordinate cooperation between the OAS Member States, and of these with the Inter-American System and other instances of the International System, to evaluate, prevent, confront and effectively respond to threats to the security.

On the other hand, Panama is in position 47 of the Global Peace Index. Without a doubt, it has improved its situation compared to 2018, since it was in 50th place. The evolution of the country in the position that compares it with the rest of the countries is fundamental. However, it is pertinent to highlight that inequality and corruption has damaged thousands of households. Therefore, it is necessary to emphasize comprehensive policies to guarantee citizen security. Despite the slight progress, there are still neighborhoods in which the transit of the population is restricted by being controlled by gangs. The geographical position of Panama makes the country an obligatory passage of drugs to the north. The country has also been characterized as the preferred meeting place for doing business around drug transfer, without this representing a risk for its actors. In November 2018, the National Customs Authority of Panama and the Border Force of the United Kingdom of Great Britain and Northern Ireland, signed a Memorandum of Understanding, with the purpose of increasing the global fight against cross-border crime, combating Organized criminal gangs involved in smuggling, fraud and crimes related to money laundering across their borders.

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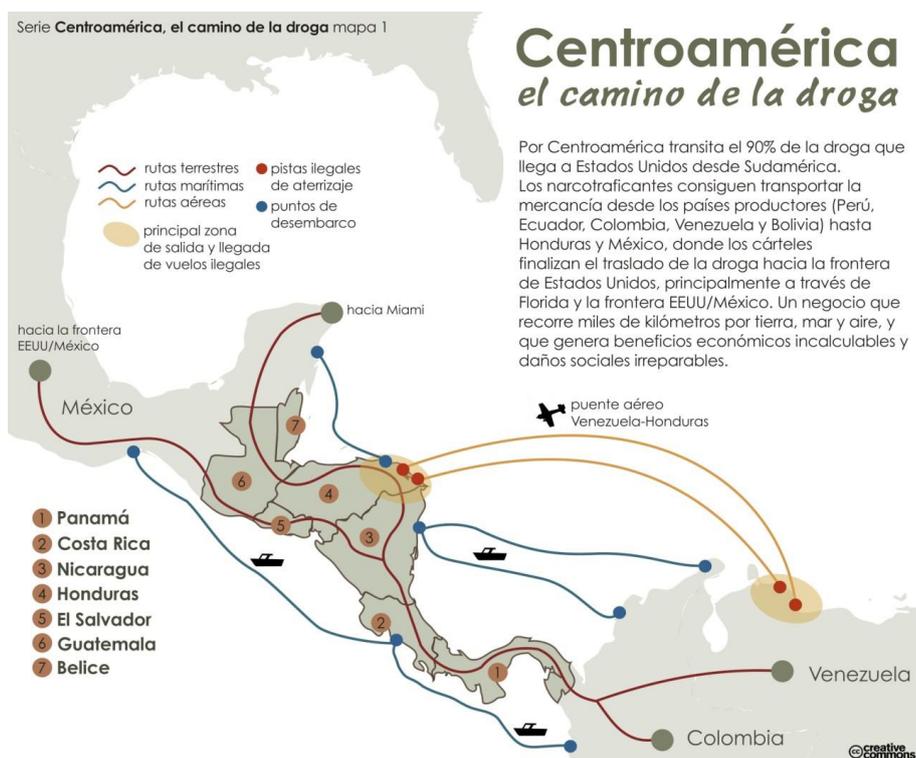


Figure 1: Central America, the way of drugs.

Source: <https://vaventura.com/divulgacion/geografia/camino-la-droga/>

The study "Drugs, Guns, and Cash", prepared by a group of Guatemalan organizations such as the Coordinating Committee of Commercial, Industrial and Financial Agricultural Associations (CACIF), the Center for National Economic Research (CIEN), The Guatemalan Development Foundation (FUNDESA) and the G Foundation conclude in their analysis that Central America is succumbing to organized crime. The report warns that, if no immediate action is taken, the region will live under the threat of transforming itself into failed states because of the power of criminal organizations operating in the area.

## 2.1 HOMICIDES IN CENTRAL AMERICA

Drug trafficking and *maras* have turned Central America into the area with the highest number of violent deaths, with a rate for 2018, of 23.7 homicides per 100,000 inhabitants (see table 2).

The proliferation of gang-related violence, which disproportionately affects young people, has become a growing problem in the Northern Triangle countries of Central America (Honduras, Guatemala and El Salvador) over the past two decades.

In these three countries the level of homicides is much higher among men, with a rate between eight and eleven times higher than among women.<sup>73</sup> Violence has reduced in three years the life expectancy of men in some countries of the region; However, hate crimes against women are worrisome.

The figures detailed below show the lack of willingness and effectiveness on the part of the state authorities to respond to the population on issues of comprehensive citizen security policies, that is, with a human rights approach, aimed at protecting life and the physical integrity of people.

Despite the high numbers of homicides at the Central American level, they report a slight decrease. When comparing the homicide rate of 2015 with respect to 2018, a reduction of 12.96 in the rate of violent deaths per 100 thousand inhabitants is identified. However, we point out that the results are not sustainable over time since the structural causes that promote scenarios of conflict and violence have not been combated.

Another characteristic is that the north of Central America continues to be the most violent if compared to the southern cone of the region.

Country	Homicide rate in Central America per 100 thousand inhabitants			
	2015	2016	2017	2018
Costa Rica	11	12	12.1	11.7
El Salvador	103	81.2	60	51
Guatemala	30	27	2.1	22.4
Honduras	57	57	42.8	40
Nicaragua	8	7	7	7.5
Panama	11	10	10.2	9.6
Central America	36.66	32.36	26.36	23.7

Table 3: Homicide rate in Central America per 100 thousand inhabitants.

Source: Own elaboration with official data by country and World Bank.<sup>74</sup>

In 2018, Honduras reported 3,733 homicides, representing 52.6% of deaths throughout the year. A reduction of 133 less than 2017 was observed. Traffic events registered an increase of 8.4% and were the second cause with the highest incidence by adding 1,614 victims. Suicides and unintentional deaths maintained an upward interannual behavior of 2.0% and 1.5%, respectively, in the departments where more cases were evidenced are Cortés, Francisco Morazán, Yoro, Olancho, Comayagua and Atlántida.<sup>75</sup>

According to the National Observatory of Violence, of the National Autonomous University of Honduras (UNAH, for its Spanish acronym), 41 massacres have been registered with 144 victims from January to August 6, 2019. This represents an increase of 10 murders and 44 victims compared to 2018.<sup>76</sup> When disaggregated by sex, it is evident that 383 victims are women, on average 32 each month.<sup>77</sup> Of the total, 70.5% of the violent acts were perpetrated with firearms, 15% (276) with a white weapon, 5.2% (95) with blunt weapons and the

<sup>73</sup> The Objective. July 8, 2019. Maras and drug trafficking make Central America the region with the most homicides in the world. Source: <https://theobjective.com/las-maras-y-el-trafico-de-drogas-hacen-de-centroamerica-la-region-con-mas-homicidios-del-mundo/>

<sup>74</sup> Intentional homicides (per 100,000 inhabitants). Source: <https://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5>

<sup>75</sup> National bulletin January - December 2018, Observatory of Violence UNAH.

<sup>76</sup> *Tiempo Digital* August 8, 2019. National Observatory of Violence: Honduras records 41 massacres and 144 victims. Source: <https://tiempo.hn/observatorio-nacional-de-violencia-honduras-registra-41-masacres-144-victimas>

<sup>77</sup> Idem.

strangulation or asphyxiation that added 5.1% (94) of the records. Finally, 29 homicide victims died through mixed instruments (firearm and white weapon) which shows the viciousness used to deprive the victims of life.<sup>78</sup>

In 2018, 2,601 homicides with firearms were perpetrated. This represents 76% of total homicides. (Citizen Security and Criminal Justice Program-FESPAD).

In El Salvador in 2018, a total of 3,340 homicides were recorded, evidencing a reduction of this scourge since 2015, where a rate of 103 murders per 100,000 inhabitants was obtained; in 2016, it fell to more than 20 points, reaching 81.2; the downward trend continued in 2017 to stand at 60 homicides per 100,000 people and in 2018, with 51. So far this year (January-September) there

are 2,004 murders, which represents 509 less in relation to the figures for the year 2018 that threw 2,573 at the same date.<sup>79</sup>

Between 2017 and 2018, 18,689 weapons were imported to El Salvador, including revolver, guns, rifles and shotguns.

Until September 2019, in El Salvador there are 23,581 licenses for the use of firearms granted and in force and 81,313 expired.

Between January and August 2019, 4,654 weapons entered the country. (Program of Citizen Security and Criminal Justice-FESPAD).

The current president of El Salvador launched on June 22, 2019, a Territorial Control Plan, which has a series of phases, among which are: a) **preparation**, where police and soldiers deployed in different areas of the country to provide population security; b) **opportunity**, refers to the different State portfolios that will contribute to the prevention and effective combat of crime, for this they must reach the communities identified and c) **modernization**, the latter is focused on providing the National Civil Police and Armed Forces armament, uniforms, bulletproof vests, radios, patrols and helicopters. In this sense, the Government has deployed approximately 2,500 agents of the National Civil Police and 3,000 soldiers in the streets of San Salvador and other municipalities. This plan has brought a

significant decrease in homicides, there have even been days where there have been none. The current average daily homicide rate is 3.8, according to official figures. But it can hardly be maintained over time if one does not work on a comprehensive and inclusive public policy. On the other hand, disappearances remain as mechanisms to hide homicides.

Each phase has been known through press conferences by the president. Given this, some public officials have stated that the plan cannot be disclosed for security reasons, under this argument there is much secrecy in matters related to public safety, because like the previous plans that have been implemented in the country Some actions or measures that are being carried out are repressive and violate human rights, especially in criminal centers. An example of this is the restriction to leave the cells, medical attention, visits, sunbathing, among others. These measures were lifted by the president on September 2, 2019. These actions are not new, as they are similar to those promoted in past efforts, for example, in the government of former President Sánchez Cerén. On the other hand, citizen participation is not a priority element for the current government in terms of security. In this case, the National Council for Citizen Security and Coexistence (CNSCC) was dismantled, where different sectors of society coincided.

It is worrying that, in the homicide registry, the government only includes “social violence” and not the cases related to clashes with the security forces, as well as the bodies that are buried in graves are not taken into account, which It hinders the analysis of the country's security situation.

This has a lot to do with cases of disappearance, where most are found dead in clandestine graves, a practice that gangs used to use, this, for example, would not be included in the new official homicide records, which will have an impact on official data; therefore, it will not reflect the reality regarding the homicide rate of the country.

In the case of Nicaragua, the official information presented in the 2018 Statistical Yearbook of the National Police intends to demonstrate that in the last ten years the criminal activity has decreased in the country, reporting 139,318 complaints in 2007 compared to 70,521 registered in 2018, of which 38,224 women were victims of crimes and offenses, 30,227 were against men and 24,955 were minors, this sub-registry has had an impact on the decrease in homicide and robbery rates, reporting a homicide rate of 7.5% per 100,000 inhabitants.<sup>80</sup>

<sup>78</sup> National bulletin January - December 2018, UNAH Observatory of violence.

<sup>79</sup> *El Mundo*. September 2019 closed with an average of 4.8 daily homicides. Source: <https://elmundo.sv/septiembre-2019-cerro-con-un-promedio-de-4-8-homicidios-diarios/>

<sup>80</sup> <https://www.policia.gob.ni/wp-content/uploads/2019/03/Anuario-2018-Policia-Nacional.pdf>

The National Police said that the homicides per 100 thousand inhabitants show an increase in 2018 from 7 per 100 thousand inhabitants to eleven, data that can be much higher as long as the Ortega-Murillo government does not recognize 100% of deaths and murders recorded in 2018, as a result of the violence and repression that Nicaragua has been experiencing since the crisis, which has been corroborated by the IACHR, MESENI, OHCHR, Amnesty and other human rights organizations.

Similarly, a sub-registry is presented as long as not all murders and homicides are reported to this entity, the deterioration due to distrust and repudiation of the great majority of the population towards this institution, due to the serious violations and humiliations committed against the town, being one of the main causes for which the official figures show a decrease in complaints of crimes and offenses in the country. Security specialists reaffirm that it has become one of the most insecure countries in the region.

On the other hand, the 2018 data put Guatemala in the middle, only in the first half of 2019, 2,330 homicides were recorded, 1,618 of which were gunshot wounds (1,418 men and 200 women) and 243 feminicides.<sup>81</sup> Representing in the same way, that the rates of violence, especially homicides is high for the Latin American region.

The number and rate of homicides, with data from the PNC and presented by CIEN, only on March 31, 2019, was 337 homicides; an average of 10.9 per day, the highest rate being presented at the time.<sup>82</sup> In the case of homicides by sex, according to PNC records, in 2018 there were 569 homicides of women for a population of 8,836,562; a rate of 6.4 homicides per 100,000 women; In the case of men, 3,321 homicides were reported for a population of 8,465,522, with a rate of 39.1 homicides per 100,000 men.<sup>83</sup>

If from the homicides reported in 2018, it is separated by type of weapon, it is presented that, of every 100 homicides reported, 80 were carried out with a firearm and 10 by means of a white weapon, 5 with blunt weapon and the remaining 5 by strangulation; The data is alarming and the ways of murder, according to the data, is high and more common with a knife and firearm.<sup>84</sup>

Although the homicide data for 2018 have been high; as mentioned at the beginning, a year of reductions is the same, the departments of Guatemala, Chiquimula and Escuintla had the greatest reductions, while Jalapa and Progress had the greatest increases; 18 municipalities concentrate 51% of all homicides reported in the year.<sup>85</sup>

However, a decrease in the rate and number of homicides, does not leave out reality, that Guatemala is a violent country, where every day someone is killed, either because of sex, family violence, debts, extortion, war of gangs, among others.

In 2018, Costa Rica registered a total of 586 homicides, 2.8% less than the 603 in 2017, which has been the highest figure in the country's history. The homicide rate went from 12.1 homicides per 100,000 inhabitants to 11.7 between those years. According to data from the Costa Rican judicial police, as of September 9, 2019, 380 homicide cases are registered. The analysis of judicial investigators details that the problem of homicides lies mainly in the distribution and commercialization of the local drug traffic, known as drug trafficking.

In Panama until August 31, 2019, a total of 281 homicides had been carried out, of these, 249 are men, representing 89%, and 32 women, which constitutes 11%. Of the above, 71% was carried out with firearms, 18% with white weapons, 5% without data, 4% blunt object and 2% due to mechanical asphyxiation.

<sup>81</sup> EFE July 8, 2019. According to figures from Inacif, Guatemala records 2,330 homicides so far in 2019. Source: <https://www.prensalibre.com/guatemala/segun-cifras-de-inacif-guatemala-registra-2330-homicidios-en-lo-que-va-del-2019/>

<sup>82</sup> CIEN (April 22, 2019) Statistical crime bulletin. p. 1-2. Source: <https://cien.org.gt/wp-content/uploads/2019/04/Boleti%CC%81n-estadi%CC%81stico-delitos-marzo-2019.pdf>

<sup>83</sup> *Diálogos*. (April 22, 2019) Annual report on Homicidal Violence in Guatemala, year 2018. Source: <http://www.dialogos.org.gt/informe-anual-sobre-la-violencia-homicida-en-guatemala-ano-2018/>

<sup>84</sup> Ibid.

<sup>85</sup> Center for Public Safety Observance. (2019) Advances and Challenges in Security and Justice 2019-2024. Source: <https://cien.org.gt/wp-content/uploads/2019/01/Seguridad-Ciudadana-2019-documento-vf.pdf>

## 2. 2 GENDER VIOLENCE

Gender violence is not a new problem; it supposes behaviors that until very recently were socially accepted and that, being generally limited to the sphere of private life, were very little known.

Gender violence is understood as the exercise of violence that reflects the existing asymmetry in power relations between men and women, and that perpetuates the subordination and devaluation of the feminine versus the masculine. This is characterized by responding to patriarchy as a symbolic system that determines a set of concrete daily practices, which deny the rights of women and reproduce the imbalance and inequality between the sexes.

Throughout history, the different forms of violence in the Central American region have manifested in societies as a product of the domination that certain sectors or groups exert over others. In this context, gender violence is a key social mechanism to perpetuate the subordination of women, since, because power is considered to be the generic heritage of men (Amorós, 1990).

The best known problem is gender violence that occurs in domestic and family settings; However, according to the space of relationship and exercise of power in which the events occur, sexual violations and incest, sexual siege at work and in educational institutions, sexual violence against detained women or women are considered crimes prey, violence against uprooted women and trafficking of women.

According to the declarations, treaties, agreements and other international instruments that protect the rights of women, in recent years substantial changes have been introduced in the laws and collective actions of women have been articulated that have promoted processes for the recognition of women's rights seek the empowerment of their rights and access to justice, demanding the implementation of public policies that contribute to eradicate violence against women. However, continued gender violence, the denial of the full exercise of women's rights, has brought serious social, economic and political consequences for the whole society, since it reproduces and perpetuates a system of discrimination and subordination, and therefore It constitutes a violation of human rights.

In the case of Guatemala, since 1996 mechanisms have been created for women such as the Office of the Ombudsman for Indigenous Women (DEMI) for the exercise of functions established in Art. 183 of the Political Constitution and based on Art. 78 of the Organic Law of the Budget of Decree 101-97 of the Congress of the Republic; which has the capacity to manage and execute administratively, technically and financially, to address situations of vulnerability, defenselessness and discrimination against indigenous women in Guatemala. There is also the National Women's Forum (FNM, for its Spanish acronym) which, through a Government Agreement, seeks to fulfill the Government's commitments to women and promote citizen participation of women at the local level.<sup>86</sup>

Even with the existence of these institutions, in Guatemala, according to a CICIG report in 2019, in 32% of cases of violence against women, preventive detention was applied; there was an average of 105 days from self-processing to self-opening to trial in cases of violence against women (the longest period being 233 days); On average, the deadlines in the debate stage took 21 calendar days for crimes of violence against women and the average penalty imposed for the crime of violence against women was 5 years of deprivation of liberty.<sup>87</sup>

According to data from the National Civil Police, only in the first two months of this year, 172 complaints of domestic violence were registered, increasing by 10.97% compared to the same months of 2018. The 5 departments with the highest number of complaints of this type are Guatemala with 29 complaints, Alta Verapaz with 20, Huehuetenango with 18, Petén with 12 and Quiché with 12.<sup>88</sup>

<sup>86</sup> United Nations Development Program-UNDP (2017) From commitment to action. *p.* 2. Source: [https://www.undp.org/content/dam/guatemala/docs/publications/undp\\_gt\\_Guatemala-DelCompromisoalaAcci%c3%b3n\\_2017.pdf](https://www.undp.org/content/dam/guatemala/docs/publications/undp_gt_Guatemala-DelCompromisoalaAcci%c3%b3n_2017.pdf)

<sup>87</sup> CICIG (March 8, 2019) Result in cases of femicide and violence against women. Source: <https://www.cicig.org/noticias-2019/resultados-en-casos-de-femicidio-y-violencia-contra-la-mujer/>

<sup>88</sup> Lopez, Y. (March 13, 2019) Reports of violence increase in 2019. Journal of Central America. Source: <https://dca.gob.gt/noticias-guatemala-diario-centro-america/crece-credibilidad-de-la-pnc-ante-la-ciudadania/>

By February 9, 2019, according to the PNC, 100 people (97 men and 3 women) accused of domestic violence were captured; In 2018, 1,006 people were arrested for the same crime.<sup>89</sup>

One of the cases of violence against women that is aired in the courts is that of Guatemalan footballer Marco Pablo Pappa Ponce, who was prosecuted for femicide in the department of Quetzaltenango for physical violence against his partner. Judge Leonel Gómez considered the version of the Prosecutor's Office valid, which ensures that the player attacked his partner last January after she tried to persuade him not to go out into the street while drunk and thus avoid being seen and They will record it.

In Guatemala, there is currently the initiative of Law 5272 "Protection of Life and Family" that includes an increase in punishment for any type of abortion, regardless of whether it is spontaneous, desired, controlled or not; prohibit any kind of de facto union between people of the LGBTI community; hardening of sentences and concepts of abortion; jail penalty, even mentioning that sexual diversity is incompatible with the biological and genetic aspects of the human being.<sup>90</sup>

The initiative was presented in April 2017 by representatives of the National Evangelical Movement of Pastoral Action (MENAP) organizations, the National Coordinator of Evangelical Ministers of Guatemala (CONACOME) and ProVida. It resurfaced a few months after the 2019 elections; according to its promoters, it seeks to protect the right to life, to the family, the freedom of conscience, the right of parents to freely educate and direct their children in the sexual area and

marriage based on what is established in society.<sup>91</sup> The bill came into discussion in its third debate on September 17, 2019.<sup>92</sup>

In Honduras in the last 10 years the annual average of domestic violence complaints that enter the Supreme Court of Justice is 20,523 cases. According to the Electronic Center for Documentation and Judicial Information (CEDIJ), in these ten years 205,239 cases of domestic violence have been admitted, in this same period of time, 198,310 cases of domestic violence have been resolved.<sup>93</sup> The number of complaints in 2018 was 21,334 of which a few are resolved in favor of women, leaving the aggressor free.

On the other hand, in Honduras abortion is illegal in all circumstances; including the causes: for rape, for putting the mother's life at risk and/or for fetal infeasibility outside the uterus.

The government has also banned the emergency contraceptive pill or "morning after pill"; which was used before 2009 as a contraceptive method. In the new Criminal Code, "reckless injuries to the fetus" are typified, which would require a stoppage of the mother's life. With regard to gender and childhood, there are concerns regarding the reduction of penalties for stupidity, the possible attenuation of the penalty for incest in cases of rape and the decrease of penalties for error on the age in sexual crimes—which can lead to excessively benign sentences in cases of alleged error about age.

This can be found in article 67 of the Constitution of the Republic of Honduras and in the new Criminal Code in Art. 196.<sup>94</sup>

More than 30 thousand girls and young people aged 10 to 19 are giving birth every year in the country; which sharpens the condition in which they develop in society; since this unplanned pregnancy limits for example that they continue their studies, to marry at an early age or in the last case that they lose their lives at the time of giving birth.

<sup>89</sup> González, P. (February 9, 2019) 100 arrested for domestic violence in 2019. Journal of Central America. Source: <https://dca.gob.gt/noticias-guatemala-diario-centro-america/100-detenidos-por-violencia-intrafamiliar-en-2019/>

<sup>90</sup> Álvarez, C. (May 2, 2019) Deliver signatures in favor of controversial 5272 Life and Family Protection initiative. *Prensa Libre*. Source: <https://www.prensalibre.com/guatemala/politica/entregan-firmas-a-favor-de-iniciativa-de-ley-5272-de-proteccion-de-la-vida-y-la-familia/>

<sup>91</sup> Álvarez, M. (May 1, 2019) Why the 5272 initiative in favor of life and family resurfaces in full campaign. *Prensa Libre*. Source: <https://www.prensalibre.com/guatemala/politica/que-argumentan-los-promotores-y-detractores-alrededor-de-la-iniciativa-5272-a-favor-de-la-vida-y-la-familia/>

<sup>92</sup> *VISIBLES* (August 28, 2018) Why Act 5272 ("Protection of Life and Family") should not be approved. Source: <https://www.visiblesgt.com/por-que-la-iniciativa-de-ley-5272-proteccion-de-la-vida-y-la-familia-no-debe-ser-aprobada/>

<sup>93</sup> Women's Human Rights Observatory. June 21019. Source: [http://derechosdelamujer.org/wp-content/uploads/2019/07/Violencia-Domestica\\_Web-1.pdf](http://derechosdelamujer.org/wp-content/uploads/2019/07/Violencia-Domestica_Web-1.pdf)

<sup>94</sup> DECRET No. 130-2017. May 10, 2019. Source: <https://criterio.hn/wp-content/uploads/2019/05/C%C3%B3digo-Penal-1.pdf>

“Lorena (pseudonym) who, having apparent abdominal pain, had to go to a hospital; the doctors of the center had to intervene the girl; they apart from saving their life were forced to call the police. The young woman had some marks on her abdomen and was about rubbing it with her hands due to pain; both the doctors and the police did not believe him and argued that Lorena wanted to interrupt her pregnancy; she was brought to court order and ruled substitute measures; being from a family with limited resources, she had to be assisted by a public defender; He recommended that he plead guilty to reduce his sentence.”<sup>95</sup>

In Nicaragua, women's vulnerability to gender-based violence has increased since the crisis that began in April 2018. A report published by the Articulation of Social Movements on political violence in Nicaragua reveals government repression, which directly affected 119 women between June 8 and August 27 of this year.<sup>96</sup> Similarly, he points out how women's organizations were eliminated from the Municipal and Departmental Councils; as well as, their marches were prevented by riot police and violent party groups and the aggressions they have suffered. On repeated occasions the Police have incited violence against women, even using people of the same sex.

Also, others are relatives of people who have suffered repression or practicing professionals, such as lawyers, journalists or doctors.

Of the total women who were deprived of their liberty, 74.4% (35), were kidnapped by police or undercover and heavily armed individuals, identified as forces for partisan military. Only 25.5% were detained by police authorities, who proceeded against 12 of them. On three occasions, the paramilitaries acted together and protected by the police. 42.8%, (51) women, reported being harassed or assaulted at their homes, including 43 suffered police, parapolicial or fanatical siege by the government party in front of their home or at the place where they were gathered. In eight cases the harassment was so serious that their homes were attacked with stones or prevented from leaving it, as were their families.

The Interdisciplinary Group of Independent Experts (GIEI) in its report points out "cruel and degrading practices" of the authorities towards the detained women, including "their total nude and submission to squats under surveillance and verbal mistreatment of police personnel". He also reported "sexual violence, as an interrogation technique and generation and deterrence to prevent the exercise of the rights to the meeting and expression."

Another case that demonstrates the high levels of misogyny and lack of protection of women's rights is that of defender María Oviedo, who was detained for 48 hours and prosecuted for aggression against authority and obstruction of duties, after giving a slapped a police officer who had touched her inappropriately, after which she was assaulted by two female agents, in addition the Supreme Court of Justice suspended her from the exercise of her duties as a lawyer and notary for a period of six months.

Regarding cases of domestic violence, the Institute of Legal Medicine reports in its yearbook of 2018, a total of 7,629 cases, of which 60% have been perpetrated by the couple and 31% in the family.

The President of the Nicaraguan Center for Human Rights, Dr. Vilma Núñez, has expressed concern about the lack of attention and the persistent violations of women's rights “the government has prioritized the repression of women's human rights.

The Nicaraguan government reported to the United Nations Human Rights Council Committee that between 2014 and 2018 it established 61 Women's and Children's Police Stations throughout the country, information that was denied by women's rights organizations in Nicaragua in whether they

<sup>95</sup> Human Rights Watch Women affected by the abortion ban in Honduras are forced to decide between life and death. Source: <https://www.hrw.org/es/news/2019/06/06/las-mujeres-afectadas-por-la-prohibicion-del-aborto-en-honduras-se-ven-obligadas>

<sup>96</sup> Articulation of Social Movements. Source: <https://www.articulacionsocialnic.com/publicaciones>

came into existence, but during the administration of President Ortega these offices since 2015 have been closed.

"Women are in total helplessness before a state and indolent institutions. There is no access to real and effective justice, rapes and sexual abuse against girls, adolescents and women are not investigated. With the closure of police stations since 2016 there is no specialized attention in the denunciations of the different types of violence against women, "Eveling Flores, National Link of the Women's Network against Violence told the media.

The police stations were specialized police offices that existed since 1993 and focused on the protection and prevention of violence against women, in coordination with civil society organizations and universities. The police eliminated the offices and the issue of the defense of women referred it to the Directorate of Judicial Assistance and from there they treated cases of abuse and gender violence as common crimes.

In Nicaragua, since 2006 abortion is prohibited in all circumstances, even when a pregnancy poses a risk to the mother's life or is the result of rape or incest. This prohibition penalizes women and girls who abort with up to two years in jail and in the case of doctors who perform abortions they go from

one to six years in jail. Since 2008, an appeal was filed for unconstitutionality before the Supreme Court of Justice and year after year women's organizations have sued the Court to rule on the case without having any response.

In Costa Rica, since 1996 it has had the Law Against Domestic Violence, through which tools are given especially to mothers, children, people of sixty years or more, disabled and victims of violence in relationships, for requesting protection measures that guarantee their life, integrity and dignity.

Between January 1, 2010 and December 31, 2018, a total of 433, 483 protection measures were requested, for an average of 132 protection measures per day. In most cases, it is women who request protection against men (sentimental partner, spouse, brother, father, uncle, grandfather, boyfriend, cousin, among others. According to data from the National Women's Institute (INAMU) Every day at least one woman must escape with her sons and daughters from her home to get away and protect herself from domestic violence.<sup>97</sup>

On the other hand, in Panama, the Family Prosecutor's Office treated 15,799 victims of physical, psychological, and verbal violence. According to the Public Ministry, more than 100 people have been convicted from January to May 2019, for the crime of domestic violence. From January to September 2019, the Public Ministry Statistics Center reported 12,926 complaints of domestic violence.

The Family Prosecutor in San Miguelito de Panama said in an interview with TVN Noticias, that domestic violence is the second crime mostly reported at the national level. Data from INAMU reveal that generally the aggressors are between 20 and 49 years of age.

In Panama, Law 63, of the Criminal Procedure Code in its chapter III, article 141, establishes "The woman who causes the abortion to consent, for someone to perform it, will be sanctioned with 1 to 3 years in prison". The same code only allows abortion in case of rape and malformations. In contrary cases, it will be sanctioned as stated above, in contrast to other countries in the region that have a total ban that criminalizes and exposes women, increasing the rates of maternal and child deaths.

In El Salvador there continues to be inequality and discrimination against women in different social, political and economic spheres. A huge gap between women and men. Undoubtedly, gender violence has increased in recent years. At the same time, there is a broader violence that includes children focused on exploitation, sexual abuse, sexual harassment, migration, which puts at risk their mental, physical, social well-being, among others.

The obligation of the State is to work towards the elimination of violence against women, girls, boys and even with the LGBTI community as part of their responsibilities to protect and promote universal human rights. For

<sup>97</sup> Information on the Subprocess of Statistics of the Planning Department for the year 2018 taken from <https://observatoriodegenero.poder-judicial.go.cr/soy-especialista-y-busco/estadisticas/violencia-domestica/>

example, El Salvador is one of the countries that totally criminalizes abortion and prevents the exercise of the right and access to health services by women, who suffer from obstetric problems or extra-hospital deliveries.<sup>98</sup>

Although abortion appears as a criminal type in Salvadoran legislation, in practice, the State through the justice system condemns women for aggravated homicide and not for abortion, these cases are evidence of how the Salvadoran State passes the limit of respect for human rights; as well as the dignity of women through the exercise of the sanctioning power and the consequences that it generates in the health, judicial and prison system.

Imelda Cortez, accused of attempted homicide committed while allegedly aborting, was released on December 17, 2018. He was in prison for 1 year and 7 months in provisional detention.

Criminalization has a greater impact on women and their families in a condition of vulnerability, without access to education, health, information, especially young women in rural areas. Unlike women in a favorable economic situation, those who do not risk unhealthy procedures and jail time, or die in a public health system that, by law, is tied by hands, even when the death of mothers is imminent.

The prohibition of abortion is maintained in the country due to the pressure of the fundamentalist movements, especially by the action of “defenders of the right to life”; for the attention to religious dogmas adopted by legislators that erode the secularism of the State.

Regarding the range of custodial sentences held by the aforementioned criminal types, abortion has a range that ranges from 2 to 8 years in prison; on the other hand, homicide, in its basic expression of the criminal type, is punishable by imprisonment of 10 to 20 years; nevertheless, when incurring the aggravating of the prescribed ones in the Art. 129 it has a rank of penalty between the 30 and 50 years of prison. The latter is applied to women who have suffered extra hospital deliveries and obstetric problems.

Evelyn Hernández, in 2017, was sentenced to 30 years in prison; judgment that was challenged by the technical defense, of which FESPAD is a part.

After the appeal, the decisions of the Criminal Court and the Criminal Court of the First Section of San Salvador were repeated public hearing and the sentence initially imposed was annulled.

As a result, Evelyn was acquitted on August 16, 2019. Recently, the FGR appealed to the acquittal ruling. To this day the active process is before the Criminal Court of Cojutepeque.

As of July 4, 2019, there are 18 criminalized women, of which 16 are convicted and two are in judicial process, according to information provided by Teresa Delgado, a lawyer from FESPAD.

<sup>98</sup> Countries that do not endorse it in any context and that abortion is completely prohibited: El Salvador, Haiti, Honduras, Nicaragua, Dominican Republic and Suriname, according to data from the United Nations.

## 2.2.1 FEMICIDES

Although all the countries of the Central American region have a legal framework for the protection of women, they continue to commit acts of violence against them not only causing physical, sexual or psychological harm or suffering, but also to the highest degree that it is death.

According to official data and records made by women's organizations in each of the countries of the region. In Central America in 2018, 1,590 femicides were committed and from January to August 2019, 628 femicides are reported.

These figures are alarming and reflect the contempt for women's lives. Femicide is the most brutal expression in the escalation of violence against women. The United Nations Organization (UN) notes that 70% of women suffer violence at least once in their lives. This reality is even more serious if one takes into account the number of deaths of women typified as homicide and the increase in the number of frustrated femicides.

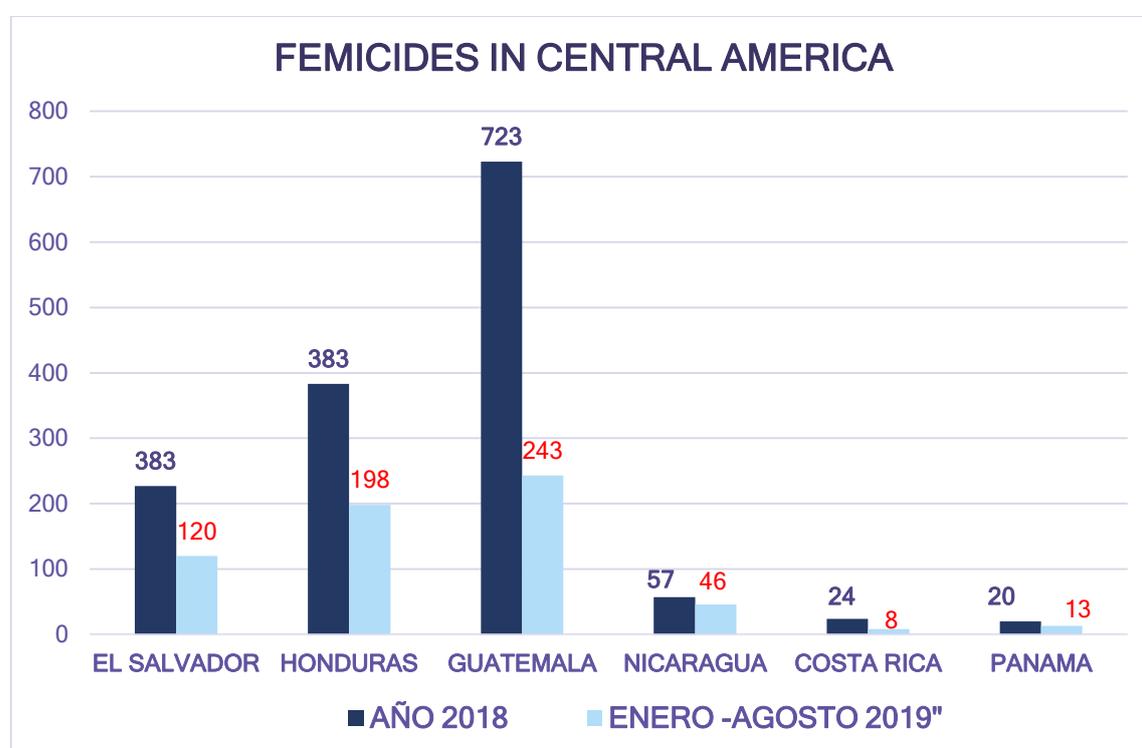


Figure 2: Femicides in Central America.  
Source: Own elaboration with official data by country.

According to figures from the National Institute of Forensic Sciences (INACIF, for its Spanish acronym), 243 femicides were registered in Guatemala between January and June 2019. In spite of the high number, compared to 2018, femicides dropped because 277 were reported at the same time. The same entity states that in 2018 alone, 723 femicides were registered.

The data is alarming, and the cases become more common; on July 26, 2019, the violent death of 4 women had already been reported. Blanca Luz Chiwicho, 43, found in the mausoleums of the General Cemetery in zone 3 of the capital of Guatemala; in zone 6, the death of two other women by an armed attack and in zone 12, a 19-year-old teenager died in a direct attack, and her 17-year-old sister was injured during her return from selling food.<sup>99</sup>

<sup>99</sup> España, M. (July 26, 2019). Four women die violently in less than 24 hours. *Prensa Libre*. Source: <https://www.prensalibre.com/guatemala/cuatro-mujeres-mueren-en-forma-violenta-en-menos-de-24-horas/>

In Honduras, 4,742 women and girls died violently in the last 10 years, with an annual average of 474.2 per year.<sup>100</sup> The violent death rate of women is 8.53 in 2017 and 8.22 in 2018. Domestic legislation does not typify femicide even when violent deaths of women meet the requirements they are registered as homicide, murder or parricide.

In 2018, 383 violent deaths of women were recorded. As in 2017, the departments with the highest number of violent deaths are Cortés with 101 and Francisco Morazán with 90. 57% were killed with a firearm, followed by a white weapon and other objects.<sup>101</sup>

The Visitación Padilla Women's Advocacy Committee, records 198 murders of women so far in 2019, denouncing the little investigation by state security institutions and the lack of justice. 96% of murders of women are in impunity.

In El Salvador, women continue to be killed with extreme cruelty. According to data from the National Civil Police, in 2017, 469 cases were reported, and 383 in 2018; that is, there were 86 fewer cases. Most of the women were under 30 years old. The most commonly used weapon is the firearm, but blunt weapons are also identified.

**Karla Turcios, a journalist, murdered on April 14, 2018, by her life partner, Mario Alberto Huezco. He was captured nine days after the murder in a hotel in the capital.**

From January 1 to May 13, 2019, at least 120 women have been killed, in circumstances that were not specified. But according to figures from the Attorney General's Office, 96 femicides are registered from January 1 to September 20, 2019. Amnesty International mentions that El Salvador is one of the most dangerous countries in the world for women, since only in 2016 and 2017 it registered femicide rates of 16 and 12 per 100,000 inhabitants.

**Rosa María Bonilla Vega, a doctor by profession, was murdered by her life partner, Denys Edenilson Suárez Mejía, on January 23, 2018, in the home where both lived. He was sentenced to 50 years in prison.**

In Nicaragua, according to Catholic records for the Right to Decide, between January and August of 2019, 46 women were victims of femicide. Among the victims, there are eight teenagers and girls, 45 minors have been left in the orphanage. In addition to registering 56 cases of femicide frustrated. In 2018 at least 57 women were killed by men, and a similar amount was reported in 2017. The 78% of reported cases remain in impunity.

On August 16, 2019, the Government of Nicaragua announced that it would create a national commission with the objective of developing a diagnosis of feminicides, crimes against the dignity of women and attention on the issue of suicides. Commission that will be composed of representatives of the National Assembly, Public Ministry, Attorney General's Office, Office of the Human Rights Prosecutor, National Police, Ministries of the Interior, Education, Health, Family, Women, and Youth, among other state institutions.

In Costa Rica, the Observatory on Gender Violence against Women and Access to Justice, with data from the Deputy Prosecutor's Office for Gender, as of August 6, 2019, reported 8 feminicides. Of which 7 have been justified under the Law on Criminalization of Violence against Women, which sanctions with a penalty of 20 to 35 years. In 2018, a total of 24 femicides were counted, according to data from the Observatory of Gender Violence against Women and Access to Justice.

In Panama until September 2019, according to the Public Ministry, 13 cases of femicides had been filed. However, 21 women were violently murdered, in addition to reporting five cases as an attempt to femicide. In 2018, 20 femicides, 19 violent deaths against women classified as homicides and 14 frustrated femicides were recorded. With the implementation of Law 82 of October 24, 2013, which adopts measures to prevent violence against women and amends the Criminal Code to criminalize femicide and punish acts of violence against women.<sup>102</sup>

In Panama, "Violent Death of Women" means all homicides that were not considered as femicides.

Among the emblematic cases of femicide in Panama we can mention that of Luz Michael Orocú, and that of Diosila Martínez duly documented in previous editions of our report.

<sup>100</sup> Observatory of Women's Human Rights - CDM.

<sup>101</sup> National bulletin January - December 2018, UNAH Observatory of violence.

<sup>102</sup> Judicial Branch of the Republic of Panama. <https://www.organojudicial.gob.pa>.

## 2.2.2 SEXUAL VIOLENCE

Central America suffers from serious limitations to counteract sexual violence. Although at the regional level there have been significant advances in the design of public policies that respond effectively to the specificities of sexual violence through laws that typify and sanction these facts, while establishing measures for care, prevention and reparation of victims' rights. It is necessary to analyze the social assessment made on women, since it is sometimes unequal, misogynistic and patriarchal.

However, it is important to mention that victims often do not use existing protection and care services. Among the reasons why girls and women do not seek help or do not report acts of violence, specifically sexual violence, are stigma, shame, discrimination, fear of reprisals from the person who caused the abuse, meaning of guilt, lack of support from family and friends, among others.

In Nicaragua, the National Police in its 2018 yearbook reports the receipt of 1,596 complaints for crimes of sexual violence; However, this figure is higher, taking into account the complaints made by women about multiple rapes and all kinds of sexual abuse whose dramatic cases cannot be brought to justice, given the complicity of the entire Justice Administration System in the country. In the Report, on the political violence in Nicaragua presented by the Articulation of the Social Movements, it indicates that in 2018, numerous women denounced threats, manipulations, insults, beatings and rapes - including by multiple individuals - that occur from the same moment they are deprived of liberty.<sup>103</sup>

Carla, a 19-year-old girl, who participated in the protests. She was captured in Managua on June 13, 2018, officers and men in civilian and hooded clothes who were mobilized in four vans. After several hours of interrogation she was raped; and Carla has given her testimony to human rights organizations.

As for the highest rate of teenage pregnancies in Central America for every 100,000 women who give birth, 91.8 of them do so in ages between 10 and 19 years. The previous data place Nicaragua in the second place of teenage pregnancies at the Latin American level after the Dominican Republic. Teenagers who become pregnant rarely exercise their rights to education, health and protection, which leads them to abandon their dreams for their children. A culture of machismo that marginalizes women means that more adolescent girls are victims of rape and sexual violence.

In Guatemala, the Public Ministry presented the data of the complaints received for crimes of sexual violence from January 1 to July 31, 2019, with a total of 6,293; with the highest data in

the capital of Guatemala with 1,452 complaints, followed by Alta Verapaz with 532 and Huehuetenango with 439. While in 2018, it was a total of 10,831 throughout the year, being 2,543 in the capital.<sup>104</sup>

On the other hand, the ages of the people who make the complaints are not specified, but in other data, it is presented that 641 girls between 10 and 14 years (1 of 10 years, 8 of 11 years, 32 of 12 years, 108 of 13 years, 492 of 14 years) became mothers in the first three months of 2019, according to the director of the Observatory on Sexual and Reproductive Health (Osar), the figures of pregnant girls vary according to the amount of population, poverty and poverty extreme, little access to education and health, poor information on contraceptives and lack of comprehensive sexuality education, such as the patriarchal culture that exists in rural Guatemalan communities.<sup>105</sup> Data that grew, according to the complaints presented to the Public Ministry of pregnancies in girls under 14 as of June 28, 2019, with a total of 1,180 girls.<sup>106</sup>

<sup>103</sup> Articulation of Social Movements. Source: <https://www.articulacionsocialnic.com/publicaciones>.

<sup>104</sup> Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (2019) Complaints received by the Public Ministry for the crime of sexual violence. Source: <http://www.svet.gob.gt/estadistica>.

<sup>105</sup> Ola, A. (May 21, 2019) 641 girls between 10 and 14 years old became a mother in the first three months of the year. *Prensa Libre*. Source: <https://www.prensalibre.com/guatemala/comunitario/se-incrementa-el-numero-de-ninos-que-nacen-de-vientres-adolescentes/>

<sup>106</sup> Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (2019). Number of pregnancies in girls under 14 years. Source: <http://www.svet.gob.gt/estadistica>.

A group of Achí indigenous women from Guatemala, victims of sexual violence in the war that hit the Central American country between 1960 and 1996, denounced the act of "impunity" that a judge made in their judgment by releasing six former paramilitaries for this crime in the framework of the cause known as CREOMPAZ.

The arguments expressed by Judge A of Higher Risk, Marta Claudette Domínguez Guerrero only deepen historical impunity against indigenous peoples and particularly women. The judge hid in the military secret to not observe military documents presented by the Public Ministry.

The victims filed an amparo action last year because, in their opinion, at the opening trial hearing, held on June 7, 2016, Judge Dominguez, in addition to issuing provisional closures and dismissals, did not rule on the acts of sexual violence, misrepresenting the facts and leaving out 80% of the victims who demand justice for their relatives who suffered sexual violence.

For this reason, there is a former fugitive and eight retired military officers were sent to oral and public trial in July 2016 by the Highest Risk Court A for the crimes of forced disappearance and duties against humanity.

The case is known as "CREOMPAZ" , since in the former military zone 21 —where several victims were found—, the Regional Peacekeeping Operations Training Command (CREOMPAZ, for its Spanish acronym), in the northern department of Alta Verapaz, is now operating. This place, according to the allegations, was used as a clandestine center for illegal detentions, torture, extrajudicial executions, forced disappearance and violations during the armed conflict. Two shelters that are pending resolution are stopping to continue with the hearings for the offer of evidence.

In El Salvador, of 2,615 cases of sexual crimes that the National Civil Police (PNC) recorded in 2015, the figure soared to 7,785 in 2018.<sup>107</sup> That is, reflecting an increase of almost 300%; and in most cases the victims have been women.

Statistics indicate that the cases of women rose by 4,874 and those of men 227. On the other hand, according to the report published by the Organization of Salvadoran Women for Peace (ORMUSA), more than 60% of the 4,304 cases of sexual violence registered in El Salvador in 2018 involved children aged 12 to 17 years.<sup>108</sup> The Violence Against Children and Adolescents Survey (VACS) revealed that girls face particularly high risks of sexual violence. 32% of them suffer from 14 to 15 years; 35% before 13, while 33% between 16 and 17 years. There is a record, that in 2017 there were 19,190 teenagers and pregnant girls; where 781 cases correspond to girls aged 10 to 14 years. Many of these pregnancies are products of sexual violence.

In Costa Rica, sexual abuse has not only grown in number in recent years, but increasingly represents a larger portion of all crimes committed in the country. In 2018, the total number of complaints of sexual crimes against minors was 8,229. Of those, 3,734 complaints were for sexual abuse against minors; 4,034 for the crime of sexual relations with minors and 398 for other crimes such as corruption of minors, remunerated sexual acts with minors or dissemination of pornography.

Recently, the Legislative Assembly of Costa Rica passed a law that extends the statute of limitations for sexual crimes committed against minors to 15 years.

The law, known as the "Right to Time Initiative", consists in the reform of an article of the Criminal Procedure Code. In this sense, cases of sexual crimes against minors will have a prescription period of 25 years from the victim's age of majority, 15 more than the 10 years stipulated above.

In Costa Rica, a total of 206 girls between 11 and 14 years old were mothers in 2018. Of 53,054 births, 7,785 are the result of an early pregnancy, where the mother was 11 to 19 years old.

In Panama, in 2018 the authorities received 6,256 complaints of crimes against sexual freedom and integrity, and identified that in 4,015 of them the victim was a minor, 1,513 were for rape cases, 148 for corruption of minors, 15 for commercial sexual exploitation, and 7 for pimping.

<sup>107</sup> Sex crimes increased in more than 5,100 cases in 3 years. Source: <https://www.laprensagrafica.com/elsalvador/Delitos-sexuales-aumentaron-en-mas-de-5100-casos-en-3-anos-20190213-0384.html>

<sup>108</sup> El Salvador: Teenagers are more likely to be victims of sexual violence. Source: <https://elmundo.sv/el-salvador-adolescentes-son-mas-propensos-a-ser-victimas-de-la-violencia-sexual/>

Honduras has the second highest pregnancy rate in adolescents aged 15 to 19 in Latin America. The State does not provide sex education in schools and colleges. The comprehensive sexuality education bill is broken into the National Congress. It occupies the second place in the percentage of women between 20 and 24 who had children before the age of 18, at the Central American level. First is Nicaragua with 28.1%, followed by Honduras with 26.1%, Guatemala and El Salvador continue with 24.4%. Costa Rica is in a better position with an average of 8.9%.



reported; but they add that the figure doubled if compared to the cases they recorded last year in the same period.<sup>112</sup>

Very few are the facts that are denounced or disclosed about the aggressions against The LGBTI community, some are limited to publishing on social networks, independent newspapers or some platforms, among these Nomads, who has denounced that every two days a Guatemalan or Guatemalan LGBTI population is a victim of hate crimes, those complaints presented to the Public Prosecutor's Office are usually for discrimination, threats, physical aggressions and sexual violence<sup>113</sup>, but there are other cases where there have been murders for hate crimes.

Like the case of José Roberto Díaz, 18, gay, admired for his work as a makeup artist and was interested in transformism, which disappeared in Huehuetenango on March 24 and appeared 24 hours later, with signs of torture and cuts with those who wrote "hueco" and "morro."<sup>114</sup>

A month later, another violent act against the community occurred, when Betzy Co Sagastume, 18, and Kelly Villarreal Recinos, 25, disappeared on April 22, their bodies were found the next morning on a bridge in Sanarate, El Progreso; with signs of torture, next to them a photograph of one of them with the phrase "by panochas we kill them". According to organizations of the LGTBI community, both were lesbians and the violent act was because of it.<sup>115</sup>

Previous years, there have even been attacks of this kind by police forces, and most of them never go to trial and few people outside the Community are interested in them.

In the Office of the Human Rights Ombudsman, there is the Office of the Ombudsman for sexual diversity who is in charge of complaints in cases of violation of Human Rights, to members of the different communities of sexual and gender diversity; advises cases referred to Procuración; they obtain results of legislative impact and in policies of attention to the community of sexual and gender diversity; they participate in verification work teams that Procuración proposes and in educational processes as well as carrying out research work on specific topics of communities of sexual and gender diversity.<sup>116</sup>

This Office of the Ombudsman appeared before the OC-24/17<sup>117</sup> Advisory Opinion, but represents an entity referring to issues covered by OC 24/17. Also an advance representation for the LGBTI community, being an entity that directly addresses the aggressions they may suffer, research on issues of relevance to the community, and being a support for civil organizations that ensure the rights of the community. same.

*Visibles*<sup>118</sup> joined in January 2018 the pronouncement of civil society organizations throughout Latin America regarding 24/17 Advisory Opinion of the Inter-American Court; celebrating the decision taken to be binding on 20 countries in the hemisphere. It also participated in a thematic hearing on equal marriage in the 170th Regular Session of the Inter-American Commission on Human Rights; where activists from the Latin American region denounced that the countries of the Inter-American System have breached the mandate of the Inter-American Court of Human Rights that talks about the issue; breaching its sovereign commitments and committing injustices to persons of sexual and gender diversity, invoking the 24/17 Advisory Opinion. Together with other activists in the region, they requested that the IACHR issued a statement that asks its

<sup>112</sup> *Nación*. (July 20, 2019) LGBTIQ community asks for equal rights in the Sexual Diversity Parade. The newspaper. Source: <https://elperiodico.com.gt/nacion/2019/07/20/comunidad-lgbtqi-pide-igualdad-de-derechos-en-el-desfile-de-la-diversidad-sexual/>

<sup>113</sup> Flores, P. (January 17, 2019) The danger of going for some tacos in zone 15 (and being gay). *Nómada*. Source: <https://nomada.gt/identidades/queer/el-peligro-de-ir-por-unos-tacos-en-la-zona-15-y-ser-gay/>

<sup>114</sup> Vega, M. (April 29, 2019) The country where people are killed for not being heterosexual in 2019. *Nómada*. Source: <https://nomada.gt/identidades/queer/el-pais-en-donde-se-asesina-a-personas-por-no-ser-heterosexual-en-2019/>

<sup>115</sup> *Ibid*.

<sup>116</sup> Office of the Human Rights Prosecutor (April 6, 2016) Sexual Diversity. Source: <https://www.pdh.org.gt/diversidad-sexual/>

<sup>117</sup> 24/17 Advisory Opinion adopted by the Inter-American Court of Human Rights, regarding the right to gender identity and non-discrimination to same-sex couples, which is binding on all signatory countries of the American Convention on Human Rights.

<sup>118</sup> *Visibles* is a Guatemalan movement that works to achieve the full inclusion of the population of sexual diversity in Guatemalan society and seeks to position diversity as a value among the population.

members to establish changes in domestic legal systems in 18 months, as well as precautionary measures against those States that do not fulfill the mandate.<sup>119</sup>

As mentioned in the complaint by LGBTI community activists, little regulatory progress has been achieved, for example, a small step forward was that 92 members of the National Civil Police were given a course called “Specialized Victim Care of Violence Against Women, Domestic Violence and Violence Against The LGBTI community” in 2019, they are assigned to the victim service area sponsored by the US embassy with NGO trainers.<sup>120</sup> In addition to this course, the State does not promote any direct support for any organization of the LGTBI community.

The Trans Queens of the Night Organization (OTRANS, for its Spanish acronym) which has been dedicated to sex work, obtaining a legal registration in 2009, then an extension to create a National Network (REDTRANS) in 2011; in 2012, they began a search for a law for gender identity and a comprehensive health policy for trans women; in 2013 they get the Constitutional Court to rule in favor of trans persons deprived of liberty.<sup>121</sup>

Although over the years the demonstrations of support have grown, as has happened with the gay pride day parade, held on June 28 of each year, where, for example, 2018 was organized with various activities, lighting, spaces, videos, and movement of social networks for its realization<sup>122</sup>, there is a great way to go, to achieve equality and equity between Guatemalan citizens.

In Honduras, according to the National Commissioner for Human Rights (CONADEH), between 2009 and 2019; At least 325 LGTBI people had been killed. The Catrachas Lesbian Network as of September 2019 stated that the murders amount to 331 and recognizes at least 26 murders.<sup>123</sup>

Impunity rates in cases remain at 90%; and the cities of Tegucigalpa, San Pedro Sula and Choloma are considered, where 75% of the murders have occurred. The viciousness with which these murders occur is reflected in the way in which they are carried out; These are from the slaughter of people, crushed, mutilated, severed their intimate parts and even burned.<sup>124</sup>

Regarding same-sex marriage is still prohibited in Art. 112 of the Constitution of the Republic of Honduras (CRH). In the same way, the prohibition of adoption for persons of the same sex is maintained in Article 116 of the CRH.

Following the advisory opinion 24/17 issued by the IACHR for Costa Rica; In Honduras, LGTBI rights organizations and activists, through unconstitutional resources, requested the approval of the figure of equal marriage and a Gender Identity Law. However, the response of the Constitutional Chamber has not been evident before the requests.<sup>125</sup>

In addition to the institutional deficiency, the LGBTI community are in a scenario where the interventions of religious sectors have shielded the requests, making use of political approaches and media interventions to achieve the claim of their rights.<sup>126</sup>

Honduras has received in several official visits from international organizations such as the CIDH and the UN, recommendations aimed at guaranteeing the rights of LGBTIs, however, hate campaigns do not cease and

<sup>119</sup> *VISIBLES*. (December 5, 2018) States breach the American Convention by not recognizing equal marriage. Source: <https://www.visible.gt/audiencia-cidh-matrimonio-igualitario/>

<sup>120</sup> González, P. (February 9, 2019). 100 detained for domestic violence in 2019. Source: <https://dca.gob.gt/noticias-guatemala-diario-centro-america/100-detenidos-por-violencia-intrafamiliar-en-2019/>

<sup>121</sup> Barrios, W. and Vargas, P. (2018) Violence against LGBTI people: the case of Guatemala City. FLACSO-USAID. p. 99 Source: <http://www.flacso.edu.gt/publicaciones/wp-content/uploads/2018/10/Libro-violencia-LGBTI.pdf>

Ibid.<sup>122</sup>

<sup>123</sup> Data available at the Catrachas Lesbian Network observatory, <http://catrachas.org/index.php/es/observatorio>

<sup>124</sup> EFE At least 325 members of the LGTBI community were killed in Honduras since 2009. Source: <https://www.efe.com/efe/espana/sociedad/al-menos-325-miembros-de-la-comunidad-lgtbi-fueron-asesinados-en-honduras-desde-2009/10004-4022783>

<sup>125</sup> *La Prensa*. Request for the the Supreme Court to annul prohibition of same-sex marriage. Source: <https://www.laprensa.hn/honduras/1256960-410/recurso-anular-matrimonio-homosexual-honduras-gays-corte-suprema-de-justicia>

<sup>126</sup> *Once Noticias*. February 11, 2019. Pastors reject the gay marriage initiative in Honduras. Source: <https://www.oncenoticias.hn/pastores-rechazan-la-iniciativa-de-matrimonio-gay-en-honduras/>

regulatory frameworks do not favor the LGBTI community; therefore, many of the people migrate from the country in search of better living conditions, mainly transsexual people who are excluded from any public policy and are discriminated against because of their gender identity before society.

The LGTBI Community in Honduras continues to promote the Anti-discrimination Law, Gender Identity Law; Law of equal opportunities for LGTBI people (education, health, work) and for reversing the prohibitions in Honduran legislation.

In El Salvador, the LGBTI community is one of the most excluded in the country, as they face great obstacles to access health, the formal labor sector, education, housing, among others.

Camila Díaz, a 29-year-old trans woman, was found at Km. 5.5 of the Constitution Boulevard, in the department of San Salvador, on Thursday, January 31, with numerous hits and bruises, so she was transferred to a hospital, where she died three days later due to blunt type trauma, according to the forensic report. El Salvador police arrested three agents for depriving her from liberty and for aggravated homicide.

Trans women's organizations estimate that from 2016 to 2019, 69 of them have been killed. And in very few cases the investigations have advanced or prosecuted.<sup>127</sup> To a large extent, these homicides are due to the lack of laws that protect the LGBTI community.

The violence and discrimination suffered by this community in El Salvador often forces its members to flee the country so as not to be killed by gangs or state security forces, where there are cases in which they have been complicit in the murders and impunity

According to data provided to Efe by the Association Communicating and Training Trans (COMCAVIS-TRANS) in August 2019, they stated that between 2018 and 2019, 151 cases of forced displacement of LGTBI people were reported.

According to a research carried out in 2016, for the Center for Studies of Sexual and Generic Diversity (AMATE), conducted in the metropolitan area of San Salvador, specifically 6% of the transgender population completed their university studies.

In addition, it was determined that 40% and 45% of transgender women and men dropped out of basic education due to discrimination.

The same study compares that the transgender population faces 12% unemployment for women and 11% for transgender men, compared with the overall unemployment rate of heterosexual women and men 4.9% and 6.9%, respectively, demonstrating that the “trans population” has little chance to compete for a job.

Since March 2018, the Legislative Assembly has been analyzing a draft Gender Identity Law, which, among other things, would allow them to obtain a Unique Identity Document (DUI, for its Spanish acronym). The draft refers to 22 articles and among the most important is 6, which states that “this law will be applied in favor of transgender and transgender people who, being Salvadorans, are in a situation that their sex assigned at birth does not match sex and self-sensed gender. The registration name, sex and gender changes referred to in the previous article may only be exercised by persons over eighteen years of age.”

Article 9 establishes that “trans women and men referred to in article 6 of this law may request the registration change of name, gender, and sex assigned in their birth certificate when it does not match their gender identity.

<sup>127</sup> Trans from El Salvador denounce hatred and claim Gender Identity Law. Source: <http://agenciapresentes.org/2019/05/21/trans-de-el-salvador-denuncian-odio-y-reclaman-ley-de-identidad-de-genero/>

Anahy Rivas, a transsexual woman was killed, on Saturday, October 26, 2019.

A companion of Anahy related that men in a van arrived where she was, took her by force and kidnapped her. On the tour, she was suffocated with a hair cap that Anahy always used to wear to accommodate her hair. When she looked dead, her kidnappers threw her on the pavement.

"The men did not manage to get it up to the seats at all when the truck began to roll so that her legs hung and thus followed a journey of almost five kilometers," her friend said.

Once the registration change has been obtained, the person cannot request a new change of name, sex, and gender." The draft also includes a series of provisions for state institutions to work on awareness campaigns for transgender people, which is necessary for the country.

It is worrisome because so far in El Salvador it is not clear, who will be the institution that will follow up the protection policy for the LGBTI community, which was launched by the Ministry of Justice and Public Security in 2018; since the Community demands respect for their rights. Since the current government eliminated the Ministry of Social Inclusion, who followed up on community issues.

Sexual and gender diversity rights activists are convinced that the disappearance of the Ministry of Social Inclusion (SIS) and the transfer of the Gender Diversity Directorate to the Ministry of

Culture is a setback in the work achieved so far, but they hope that the new government administration will work to continue forming a more inclusive society free of gender-based violence.

In Nicaragua, members of the LGBTI community have been victims of the repression that the country is going through, with especially violent treatments, particularly towards transgender people who have been arbitrarily detained, with negative effects on their dignity, physical and psychological integrity.

The LGBTI National Board in its report reported eight people killed: seven gays and one lesbian; three of them had not made their sexual orientation public; Five of the murders were committed during the protests and in three cases, their bodies were found after several days of missing. These three victims had received death threats.

The historical vulnerability to the LGBTI community and the level of abuse and disrespect of the different authorities involved in suppressing the protests is the main reason why psychological, physical, sexual assaults, among others, are not denounced.

The National Police has been designated as the institution that most discriminates against The LGBTI community. The different records of the victims of all types of aggression, carried out by different agencies and institutions do not show sexual orientation and gender identity, except in cases when The LGBTI community have experienced their activism in a very active and visible way. The State of Nicaragua expressed that the statistical data of this sector are immersed in the great national results.



In September 2019, Ludwika Vega Espinoza, president of the Nicaraguan Transgender Association (ANIT, for its Spanish acronym), survived a brutal attack by strangers inside the organization's headquarters. She was beaten by two men who broke into the office and hit her face with a brick, so she lost four teeth, and then got stabbed seven times all over her body. She was also stripped of her belongings, tied hand and foot and tried to suffocate her "They put a sack with detergent to suffocate me and tied my feet and hands, I don't know how I managed to get out of it."

In Costa Rica, the 2018 elections were decisive in this regard, since in addition to electing the first openly homosexual deputy, the current president Carlos Alvarado Quesada, is committed to guaranteeing the rights of the LGBTI population. In that sense, once elected not only to promote decrees and guidelines to guarantee equality and parity of rights, but same-sex marriage will take effect in Costa Rica in May 2020, after it was

published in November 2018 the full sentence of the Constitutional Chamber that endorses those unions. In 2020, Costa Rica will be the first Central American country to approve equal marriage.

Another example, last May the Supreme Electoral Court amended a regulation to allow the change of name for self-perceived gender identity and eliminate the indication of the sex of birth in identity cards. Also, ensure same-sex couples' family social insurance, the couple's death pension, and hospital visits.

Undoubtedly, more actions are needed to be a country free of discrimination in matters of sexual diversity in Latin America, but its transformation stands out in a region since the rest of Central American countries have not been efficient in claiming the right to diversity.

In Panama, it is still pending to secure the rights of The LGBTI community, until today they remain invisible by the State since there is no public policy or regulation that guarantees their rights. Among the debts of the State is the approval of laws that criminalize discrimination based on sexual orientation or gender identity or that allow trans persons to receive free medical treatment to adapt their gender and be registered in their documents with the name and gender they choose.

## CONCLUSIONS

- The region lacks security policies with a human rights approach; today, Central America faces violence with repressive measures, which are not economically sustainable as in time. The repressive measures in the territories have promoted the mobilization of criminal structures from one area to another. What seems like a problem of cities moved to the rural zones.
- Central America has an average rate of 23.7 homicides per one hundred thousand inhabitants, which makes it the region with the most violent deaths in the world, mainly related to drug trafficking; as well as, the treatment of young people with criminal organizations known as maras and gangs.
- It is evident that women in the region live daily in violence, which affects them in a differentiated way because they are women, continue to be subjected to such aggressions in a repeated, multiple and simultaneous way in their lives, with impacts on families and communities, in its economy and sustainability, in its capacities for development. After a wave of regional regulations aimed at promoting and protecting women's rights, they proved insufficient to eradicate violence against women. Despite the above, in terms of termination of pregnancy, states continue to follow conservative and religious patterns that escape the democratic vision of the secular State.
- The LGBTI community has grown in the Central American region, but with great obstacles to enjoy human rights, surrounded by violence, hate, discrimination, and death. Where states and their institutions make them invisible every day.

## RECOMENDACIONES

- In the countries of Central America, there must be security strategies with a vision of preservation and respect for Human Rights, in order to reduce the risks of possible conflicts, helping to maintain peace, harmony, and respect among peoples. Therefore, it is important to immediately abandon strictly repressive and militaristic approaches that promote geographical stereotypes, age groups, and repressions and limitations on fundamental rights.
- The Central American Countries must consider as a priority the fight against drug trafficking and organized crime in their different aspects, carrying out actions of cooperation and exchange of strategic, tactical and operational information with joint efforts aimed at the control, repression and sanction of all those activities that put at risk the security of the region.
- Countries must commit to ending gender-based violence through the implementation of public policies with concrete actions that curb impunity, coordinate prevention, care, and protection services, and increase awareness, as well as the promotion and protection of Human rights of women and their fundamental freedoms.
- It is important that States recognize and guarantee the LGBTI community access to justice, decriminalization of identity, expression, and association, among other rights. Parliaments must adopt regulatory measures to recognize their rights and harden the penalty against hate crimes using the general prevention of criminal law.



Countries of Central America among which most reduced their poverty rates. Photo: Fernando Luna Arce / Forbes Mexico.

## Chapter 3

### POVERTY AND HUMAN DEVELOPMENT



According to the Multidimensional Poverty Index, Guatemalans are deprived of no less than 8 indicators of 17 that were established to make this measurement. (Photo by *Prensa Libre*: PL Library).

One of the main challenges of the Central American region is to overcome poverty, which greatly affects thousands of households living in extreme conditions of dissatisfaction with their human rights and vulnerability, which remains unacceptable to this day.

The serious situation faced by Central American citizenship is linked to the implementation of public policies in social and economic matters which throughout history have proved ineffective and inadequate since they have not solved the population's problem regarding the satisfaction of their rights. Therefore, it is important to stop at an outstanding feature that Central American countries have in the context of poverty and human development, which is due to an economic, political and cultural problem. From the neoliberal approach adopted, which privileges the market over the regulation and promotion activities that the State must comply with; the promotion of commercial activity, investment and technological development strictly oriented to the accumulation of capital and not to human well-being, which instead of promoting the independent and transparent development of different countries, deepens economic, commercial and technological subordination; growing problems with transnationals, where they make large investments and appropriate natural resources, causing serious consequences of predatory activity for territories, culture, environment, and violating rights such as the right to water, among others.

Today, there are social lags, job insecurity, and greater social vulnerability, as a result of everything mentioned above from economic policies, the dismantling of social development policies, the exploitation of environmental and labor, as well as institutional violence.

Therefore, it becomes essential to comprehensively address the issues of the labor market, salary, and taxation, since this would allow the population to have basic services to overcome poverty and have a better human development.

The economic activity of the countries of Central America expanded by an average of 3.38% in 2018 (see table 1), a different rate registered in 2017 of 3.90%. The growth gap between the countries of the region has been changing. In this sense, the socio-political crisis in Nicaragua had a significant impact on economic activity (-4.1%). Costa Rica, Honduras, and Panama experienced a slowdown; while, in El Salvador and Guatemala a slight acceleration was observed.

Country	2017	2018	2019 (projections) <sup>128</sup>
Costa Rica	3.2	3.0	2.9
El Salvador	2.3	2.4	2.4
Guatemala	2.8	2.9	3.0
Honduras	4.8	3.7	3.6
Nicaragua	4.9	-4.1	-2.0
Panama	5.4	4.2	5.6
<b>Central American Average</b>	<b>3.9</b>	<b>3.38</b>	<b>3.25</b>

Table 4: Economic growth in Central America.

Source: Own elaboration with data from ECLAC and the Central American Report on Human Rights and Social Conflict 2017-2018.

Honduras continues its economic and investment policy, which has not had significant advances in poverty and taxation. Additionally, with a public debt that amounted to 11 thousand 441 million dollars in 2018, which represents 48% of the Gross Domestic Product (GDP) (\$23,835 million).<sup>129</sup>

Honduran does not have a strengthening in the credibility of monetary policy; as well as, little effectiveness in the formulation of policies and with weak and little transparent institutions in its exercise, which has led to a risk of instability. Even so, the government continues with the implementation of unfavorable economic policies for the population and with little expectation of overcoming poverty.

The country has a population of approximately nine million inhabitants, of which 5,974,410 people are in poverty for the year 2018, according to data from the National Statistics Institute (INE, by its acronym in Spanish), which represents 68.8% of the total of the national population. Approximately 2.1 million people live in relative poverty and 3.8 in extreme poverty, coupled with the precariousness of public services such as health and education (despite the increase in demand for them, considering population growth), and investment public. This demonstrates the ineffectiveness of the public budget in improving the quality of life of the population, a situation that has its genesis in aspects such as the focus and purpose of current public policies and government plans.

For example, the Social Forum of External Debt and Development of Honduras (FOSDEH, by its acronym in Spanish), in its evaluations, has found similar results and establishes that, in 2017, Honduras closed with 110,000 families that joined the list of new people in a condition of poverty.

Honduras, for 2017, had the Human Development Index of 0.617, placing itself in position #133<sup>130</sup>, of the 189 countries that are studied on behalf of the United Nations Development Program (UNDP), which measures aspects such as health, education, and income per capita.

According to INE, the illiteracy rate of the Honduran population for 2018 was 12.8%. On the other hand, the data shows that people between 5 and 18 years of age attending a school fell silent from 1,632,503 in 2012 to 1,452,948 in 2018; that is, a reduction of almost 200 thousand people compared to previous years. The Observatory of National and International Education of the Francisco Morazán National Pedagogical University (UPNFM, by its acronym in Spanish), demonstrates the limited coverage of educational services nationwide; in 2014 there were 26,183 educational centers, in 2017 the figure remains the same. This demonstrates the non-prioritization of education from the public policies of the current government.

The budget for the Ministry of Education in 2009, went from 20,163.10 million lempiras (about 8,222.96 dollars) to 27,900.70 million lempiras (1,137.86 million dollars) in 2018, there is a national debt in terms of educational services, given the precariousness of the observed indicators. For 2018, according to the budget approved by the National Congress for the Ministry of Education, of the 27,900.73 million lempiras, 78.4% was used to pay salaries to officials, 19.4% to transfers that the Secretariat makes to

<sup>128</sup> The 2019 figures correspond to ECLAC projections.

<sup>129</sup> According to information from the Ministry of Finance (SEFÍN). An Honduran institution responsible for the formulation, coordination, execution and evaluation of policies related to public finances and the General Budget of Income and Expenditures of the Republic.

<sup>130</sup> United Nations Development Program (UNDP). Indices and indicators of human development. 2018 statistical update.

different public and private educational organizations, scholarships, pensions, and retreats, etc. However, for the acquisition of capitalizable goods (land, machinery and buildings) only 0.3% equivalent to 70,677,705 million lempiras (2,882,983.51 million dollars) ) of the total budget, of which according to public investment reports, only L\$6,110,269.57 were executed in projects to improve infrastructure and improve the use of information technology in education.<sup>131</sup>

On the other hand, the public health budget has maintained a decreasing trajectory in the last 9 years. For example, in 2010, the Ministry of Health received 8.22% of the General Budget, while in 2019 it received 5.63%; that is, a fall of almost 3 percentage points in 9 years. This shows that the right to health is not a priority for the last three periods of government.

As for the housing deficit according to the data of the Honduran Chamber of Construction Industry (CHICO, by its acronym in Spanish), it currently exceeds 450 thousand homes in the quantitative part and some 650 thousand houses need improvements. "The quantitative part responds to the units that are built from scratch, while the qualitative ones are the houses that already exist, but they want an arrangement in the floor, ceiling or another element that requires improvement to make the functional infrastructure."<sup>132</sup>

Regarding food security, Honduras is fourth with 15.3% among the five countries with most hunger in Latin America before Bolivia, El Salvador, and Guatemala.<sup>133</sup>

Countries	Percentage of undernourished population in CA
Costa Rica	4.4
El Salvador	10.3
Guatemala	15.8
Honduras	15.3
Nicaragua	16.2
Panama	9.2
Central American Average	<b>11.9</b>

Table 5: Central American countries with the undernourished population.

Source: Own elaboration with data from FAO.

In the Central American region, existing food insecurity contributes to malnutrition, overweight, and obesity, which partly explains the coincidence of these forms of malnutrition in many countries.

On the other hand, the total infant mortality rate in the Central American region for 2017 was 15.3 deaths per 1,000 births, for 2018 (see table 3), there was a slight decrease of 14.3. In this sense, states must ensure that children have a just beginning in life. Unfortunately, the children of the poorest and most disadvantaged households have everything against it.

<sup>131</sup> Liquidation of the Budget in Honduras: How much was spent, who spent it and what results were obtained? Vol. 2 of 3 April 2019 Social Forum of External Debt and Development of Honduras. Source: <http://www.fosdeh.com/wp-content/uploads/2019/06/Proceso-presupuestario-alerta-2.pdf>

<sup>132</sup> *El País*. July 27, 2018. The housing deficit in Honduras reaches more than 450 thousand houses. Source: <http://www.elpais.hn/2018/07/27/el-deficit-habitacional-en-honduras-llega-a-alcanzar-mas-de-450-mil-casas>

<sup>133</sup> BBC News World. September 17, 2018. The 3 countries with most hunger in Latin America (and the only one where it increased in the last decade). Source: <https://www.bbc.com/mundo/noticias>

Country	Infant mortality rate (deaths/1000 normal births)	
	2017	2018
Costa Rica	8	8
El Salvador	17	12
Guatemala	21.3	22
Honduras	17	15
Nicaragua	18.3	16
Panama	10	13
<b>Central American Average</b>	<b>15.3</b>	<b>14.3</b>

Table 7: Infant mortality rate in Central America (2017-2018).  
Source: Own elaboration with data from Index Mundi and World Bank.

In Guatemala, there is still a gap in inequality due to the lack of investment in health, food and nutrition security, education, employment, housing, public security and access to basic services. According to the Multidimensional Poverty Index for Guatemala, consisting of 17 indicators that measure people's well-being, six out of 10 people have limitations in 30% or more of these, which is discouraging to this day.

59.3% of the population is in poverty, according to the latest National Survey of Living Conditions 2014 (ENCOVI, by its acronym in Spanish)<sup>134</sup> of the National Statistics Institute, which is more a measure related to purchasing power. The incidence of poverty in the rural area is twice that reported in the urban area, with 82.5% and 40.3% respectively. In this general framework, indigenous peoples are population groups that are in a greater condition of vulnerability; As an example, the school deprivation rate is higher for the indigenous population, which reaches 78.5%, while for the non-indigenous population it is 47.5%.

On the other hand, about 1.5 million children and young people are out of the education system, and the net schooling rate dropped 4.3% in six years, according to a recent study by the Center for National Economic Research (CIEN, by its acronym in Spanish).<sup>135</sup>

So, the low public investment in education is part of the problem, since the State invests only \$6,123.16 in each child from entering pre-primary until the end of basic third, one of the lowest figures compared to other countries of the region, like Honduras, that spends \$9,650.

In addition, Guatemala presents one of the most complicated cases of illiteracy in the region, it is estimated that there is an illiterate population of 1,241,032 in 2016 that is equivalent to an illiteracy rate of 12.31% of people aged 15 years and over.

Detailed figures for 2017, by the National Literacy Committee —CONALFA— highlights that in that year 153,587 men and women were attended, of which only 126,494 were able to pass the tests. Because the data of the Population and Housing Census will be delivered until 2019, the data can increase, mostly to the rates of violence presented by the country, as well as child labor.

Likewise, 52.72% of the people are deprived of decent employment. This is because at least one person is in the informal sector, is an employer, employee or worker in a company with less than six workers. People who work on their own account are also counted - professionals, technicians with 12 years of schooling or more are excluded - unpaid family members and those working in the domestic service.

<sup>134</sup> The National Survey of Living Conditions –ENCOVI–, has as its main objective, to know and evaluate the living conditions of the population, as well as to determine the levels of poverty existing in Guatemala and the factors that determine them.

<sup>135</sup> These figures are consistent with the records presented by the Ministry of Education (MINEDUC) that reflect weaknesses in school coverage.

Country	Rating	2016	Value	2017	Value
Panama	High Human Development	66	0.785	66	0,789
Costa Rica		63	0.791	63	0.794
El Salvador	Average Human Development	119	0.679	121	0.674
Nicaragua		123	0.657	124	0.688
Guatemala		126	0.649	127	0.650
Honduras		132	0.614	133	0.617
<b>Central American Average</b>	<b>Average Human Development</b>	<b>105</b>	<b>0.695</b>	<b>106</b>	<b>0.697</b>

Table 8: Human Development Index in Central America.

Source: Own elaboration.

Costa Rica is among the first 10 of the most unequal countries in the world, poverty continues to grow and is currently at 21.1% and the level of unemployment is the highest in the last ten years and reaches 12%.<sup>136</sup>

Among the main causes, it is possible to mention the inefficient management of the resources that the social sector operates composed of more than 20 public entities and several private entities that collaborate, corruption, that aid is given to people who are not within the vulnerable population, the economic models that have been applied that focus on macroeconomic aspects, such as fiscal deficit, level of inflation and GDP growth, to the detriment of people.

Specifically, in the Central American region, there have been cases where the funds to help the poorest households are sacrificed to other budgetary needs and the use indicated in the framework of projects, strategies or even the law itself is not always given.

The reports of the State of the Nation have shown that people with economic power accumulate more, and people in poverty are increasingly at a level of scarcity; and a middle class that has been losing income, where Costa Rica draws a wide distance between its social classes. The latest Household Survey determined that poverty in that country rose to 21.1% of households. The indicator was 20% in 2017, so the increase of 1.1 percentage points is significant; meanwhile, extreme poverty increased from 5.7%, in 2017, to 6.3%, in 2018 and total poverty in Costa Rica rose to 21.1% of households, in 2018, which meant an increase of 1.1 percentage points since last year the indicator stood at 20%.

The 2018 State of the Nation Report states that in 2017 and early 2018, Costa Rica continued to show slow progress in human development and poor results in social equity. At the same time, the slowdown in the agricultural and construction sector has an impact on the incomes of the poorest people who are dedicated to these occupations, which are less qualified and therefore of lower remuneration. In addition, the country lacks a productive apparatus capable of absorbing existing labor.

In short, the causes of social inequality are mainly economic, cultural and social. In some societies, unemployment and low wages are the main cause of inequality. There is also inequality between individuals who have obtained a good level of education and those who have not been able to achieve it. The overpopulation suffered by many cities leads to increased poverty, as society decreases its capacity for consumption and well-being.

On the other hand, the high degree of corruption favors the exacerbation of poverty and that certain groups benefit from public resources. As mentioned earlier, unemployment is one of the aspects that most concern Costa Ricans, it is pertinent to point out that the Costa Rican labor market has been dragging difficulties in absorbing the number of men and women who are part of the population of child-age population every year. to work.

<sup>136</sup> *La República.net*. Thursday, February 21, 2019. Costa Rica has not been able to adequately address poverty, inequality or unemployment. Source: <https://www.larepublica.net/noticia/costa-rica-no-ha-podido-enfrentar-adecuadamente-la-pobreza-desigualdad-ni-el-desempleo>.

Likewise, women clearly show an unemployment rate above the national average and male unemployment, which worsens their living situation. It is important to note that 2018 closed with the highest unemployment rate of the last six years, data from the Continuous Employment Survey of the National Institute of Statistics and Censuses indicate that unemployment went from 9.3% to 12% in the fourth quarter of 2018 compared to the fourth quarter of 2017.

Panama has grown rapidly in recent years, but this growth has not reached all people or communities alike; therefore, it is not reflected in fundamental sectors as it should be, for example, in health, education, social security, just to mention some sectors. Panama has been registering an inequality, although it does not necessarily reflect poverty; but if the adoption of policies and economic measures that affect the population in a condition of poverty and marginality.

In this sense, almost 10% of the population is not covered by social security benefits, 9.7% of inhabitants live in houses with dirt floors and the same percentage survive with less than one balboa (\$1.00) of daily income, according to the United Nations Development Program. In addition, 11% suffer from malnutrition. In other words, 931,000 citizens live in poverty, 60% of the indigenous population is considered destitute, and 441,367 people suffer from extreme poverty and have nothing to eat. The Comptroller General of the Republic reports that every four days a Panamanian dies of hunger and 50% of young people under 20 are poor.

Therefore, health coverage is pending universalization and reaches 90%. As well as, the housing deficit in Panama is in 200,000 homes. It should be stressed that, in terms of access to education, the level of illiteracy varies by 5.29%, which indicates that it reaches around 94.71%. In the country there are approximately 875,000 students, however, there are many children and adolescents who are not included in the aforementioned figures.

The percentage of coverage indicates that on average 19.84% of girls and boys of 5 years of age, and 11.90% of those of 6 years of age have not started their schooling, the dropout level is approximately 10 percent. However, in regard to secondary education, which includes young people aged 15 to 18, there is only 40% coverage, which means a pending task for all parts of the education system.

In Panama there are 453,837 children living in poverty, this according to reports of the Multidimensional Poverty Index of Children and Adolescents (IPM-NNA, by its acronym in Spanish) 2018 presented by the Ministry of Social Development (MIDES, by its acronym in Spanish) together with the United Nations Fund for Children (UNICEF)<sup>137</sup>. Of this figure, the largest number of children living in poverty are concentrated in the Ngäbe Buglé region with 112,857 infants.

According to statistics from the National Institute of Statistics and Census (INEC) of the Comptroller General of the Republic of Panama, the population of the country until 2016 is 4,037,043 people. INEC also revealed that the population of the Ngäbe Buglé region is 203,185 people. All of the above describes to some extent the levels of poverty that Panamanian citizens face.

In the case of Nicaragua, the serious crisis that it faces since April 2018 is the result of a cluster of social, economic, political and cultural inequalities that have worsened and remained constant throughout the last decade, preventing enjoyment full of the rights of Nicaraguans.

The government has not guided structural changes that lead to the execution of sustainable actions to improve the quality of life of the population. On the contrary, it has responded violently to social demands and has implemented a series of economic measures that have caused serious effects on employment, health, and education. As well as, the approval of norms that demonstrate the lack of political will to get out of the crisis and avoid a humanitarian emergency.

Nicaragua is the most impoverished country on the continent after Haiti with a long history of political upheaval to achieve structural changes that respond to the demands and needs of the population. The

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<sup>137</sup> La Estrella de Panamá. Tuesday, February 26, 2019. More than 400,000 children in Panama live in poverty, according to UNICEF and MIDES. Source: <http://laestrella.com.pa/panama/nacional/400-ninos-panama-viven-pobreza-segun-unicef-mides/24109135>.

instability generated by the regime has led the economy to an incomparable crisis in the last years of the country's history. An economy is driven by external factors: foreign investment, tourism, and exports.

This country is ranked 103 out of 149 countries to which the Social Progress Index was determined. The country is below the global average and faces large gaps exacerbated by the crisis it is going through.<sup>138</sup>

The Government has implemented procyclical economic measures<sup>139</sup>, the more recession the higher taxes, drastically affecting the situation of Nicaraguans, the economic deterioration has led to the closure of companies, more unemployment, greater informality in the labor market, growth of the fiscal deficit and increase in the poverty.

In 2018, at least 210,000 citizens crossed the poverty line. That is, 23.5% of the population was in poverty, equivalent to 1.5 million people, and 3.1% above the estimate for 2017.<sup>140</sup> The Nicaraguan Foundation for Economic and Social Development (FUNIDES, by its acronym in Spanish) estimates that by 2019 approximately 2 million people will be in poverty (32% of the population).

This situation is aggravated by the fall in production for the internal and external markets, the reduction in consumption, investment, and unemployment, affecting the national economic activity as a whole. The reduction in economic activity is determined by the uncertainty of consumers and investors.

The latest official data from the Central Bank of Nicaragua (BCN, by its acronym in Spanish) reports that the budget deficit rose from 1.5% of GDP in 2017 to 2.6% of GDP 2018, very close to the tolerable macroeconomic limit of 3% of GDP.

The recession has extended until the last months. The BCN reflects that the Monthly Economic Activity Index (IMAE) has fallen in ten consecutive months between May 2018 and February 2019, reducing by 5.2%.<sup>141</sup> Between January and June 2019 the country registered an inflation of 3.7%.<sup>142</sup>

Before 2018, the economy grew at an annual rate of 4.9%, one of the largest growths in Central America. In 2018, the region's economy experienced a slight slowdown in its growth in relation to 2017, from 3.4% to 3.2% where the contraction of the economy of Nicaragua stands out (-4.1%). ECLAC, for its part, estimates that by 2019 the Nicaraguan economy will have the second-worst performance in Latin America, with a GDP decrease of -2.0%.

On February 27, 2019, the Government, through the National Assembly, approved Law 987<sup>143</sup>, Law on Reforms and Additions to Law 822, Tax Agreement Law whose purpose is to increase tax collection, at a time of recession in which the supply and demand of goods and services continued to decline, causing higher inflation, because food production costs and consumer prices rose. The recording of basic food products affects food security and further weakens the private sector, making it difficult to recover from the economic crisis and also increasing uncertainty in this new context.

It also has a high housing deficit, higher in low-income sectors. The population itself through self-management, without technical or financial assistance, produces neighborhoods and homes. There are no updated data on the housing situation in Nicaragua, the most recent survey measuring the standard of living carried out by INIDE is 2014, in which it reports that 3 out of every 10 Nicaraguan families live in inadequate conditions: overcrowding, poor quality of housing and insufficient services. The economic

<sup>138</sup> Interview with sociologist Cirilo Otero. *VOA Noticias*. Source: <https://www.voanoticias.com/a/nicaragua-indice-progreso-social-por-debajo-promedio-global/5091502.html>.

<sup>139</sup> Procyclical economic policy consists of the set of government actions carried out in the same direction as the economic cycles, that is, increase public spending and reduce taxes during periods of economic growth, and reduce spending and increase taxes during a recession. English: Why is Fiscal Policy Often Procyclical? National Bureau of Economic Research. 2005.

<sup>140</sup> Nicaraguan Foundation for Economic and Social Development. Nicaragua in Political and Socioeconomic Crisis: 2018 Joint Report. FUNIDES, Managua, Nicaragua, February 2019.

<sup>141</sup> Central Bank of Nicaragua. Monthly Economic Activity Index (IMAE) February 2019. BCN, Managua, Nicaragua, May 2019.

<sup>142</sup> El Nuevo Diario. July 10, 2019. Nicaragua registers 3.7% of inflation to June. Source: <https://www.elnuevodiario.com.ni/economia/496129-crisis-nicaragua-inflacion-banco-central/>

<sup>143</sup> Law No. 987, Law on Reforms and Additions to Law No. 822, Tax Agreement Law, approved on February 27, 2019, published in *La Gaceta*, Official Gazette No. 41 of February 28, 2019.

crisis and high levels of unemployment have led many people to return houses to banks because of the impossibility of continuing to pay them.

The CENIDH documented cases such as the 15-year-old Álvaro Conrado, who was shot in the neck, denied admission to the Cruz Azul Hospital (Blue Cross Hospital), owned by the INSS, subsequently dying in a private hospital. The denial of access to the hospital was a determining factor in the death of the child who participated in the social protest bringing water to the protesters. According to the doctors who treated him, the gunshot wounds that Álvaro had were treatable if they had been treated in time. In the time of transfer from one hospital to another he lost too much blood and therefore did not resist.

Regarding health and education, these two sectors suffered a drastic reduction in the General Budget of the Republic. Such is the case, that by 2019, 843.9 million Cordobas (about 26.6 million Dollars) were reduced to the Health sector, and 625 million Cordobas (19.7 million dollars) to Education.

In particular, health does not comply with the Attention Protocols that determine guidelines for quality care that prevent the deaths of the population that requires their services. The State violated its obligation to ensure the right of access to health facilities, goods, and services. Nor did it take positive measures to ensure health care, especially in circumstances of serious danger to life.

During the context of the repression, the health system, due to government guidelines, denied attention to the injured, causing the death of dozens of people and prolonging the suffering and recovery of many others.

The authorities hindered the work of rescue bodies, restricting the departure and transit of ambulances and humanitarian personnel such as firefighters and the Red Cross. On July 13, 2018, police officers for more than five hours prevented the transfer to hospitals of the wounded from the National Autonomous University of Nicaragua in Managua, (UNAN) who took refuge in the Jesus of Divine Mercy Church, after being attacked by police forces for 17 hours.

He also ordered his repressive forces to surround hospitals to prevent the injured from receiving health assistance. This was the case with students injured in attacks on the UPOLI Polytechnic University, which demanded that the repression cease because it prevented them from taking out the injured, the police at all times prevented the passage to the Red Cross.

“I was shot in the hip; I still have the bullet in my right buttock. I can't walk normally, I can't stand up and I'm prone to infection. I was treated at the Manolo Morales Hospital, I had to walk to the emergency room, five different doctors asked for information, when they saw that I was shot wounded they left me waiting, none changed the blood gauze. When it was 11:00 pm they called to warn that there was an order to get the wounded out of the hospitals and mainly the gunshot wounded.” (Testimony of the injured received by the IACHR in Managua, May 2018).

Medical assistance was offered in private hospitals, makeshift health posts or through volunteer doctors and medical students. In some cases, where medical attention was achieved, it was not adequate and after being surgically intervened they were discharged promptly, leading to subsequent complications.

The IACHR registered complaints about irregularities and medical neglect, among them, against the Cruz Azul hospital, belonging to the Nicaraguan Institute of Social Security, and the hospitals Antonio Lenin Fonseca, Alemán Nicaragüense, Manolo Morales, Roberto Calderón, Oscar Danilo Rosales Argüello School Hospital and San

Juan de Dios de Estelí, all belonging to the Ministry of Health.<sup>144</sup>

All these actions by the Nicaraguan government are inhuman, absolutely unacceptable, even in civil war contexts.

Regarding education, different reports from national and international organizations indicate that Nicaragua has very little progress in relation to several international references, one of them being the 10

<sup>144</sup> IACHR Nicaragua Country Report: Serious violations of human rights in the framework of social protests in Nicaragua. OEA/Ser.L/V/II. Doc. 86 June 21, 2018. Original document in Spanish.

education goals that must be achieved by 2030 in the framework of the Sustainable Development Goals promoted by the United Nations.

The illiteracy rate is 7.5% of the population. In El Salvador, 16% of its inhabitants are illiterate, although in urban areas the percentage is reduced to 7.6%. In Panama, 5.5% of its inhabitants cannot read or write. Guatemala continues to be the worst located in the region since a quarter of its population is illiterate.

The public-school system of primary and secondary education contains a political alignment that responds to the interests of the party in the government. The children and adolescents have been instrumentalized to make political proselytism, the students have been taken out of the classrooms to participate in party political mobilizations and in the national holidays carry the symbols of the party in the government.

In the context of the socio-political crisis, 82 university students were expelled for their active participation in the protests. The National Council of Universities (CNU, by its acronym in Spanish) in retaliation for student protests reduced 30% of the state contribution to the Central American University (UCA), which until today is under siege by special forces of the National Police.

El Salvador is one of the countries of Central America that has a great challenge in terms of poverty reduction, considering that it is not only the lack of income but also the lack of opportunities and rights for people in areas such as health, education, work, housing, security among others. There are inequalities in the framework of these opportunities since El Salvador has been implementing policies and strategies to combat poverty and improve productive capacities, but they have never visualized people in the center, in order to achieve sustained growth. The main bet is the economic growth that generates social development, which has been evidenced throughout history that this economic measure does not automatically resolve the satisfaction of DESC or poverty reduction.

El Salvador is one of the most densely populated countries, ranking at the 83rd percentile worldwide and with persistent poverty, with gaps in employment, education, health, technology, among others.

The 2018 Multi-Purpose Household Survey registered that the total population of the country is 6,642,767 people, of which 4,096,070 reside in the urban area and 2,546,697 in the rural area, which in relative terms represents 61.7% and 38.3%.

Although there has been a slight growth in the country's economy, this has not impacted on social welfare. Unemployment levels have not been reduced; as well as, there has not been an increase in the salary of the people who participate in the productive processes so that such growth continues to accumulate in the historically privileged sector of economic power and not in the population in general.

For 2019, economic growth is expected to be 2.3%. This is due to the "recent evolution of the local economy and the downward trend in the expectations of economic growth of the main trading partners," according to the BCR.

El Salvador registered between 2 and 2.2 million people living in poverty, according to the 2018 Multi-Purpose Household Survey (EHPM, by its acronym in Spanish). Taking poverty as a parameter from a monetary level, El Salvador counts a total of 491,396 poor households (26.28%), in which 2,051,702 people live. However, under a multidimensional poverty approach, in the country a total of 537,826 poor households (28.8%), where 2,247,165 people live.

Monetary poverty in households, fell 2.9 points; monetary poverty in people decreased 2.8 points. Multidimensional poverty in households fell 4.6 points; while poverty in people fell 5.1 points.

This reduction in monetary poverty is due to the fact that the average cost of the Basic National Shopping Basket per person rose little, compared to the average monthly income per household, which went from \$543.9 to \$583.9. The increase in income between 2017 and 2018 is relevant, taking into account that it was stuck between 2013 and 2017 since between those years it went from \$556.2 to \$543.9.

The biggest challenges in overcoming multidimensional poverty are low adult education, lack of access to social security, underemployment and job instability and restrictions due to insecurity.

For example, in the area of education, El Salvador has 562,541 people 10 years of age and older who do not know how to read or write, which represents an illiteracy rate of approximately 10.1% nationwide, according to the Household and Multiple Purpose Survey 2018.

On the other hand, the right to adequate housing, it can be mentioned that 52.8% of households are homeowners nationwide, 20.4% are free occupants, 13.4% are renters, 6.2% are landowners private, 4.1% are owners and are still paying for their home, 2.6% are owners on public land.

In this case, the new government, through the recent Ministry of Housing, has not made reference to the importance of the construction of a social housing policy that guarantees decent housing for a good part of the population living in a precarious home. On the other hand, they have not presented alternatives or possible solutions for the need of hundreds of thousands of families of loti inhabitants who have failed to legalize their acquired land and most of them paid without being able to find a solution.

One of the strategies of the Ministry of Housing has been the reduction of rates and premiums for housing loans granted by the Social Fund for Housing, which was effective as of September 1, 2019.

## 3.2 PURCHASING POWER AND ADEQUATE STANDARD OF LIVING

The Central American countries maintain a regressive tax structure, which does not contribute to the Sustainable Development Goals, taking into account a fair distribution of wealth, which allows for a satisfactory salary or compensates for the cost of living of thousands of Central America's average household level.

On the contrary, over the years it has been seen how the distribution of wealth deepens its concentration and increases inequality.

Panama is one of the fastest-growing countries in the last decade<sup>145</sup>, unfortunately, this growth is concentrated in a few hands and in a small strip of territory.

Unequal countries of Central America	(Higher value, more unequal country)
Honduras	0.53
Panama	0.51
Costa Rica	0.49

Table 8: Most unequal Central American countries in the world.

Source: Own elaboration with data from the World Bank.

The increase in Panamanian GDP has been around 7% per year in the last decade, which is very significant in the framework of the Central American region; on the other hand, the per capita income has almost doubled in that period, to surpass Chile and become the largest in Latin America and the unemployment rate is around 6%, close to full employment. The expansion of the Panama Canal, whereby two-thirds of the cargo ships that transit do so with origin or destination in the United States, and the powerful development of their financial sector, thanks to tax advantages, have become the largest engines of the economy. To them has been added, more recently, the construction of the real estate boom, fueled by foreign capital.

The dynamism has been relevant but its distribution and the inclusion of the most disadvantaged remains a great challenge. Taking into consideration that social achievements have not gone hand in hand. The Panamanian bonanza has concentrated in a fraction of its population the income of 10% of the wealthiest population is up to 35 times higher than those of 10% less graceful and in a small territorial strip around the Canal, by far the most developed and connected to the dynamics of globalization. Outside there are seven of its 10 provinces and the three indigenous regions with province status. The latter shows where reality shows its worst face: poverty affects 82% of the population and extreme poverty reaches six out of 10 people. But, as the cases of Rebeca and Alfredo make clear, without reaching the indigenous communities and without even leaving the province of Panama, one can clearly see the reality that the figures do not reach.

"The greatest inequality of this country to the rest of Latin America," says Carlos Garcimartín, chief economist of the Inter-American Development Bank (IDB) in the Central American country, "is not just a consequence of high poverty in indigenous regions." Even discounting the undeniable difficulties that these communities are going through, where the presence of the Government, despite having increased in recent years, remains as scarce as decent road connections, the difference between the capital and practically the rest of the country is abysmal. "It is a matter of territorial imbalances, which are increasing," adds Garcimartín.

It has been clear that for groups that live in the city and have access to education and financing, things have gone very well, but for the rest, not so much. While the average income of residents in the capital enjoys multiple benefits in the poorest provinces, the situation is at the level of underdeveloped countries. Therefore, in the long run, in the context of inequality, it can also slow the growth of not taking care of the inequality variable, which has not been done so far.

Part of the problem lies in the low tax collection, which is the second-lowest in Latin America, which, although complemented by an injection of around 1.7 billion dollars annually provided by the Canal, remains

<sup>145</sup> *El País Internacional*. May 2, 2019. The Panamanian economic miracle is stuck in inequality. Source: [https://elpais.com/internacional/2019/05/02/america/1556790061\\_709734.html](https://elpais.com/internacional/2019/05/02/america/1556790061_709734.html).

insufficient to meet the needs of the less fortunate and to close the gap with those segments that have fared the best. Meanwhile, the public sector has prioritized capital and infrastructure spending, and social spending has remained constant at around 9%. They are almost three points less than the average for Latin America, a region that is not distinguished precisely by the generosity of its public coverage. Thus, everything indicates that the country abandoned its social policy in favor of a compensation policy, where clientelism and aid prevail so that the population is calm.

The Panamanian on foot, however, and perhaps, in the absence of this, is little to ask the State. Outside employment, the most repeated complaint on the street is the increase in commodity prices, which has resulted in a breakdown of its purchasing power. While large numbers point to inflation under control, the perception of strata with fewer resources is another completely different.

“Life is very high and salaries are very low,” he says, hammer in hand, Alma Moreno, 49, while fixing the unpainted wooden door of his house, on the edge of the San Felipe neighborhood, a step away from the Renovated Casco Viejo of the Panamanian capital. She works “sweeping streets,” she says, and enters just over 300 dollars every two weeks, a figure with which in almost all of Latin America you can do the closest thing to a decent life, but here, in a fully dollarized country, it gives you little. “A few years ago, the purchases for the whole family came out at 200 or 250 dollars per fortnight. Now is almost double: A pound of rice, a liter of oil ... Everything is expensive.”

Currently, it is the most expensive city in the region, according to a recent study by the Swiss bank UBS that places the Panamanian capital among the 21 in the world in which life is most expensive, ahead of European cities such as Vienna, Munich, Montreal or Madrid. And the last 10 years, according to IDB calculations, the products in the shopping basket of the poorest decile have become significantly more expensive than those in the basket of the richest decile, widening the gap further. In that period, the food and transportation to which most of their income is dedicated to households with fewer resources have become more expensive at a rate four times that of leisure, which, to a much greater extent, consume the richest.

The unemployment figures in Panama reach 6.4 percent until last March, the increase in the negative was 0.6 percentage points, this in absolute figures means that the unemployed are 129,424, that is 13 thousand 103 more people without work, It

should be noted that participation in economic activity was lower than that of men, and female unemployment was 8.2 percent. As for the ages, young people between 15 and 19 years, the highest rate of unemployed with 19.4 percent

As for the minimum wage, it ranges between 250 and 750 dollars, it is by region, therefore, they are like 34 minimum wages.

The Basic National Shopping Basket in Panama also varies according to the regions. In the districts of Panama and San Miguelito, the price was approximately \$306.

The minimum charge for electric power is approximately \$2.00, the other costs will depend on consumption.

Fuel in Panama in mid-September remains at two dollars with 88 cents.

As for El Salvador, this has an obsolete economic model that only reproduces the productive conditions that favor small groups of power and that produces a growing population of working-age without sufficient education, with few jobs and precarious jobs, pushing it to Migrate as the only alternative for progress.

There are high poverty conditions and inequality levels in El Salvador; insufficient social protection systems, which together with the growing economic informality, which allows us to infer that living conditions are progressively precarious; persistent and very marked gender and ethnicity gaps; among others, that have privileged economic stability, but neglecting the constitutional mandate of the search for the common good, which affects the legitimacy of the democratic system; economic elites that maintain visions of capture of the State, trying to guarantee fiscal policies of survival in order to secure their particular objectives; and also, one of the most vulnerable regions in the face of climate change and one of the most violent.

About unemployment is a negative factor that affects the country. Taking into account the Salvadoran population is mostly young, 52.6% of the population is under 30 years old, while 13.2% are 60 years old and over.

In this sense, the unemployed population amounted to 190,724 in 2018, which in relative terms gives an unemployment rate of 6.35%. In absolute terms, the unemployed population is mainly made up of residents of the urban area (62.1%), mostly they are men (68.4%) and are in the age ranges of 16 to 24 years (41.8%) and 25 to 59 years (49.8%)

As for the monthly average salaries, the 2018 EHPM records that at the national level it was \$326.87, with men on average receiving \$352.64 per month and women \$293.05, registering a salary difference of \$59.59 in favor of the male population. Making clear the inequality that continues to exist between men and women.

The Basic Food Basket (CBA) for the year 2018 in the urban area, for an average household of 3.46 members is \$184.76 and the extended CBA is \$369.53. On the other hand, the cost of the CBA in the rural area, for an average household of 3.71 members is \$126.25 and the extended CBA is \$252.50.

On September 16 of the current year, the Salvadoran government reacted to the Superior Labor Council. In the ARENA governments, the CST had been co-opted by the employer sector who had agreements with members of the government sector and with members of the labor sector. The agreements they took were unanimous, which were favorable for the employer sector, consequently to the detriment of the labor sector.

With the arrival of a new government in 2009, there were attempts to modify the correlation within the tripartite entities, for that matter, the CST. In 2013, the Minister of Labor tried to break with this co-optation of the CST, by employers, through the appointment of union representatives to guarantee the defense of the interests of the working class not linked to the employer sector. This action produced opposition from the employer sector, who filed lawsuits with the ILO. These disagreements were prolonged in the 2014-2019 period.

Honduras is a low-middle-income country that faces significant challenges, with more than 60 percent of the population living in poverty (2018). In rural areas, approximately one in 5 Hondurans lives in extreme poverty (less than US \$1.90 per day).<sup>146</sup>

The GDP per capita is a very good indicator of the standard of living and in the case of Honduras, in 2018, it was 2,482.7.<sup>147</sup> Its inhabitants have a very low standard of living in relation to the 196 countries in the GDP per capita ranking.

Country	2018 GDP per capita ranking
Costa Rica	12,026.5
El Salvador	4,058.2
Guatemala	4,549.0
Honduras	2,482.7
Nicaragua	2,028.9
Panama	15,575.1

Table 9: Central America GDP per capita ranking (2018).

Source: Own elaboration with data from the World Bank.

Regarding the Human Development Index (HDI), which the United Nations prepares to measure the progress of a country and that ultimately shows us the standard of living of its inhabitants, indicates that Hondurans have a poor quality of life.

Open unemployment or people who want to work, but do not find employment add 247,173 Hondurans<sup>148</sup> after falling from 6.7 to 5.7 percent in 2018, a significant reduction, but called into question by trade unionists. Honduras ended last year with the Economically Active Population (PEA) of 4 million 336 thousand 378 people, of these, one million 915 thousand 443 are men and 2 million 420 thousand 935 women, according to the recent Permanent Survey of Multi-Purpose Homes.

<sup>146</sup> World Bank. April 4, 2019. Honduras: overview. Source: <https://www.bancomundial.org/es/country/honduras/overview>.

<sup>147</sup> World Bank. Source: <https://datos.bancomundial.org/indicador/NY.GDP.PCAP.CD?>

<sup>148</sup> *La Tribuna*. January 20, 2019. Open unemployment rate affects 247,173 Hondurans. Source: <https://www.latribuna.hn/2019/01/20/tasa-de-desempleo-abierto-afecta-a-247173-hondurenos/>.

2018 closed with 150 thousand new jobs with the contribution of private companies, between 60 and 70 percent, however, the informal sector brings together 2 million people who self-employ. Young people are those with the highest unemployment rate in the country, followed by those over 35 and women.

For its part, the Invisible Under-Employment Rate affects 2 million 081 thousand 461 Hondurans. The issue of underemployment remains the big problem, it stands at 48 percent, especially the invisible, this has to do with people who earn less than they should earn under the law. What it reflects is a precariousness that affects historically marginalized sectors.

People employed in Honduras in 2018 totaled 4,090,651 people, of these, (31.6%) in agriculture, (18.3%) in commerce and (14.8%) in industry. These three branches of activity concentrate 63.4 percent of those employed.

Honduran citizens claim for the fulfillment of human rights, including employment. Employment problems affect 50% of the Economically Active Population (PEA) and four out of every 10 employees do not receive the minimum wage, which is established by law.

The percentage of default for 2018 was 43%, representing 635,096 private-sector workers who do not receive a minimum wage.

On the other hand, the Basic National Shopping Basket of Honduras continues to be one of the most expensive in Central America. The majority of the population does not have enough income to finance the Basic National Shopping Basket. In Honduras, the food package has a value of \$345 dollars, the second-highest cost in the entire Central American region. The Basic National Shopping Basket of Honduras is made up of 30 foods, the cost of which exceeds \$326.70 on average, according to data from the Ministry of Labor and Social Assistance.

Some taxes that have affected the cost of the Basic National Shopping Basket are, the cost of water, electricity, and housing rental services, this to a report of the Central Bank, which refers to the monthly variation of the Consumer Price Index.

Country	Basic National Shopping Basket		Cost \$
Costa Rica	Urban	52	\$285.31
	Rural	44	\$73.95
El Salvador <sup>149</sup>	Urban	22	\$199.73
	Rural	15	\$145.78,
Guatemala	3. 4		\$462.23
Honduras	30		\$345.18
Nicaragua	53		\$282.79
Panama <sup>150</sup>	Districts of Panama and San Miguelito	59	\$306.08
	Urban rest of the country	50	\$281.49

Table 10: Basic National Shopping Basket in Central America.

Source: Own elaboration with information on Strategy and Business.

The population of Guatemala is the most numerous among the countries of the Central American region. Today, there has been an increase in unemployment. The Employment and Income Survey (ENEI, by its acronym in Spanish) published by the National Institute of Statistics (INE, by its acronym in Spanish), of 2018 showed that the unemployment rate was 2.8<sup>151</sup> percent of the Economically Active Population (PEA, by its acronym in Spanish), slightly higher than the 2.7 percent registered in 2017, with a higher level of incidence in the Metropolitan Area of the country.

<sup>149</sup> According to recent data from the Consumer Price Index (CPI) of the General Directorate of Statistics and Census (DIGESTYC).

<sup>150</sup> *Panamá América*. April 5, 2019 Basic family basket increased 40 cents in January. Source: <https://www.panamama.com.pa/economia/canasta-basica-familiar-aumento-40-centavos-en-enero-1131758>.

<sup>151</sup> *El Periódico*, February 25, 2019. Unemployment, underemployment... and INE. Source: <https://elperiodico.com.gt/opinion/2019/02/25/desempleo-subempleo-y-el-ine/>.

48%<sup>152</sup> of the national population resides in the Metropolitan and Southwestern regions, and about a quarter in the department of Guatemala where the capital city is located, which houses more than half of the country's urban population.

With respect to the minimum wage in Guatemala, the Government established that those of 2018 be maintained. That is, \$11.75 cents a day for rural areas and the city. For export and maquila activities, the income will be \$11.27 per day. In both cases, the law bonus of \$32.59<sup>153</sup> per month is included.

Undoubtedly, this maintains a gap, because buying the 34 basic products in homes has a cost of \$462.23, in addition, the Extended Basic National Shopping Basket has a cost of \$1,082.81, according to the National Institute of Statistics (INE).

In Nicaragua, the increase in the minimum wage was set at 10.4% in 2018, by government provision and without consensus of the private sector; in 2019, the minimum wage stagnated and a contraction of more than 5% of the economy is projected at the end of the year, drastically affecting the purchasing power of the population.

The cost of the Basic National Shopping Basket exceeds 420 dollars (14,000 Cordobas), while the minimum wage ranges from 126 to 283 dollars (between the lowest and highest of the amounts of the 10 existing categories in the country). With the average minimum wage in Nicaragua of 6,166.22 Cordobas (\$190.38), only 45.4% of the Basic National Shopping Basket is covered.

The tax reform directly affected a series of products of daily consumption in the homes of the country, the government eliminated the exoneration to 16 food products, import duty, obviously, the costs will be transferred to the consumer.

Another measure that affects purchasing power is increasing in basic services. At the beginning of 2019, the application of Law 272, Law of electrical industries and their reforms, approved in 2018, which establish an increase in the electricity tariff, began in the middle of a recession and higher unemployment in the country. From January to June 2019 the increase in the electricity bill was 6.341% for all sectors.

On the other hand, on January 31, 2019, through Presidential Decree 06-2019<sup>154</sup>, social security was reformed, where contributions to employees are increased by 0.75%, from 6.25 to 7% and employer fees at 3.5%. According to FUNIDES, this INSS reform could lead to the loss of about 143,000 members, ranking 7 to 7.4% of unemployment, which means there could be between 49 to 61 thousand new unemployed in 2019.

According to ECLAC, the number of social security affiliates decreased by 17.5%. (ECLAC), FUNIDES in its 2018 report, reported that INSS lost 158,000 insured in that year.

It is estimated that 417,000 people have been laid off or suspended from their jobs, of which 127,000 are unemployed. More than 70% of employed people are engaged in informal work, without any social protection and with income that does not meet their basic needs.

The country retaliated against health personnel who refused to comply with the order not to provide medical care, unfairly dismissing dozens of doctors, nurses, and other health personnel.

The Nicaraguan Medical Association estimates that more than 450 health professionals have been dismissed, many of them with 15 and up to 30 years of having worked in the Public Health System, in a flagrant violation of the right to work, in addition to threatening the right to life and health of the population.

Regarding Costa Rica, the last Continuous Employment Survey (ECE) showed that the country registered unemployment of 12%<sup>155</sup> in the last quarter of 2018, the highest figure that was reached in comparison with the previous quarters of the last decade since the study was carried out (2010).

<sup>152</sup> ECLAC, Santiago, Chile, December 2001. Guatemala: population and development. A sociodemographic diagnosis.

<sup>153</sup> *Prensa Libre*. December 28, 2018. Minimum wage 2019 in Guatemala remains without increase. Source: <https://www.prensalibre.com/economia/salario-minimo-2019-guatemala-publicado-en-el-diario-de-centroamerica/>.

<sup>154</sup> Presidential Decree No. 6-2019: Amendment to Decree number 975, "General Regulation of the Social Security Law". Published in the Official Gazette, La Gaceta No. 21, February 21, 2019.

<sup>155</sup> *Semanario Universidad*. February 1, 2019. Costa Rica records its highest unemployment of the decade: 12% Source: <https://semanariouniversidad.com/ultima-hora/costa-rica-registra-su-mayor-desempleo-de-la-decada-12/>.

The National Institute of Statistics and Census (INEC, by its acronym in Spanish), said that the unemployed population in Costa Rica was estimated at 294 thousand people for the last quarter of 2018<sup>156</sup>, of which 148 thousand were men and 146 thousand women. Unemployment increased by 89 thousand more people compared to the same period of 2017.

Costa Rica pays the highest minimum wages in Central America, reaching an average of US\$821.27<sup>157</sup> per month. The minimum wage is differentiated between professionals and unqualified workers, since it has a more balanced economy, according to the STSS report.

The price of the Basic National Shopping Basket in Costa Rica is \$285.31. It is observed that Costa Rica, which records the highest salary, has a low cost of the Basic National Shopping Basket. In addition, it includes 52 food products, while that of Honduras and Guatemala only contains 30.

In Costa Rica, the Basic National Shopping Basket absorbs 34% of the minimum wage, while in Honduras 92% and in Guatemala it does not cover it, according to the report. Workers and consumers advocates say that minimum wages in Honduras do not cover basic needs, affecting the quality of life of the population.

Minimum Wage in Central America		
Country	Local currency	USD
Costa Rica <sup>158</sup>	C 262.298.1	821.27
El Salvador <sup>159</sup>	US\$261.05	261.05
Guatemala <sup>160</sup>	Q.2,992.37	396.16
Honduras <sup>161</sup>	L 8,910.71	375.62
Nicaragua <sup>162</sup>	C \$5,642.5	275.26
Panama <sup>163</sup>	\$721	721

Table 11: Minimum Wage in Central America.

Source: Own elaboration with STSS data.

<sup>156</sup> EIPais.cr. February 1, 2019. Unemployment in Costa Rica increases, says INEC. Source: <https://www.elpais.cr/2019/02/01/aumenta-el-desempleo-en-costa-rica-asegura-el-inec/>.

<sup>157</sup> E&N. April 28, 2019. Costa Rica pays the highest minimum wage in Central America. Source: <https://www.estrategiaynegocios.net/centroamericaymundo/1279609-330/costa-rica-paga-el-salario-mínimo-más-alto-de-centroamérica>.

<sup>158</sup> Costa Rica adjusts the minimum wages every six months, grouping in general two groups, occupational categories and domestic services. For 2018, the adjustment was 2.43% for occupational categories and 2.93% for domestic services.

<sup>159</sup> El Salvador makes a classification similar to that of Guatemala, although it disaggregates the agricultural sector at a higher level, including industry, commerce and services. Since 2013, the minimum wage was set to be applied in a staggered manner at 4% for three consecutive years from 2014, for 2017 the adjustment was 4.50% and 5.20% in 2018 for all categories. According to the Labor Code, the minimum wages set by decree must be reviewed at least every three years.

<sup>160</sup> Guatemala classifies the minimum wage into three groups: agricultural, non-agricultural and maquila export companies.

<sup>161</sup> In the case of Honduras, minimum wages are set according to the number of workers and by economic activity; as of 2012, the fixing of the minimum wage has been agreed tripartite, being under Tripartite Agreement No. STSS-599-2013.

<sup>162</sup> In Nicaragua, the National Minimum Wage Commission (CNSM) establishes an annual salary increase in two types of categories, occupational categories that include nine activities and industries subject to the tax regime, this adjustment is established from the month of March of one year to February of the following year and for the occupational categories it is divided into two equal parts applicable every six months. Between 2014 and 2018 the highest adjustment of the minimum wage was made in 2015, when registering an improvement equivalent to 10.98%, similar to the year 2018 that was set at 10.40% in the occupational categories and 8.25% in the industries subject to the Fiscal Regime.

<sup>163</sup> After the 2017 adjustment, the minimum wage for region 1 of the country (all provinces except Darién and indigenous regions) was set at \$721, and for region 2 (Darién and the regions) at \$563, according to the official information.

### 3.3 IMPACT OF EXTRACTIVE, MEGAPROJECT AND MONOCULTURE INDUSTRIES

The Central American countries have been betting on development strategies focused on deepening the extractive model, which is manifested through their public policies and the generation of regulations that facilitate their development, which prioritize projects for the exploitation and accumulation of common assets of nature, which cause the disappearance of organizational structures, social fabric and the different manifestations of people's culture. In addition to breaking into their culture and their worldview of the world and their relationship with natural assets, they are also persecuted, criminalized, threatened, prosecuted and in many cases, they are killed from concessionary companies and the country itself.

This is evidenced by the existence of a set of projects in the region, in which there has been the support and commitment of the States for their implementation, operation, and operation; for example, mining, hydroelectric, monoculture and Employment, and Economic Development Zones (ZEDE, by its acronym in Spanish), to name a few.

Honduras, in the last decades, has been visible the deepening of a market economy that has imposed an extractive economic logic on a global level, sustained in neocolonial forms of appropriation in which the processes of privatization and commodification of nature and public goods They have accelerated systematically. At the same time, resistance has multiplied on the part of populations and communities for whom this so-called "development" means "dispossession", criminalization, judicialization and often death. In Honduras, after the coup d'etat of 2009, this process of delivering policies of natural resources has increased, but resistance has also increased, with greater or lesser visibility in all regions of the country.<sup>164</sup>

In a broad perspective of extractivism, mining projects stand out, which are destined for renewable, monoculture and some agro-industrial and tourism projects, which also use extractive dynamics, in their broadest sense, as they extract resources from nature, energy from the exploited populations and transfers of the State by means of tax exemptions or subsidies of the rickety national treasury, which is mainly based on indirect taxes, consumption taxes paid by the entire population, but in greater proportion in relation to the income obtained, the population more impoverished pay more.

In Honduras, the extractive model has different ways of executing, the first of which is the energy sector, which includes energy generated by hydroelectric plants, biomass, and solar panels. Currently, there are 111 hydroelectric projects that are in different stages in the departments of the country and for the solar panel sector, of the total approved projects (63), 49 of them are distributed in the departments of the south, Choluteca (40) and Valley (9).

Most of the power generation projects are concentrated in the municipalities of Choluteca, Namasigüe (in the department of Choluteca) and Nacaome (in the department of Valle), which coincides with the reaction of community resistance in defense of life same and as a consequence, the criminalization and judicialization of the inhabitants in the southern zone. Some 89 territorial rights defenders are being prosecuted in the region.

The second form of extraction is the concession of territories for the installation of the Employment and Development Zones (ZEDES), where the departments of Choluteca and Valle are constituted respectively as Cluster 2 (energy) and 6 (port logistics). Similarly, Amapala has been designed by the Korean cooperation agency KOICA, as the port that centralizes the reception and distribution of containers that arrive by land from El Salvador, Nicaragua, and Guatemala. "About 35 kilometers east of Alliance, in Nacaome, Koreans suggest the development of a logistics and housing center to produce and meet the needs of the port and thousands of employees."<sup>165</sup>

<sup>164</sup> Reference framework, Conflict Transformation School. CIPRODEH, 2018

<sup>165</sup> Honduras and its libertarian project, Dada Carlos, *El Faro.net*.

In its third form, the mining extractive model in Honduras is manifested through concessions; Approximately 347,612.32 hectares have been delivered; that is, the equivalent of 3,477 square kilometers, of which 2,436 would be for metal mining.

The panorama of the different extractive modalities in the South Zone of Honduras, only gives indications of dynamism in terms of concessions and foreign intervention in the territories, which is inserted in the current situation of capitalism and globalization, accompanied at the national level, of the illegal framework and corrupt actions, for the approval of such projects without free, prior and informed consultations of the affected communities.

It is important to mention that the native and Afro-descendant peoples of Honduras are also victims of this extractive model. The right to free, prior and informed consultation, established as a right in Convention 169 of the International Labor Organization (ILO), is violated.

According to CIPRODEH data, for the department of Choluteca, the total area under concession for mining is 4,360 km<sup>2</sup> with 13 mines with an operating permit and for the department of Valle they are 1,665 km<sup>2</sup> with 5 mines with an operating permit.

On the other hand, the Guatemalan State has also promoted policies to promote investments in the extractive sector, referring to the country's abundance of mineral deposits, mainly in the exploitation of gold, nickel, silver, iron, jade, among others. minerals According to the Ministry of Energy and Mines, the country has the largest deposits of gold, silver, and nickel in the Latin American region.

In that sense, the expansion of monocultures in Guatemala has had negative impacts. Among them, the generation of conflicts, lawsuits, illegality, violence, expels the peasants from their own lands and often causes the murder of defenders of the land.

As an example, on February 25, 2019, 2 Tolupanés leaders, father and son, were killed for their resistance to extractive projects in their territories, "The Inter-American Commission on Human Rights (IACHR) expressed its rejection of the murder of Salomón Matute and his son Juan Samael Matute, both Tolupanés indigenous members of the San Francisco Locomapa tribe and the Broad Movement for Dignity and Justice (MADJ), in the department of Yoro. Salomón Matute was a beneficiary of precautionary measures (MC 416-13) granted by the IACHR on December 19, 2013, after analyzing the risk situation he faced with other members of the MADJ as a result of threats, harassment and acts of violence within the framework of his work as defenders of the environment and indigenous peoples."

According to figures published by the National Institute of Statistics (INE), they show how agribusinesses have monopolized farmland and displaced subsistence crops over the past decade. The total area occupied by African palm plantations increased by 33%<sup>166</sup> between 2013 and 2014 and an impressive 80% from 2003 to 2014, and the extension of sugarcane crops has almost doubled in a decade (from 188,000 Ha in 2003 to 378,900 hectares in 2014), while the planting of beans, the staple food of the rural poor, decreased by 70% between 2013 and 2014.

Monocultures, especially the oil palm, have come to monopolize the water sources where they are planted and also contaminates the little water that is left for the local population. For example, the Q'eqchi 'and Poqomchi' people have shown resistance to the overwhelming of their historical territories, which has brought the criminalization of community leaders, who have had arrest warrants or even imprisonment. On the other hand, other leaders have suffered the most open repression, with threats against their lives, physical attacks, and even murders.

It is important to mention the number of evictions in indigenous communities of Guatemala, where the authorities are repressing, persecuting, exploiting and massacring indigenous communities. In May 2018, Mateo Chamam, José Xol were killed. In addition, criminal prosecution and imprisonment have been triggered for several indigenous people for defending the territory and rivers that are being polluted, responsible for community press, among others. Robberies and looting following mining companies, landowners, former presidents, among others.

<sup>166</sup> *Aporrea*. Thursday, August 30, 2019. Guatemala: The expansion of monocultures causes the killing of activists and expels farmers from their own lands. Source: <https://www.aporrea.org/ddhh/n330623.html>.

In Nicaragua, large areas of forest have been cut down indiscriminately, in recent years more than 1.4 million hectares of forests have lost and disappeared over 34 thousand hectares of mangroves. It is estimated that the country loses 70,000 hectares of forest cover annually, according to official data, which have not been updated in the last twelve years.

The Coco River (Wanki River in the Miskito language), the longest in Nicaragua and Central America, with a length of 680 km and a basin that occupies an area of 24,767 square km, has decreased its flow alarmingly due to logging with devastating effects on various water sources in the Segovias region (Estelí, Nueva Segovia and Madriz) where water has begun to become scarce. The complaints of the affected population always indicate the complicity or inaction of the government authorities at all levels.

Regarding the mining concessions in the country, there is an advance of them with the concession of 25,000 square km of the national area of 137,000 square km, of which 10 thousand square km have been granted directly to private companies and 15 thousand more. They are under the administration of the Nicaraguan Mining Company (ENIMINAS) to be negotiated in the future.

In the period 1991-2015, the gross flow of foreign direct investment destined to the mining activity, in this case to the exploitation of gold and silver, totaled 918.2 million dollars, of which 73.1%, or 671 million dollars, focused on the 2011-2016 six-year period, according to data from the Mining Chamber of Nicaragua.

On the other hand, on February 11, 2019, the presidential decree 07-2019 entered into force to “Establish the National Policy for Mitigation and Adaptation to Climate Change and the Creation of the National System for Response to Climate Change”, which the experts consider as positive, but with little chance of materializing, being incompatible with the economic, social and institutional reality of the country and not having the social consensus necessary to make its effective implementation viable.

An issue that has generated great social unrest has been the possible construction of an interoceanic canal that would bring strong environmental impacts and the expropriation of land to small and medium producers of the territories identified in the route of the interoceanic canal, also mining concessions have been cause of strong social conflicts in territories of exploitation and exploration.

In Costa Rica, for example, pineapple is a monoculture that has left negative effects in the country. One of them is the contamination by agro toxins in the pineapples, in the waters and deep deforestation in the North Zone of the referred country.

Pineapple is still the "star" product of Costa Rica. In 2018, companies exported \$1,038 million<sup>167</sup>, concentrating 95% of the total pineapple exported by the region, being the USA. and the Netherlands the main sales destination markets.

In addition, foreign companies that export Costa Rican pineapple use not only land but also natural resources and achieve their goals while leaving the country in socio-environmental conflict.

In this sense, it is worth mentioning that part of the consequences of the conflict that exists between indigenous people and farmers is cruel and violent death. An example of this was the murder of the defender and leader Sergio Rojas, in his house located in the community of Yeri, in the indigenous Bribri territory, in Salitre, Puntarenas. Rojas has been fighting for many years for the sanitation of indigenous territories, denouncing the recurring violent actions and violations of the collective rights of the Bribri and Teribe peoples (land, territory and natural resources) by invaders against indigenous peoples; also, to denounce the breach of the precautionary measure of protection towards indigenous peoples by the Government.

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<sup>167</sup> CentralAmericaData.com. Monday, July 15, 2019. Crops in Central America: Main figures in 2018. Source: [https://www.centralamericadata.com/es/article/home/Cultivos\\_Principales\\_cifras\\_en\\_2018](https://www.centralamericadata.com/es/article/home/Cultivos_Principales_cifras_en_2018).

The conflicts between indigenous people and farmers in Salitre are not new. For more than 10 years there have been serious disputes over the possession of indigenous lands, since the Indigenous Law No. 6172, of 1977, stipulates in its article 3 that: “Non-indigenous people may not rent, lease, buy or in any other way acquire land or farms included in these reserves”. Sergio Rojas was the main driver of compliance with the Indigenous Law in Salitre.

The Indigenous Peoples of Costa Rica continue to be victims of violence and dispossession. The country does not assume compliance in the face of international commitments made with the signing and ratification of instruments that recognize the Human Rights of Indigenous Peoples and the existence of multiple national norms in the same direction. Therefore, it is important that the State be the guarantor of protecting the interests of the population. On the other hand, state institutions, civil society, and the private sector must match for the search for solutions.

As for Panama, it is also one of the countries with extractive conflicts through mining concessions. Fiercely exploiting natural resources and thus damaging the surrounding population of those lands. The serious thing about this situation is that there are protected areas that are in danger of losing their status and wealth in the face of this type of extractive projects. Meanwhile,

the State makes visible certain benefits that range from growth, productivity and want to sell the idea of a good evolution in social development, among others.

In Panama, the extractive industries of various minerals have become the enemy of the people, under the pretext of progress, deprive the population of wealth to benefit foreign capital. Around 37 hydroelectric power plant projects are counted in the territory, some of which are in design and others in construction.

Obviously, these hydroelectric projects affect the true owners of those lands, who have given their lives to defend them, as was the case with the Barro Blanco hydroelectric plant.

On the other hand, the Panamanian reality before the mining extractive model is framed in the obvious corruption of the various governments, of assigning mining concessions, in the territory that belongs to all Panamanians, to a percentage of the wealth, which results wrong. Emblematic cases such as Petaquilla Gold, which violated the labor rights of thousands of workers, also mining Panama, which violates the labor law.

The monoculture of African palm has generated a socio-environmental conflict in the extraction of ecological goods, as well as its implementation. In this context, various violent situations and complaints of many farmers have been identified, due to the eviction of their land, some have been the victim of intimidation and direct threats. In this context, it is evident that the Panamanian State continues to benefit and protect the African palm industry, as they continue to operate; despite repeated complaints made by environmental and indigenous organizations.

Panama has 500 main rivers:<sup>168</sup> 350 in the Pacific and 150 in the Caribbean. And even though water is vital for the development of human activities and their consumption, the Panama Canal operations, agriculture, and energy production are not valued. About 3/4 of the 52 river basins, that is, about 39 are threatened by deforestation, pollution from the use of agrochemicals, industrial activities, among others.

In El Salvador, following the economic model adopted, the extraction of natural resources by national and transnational companies has been promoted, developing megaprojects and monocultures in rural areas, such as the sugar industry. It deserves special attention since it demands production of 788,344 metric tons of sugar, from 6.7 million metric tons of cane, was the result of the 2018/2019 harvest. In addition to external demand; that is, from Taiwan and China.

<sup>168</sup> *Blog del Agua*. In Panama, more than half of the river basins are threatened (Pn). Source: <https://blogdelagua.com/actualidad/en-panama-mas-de-la-mitad-de-las-cuencas-hidrograficas-estan-amenazadas-pn/>.

China signed a purchase contract for 25 thousand tons of sugar with Salvadoran producers. It is worth mentioning that, in the framework of the negotiations with the Salvadoran sugar companies, there is the discussion of importing a greater quantity. Given this, China must acquire as a minimum quota 100 thousand tons of Salvadoran sugar per year, an amount that exceeds that exported to Taiwan.

Since there is a 3% growth in sugar production, one of the important elements to carry out this product in water with high consumption. There is a record where there are communities without water for sugarcane cultivation.

Without a doubt, the sugar industry, whose main subject is sugarcane, is a powerful sector with influence in the economy and politics of El Salvador. That is why, they continue with the indiscriminate use of agrochemicals, due to the excessive consumption of water in irrigation and with harmful practices for the environment.

Given this, the vulnerable population has been affected by conflicts generated by the extreme protection by the State of the

interests of the companies that exploit the resources, and by the lack of respect for the rights of the communities.

On the other hand, in July 2018, the Draft Law on Special Economic Zones (LZEE) was presented by the Executive Branch to the Legislature. This proposal consists of creating special economic zones in 26 municipalities in the southeast of the country, where tax incentives

The Río Caliente, located in Libertad, has declined dramatically due to the sugarcane monoculture. "We have the benefit of the nearby river but we don't have access to water, we only have water on Sundays because from Monday to Saturday the water is used to irrigate these crops, they have built upstream dams that empower the water only for the exclusive use of this company and leave us without the benefit," says Evelyn Sánchez, a community leader.

would be provided for activities related to clean energy and the exploration of natural gas and oil.

In a broad sense, the different governments of El Salvador have promoted the EEZs, stating that they will bring economic and social development to the country. Given this, various

environmental and civil society organizations have reiterated their disagreement with the EEZs.

On the other hand, as a direct consequence of these extractive megaprojects, communities that lived on small crops, fishing, among others, have been displaced from their lands to guarantee the large farms of these projects. El Salvador has registered several conflicts created by megaprojects, where many times the government has endorsed certain procedures to promote them. In addition, law enforcement agencies have used force to pressure communities to evict the areas.

The current president of El Salvador has expressed the importance of carrying out expedited procedures for projects. Within the framework of the Competitive Advantage Forum of the Nations, he mentioned that: "we are going to continue fixing customs, we are going to continue making times faster, we are going to continue fighting corruption, but along with that they have to start investments. If not, time will be over while we finish."<sup>169</sup> Similarly, the Presidency of the Republic has been instructed to expedite environmental permits<sup>170</sup> to boost economic investment, to the detriment of the environment.

The urban project in Valle El Ángel, located north of San Salvador in an important area of aquifer recharge would generate negative impacts on the environment; as well as to the surrounding communities of the capital.

According to the Water Forum, in El Salvador there are five reasons to defend Valle El Ángel. One is related to the great shortage of water in San Salvador; the reduction of infiltration capacity; increased vehicle load; Increase in wastewater discharge and disaster risk susceptibility.

Various civil society organizations have moved to different parts of El Salvador to demand that the Government and the relevant State institutions not grant environmental permission to the project.

On August 26, 2019, various organizations delivered to the Ministry of Environment and Natural Resources (MARN), a letter of opposition to the housing project "Ciudad Valle El Ángel".

The letter contains a series of requests, including a public consultation on the environmental impact study of the housing project. Approximately, the project would affect the water supply to 21 communities in the municipality of Apopa, which have their source of supply for the Chacalapa River, with about 6 thousand people being affected.

<sup>169</sup> El Salvador: eliminate paperwork and corruption, President Bukele promises. Source: <https://www.eleconomista.net/actualidad/El-Salvador-eliminar-tramites-y-corrupcion-promete-presidente-Bukele-20190628-0015.html>

<sup>170</sup> <https://www.youtube.com/watch?v=ZnnpnTTCCZFA>

Currently, in El Salvador, there is a ban on the mining industry of metal mining. But, despite this, the threat of cross-border mining continues mainly due to the movements being carried out by the Cerro Blanco mine, located in Asunción Mita, Jutiapa, Guatemala, just 2 kilometers from El Salvador.

This mining project is a threat to the water resources of the Salvadoran population because, in the boundary zone between the municipality of Metapán, Santa Ana and Asunción Mita is Lake Güija, which constitutes a binational resource and is also considered a RAMSAR site and one of the main wetlands for El Salvador. It is alarming as this mine will contaminate the Lempa River, the main source of water for all the country.

Since 2018, the TACUSCALCO Movement has revealed the anomalies of the “Acropoli-Sonsonate” urban development project promoted by Fenix S.A. de C.V. (linked to Salazar Romero) in the municipality of Nahulingo that has destroyed a part of the Tacushcalco site, threatening water ecosystems in the Río Ceniza and cultural/environmental rights not only of the population of Nahulingo and Sonsonate, but also of the entire Salvadoran population.

Tacuscalco is one of the most important sites in El Salvador, several archaeological and historical studies demonstrate its relevance as part of the socio-political and cultural circuit of the Los Izalcos region in pre-Columbian times, therefore, it has 3 thousand years of history. Deepen the study and knowledge of it, protect and preserve it means a primary contribution to the strengthening of cultural identity as a country. On the other hand, the indigenous communities of the territory consider Tacuscalco as “sacred site”

Throughout the conflict generated by the urban development project, various irregularities have been generated: The Acropoli Sonsonate project has 3 work stop orders issued by the Ministry of Culture (MICULTURA), 1 suspension order from the Ministry of Environment and Natural Resources (MARN), as well as a court order from the Environmental Court of the department of Santa Ana to stop it He never had cultural or environmental permits.

In this sense, the TACUSCALCO Movement reiterates the call to the Supreme Court to stop impunity in the case of Tacuscalco and the contamination of the Ceniza river; Likewise, the Salvadoran State and the pertinent institutions to take into consideration the need to dignify the Tacuscalco site, through the expropriation of the lands that compose it and the implementation of a project that gives value to said cultural heritage.

### 3.4 HUMANITARIAN CRISIS IN CENTRAL AMERICA: A SOCIAL, POLITICAL AND ENVIRONMENTAL PHENOMENON

The lack of capacity of the Central American countries to protect citizens is a reality. For a long time, there has been a humanitarian crisis that governments have not wanted to admit and, above all, take decisive action. That is, the migratory phenomenon has become a mechanism for people to protect their life, physical integrity, health, freedom, among other rights. Some factors that have most influenced Central American reality are violence, poverty, exclusion, and unemployment, therefore, it generates a situation of instability and expulsion of the Central American population, whose final destination is the United States or other European countries.

Honduras, in 2018, was immersed in a crisis in human mobility; the explosion of the political crisis in Nicaragua triggered the crossing of borders of hundreds of people with protection needs; the majority of this population in transit and an important group requesting asylum and/or temporary residence permit in Honduras. CIPRODEH and CDH, with support from UNHCR, have provided legal and humanitarian assistance to this population.

The migration of the Honduran population has been historical, however, in the past, it was a population that seeks better living conditions, meant for many to live or die; the invisible have become visible.

For the year 2019, the humanitarian crisis caused by the continuous migratory exodus in its worst stage, migrant caravans left Honduras in January, in this second stage the Honduran authorities instructed by the policies of the United States government; they applied a series of restrictions, militarizing the borders with Guatemala and obstructing the passage of the Honduran population expelled by violence and poverty.

Migration policies applied in Mexico and the United States, have caused a massive deportation of compatriots, many with protection needs, some of these citizens resume the migration route regardless of the risks, because they claim that their risks are greater in Honduras. According to the Interinstitutional Commission for the Protection of Persons Displaced by Violence<sup>171</sup>, of which CIPRODEH is a part; documents that 247,089 people have been displaced in Honduras to date; of which 55% were expelled for widespread violence and threats; 40% for murders of people close to the nucleus; 24% due to mobility restriction; 16% for infringed injuries; 13% for extortion; 10% for sexual violence mainly against women and girls and 9% for usurpation and dispossession.

On the other hand, there are multiple cases of internal displacement, orchestrated by state officials, such as victims of political persecution and expropriation of ancestral territories for the implementation of extractive, tourism and energy industries.

In addition, Honduras does not recognize internal displacement due to climate change. For example, CIPRODEH has documented cases of communities in the coastal areas of the country, which have been displaced due to floods, sea level growth, and drought.

The effects of climate change (excessive rains, prolonged droughts, crop and forest pests), are also responsible for the displacement of people and families. In addition to this, the displacement caused by concessions/dispossession of common property and territories by concessionary companies within the framework of the extractivism policy in Honduras.

The main cause of expulsion from the country for 2019, remains the lack of protection of the State of Honduras; The absence of institutionality, corruption, and prevailing impunity does not allow for the formulation, approval, and execution of comprehensive public policies that guarantee the human rights of the population.

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<sup>171</sup> Inter-institutional Commission for the Protection of Persons Displaced by Violence. Source: <http://www.cippd.gob.hn/>

Country	Number	Percentage
<b>El Salvador</b>	1,402,000	39.7
<b>Guatemala</b>	959,000	27.2
<b>Honduras</b>	655,000	18.6
<b>Nicaragua</b>	263,000	7.5
<b>Panama</b>	107,000	3.0
<b>Costa Rica</b>	83,000	2.4
<b>Central America Total<sup>172</sup></b>	<b>3,469,000</b>	<b>100</b>

Table 12: Distribution of Central American immigrants 2017-2018 in the United States.

Source: Own elaboration with data from the Migration Policy Institute.

In relation to Guatemala, thousands of Guatemalans continue to emigrate to the United States. The majority exposed to serious human rights violations. While it is true, Honduras began with the caravans of migrants; but then countries like El Salvador and Guatemala joined. One of the main reasons for Guatemalans is to improve their economic condition. The Government has not been able to guarantee social and economic well-being, much less citizen security for the population.

According to data from the Trac Immigration initiative, which collects information from the United States Immigration courts, from January to June 30, 14 thousand 152 Central American asylum seekers were returned to Mexico, of which, six thousand 125 are Guatemalan, 43.28%. In this sense, most of the nationals were returned after having been heard by three courts, that of El Paso, Texas, two thousand 474; Calexico, one thousand 957, and San Diego, one thousand 657, these two cities of the state of California.

That account is that a large number of Guatemalans remain in Mexican cities bordering the United States, especially in Ciudad Juárez, Chihuahua, adjacent to El Paso, as well as in Mexicali and Tijuana, both in Baja California, which border on El Paso and San Diego, respectively.

In Guatemala, the indigenous population is one of the groups that suffer from displacement, which is caused by evictions of land linked to megaprojects, due to the richness in natural resources of the settlement areas of these groups. In addition to the above, poor families are another social group affected by internal forced displacement due to violence. For Guatemala, the vulnerability of this group is complicated by displacement because they face new conditions that hinder their development.

Climate Change becomes visible through drought, which is considered a phenomenon that affects crops and access to water with equal intensity for communities, heavy rains reflect the greatest impact on crops affecting livelihoods of families. Given this, it is important to state that the countries of Central America, including Guatemala, contribute very little significantly to global greenhouse gas emissions, however they are more vulnerable to the adverse effects of climate variability and change, which they have caused disasters due to landslides, floods and an extended drought that has affected agricultural production and generated food insecurity for the population; impacts on people's health; forced migration by socio-natural disasters; and changes and losses of the country's biodiversity that affect the cultural identity of indigenous peoples.

In Nicaragua, before the socio-political crisis of 2018, it was the second country in Central America with more citizens living abroad, a product of migration due to the lack of opportunities in the country. In the current context, migration has increased, due to the lack of security, persecution, and repression that has led to the forced displacement of 88,000 people from all social strata, 68,000<sup>173</sup> are in Costa Rica. According to UNHCR figures, another 20 thousand have sought refuge in Panama, in several European countries, in Mexico, and in the United States, in that order.

The land borders are militarized. This has forced irregular migration, with greater risks. Land borders have become sites of repression and harassment for Nicaraguans who are identified as opponents of the government, particularly student leaders, peasants, and human rights defenders, who are held for long hours by the immigration authority to interrogate, intimidate and hinder your right to free mobilization.

<sup>172</sup> Central American immigrants in the United States. August 15, 2019. Source: <https://www.migrationpolicy.org/article/inmigrantes-centroamericanos-en-los-estados-unidos>.

<sup>173</sup> Data from the Arias Foundation for Peace and the United Nations Commissioner for Refugees (UNHCR).

UNHCR reported that as of March 2019, 29,500 Nicaraguans had formally filed a request for political asylum in the neighboring country, according to data from the Costa Rican immigration authority. However, given that the reception system is overwhelmed, there are another 26,000 people waiting to formalize their applications, figures that do not include those who have emigrated in search of employment for family survival. A majority without means for a decent life.

Nicaragua is one of the countries that signed the Paris agreement. The impacts of climate change in Nicaragua, as in the rest of the Central American region, are related to temperature changes, anomalies in rainfall patterns, sea-level rise and greater intensity and frequency of extreme events. which can lead to lower agricultural productivity, increase insecurity of water resources, increase exposure to coastal flooding, ecosystem collapse, and greater health risks, thus representing a potential threat to the fight against poverty and inequalities in the country (UNDP, 2010)

Costa Rica is a country that continues to be a destination country. But in recent years there has been a flow of migratory movements through the reception of migrants from Central America, and the emigration of Costa Ricans to countries such as the United States, Europe and Canada. In turn, there have been migratory movements where Costa Rica is considered a transit country. For example, Cuban migrants from Panama to the United States. Another migratory movement was that of several African countries, also from Panama in the direction of the United States, which produced severe effects on Costa Rica's borders with Panama and especially with Nicaragua. The institutions that cared for these migrants detected that "more than 95% of them were Haitians." (Migration Policy Update, 2017, 4).

The number of Nicaraguan migrants continues to increase, as well, from Latin American countries that suffered some type of internal conflicts, such as those from Colombia and Venezuela; At the same time, the number of retired migrants from the United States and European countries has increased.

Panama has become a recipient country of migrants from Cuba, Haiti, Nepal, India, and Bangladesh. In the country, there are 2,000 immigrants in shelters distributed as follows: in Chiriquí 800 and 1,200 in Darién, according to the National Migration Service.

It is clear that recipient countries are impacted in their economy. According to the report of the National Institute of Statistics and Censuses as of January 2017, they reveal that Panama, with only a population of 3,975 404, has a migratory flow of 19%, with Venezuelans occupying the largest portion, followed by Colombians, Ecuadorians and Dominicans mainly.

The total number of foreign residents is 739 982, of which 633 314 become Panamanians, while the rest, 106 668, remains in the status of coming and going.

Panama takes preventive measures and prevention action against the effects of climate change, through schools, hospitals, and various prevention campaigns, especially through the various social institutions, for example, beginning July 20, in 2019, the ban on plastic bags in supermarkets, supermarkets, retail stores, and shops, in general, came into force.

In the case of El Salvador, among children, adolescents and adults flee the country. All of these people agree that they were leaving El Salvador because of violence, gang threats, insecurity and lack of employment opportunities<sup>174</sup>, which are the main triggers for the migration of Salvadoran citizens, which are common problems in some countries of the Central American region.

In terms of insecurity, the Development, Migration and Remittances Program of the Inter-American Dialogue Thought Center said that more people have died during the post-armed conflict period than in the civil war of the 1980s. In that regard, he noted that in 2000, homicides in Central America totaled 9,490, while in 2018 they reached 14,235.<sup>175</sup>

<sup>174</sup> Second group of Salvadoran migrants leaves for the United States. Source: <http://www.eldiariodehoy.com/noticias/nacional/96828/segundo-grupo-de-migrantes-salvadorenos-se-concentra-en-la-plaza-salvador-del-mundo/>

<sup>175</sup> Manuel Orozco, director of the Development, Migration and Remittances program at the Inter-American Dialogue Think Center, based in Washington, confirmed that violence and insecurity are the main triggers for the migration of citizens from the Northern Triangle countries and reiterated that these countries –Honduras, El Salvador and Guatemala– show

Following the repressive anti-migration policy there has been a reduction of Salvadoran compatriots to the United States, but serious human rights violations have been committed. An example of this is arresting at the borders, especially at the southern border between Mexico and the United States. Regarding deportations, the figures indicate that in 2018 the authorities returned 20,000 Salvadorans, 50,000 Guatemalans, and 18,695 Hondurans to their countries.

Guatemala, El Salvador, and Honduras recently signed a safe third country agreement with the United States, which allows the United States to return asylum seekers who pass through other nations on their journey to that country. This is unusual since the countries that form in the Central American North Triangle do not have an installed capacity to offer asylum to people who precisely leave their countries due to the lack of opportunities, violence, among other factors.

With respect to forced displacement, the violence experienced by El Salvador has forced more than 235,700 people to forcefully move during 2018, according to a national survey published by the José Simeón Cañas Central American University (UCA). In addition, he notes that 5.2% of the country's adult population had to change their place of residence to protect themselves from a threat or act of violence in the year just ended. In addition, more than 85,300 displaced people have thought about moving to another country, of which 51.8% have the United States as an alternative, 13.3% in Europe and 8.3%, Canada.

Previous governments did not want to recognize forced displacement, taking as a parameter that children are the most affected. The Monitoring, Forced Displacement in the Northern Triangle of Central America System revealed that 1,946 people from the three countries: Guatemala, El Salvador, and Honduras, left their homes by force, threats, extortion, and homicides committed by gangs, and fear of organized crime.

Currently, civil society organizations point out uncertainty about the new government's attention to victims of displacement. Given this, there is an obvious concern, since the actions to be implemented in the face of this problem are unknown, thousands of Salvadoran families suffer. For example, the Civil Society Bureau against Forced Displacement, conformed by FESPAD, has demanded that the President of the Republic pronounce favorably on the project of comprehensive care for victims of internal forced displacement due to the violence found in the Assembly Legislative. In addition, they have requested that a public policy be created on this issue, according to FESPAD Legal Technician, David Ortiz.

On the other hand, the climatic events perceived in the country are present in the drought, heavy rains, tropical storms, deep sea, among others, have affected access to water and crops. The impacts and effects generated by a phenomenon associated with climate change are so severe that they compromise the immediate and future viability of the country's development (MARN, 2015). Many times, the temperature rise, together with the expected changes in precipitation patterns, have serious implications for water availability, agriculture, food security and other areas essential for the economic development and well-being of the Salvadoran population. The visible impacts of climate change have been particularly strong in the coastal-marine zone and in the eastern region of the country, affecting territories of strategic importance in terms of their wealth as natural capital, vocation, and tourism development potential.

In parallel, in Central America, one of the main agents of damage is monoculture due to soil change and is considered one of the main causes to contribute. There is an environmental degradation that starts from the neoliberal cut that the countries of the region have adopted. For example, the sugar industry pollutes and degrades soils through glyphosate, which is the main agrochemical used in sugar cane. In addition, these sowings overexploit water to irrigate crops, leaving rural communities without water nearby.

For Central American countries, climate change is equivalent to the multiplication of their vulnerabilities. The Central American region located between two oceans and within the area of influence of tectonic plates has always presented a high risk in the occurrence of a natural phenomenon of hydro-meteorological or geological origin - earthquakes, volcanic eruptions, droughts, hurricanes, floods, landslides, etc. But it is not until the last decade, in which there has been an increase in the frequency of geo-climatic phenomenon and associated losses, that Central America is positioned as one of the regions most affected by global climate change.<sup>176</sup>

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common problems, including networks of organized crime, corruption, political crisis due to abuse of authority and slow economic growth.

<sup>176</sup> Progress in the implementation of nationally determined contributions on climate change in the Central American region, November 2017.

## CONCLUSIONS

- In the Central American region, the governments do not generate the conditions to enjoy a dignified life, due to the implementation of welfare public policies that only aggravate human development and bridge the inequality gap. As long as there is social exclusion and high vulnerability to native peoples, women, youth, children, people with disabilities, among others, poverty will continue and, therefore, integral development will not be achieved.
- Central American governments have not promoted policies aimed at sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all people since they have always benefited power groups and marginalizing the vast majority of the population.
- While it is true, some progress has been made in reducing official poverty figures in the region; nevertheless, there are still inequalities and great disparities in access to health services, education, and other productive assets. Due to the implementation of various economic and social policies.
- Industrialization in the region continues to significantly violate the labor rights of the population; Justice systems seem not to be as effective when they try to protect the rights of the working population, through unpaid overtime, subhuman conditions to carry out their work, significant discounts for belonging to unions, salaries that do not allow the satisfaction of workers' rights, regulations that criminalize the defense of the rights of workers, among others.
- Central American countries have not guaranteed the human right to adequate housing. On the contrary, from state institutions and local governments, they favor business groups or industries to appropriate land and resources.
- The extractive, megaproject and monoculture industries in Central America negatively impact primary rights such as the right to water and sanitation, adequate housing, cultural rights, among others.
- There is a lack of coordination between Governments and public entities to formulate coherent public policies for the protection of economic, social and cultural rights, prioritizing the population in vulnerable conditions such as women, children, adolescents, and youth, people with disabilities, migrants, population worker, among others
- The Governments have not had the political will to join efforts to face the historical social lag, which is exacerbated by the growing climatic vulnerability and the cycle of low economic growth that neglects integral development, coupled with the problem of violence and social insecurity, which affect negatively the quality of life of the population.

## RECOMMENDATIONS

- Governments must adopt non-welfare public policies to address the structural causes of migration, which have to do with poverty, gang violence, citizen insecurity and lack of educational and economic opportunities.
- The Central American Integration System should promote measures aimed at protecting natural resources, such as promoting a regional or bilateral treaty aimed at the protection of water threatened by cross-border mining.
- Governments are urged to make more comprehensive decisions regarding the economy from a human rights approach and to stop benefiting economic groups. Similarly, to distribute the wealth produced in an equitable manner, increasing wages, generating more decent jobs, collecting more taxes of a progressive nature, making public spending efficient and directing more budget to those State portfolios such as health, education, housing, among others that are oriented to satisfy economic, social and cultural rights.
- Governments are urged to carry out a comprehensive review of the minimum wage that meets the needs of the working population and their families. Similarly, to reduce inequality gaps between working men and women. In conclusion, in order to reduce poverty, inequality, and unemployment, the quality of education must be improved, the drop-out in primary and secondary schools must be reduced and more students can obtain high school. Improve technical training and technical training in the dual-modality. It is necessary that poverty is seen in a comprehensive manner and that it should consider aspects such as education, values, employment, scholarships and the feeding of children from poor households, strengthening the agricultural sector that requires less skilled labor. In addition, coverage for all Costa Ricans for health services, as well as having a progressive tax system, and improving the road infrastructure of rural areas.
- It is important that the Central American countries, through the ratification of conventions that integrate the primary legal framework for the protection of the rights of migrant populations, contribute as a guide to state action and form part of an explicit and comprehensive regional migration policy that gives coherence and concatenate the different regulations and actions of the Governments in the matter.
- That the various sectors of organized civil society, activists and academia deepen their role of comptroller before the extractive model in Central America, which will contribute to denounce and demand respect for organizational structures and the different manifestations of ancestral culture and spirituality of the peoples, environmental rights and human rights in general.
- An urgent call is made to the Central American countries to accelerate and expand measures aimed at strengthening resilience and the capacity to adapt to extreme climate variability and conditions.

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**CENIDH**  
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COMISION NACIONAL DE DERECHOS HUMANOS EN PANAMA

Con el apoyo de:



FEDERACIÓN LUTERANA MUNDIAL  
miembro de *acti*alianza



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