



WASHINGTON OFFICE ON LATIN AMERICA

Promoting human rights, democracy, and social justice

To: Colleagues
From: WOLA
Re: Recommendations; elements of the supplemental request on unaccompanied minors
Date: July 1, 2014

As the Administration develops its supplemental request to the Congress for assistance to respond to the crisis of unaccompanied migrant children at the U.S. southwest border, we write to outline key elements that need to be included in the request, from the human rights and social justice perspective, in order to address the problems of violence and lack of opportunity that drive migration. We hope these are helpful suggestions and we are happy to provide more detail on any of them.

- 1) **In recognition of the fact that substantial numbers of the children detained at the border are fleeing, at least in part, from child abuse and domestic violence, provide support for child abuse and domestic violence prevention and treatment programs,** including anti-violence education and outreach programs, short-term shelters for women and children who have experienced violence, and specialized prosecution units to investigate and prosecute child abuse and domestic violence cases.
- 2) **Substantially increase investment in policies and programs to prevent youth violence in El Salvador, Guatemala, and Honduras.** Support and expand USAID's focus on comprehensive community-based anti-violence programs; provide support to "escuelas abiertas" and other effective programs which keep school buildings open and staffed so that young people have supervised after-school activities; consult with and provide training and support for civil society groups involved in community-based violence prevention programs with at-risk and gang-involved youth; provide support for formal and informal education programs for adolescents and youth; provide funding to develop training programs, education projects and/or exchanges to improve expertise violence prevention at the governmental and non-governmental levels. Ensure that U.S. assistance in Central America is coordinated with other donors to prevent duplication and maximize impact. Ensure that USAID missions are appropriately staffed to manage the violence prevention funds.
- 3) **Provide country-specific support to strengthen law enforcement, criminal justice systems, and the rule of law.** El Salvador, Guatemala, and Honduras face serious problems of youth gang violence, street crime, intra-family violence, and organized criminal activity which put children and youth at risk and drive migration. In all three countries, efforts should be oriented toward strengthening and reforming the police, public prosecutors, and the judicial system, rather than targeting resources to the military, military policing, or specialized units that have little impact on broader law enforcement institutions. But in

each country, the authorities' capacity and willingness to carry out meaningful reforms varies, and U.S. support should vary too.

- a) **El Salvador:** The newly elected government has shown interest in police restructuring for effectiveness, respect for human rights, and anti-corruption efforts. Funding should enable the State Department and USAID, along with appropriate officials from other U.S. agencies, to coordinate with the public security ministry and police officials to support reform efforts, while maintaining careful oversight to ensure that reform commitment is real and ongoing. Funding should support reorganizing police investigation, enhancing recruitment and training, and strengthening internal and external control and oversight mechanisms. Proposals to address prison management, overcrowding, and rehabilitation programs should be considered, as should innovative proposals to reduce extortion.
- b) **Guatemala:** While the Guatemalan government has taken some positive steps, such as the creation of a police academy for mid-level officers, its commitment to a meaningful reform of the National Civilian Police (*Policia Nacional Civil*, PNC) is unclear. The U.S. government should refrain from providing police assistance until there is demonstrable evidence that the Guatemalan authorities are fully committed to and have a strategic plan to address deep-seated institutional weaknesses of the PNC. In the meantime, the U.S. government should support efforts led by and recommended by the International Commission against Impunity in Guatemala (CICIG) for broad criminal justice system reform, including efforts to strengthen the Special Wiretapping Program (*Unidad de Métodos Especiales*), Directorate of Criminal Analysis (*Unidad de Análisis*), and the criminal prosecution approach developed under the administration of former Attorney General Claudia Paz y Paz. Funding should also support High Risk Tribunals (*Tribunales de Alto Impacto*) and offer technical assistance to the National Institute of Forensic Science (*Instituto Nacional de Ciencias Forenses*, INACIF). The U.S. government should also support civil society organizations monitoring and overseeing the public security and justice systems and mechanisms to enhance transparency and accountability of the security and criminal justice apparatus.
- c) **Honduras:** To date, the Honduran authorities have not demonstrated a strong commitment to reforming and strengthening the National Police and public security apparatus. Meanwhile, the government has invested in expanding the military's participation in policing functions. Given the lack of a clear commitment, the United States should not offer security assistance to the government of Honduras until there is clear evidence that the President and Minister of Public Security are taking significant steps to investigate police corruption and remove high-level officers implicated in extrajudicial executions, human rights abuses and/or criminal activities; to provide support to the Public Prosecutor's Office necessary to carry out thorough and prompt investigations of police officers implicated in criminal wrongdoing; and to develop a long-term strategy to strengthen the National Police and phase out military policing. In the meantime, the U.S. government can back efforts to strengthen the rule of law by

- providing support for the creation of a UN High Commissioner on Human Rights office in Honduras with a strong mandate and for strengthening the work of the Violence Observatory of the National Autonomous University of Honduras. Funding should also support the monitoring and oversight efforts of civil society organizations working on citizen security related issues and the strengthening of mechanisms to enhance transparency of the security and justice systems.
- 4) **Provide multi-year funding for programs to offer opportunities for youth in the highest migrant sending communities.** Provide funding, through USAID, to enable substantial investment in job training and job creation programs focused on urban youth in targeted communities, including access to credit and technical assistance. This can increase employment and income, reduce the pull of violent gangs, and reduce incentives for migration. Invest substantially and over a sustained period in small-scale agriculture, including marketing and technical assistance, to improve rural communities' ability to provide livelihoods for their citizens.
 - 5) **Provide technical assistance and funding incentives and apply diplomatic pressure that encourages Central American governments to design and implement fiscal reforms that increase state capacity to address the root causes driving migration.** Governments should be encouraged to fund the kinds of violence prevention, citizen security, and development programs outlined above. U.S. diplomatic missions should apply pressure and leverage development assistance to incentivize the adoption of policies that reduce economic inequality, expand social inclusion, increase tax revenue, make the tax structure more progressive, promote shared prosperity, and strengthen social safety net programs. Brazil, Chile, and Mexico have expanded and strengthened their social safety nets and have reduced extreme poverty; these countries should be encouraged to provide technical assistance and funding in Central America
 - 6) **Provide funding to ensure that children and other migrants at the border are treated humanely, and their cases are evaluated individually and in a timely way.** Policy should privilege alternatives to detention, and funding should ensure that CPB short-term holding facilities meet humane standards, when migrants are detained. Resources should ensure that cases of migrants with asylum claims are individually evaluated, migrants with appeals for humanitarian relief are given access to an immigration judge, and that trafficking victim claims are evaluated. Funding should also provide for legal representation for unaccompanied children and other migrants requesting asylum or other forms of relief, and to address the backlog of cases before immigration courts.
 - 7) **Support in-country programs to reintegrate children and teenagers who are deported to Central America.** Funding through USAID should support programs, both private and public, that coordinate with authorities to receive, orient, and support the reintegration of returnees. Funding should also support the UN High Commissioner for Refugees' work on reintegration and resettlement, and support well-trained and accountable child protection systems in El Salvador, Guatemala, Honduras, and Mexico.