

## **Statement of Adriana Beltran**

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### **“Human Rights and Humanitarian Challenges in Central America”**

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Good afternoon, Co-Chairman McGovern, Co-Chairman Hultgren and distinguished members of the Commission. On behalf of the Washington Office on Latin America, or WOLA, I would like to thank you for the opportunity to discuss the impact of organized crime, gang violence and corruption on human rights in Central America.

As you know, the governments of Central America face serious problems of insecurity, violence, impunity and corruption, problems they have so far been unable to tackle effectively. As we witnessed with the surge of unaccompanied minors arriving at the southern border, these issues have had the greatest impact on those living in Central America’s Northern Triangle -- El Salvador, Honduras, and Guatemala.

Despite important reductions in overall homicide levels, El Salvador, Honduras and Guatemala, continue to rank among the most violent countries in the hemisphere and the world. In 2015, El Salvador’s murder rate increased dramatically, reaching a level of violence not seen since the end of the country’s civil war.<sup>1</sup> The 70 percent increase in the homicide rate that took place in 2014 followed the unraveling of a truce between rival gangs and a subsequent aggressive, heavy-handed crackdown by security forces. In the crackdown there were signs of a disturbing pattern of social cleansing and abuses at the hands of the police and security forces that continues today. Over the course of 2016, the National Civilian Police register counted 81.2 homicides per 100,000 people or 5,728 murders by the end of the year making it the second most violent of the past 12 years. While the rate dropped early in 2017, just this past month, El Salvador witnessed an abrupt increase in homicides that averaged 14 murders per day.<sup>2</sup>

In neighboring Guatemala and Honduras, homicide levels have decreased overall, yet the reported rates of 59 and 27.3 per 100,000 respectively in 2016 were still high enough to rank them third and fifth most violent in the Latin America and Caribbean region.<sup>3</sup> To put these figures in perspective, the United States had a homicide rate of 4.8 per 100,000 people that

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<sup>1</sup> Voice of America. “El Salvador Homicides Jump 70% in 2015” <https://www.voanews.com/a/el-salvador-homicides-jump-seventy-percent-twenty-fifteen/3124029.html>

<sup>2</sup> Insight Crime, “Violence in El Salvador Rise Despite Extraordinary Anti-gang Measures” <http://www.insightcrime.org/news-analysis/violence-el-salvador-rise-despite-extraordinary-anti-gang-measures>

<sup>3</sup> Insight Crime, InSight Crime's 2016 Homicide Round-up, January 2017

same year. Mexico, a country that is also struggling to deal with drug trafficking and insecurity, registered 16.2 homicides per capita during 2016.

Much of the violence can be attributed to organized crime and gang activity. In the early 2000s, Central America became one of the main transit routes for illicit drugs and other illegal goods coming from South to North America. Local “transportistas” - drug-smuggling operations working essentially as contractors for transnational cartels - contribute to violence in rural areas, particularly in border areas, and in large part contributed to the rise in corruption and corrosion of the justice and security systems.

Drugs are not the only thing that move across the region with ease. Central America has become an origin, transit, and destination region for transnational human trafficking. In Guatemala, according to reports, at least 15,000 children are the victims of child sex trafficking per year.<sup>4</sup>

Violence and insecurity are also a consequence of the proliferation of local street gangs or *maras*. While many well-to-do neighborhoods remain safe, in poorer communities, street gangs, such as MS-13 (*Mara Salvatrucha*), 18th Street (*Barrio 18*) and other smaller groups, enforce curfews, control entry into their neighborhoods, corrupt or co-opt local police, and impose their own rules. Although a 2012 report by the U.N. estimated that there were approximately 54,000 gang members<sup>5</sup> in the Northern Triangle, the former Salvadoran minister of justice and security estimated that in 2015 there were 60,000 gang member in El Salvador alone. These gangs which frequently engage in violent turf battles also rely on the extortion of local businesses, bus drivers, and residents, as well as “express kidnappings” in order to support themselves. A 2015 report estimated that Salvadorans pay around \$400 million a year in extortion fees, while Hondurans pay around \$200 million and Guatemalans an estimated \$61 million.<sup>6</sup> Too often failure to pay can result in harassment, violence, or death.

Recruitment practices by gangs regularly apply forceful and threatening practices. They target young boys and girls, forcing them to drop out of school or relocate.<sup>7</sup> In Guatemala, one out of three parents reported to having to keep their children at home from school for fear of crime.<sup>8</sup> In

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<sup>4</sup> U.N. Office on Drugs and Crime (UNODC). “Trafficking of women and girls within Central America.” [https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA\\_CACaribb\\_trafficking\\_womengirls\\_within\\_CAmerica.pdf](https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA_CACaribb_trafficking_womengirls_within_CAmerica.pdf)

<sup>5</sup> U.N. Office on Drugs and Crime (UNODC), Transnational Organized Crime in Central America and the Caribbean: a Threat Assessment, September 2012

<sup>6</sup> La Prensa. “Imperios de la Extorsion estan en Honduras y El Salvador.” July, 2015. <http://www.laprensa.hn/honduras/854572-410/imperios-de-la-extorsi%C3%B3n-est%C3%A1n-en-honduras-y-el-salvador>

<sup>7</sup> Slate and Global Migration Project at Columbia University's Graduate School of Journalism. “They Said We Would Pay With Our Lives.” August, 2016. [http://www.slate.com/articles/news\\_and\\_politics/gender\\_and\\_migration/2016/08/as\\_central\\_american\\_gangs\\_target\\_younger\\_kids\\_more\\_minors\\_are\\_fleeing\\_to.html](http://www.slate.com/articles/news_and_politics/gender_and_migration/2016/08/as_central_american_gangs_target_younger_kids_more_minors_are_fleeing_to.html)

<sup>8</sup> LAPOP, Inter-American Dialogue Report. Beneath the Violence: How Insecurity Shapes Daily Life and Emigration in Central America. October 2017.

Honduras 68% of parents reported that they prohibited their children from playing on the street for fear of their safety.<sup>9</sup>

High levels of corruption and weakness of state institutions are critical factors in explaining the epidemic levels of violence and insecurity in the countries of the Northern Triangle. Corruption permeates nearly all government institutions throughout the region. Last year, El Salvador, Guatemala and Honduras ranked 95, 136, and 123 respectively, out of 166 countries according to Transparency International's 2016 Corruption Perception Index.<sup>10</sup> This corruption has allowed criminal networks to thrive and co-opt state institutions, while depleting public trust in institutions. This corruption has also exacted tremendous economic costs. It has jeopardized the ability of governments in the Northern Triangle to provide adequate health, educational and welfare services, which are basic benefits essential for the protection of human rights.

A recent study conducted by the Central American Institute on Budget Studies (ICEFI) found that total losses from emblematic corruption cases analyzed in Honduras were equivalent to 70% of the 2015 budget for the Department of Health and 35% of the 2015 budget for the Department of Education.<sup>11</sup> The same study found that in El Salvador the total losses from corruption in 2015 would have been able to fund approximately 1.2 million boys and girls with school lunch and health services. The study found that in Guatemala in 2015 roughly 20% of the government budget was not used for its intended purpose due to corruption.<sup>12</sup>

Effective law enforcement is vital to the protection and well-being of communities. Unfortunately, corruption and neglect has resulted in woefully weak and ineffective criminal justice institutions. In all three countries, citizens do not feel that the police will protect them and often fear the authorities as much as criminals. In Honduras, 83 percent of the population believes the police are corrupt, according to a 2016 survey conducted by the Violence Observatory at the National Autonomous University of Honduras. Similarly, in El Salvador, the Latinobarometro Corporation's 2016 survey found that 36 percent of people said violence carried out by the state was most harmful to the country.<sup>13</sup> More often than not, both internal and external oversight mechanisms fail to hold security forces accountable for corruption or abuses. The weakness of the police forces has been exacerbated by the lack of adequate resources, poor leadership and adequate training necessary to carry out investigations.

Among the Northern Triangle countries as a whole, the statistics on prosecutions are appalling. Impunity rates for homicides among the three countries hover above 95 percent.<sup>14</sup> This means

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<sup>9</sup> Beneath the Violence Report.

<sup>10</sup> Transparency International, "Corruption Perceptions Index 2016," January 25, 2017, [https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](https://www.transparency.org/news/feature/corruption_perceptions_index_2016).

<sup>11</sup> Instituto Centroamericano de Estudios Fiscales (ICEFI). "CORRUPTION: Its Paths and Impact on Society and an Agenda for Combat It in the Northern Triangle of Central America." September 2017.

<sup>12</sup> ICEFI 2017 Report.

<sup>13</sup> Corporación Latinobarómetro, "Informe Latinobarómetro 2016," September 2016, <http://www.latinobarometro.org/latNewsShow.jsp>.

<sup>14</sup> La Prensa Grafica. "Impunidad en el Triángulo Norte." <http://mediacenter.laprensagrafica.com/infografias/i/impunidad-en-el-triangulo-norte>

that 19 out of every 20 murders remain unsolved, and the likelihood of being caught, prosecuted or convicted for murder are practically nil. In Guatemala, which has seen the most progress in bolstering the investigative capacity of its local institutions, only 5 percent of homicide cases received by the Attorney General's Office in 2016 resulted in a guilty verdict.

Despite the efforts of the attorneys general to tackle corruption and improve the capabilities of their institutions, these offices remain understaffed, susceptible to outside pressure, and absent in many areas of the countries. In Guatemala, for example, only 10 percent of municipalities have prosecutor's offices, leaving many border regions and areas with high incidences of crime defenseless.<sup>15</sup> The lack of personnel has contributed to a huge backlog of cases. By some estimates, at current levels, it would take prosecutors until 2021 to clear the backlog of homicides reported from 2008 to 2015.

The court systems also suffer under similar circumstances. Too often in Central America, judges can be bought, influenced, or manipulated by political figures, business elites, and others who stand to lose or gain profit or power from their decisions. Not only does this allow criminal networks to operate unencumbered, it also widens the gap between rich and poor by reserving justice only for those who can buy it. This has decimated public trust in the system—the Supreme Court in El Salvador for instance is trusted by just eight percent of the population, according to a survey from the Institute of Public Opinion at the José Simeón Cañas Central American University in San Salvador.<sup>16</sup>

Given this context, it is not surprising that children and families consider fleeing their communities in search of safety and protection. They feel, often justifiably, they have nowhere to turn for security.

As Guatemala, Honduras and El Salvador wrestle with problems of violence and corruption, efforts to strengthen the rule of law and reduce insecurity face a series of complicated challenges. Nonetheless, the situation is not hopeless. Across the region, actors within civil society, some reform-minded government officials such as the attorney generals, and innovative internationally-backed institutions formed to tackle corruption and impunity are trying to pave a path toward reforms. Yet, without the strong commitment by Central American governments to address corruption and strengthen the rule of law these efforts will be limited in scope and duration.

In Guatemala, the UN-backed International Commission against Impunity in Guatemala (CICIG), created in 2006 at the request of the Guatemalan government, has unearthed criminal networks that have leveraged their links to government to embezzle public funds. Its

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<sup>15</sup> Presentation by the Guatemalan Attorney General's Office (Ministerio Público de Guatemala), February 2016

<sup>16</sup> Instituto Universitario de Opinión Pública-Universidad Centroamericana José Simeón Cañas, "Los salvadoreños evalúan la situación del país a finales de 2016," Boletín de prensa año XXXI, no.1, <http://www.uca.edu.sv/iudop/wpcontent/uploads/Bolet%C3%ADn-Evaluaci%C3%B3n-A%C3%B1o-2016-10-01-2017.pdf>.

investigations have resulted in the indictment of the former president and vice president, as well as the prosecution of several ministers, legislators, retired generals, police officers, and drug traffickers. In addition to these cases, the Commission has helped bolster the investigative capacity of the Attorney General's Office and police. It has promoted the adoption of legal reforms and the use of modern techniques and tools to tackle complex cases. A somewhat similar (though less powerful) body was established by the Organization of American States in Honduras last year. The Mechanism to Support the Fight against Corruption and Impunity in Honduras (MACCIH) has started investigating several high-profile cases, including a multi-million dollar embezzlement scandal within the country's social security system. It has promoted the adoption of needed legal reforms, and played an important role in creating anti-corruption tribunals with national jurisdiction.

Their efforts, however, have not been without pushback from certain elements within and outside of government who want to undermine the anti-corruption agenda. In Guatemala, the CICIG and its leadership, and the Attorney General have been the target of smear campaigns. In August, President Morales sought to weaken the CICIG by declaring the Commissioner *persona non grata* and ordering his immediate expulsion from the country. The move came shortly after the Commission and Attorney General requested that the president's immunity be lifted so he could be investigated for illicit campaign financing. Although the Constitutional Court suspended the order to expel the commissioner, the government has announced that it will seek to redefine the CICIG's mandate. There is fear that the legislature will try again to introduce proposals to weaken anti-corruption efforts.

There have been positive steps taken to improve the Public Prosecutor Offices and police forces. In Guatemala, improvements in prosecutorial and police investigative capacity and collaboration with justice officials has led to a decline in the national homicide rate since 2010.<sup>17</sup> The downward trend in homicides is illustrative of what effective leadership and proper training can achieve. Nonetheless, continued improvement will require adequate resources and implementation of pending institutional reforms. In the case of Honduras, a special commission to clean up the civilian police force was created in April 2016 following media reports of high-level police involvement and cover-up in the assassination of the anti-drug czar in 2009 and his advisor in 2011. To date, 4,445 police officers have been removed for reasons of restructuring, voluntary withdrawal, and for alleged involvement in corruption or criminal acts.<sup>18</sup> Still, the state has been slow to investigate and prosecute officers involved in abuses and criminal wrongdoing. Greater attention is needed to create a reliable, professional and accountable civilian police force.

In closing, it is important to note that responding to the endemic violence, widespread corruption, and poor governance which is driving migration from the region, cannot be solved

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<sup>17</sup> World Bank, "Intentional homicides (per 100,000 people)," accessed May 22, 2017, <http://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5?locations=ZJ>.

<sup>18</sup> LaTribuna, "OEA y BID resaltan labor de la Comisión de Depuración" <http://www.latribuna.hn/2017/10/31/oea-bid-resaltan-labor-la-comision-depuracion/>

overnight. It requires a long-term commitment, first by the Central American governments themselves and also by the U.S. and other bilateral and multilateral donors. Given these weaknesses and the long-term nature of the challenges, it is not realistic to imagine that large numbers of those who have fled the region can be safely returned and reintegrated. Corruption and institutional weakness are enormous obstacles obstructing human rights and progress on reducing violence and insecurity in El Salvador, Guatemala and Honduras. It is vital that the conditions on U.S. assistance - which require the countries to investigate and prosecute government officials credibly alleged to be corrupt, implement reforms and policies to improve transparency and strengthen public institutions and tackle criminal gangs, drug traffickers, and organized crime - receive strong support from Congress and are met by regional governments.

Thank you. I look forward to your questions.