Thank you to the co-chairs of the Tom Lantos Human Rights Commission, Representative James McGovern and Representative Randy Hultgren, as well as the members of the commission for the opportunity to testify on these important issues. I will focus my remarks on public security and human rights challenges facing Honduras and El Salvador.*

Honduras and El Salvador remain two of the most dangerous countries on earth not at war. El Salvador led the world in homicides per capita in 2015 and 2016, wresting the infamous title from Honduras, which held it the previous year. In Honduras and El Salvador, youth are under assault: as victims of gangs; as gang members killed in gang violence; as victims of organized crime. They are also victims of state violence. Of the top countries in the world with the highest child homicide rates, in 2015, the last year available, all are in Latin America, and Honduras is number one, El Salvador number 3.¹

Many Salvadorans’ lives are affected every day by the brutal impact of gang control of neighborhoods. Teenagers and children are forcibly recruited by gangs. Gangs levy extortion taxes that affect everyone from tortilla sellers to restaurant owners; people are threatened or killed for being unable to pay. Young women and girls are affected by sexual violence. Youth are killed in gang warfare and by state security forces. Many Salvadorans have to leave their homes due to violence, are internally displaced, and then may have to flee the country.

This picture is also largely true of Honduras, although in Honduras, organized crime, a different phenomenon, is also major contributor to violence.

Tough public security strategies may have reduced homicides in the last couple of years in both countries but the rates are still stratospheric, the gains may be temporary, and the public security strategies each country is pursuing come with high human rights costs. These strategies are failing to protect many citizens, including children, teenagers, young adults, journalists, human rights activists, indigenous people, women, and members of the LGBTI community.

Public Security and Human Rights in Honduras

The homicide rate in Honduras is the still-stratospheric figure of 59.1 homicides per 100,000 inhabitants in 2016, similar to 2015, after a substantial drop from a high of 93.21 in 2011 to 63.75 in 2015. But the increasing militarization of public security, persistent and serious abuses by police and Military Police, and pervasive allegations of involvement of public officials in organized crime and drug trafficking reveal more disturbing trends.

The Honduran government contends the drop in homicides shows the success of its public security strategy. Many civil society organizations and journalists are skeptical of recent violence statistics, pointing out that the government has restricted access to crime data and questioning whether the statistics published by the government and the Violence Observatory at the Autonomous University of Honduras (UNAH) are capturing the full picture. They also note that violence in some areas of the country, including San Pedro Sula and Tegucigalpa, remains far higher than the national average. San Pedro Sula was the third most dangerous city in the world in 2016, trailing only San Salvador and Acapulco.

Violence in Honduras is sometimes depicted as largely a product of gangs, but gangs are only one part of the picture. Organized crime, a very different phenomenon, is a major contributor to violence. Violence by state agents harshly affects certain sectors, including human rights defenders, communities protesting economic projects, journalists, and LGBTI Hondurans.

Police Reform: A Step, but Far to Go

A police reform initiative, launched after police were implicated in the 2009 assassination of Honduras’s drug czar and, two years later, his advisor Alfredo Landaverde, has resulted in several thousand personnel, including officials, being purged from the National Police force. A reformed police law and a new police career law were approved and recruitment and training of new police has accelerated, according to the official Police Purge and Reform Commission. This marks a more serious effort than previous failed police reform attempts.

Yet few of these dismissed police have been brought to justice. Lack of punishment undermines disincentives for corruption and abuse in the police, and dismissed police may join private security forces or organized crime. The United Nations High Commissioner for Human Rights office in Honduras (OHCHR-Honduras) points out that the overwhelming majority were dismissed on grounds of “internal restructuring” or “voluntary resignation,” while by the end of 2016 the files of just 15 separated officers were referred to the Office of the Attorney General for investigation. According to the United Nations, “Until these cases have been dealt with by the judicial system, the purge will not be seen to have addressed the demand that the police be held accountable vis-à-vis allegations of pervasive corruption and criminal activities.”

The government has set a goal of expanding the civilian police, nearly doubling to 26,000 members by 2022. Adequately vetting and training these numbers of new police recruits will be a challenge.
Militarized Policing

Meanwhile, the Honduran government has relied upon a policy of deploying military to police streets, neighborhoods, and even schools in areas of high violence. These Military Police battalions are composed of soldiers who have received three months of police training. The Honduran government has promised U.S. and other international donors that this is a temporary strategy that will be phased out when homicide rates have declined and the civilian police have been strengthened.

Yet the Honduran government continues to expand, not withdraw, the role of the military in internal policing. President Hernández tried, but failed, to obtain a constitutional reform that would have made the Military Police a permanent institution. In July 2017, two additional new battalions of 500 troops each were deployed in Tegucigalpa and San Pedro Sula, bringing the total number of Military Police to at least 5,000 troops. Since 2013, according to the Honduran government, they have conducted 51,000 patrols, registered 165,000 people, and carried out 32,000 inspections of vehicles.

Military Police have been involved in a number of serious abuses, including extrajudicial executions, excessive use of force, torture, robbery, and rape. Military Police methods fail to address impunity or protect communities: they lack the training for careful investigations, and the methods of patrolling, conducting sweeps and then withdrawing from communities can result in gang members conducting reprisals and stepping up recruitment in those areas, or spreading to outlying areas.

Repression of Protests

A pervasive problem in Honduras is repression of protests and the use of public security forces as enforcers for often corrupt private interests. Use of tear gas, beating protestors, and attacking or harassing journalists covering protests are regular tactics. While attacks against human rights defenders are rarely investigated, protestors, like the students at the Autonomous University of Honduras, are often brought up on charges.

State security forces are used as enforcers for mining, dam, palm plantations and other economic projects that face community protests. This has been amply documented in the case of the assassination of indigenous leader Berta Cáceres. Honduran prosecutors have charged former and current military members and employees of the DESA dam company with Cáceres’s murder. But, according to an independent group of experts, GAIPE, which released its extensively researched report in November 2017, the investigation has failed to reach the intellectual authors.

Tightening the Grip on Protest, Loosening the Grip on Corruption

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

In April 2017, another disturbing revision to the Penal Code, article 335, was passed allowing judges to give 4- to 8-year prison terms to journalists or others whose statements are seen as “apologies for terrorism.” (The provision states that “anyone who publicly or through the media or other means of communicating to the public makes an apology, elevates or excuses the crime of terrorism or of those who have participated in carrying it out, inciting others to commit terrorism or financing it, will be punished with four to eight years in prison.”) In practice, this could mean that journalists who covered an unruly protest or reported on government security forces beating protestors, or human rights defenders who issued a statement in support of a rally or condemning repression of protests, could end up in jail. Overly broad provisions regarding slander (crimes against “honor”) impede journalists from running exposés of corrupt officials and businesses. Pro-government reporting is encouraged in a number of ways, including by allowing media to pay taxes owed by running government ads and finding bureaucratic reasons to hold up license renewals for opposition media.¹⁰

Meanwhile, penalties for crimes of corruption (“malversación por apropiación, uso y administración desleal del patrimonio público” and other similar crimes) were reduced in the new Penal Code. The proposal to reduce the penalties was offered by a member of President Juan Orlando Hernández’s Nationalist Party.¹¹ These reduced penalties could benefit, among others, government officials implicated in sacking over $300 million from the Honduran national health care system and channeling $3 million into the Nationalist Party campaign funds, crimes that are still largely unpunished. The National Anti-Corruption Council termed the actions to reduce penalties for corruption “a chronicle of impunity foretold.”¹² Juan Jiménez Mayor, head of the OAS’s anti-corruption agency in Honduras, MACCIH, called the move “a bad signal for the country.”¹³

**Human Rights Defenders and Journalists at Risk**

Honduras remains one of the most dangerous countries in the world for human rights defenders and journalists. The risks for human rights defenders and journalists increased dramatically since the 2009 coup. According to Global Witness, Honduras is the most dangerous country in the world per capita for land and environmental defenders, with 123 of these defenders killed since 2009. At least 17 beneficiaries of “precautionary measures” issued by the Inter-American Commission on Human Rights were killed in Honduras between 2001 and mid-2016, starkly illustrating the government’s failure to protect them.¹⁴ The International Trade Union Confederation 2017 index gives Honduras its lowest rating: “no guarantee of rights.” Anti-corruption activists are among those forced into exile.¹⁵ At least 23 journalists were killed since January 2014.

A mechanism to protect human rights defenders, journalists, and justice operators is beginning to be implemented in Honduras, which is a step forward. However, the mechanism covered only 104 people as of August 2017;¹⁶ beneficiaries complain that police patrolling is erratic and some beneficiaries receive little more than courses in self-protection. To make matters worse, public
officials place human rights defenders in danger by publicly attacking their work and failing to react when they are killed or threatened.17


The current administration, led by the FMLN’s Sánchez Cerén, developed a balanced plan for addressing terrifying levels of violence: Plan El Salvador Seguro. The plan, drafted by a National Citizen Security and Peaceful Coexistence Council that includes national and municipal government, churches, private sector representatives, and violence prevention experts, features prevention and rehabilitation, victims’ services, and generation of employment, as well as law enforcement. The government is rolling out the plan more intensively in 50 targeted municipalities with high levels of violence. This includes ramped up police presence, police sweeps and joint military-police patrols. Then, national and municipal governments are supposed to expand social programs including violence prevention and services for victims. The United States, United Nations Development Programme and other international donors provide important support for these efforts. And there is some success; in the first ten targeted municipalities, according to one international donor, as of July 2017, homicide rates were down in all but one.

In practice, however, it is once again the mano dura policies that are most evident. The reaction to the breakdown of the gang truce and the subsequent spike in homicides in 2015 led to a doubling down on hardline strategies. Pressure from the ARENA opposition party and vehement public opinion in favor of the hardline approach given the gangs’ grim chokehold on neighborhoods make it difficult for the Cerén Administration to adhere to a more balanced strategy. Inadequate budget and attention is given to victims, as well as to prevention and rehabilitation.18 Most concerning of all, extrajudicial executions and other abuses by Salvador’s public security forces, especially the police, are escalating.

Extrajudicial Executions

Extrajudicial executions of suspected gang members by Salvadoran police or army members as well as vigilante squads are a deeply troubling development in El Salvador today.

Online magazines El Faro and Revista Factum have documented supposed shootouts between police and alleged gang members in which all gang members are killed and police emerge unscathed.19 The Rufina Amaya Human Rights Observatory of the Pasionista Social Service asserted that in 2016, as a result of reported armed confrontations between gangs and police, 96 percent of those killed were alleged gang members while 1 percent were police, .3 percent were soldiers and 3 percent were civilians.20 The Pasionista Social Service also notes that the great majority of those killed in these supposed shootouts are adolescents or young adults.

Examining reports of those killed during these supposed shootouts, the U.S. State Department noted, “The mortality rate of suspected gang members in confrontations with police during the first six months of the year was 109 percent higher (i.e., more than double) than the 2015 mortality rate, which was itself 41 percent higher than in 2014.”21 A commissioner of the Inter-American Human Rights Commission, James Cavallaro, notes that he has studied such shootouts in other countries and found that armed confrontations between criminals and better-equipped and
trained police can result in two to three times more deaths of criminals than police, but not the enormous gap you see in El Salvador.22

Revista Factum in August 2017 published an exposé of a group of policemen, claiming to document at least three extrajudicial executions, two sexual abuses of minors, robberies and extortion. The article also revealed a chat room where some 40 police exchanged information about illegal arms sales, torture of gang members and cover-ups.23 After the exposé, Revista Factum received numerous threats. Rather than protect the journalists, head of the National Academy of Public Security Jaime Martinez verbally attacked them: “There are journalists who are lending themselves to the gangs’ purposes by presenting themselves as victims.”24

It is difficult to get an accurate picture of the extent of these cases. According to the State Department’s 2016 human rights report, “As of October [2016] the attorney general was investigating 53 possible cases of extrajudicial killings. One took place in 2013, none in 2014, 11 in 2015, and 41 in 2016.”25 The Ombudsman’s office reports 69 cases involving 114 victims of alleged extrajudicial executions between 2014 and 2016, the majority by police.26

The Ombudsman’s office has played a vital role in collecting the complaints and working through government channels and via public pronouncements to urge effective investigations and other policies to rein in extrajudicial executions and other abuses. But its mandate limits its ability to stop the abuses.

The Attorney General’s office has launched some investigations. For example, it ordered the arrest of five police officers and five civilians for eight homicides in San Miguel as part of an alleged extermination squad.27 The Attorney General’s Office also announced the formation of a Special Group against Impunity, dedicated to investigating this type of crime.

Human rights organizations caution, however, that although there have been some advances in investigating a few cases, the Attorney General’s office has focused primarily on prosecuting the most high-profile cases and those in which bystanders, rather than alleged gang members, have been murdered. And even one of the most high-profile and well-documented cases was not successfully prosecuted.

In July 2016 the Attorney General ordered the arrest of seven police officers on charges related to the supposed shootout at the San Blas farm, documented persistently by El Faro, in which seven alleged gang members were killed as well as one bystander, a worker at the farm.28 But the Attorney General’s office only prosecuted the murder of the bystander, not of the seven alleged gang members. According to El Faro, the Attorney General’s office failed to present to the judge many of the circumstances surrounding the event, despite the fact that they had been carefully documented by El Faro and the Ombudsman’s office. The judge determined that the bystander, Dennis, was indeed not a gang member, and that he had been the victim of an extrajudicial execution. But because the judge could not determine which of the police officers fired the shot, all of the officers were let off, and no one was convicted.29 Had the Attorney General’s office chosen to prosecute all of the killings, convictions might have been easier to obtain.

In the last couple of years, the U.S. State Department’s human rights bureau and the U.S. Embassy have recognized extrajudicial executions as a serious issue in El Salvador and have urged the Salvadoran government to take steps to address these abuses. The State Department should press vigorously for progress and ensure all U.S. government entities do the same.
Other public security force abuses. Intimidation, cruel, inhumane or degrading treatment, arbitrary detention and violations of due process are some of the most recurrent complaints lodged against the police in the Ombudsman’s office. Another disturbing issue is how teenage boys and young men from poor neighborhoods who may be innocent of gang involvement get targeted by police action. Human rights and humanitarian organizations report that young people are often harassed, beaten, and detained without credible evidence of crimes committed.

In addition, the military role in public security is growing in El Salvador, with the number of soldiers involved in joint police-military operations doubling from 5,515 in 2009 to more than 13,000 in 2017.30 The military are supposed to surround the perimeter while police do the door-to-door operations. Denunciations of abuses by the armed forces are far lower than for the police, but may be on the increase. The Salvadoran government has a plan to withdraw military from policing, but it lacks details and attention to how the police will scale up and improve their operations.

Official denial of state policy. Salvadoran public security officials vehemently deny that there is a state policy that has promoted these extrajudicial executions and other abuses.31 However, extrajudicial executions have escalated so much in a short period of time that it seems likely state policies have permitted and indeed even encouraged them. These abuses are tolerated and rarely punished. Poor internal controls within the police fail to catch abuses before they escalate. These gross violations of human rights are incentivized at least in an informal way: By societal and media pressure to rein in the gangs at any cost; by high-level government officials who encourage quick and forceful results against the gangs without emphasizing respect for rights;32 and by failure of police internal controls and judicial authorities to effectively discipline, dismiss, and prosecute many public security member who commit these abuses. Finally, inadequate pay, grueling hours, the enormous strain of the dangerous job they carry out, and lack of psychosocial support for police play a role in paving the way for abuses.

Journalists and human rights groups who report on these abuses also face being labeled as supporters of gangs and terrorism. Some independent media receive extensive death threats for their reporting on organized crime, gang violence, and official abuses. The government fails to protect journalists documenting abuses, including by the simplest measure of speaking out in defense of press freedom when journalists are threatened.33

Cracking Down in Prison: Extraordinary Measures

In April 2016, the Salvadoran Congress passed “extraordinary measures” intended to crack down on jailed criminals who were conducting illicit activities from prison. The measures curtail activities by prisoners outside their cells, end visits to prisoners and make prisoners’ court appearances virtual. While the intent was understandable and may have contributed to a drop in homicides, the measures also have had disturbing impacts. According to the Human Rights Ombudsman’s Office, the measures were applied broadly to some one-third of the prison population rather than to a select group of problematic prisoners. They have ended access of many prisoners to rehabilitation programs; limited prisoners’ access to lawyers; had an impact on health, resulting in a rise in tuberculosis and mental health issues; and curtailed the access of judges to oversee treatment of prisoners. Forty-seven prisoners died in prison in 2016. Prison rehabilitation programs “were never good, and now they are worse,” according to one government official.34 Women’s advocates note more positively that the measures have reduced a practice of
gangs forcing women to visit jailed members for supposed “conjugal” visits. However, in the long term, jailed gang members completing their sentences will be returning to communities without rehabilitation.  

Rehabilitation  
While rehabilitation is included in Plan El Salvador Seguro, in practice it has been given short shrift, and the extraordinary measures have limited it further. Rehabilitation programs are difficult to implement, but are an essential component of addressing El Salvador’s violence. A Florida International University study that conducted interviews of 1200 Salvadoran gang members revealed that at some point almost every gang member thought of leaving the gang, but confronted many risks and practical obstacles to starting a new life. Evangelical programs have had some success in rehabilitating gang members, offering a value system and structure to replace the structure of the gangs. Studies suggest the importance of focusing strategies at the community level, not only on individuals.

Rehabilitation of ex-gang members by Salvadoran and well as U.S.-based humanitarian organizations is constrained not only by resources but by legal restrictions. In El Salvador, anti-terrorism legislation scares many organizations away from offering services. U.S. Treasury regulations labeling Salvadoran gangs as terrorist prevent U.S.-based humanitarian agencies from providing these programs. According to one humanitarian worker, “There is such a strong societal push against helping with rehabilitation. You need a wide swath of Salvadoran civil society working on rehabilitation not only because of the scope of the problem but in order to give political backing to the very idea of trying to rehabilitate former gang members.”

Policy Recommendations  
U.S. policy can help or further aggravate this toxic mix of violence and human rights abuses in Honduras and El Salvador. Below, just a few key recommendations of how U.S. policy can contribute to solutions.

1. **The State Department and Congress should work to enforce the smart human rights and anti-corruption conditions in the State, Foreign Operations law, and use them as leverage for human rights improvements and progress in combatting corruption.**

2. **Congress, the State Department, and other relevant U.S. government agencies should reiterate one clear message to the Honduran and Salvadoran governments: public security must respect rights.** Regarding Honduras, rights-respecting public security would include: an end to violent repression of protests; bringing to justice the material and intellectual authors in cases like the assassination of Berta Cáceres; police reform that includes not just purging abusive members, but also investigating and prosecuting grave violations of human rights; and a phasing out of the military role in policing. For El Salvador, rights-respecting public security includes investigation and prosecution of security forces alleged to have committed extrajudicial executions and clear messages from top-level Salvadoran government and police officials that good policing starts with respect for human rights.
3. U.S. assistance should address the roots of violence and forced migration, such as promoting community violence prevention programs and sustainable development projects designed with local communities. U.S. aid and policy must emphasize as well rehabilitation for former gang members seeking a new life and legal restrictions should not impede rehabilitation programs by humanitarian agencies.

4. U.S. diplomacy should emphasize, as a central element, respect for human rights defenders, of all descriptions, including indigenous and Afro-descendant leaders, environmental activists, LGBTI and women activists, journalists, student leaders, and union members. This is especially urgent in Honduras today where the state not only fails to protect human rights defenders but state agents are a major perpetrator of attacks against defenders.

5. Finally, U.S. immigration policy must not undermine avenues to progress in El Salvador and Honduras, especially progress in reducing violence and poverty and addressing the roots of migration. Ending Temporary Protected Status for some 250,000 Salvadorans and Hondurans in the United States, ending protections for Dreamers, ramping up deportations, and cutting off access to asylum for refugees fleeing violence will just escalate the violence as returned migrants and refugees will have few alternatives. Diminished remittances from families in the United States will harm families and communities in the Northern Triangle. Such harsh and counterproductive changes in immigration policies will be one more factor trapping the countries in an endless cycle of violence and forced migration.


10 Alberto Najar, “¿Por qué el gobierno de Honduras cerró Globo TV, el principal medio opositor del país?”, BBC Mundo, 25 May 2016, http://www.bbc.com/mundo/america_latina/2016/05/160525_honduras_cierra_principal_medio_oppositor_an


14 LAWGEF interview with three main labor federations (CUTH, CGT, CTH) in Honduras, Tegucigalpa, July 25, 2017.


17 The President of the Supreme Court heightened the risks for Honduran human rights defenders through his public statement when the Honduran Coalition against Impunity presented information, as is their right, in the context of the 2017 Universal Periodic Review of human rights at the United Nations in Geneva, noting that “evil Hondurans and national and foreign organizations seek to ignore the advances and provide false or distorted information in order to damage the country for their private interests.”

18 According to data from the Ministry of Justice and Public Security, in 2016, only 27.6 percent of the budget for citizen security was channeled to prevention, 3.8 percent to attention to victims, and 68.44 percent to crime-fighting. Data included in Observatorio de Derechos Humanos Rufina Amaya, Informe de Violaciones a Derechos Humanos 2016, 18, June 2017, accessed November 9, 2017, https://drive.google.com/file/d/0B5e-eVWTfK4eFBlcEzSktOUU/view


32 The head of the National Academy of Public Security, Jaime Martínez, said to a group of police completing a tactical training class, "Do not let your hand tremble. There’s no room to be thinking, that human rights are in the midst of this, that if there is a criticism by the press or international organizations; in the moment in which the state’s legitimacy is disrespected, you need to make use of all tactics and all team training that you have." ‘‘Que no les tiemble la mano’’:


34 Interview by author with Salvadoran government official, San Salvador, El Salvador, July 28, 2017


38 Interview by author with humanitarian aid worker, San Salvador, El Salvador, July 31, 2017