



## **Childhood Cut Short:** Sexual and Gender-based Violence Against Central American Migrant and Refugee Children

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Kids in Need of Defense & Human Rights Center Fray Matías de Córdoba  
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## Glossary

**Child Protection Committees/Juntas de Protección de la Niñez y la Adolescencia, El Salvador** — Local-level committees receive and investigate reports of violations of children’s rights, issue protection orders in urgent cases, and refer cases to child protection authorities.

**Salvadoran Institute for the Integral Development of Children and Adolescents/Instituto Salvadoreño para el Desarrollo Integral de la Niñez y la Adolescencia (ISNA), El Salvador** — Agency forms part of El Salvador’s child protection system, and is responsible for providing protection and other services for children.

**Special Prosecutor for Children/Fiscalía Especial de la Niñez, Honduras** — Office within the Public Prosecutor’s Office charged with investigating and prosecuting cases of violence against children and adolescents.

**Domestic Violence Courts/Juzgados de Violencia Doméstica, Honduras** — Specialized civil courts hear and decide cases of domestic violence. (In cases of repeat offenses or severe and lasting injuries to the victim, cases are classified as intra-familial violence, which is a criminal offense and is tried in criminal court).

**Secretary of Social Welfare/Secretaría de Bienestar Social (SBS), Guatemala** — Agency responsible for providing shelter and other services for children and adolescents whose rights have been violated, including children who are victims of violence or abuse.

**National Institute of Forensic Science/Instituto Nacional de Ciencias Forenses (INACIF), Guatemala** — Independent government agency charged with carrying out medical and psychological investigation in the case of crimes.

**Reception centers for repatriated unaccompanied children** — Government-run centers in El Salvador, Honduras, and Guatemala that receive repatriated unaccompanied migrant children, provide food and basic medical services, and coordinate the reunification of the child with his or her family or other guardian. (La Chacra in El Salvador, El Belen in Honduras, Casa Nuestras Raices in Guatemala).

**National System for the Integral Protection of Children and Adolescents/ Sistema Nacional de Protección Integral de Niñas, Niños, y Adolescentes (SIPINNA), Mexico** — Agency responsible for developing and coordinating national-level public policy for the protection of children and adolescents.

**Child Protection Authorities/Procuradurías de Protección de Niñas, Niños, y Adolescentes, Mexico** — Federal, state, and municipal-level offices charged with investigating violations of children’s rights, conducting best interest determinations (BIDs) for children and adolescents whose rights have been violated (including migrant children), and coordinating necessary responses to ensure children’s rights are respected (for example, access to education or health care).

**Special Prosecutors for Crimes Against Migrants/ Fiscalías Especializadas en Delitos Cometidos en Contra de Inmigrantes (FEDCCI), Mexico** — State-level offices charged with investigating and prosecuting crimes against migrants.

**Unit for Investigation of Crimes Against Migrants/Unidad de Investigación de Delitos para Personas Migrantes, Mexico** — Federal-level agency charged with investigating and prosecuting crimes against migrants and searching for missing migrants in Mexico.

**Mexican Commission for Assistance to Refugees/ Comisión Mexicana de Ayuda a Refugiados (COMAR)** — Agency charged with receiving, investigating, and deciding applications for refugee status and complementary protection in Mexico, and providing assistance with integration to refugees in Mexico.

**National Institute of Migration/Instituto Nacional de Migración (INM), Mexico** — Agency charged with the enforcement of Mexico’s immigration laws.

**National System for the Integral Development of the Family/Sistema Nacional de Desarrollo Integral de la Familia (DIF), Mexico** — Administers shelters and other services for children and adolescents whose rights have been violated or who are in a vulnerable situation, including unaccompanied migrant and refugee children.

**INM Migration Stations/Estaciones Migratorias** — Facilities administered by the INM where migrants who are apprehended in Mexico, including unaccompanied children and adolescents, are detained awaiting deportation or other repatriation to their country of origin, transfer to a DIF shelter or other placement, or the resolution of a claim for refugee status or other form of protection. (Mexico’s 2014 General Children’s Rights Law prohibits the detention of migrant and refugee children in immigration facilities).

**DIF shelters for unaccompanied migrant children** — Shelters administered by DIF to house unaccompanied migrant children while they await deportation or repatriation to their country of origin, or the resolution of their claim for refugee status or another form of protection.

**Southern Border Plan/Plan Frontera Sur** — Plan implemented by the Mexican government, initiated in 2014, to strengthen immigration enforcement along Mexico's southern border.

**United States Agency for International Development (USAID)** — Agency responsible for administering civilian foreign aid, including development aid and disaster relief.

**Bureau of International Narcotics and Law Enforcement Affairs (INL), Department of State, United States** — Agency charged with combatting international narcotics and crime by providing assistance to foreign governments to strengthen law enforcement and justice sectors.

**Central American Regional Security Initiative (CARSI), United States** — Initiative of USAID and INL that provides Central American countries with assistance to address organized crime through capacity building for law enforcement and justice sectors and violence prevention strategies.

**Bureau of Population, Refugees, and Migration (PRM), Department of State, United States** — Agency formulates policies on population, refugees, and migration and is responsible for administering the U.S. Refugee Admissions Program and administering assistance to refugees once resettled in the United States.

**International Commission Against Impunity in Guatemala/ Comisión Internacional Contra la Impunidad en Guatemala (CICIG)** — Independent institution supported by the United Nations, the Guatemalan government, and U.S. foreign assistance and charged with investigating and prosecuting cases of corruption and other illegal activity involving state agents.

**Support Mission Against Corruption and Impunity in Honduras/ Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras (MACCIH)** — Independent institution supported by the Organization of American States (OAS) and the Honduran government, charged with investigating cases of public and private corruption.

**Alternatives to detention** — A broad range of mechanisms other than detention that ensure migrants comply with their immigration proceedings and, in the case of child migrants and refugees ensure care and safety during their proceedings. Alternatives to detention can involve community support programs, open door shelters, family care, and other arrangements.

**Best Interest Determination (BID)** — Formal process used to determine a child's best interest, carried out by child protection experts and taking into account the views of the child.

**Exploitative Child Labor** — Employment of children in work that deprives them of their rights, including rights to health, safety, and education. Can include work in hazardous or abusive conditions, long hours, and unfair compensation.

**Femicide** — The killing of a woman or a girl because of her gender.

**Forced Internal Displacement** — Process through which people and families are forced, by violence, human rights violations, or natural disasters, to leave their places of residence without crossing a national border. Forced internal displacement often precedes forced migration.

**Human Trafficking** — The recruitment, transportation, transfer, harboring, or receipt of persons, by use of force, coercion, or deception, for the purpose of exploitation, including sexual exploitation or slavery-like forms of labor.

**Marginal urban areas** — Urban areas with high levels of poverty, lack of access to basic services and infrastructure (education, health care, sanitation), and in many cases high levels of crime and violence.

**Refoulement** — The practice of forcibly returning refugees or asylum seekers to a country in which they are likely to face persecution.

**Non-Refoulement** — Principle of international law that forbids all states from returning refugees or asylum seekers to countries in which they are likely to face persecution.

## Executive Summary

Since 2011, the number of unaccompanied Central American children arriving in the United States and Mexico has increased dramatically. The number of unaccompanied children apprehended in the United States increased 272 percent from 2011 to 2016,<sup>1</sup> and the number of unaccompanied children deported from Mexico increased 446 percent during the same period.<sup>2</sup>

This trend has been accompanied by a significant increase in the number of girls migrating alone. The percentage of unaccompanied girls in U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) custody rose from 23 percent in 2012 to 34 percent of all unaccompanied children in 2014, and has remained at around 33 percent through the 2016 fiscal year.<sup>3</sup> The percentage of Central American migrant girls deported from Mexico rose from 17 percent to 25 percent during the same period.<sup>4</sup> Girls make up a significantly higher percentage of younger Central American unaccompanied migrant and refugee children—since 2013 over 40 percent of unaccompanied children ages 0-11 deported from Mexico have been girls.<sup>5</sup>

A growing body of research indicates that many of these children are forced from their homes due to violence.<sup>6</sup> However, less is known about the specific role of sexual and gender-based violence in driving child migration from Central America. With funding from the Oak Foundation, Kids in Need of Defense (KIND), in partnership with the Human Rights Center Fray Matías de Córdova (CDH Fray Matías) undertook a study of sexual and gender-based violence (SGBV) and migration of unaccompanied Central American children. To better understand the relationship between violence and child migration from this region, this study documents the occurrence and forms of sexual and gender-based violence that children face in their countries of origin and during migration, as well as access to justice and protection for child survivors of SGBV in these countries.

This study draws on the cases of 96 Central American migrant children, including those gathered through interviews conducted by KIND and CDH Fray Matías, and analysis of key documentation from KIND client case files, as well as 78 interviews with government and civil society representatives in the region. Analysis of children's cases provides insight into the forms of violence that children

face, as well as the ways in which these experiences of violence shape their decision to migrate. Interviews with government and civil society experts and analysis of secondary sources provide information on violence in Central America and Mexico, access to justice and protection, and child migration trends in the region.

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## Key Study Findings

### Sexual and Gender-based Violence and Lack of Access to Protection in Countries of Origin

#### 1. Sexual and gender-based violence forces Central American children to migrate.

Study participants who experienced SGBV in their countries of origin reported that this violence, combined with a lack of options for seeking protection, led them to leave their countries in search of safety. For many other children, including study participants, fear of SGBV, especially by gang members, propels them to leave their countries before they are victimized. Of the 30 study participants who experienced SGBV in their country of origin, 21 reported that they migrated to flee SGBV.

#### 2. Children in Central America, especially girls and LGBTI children, suffer multiple forms of SGBV in their homes and communities.

SGBV against children in Central America takes on a range of forms, including sexual violence by gangs and other organized criminal groups, forced or coerced intimate relationships, sexual violence in the workplace, human trafficking, and sexual abuse by family members. All children are vulnerable to violence, but girls and LGBTI children and youth are the most frequent victims.

#### 3. Gang-based SGBV, including sexual harassment, rape, and forced sexual relationships, is widespread in El Salvador, Honduras, and Guatemala.

Sexual and gender-based violence perpetrated by gangs and other organized criminal groups is increasingly common and extremely brutal, and was the form of SGBV most commonly disclosed by participants in this study. Several study participants were raped by gang members, and one was kidnapped by gang members and subject to ongoing sexual abuse for a period of months. Multiple study participants were targeted to become the “girlfriends” of gang members, which generally implies

a forced sexual relationship with the gang member. Most faced threats of harm to themselves and families if they did not comply and some were raped or otherwise victimized when they resisted.

#### 4. The threat of sexual violence by gang members forces children to stop attending school.

Schools are principal sites of gang recruitment and violence in communities; children often experience threats of violence by gangs at schools or on their way to or from school. Girls who participated in this study who live in gang-dominated areas or had to cross through gang controlled areas to get to school reported living in constant fear of violence. In some cases girls who faced harassment or threats from gang members dropped out of school and limited their movements and activities to avoid continued threats and violence.

#### 5. Sexual violence by family members is extremely widespread. Children are often very young when violence begins and experience ongoing abuse over an extended period of time.

Interviews with experts in the region confirm that in a large number of cases of SGBV against children, the perpetrator is a member of the child's family. Nine girls who participated in this study experienced sexual abuse or rape by family members, including step-fathers, grandfathers, and uncles. The average age of these children when they first experienced abuse was nine years old, and two children were raped by a family member when they were six years old. In some cases sexual abuse continued over the course of months or years.

#### 6. Children are often caught in cycles of vulnerability that expose them to multiple forms of violence.

Many children face multiple forms of violence including sexual abuse in the home, intimate partner violence, gang-based SGBV, and human trafficking. In some of these cases children flee one form of violence and then find themselves in an equally dangerous situation. For example, girls subject to violence in the home may move in with older partners to escape that abuse. Girls in relationships with older partners are vulnerable to domestic and/or sexual violence, and those who fled abusive families have no family to whom they can return. LGBTI children are especially vulnerable to cycles of violence and exploitation, due to discrimination and lack of support within families and state institutions. Poverty often contributes to cycles

of vulnerability, as children are forced into situations of violence and exploitation to meet their basic needs.

#### 7. Victim-blaming is widespread and prevents many children from disclosing sexual abuse to their family or other adults and from receiving support or protection from adults.

The cases of study participants as well as interviews with experts in the region indicate that many Salvadoran, Honduran, and Guatemalan child survivors of sexual abuse do not tell anyone about the abuse, in some cases for many years, because of fear and shame or because of direct threats of harm from the abuser. When children do disclose violence to a family member or other adult, they are frequently blamed for what happened to them, discouraged from reporting abuse to the authorities, and forced to continue to live with or have contact with the abuser. Child survivors of SGBV rarely report violence to the authorities due to lack of trust in them and fear of retaliation by the abuser. In cases of gang-related violence, reporting puts victims and witnesses at great risk, as gangs commonly punish those who report their activities with violence or death.

#### 8. Ineffective judicial systems in El Salvador, Honduras, and Guatemala lead to high rates of impunity and lack of protection for survivors of SGBV.

Victims who report SGBV face a number of obstacles in accessing justice, from slow and burdensome judicial processes to discrimination and re-victimization by officials who lack appropriate training and sensitivity. Combined with ineffective investigation and prosecution, these factors contribute to the extremely small percentage of cases that reach legal resolution. Even when a sentence is reached, victims rarely have access to the protection and assistance that they need to rebuild their lives.

#### 9. Child protection systems in the region fail to adequately protect children who are victims of SGBV or provide them appropriate services. This failure is especially apparent in cases of gang-related SGBV against children.

Child protection systems in El Salvador, Honduras, and Guatemala are severely underfunded, and lack capacity to provide necessary services to child survivors of SGBV, including protection from ongoing violence as well as adequate shelter, psychological support, and social and economic assistance. Child protection systems generally lack the capacity to provide protection in cases in which

children are targeted by gang members, and in some cases officials cannot enter gang-dominated areas to respond to cases of child abuse or neglect, regardless of whether the perpetrator is a gang member. When girls refuse to become the “girlfriends” of gang members, often their entire families are threatened with violence, yet families under threat of gang violence have nowhere to turn for shelter or security due to a complete dearth of programs or services to assist this population.

### **Sexual and Gender-based Violence during Migration and Lack of Access to Protection**

**10. Unaccompanied children, especially girls and LGBTI children, often endure multiple forms of sexual violence during migration.**

When children migrate alone, often fleeing violence in their countries of origin, they are frequently subjected to SGBV during their journeys through Central America and Mexico. This study documents multiple forms of violence against children in transit, including sexual harassment, rape, human trafficking, and coerced survival sex.

Perpetrators of violence include organized criminal groups, smugglers and traffickers, immigration officials and other authorities, and other migrants.

**11. Migrant and refugee children in Mexico, including SGBV survivors, risk deportation to danger.**

Extended periods of detention as well as lack of information and legal representation deter children fleeing violence, including SGBV survivors, from applying for refugee status in Mexico. Those children who do seek refugee status in Mexico confront a system that, while improving, does not yet have the capacity to adequately adjudicate their cases. Without meaningful access to international protection, children are deported back to their countries of origin and risk being harmed or forced to flee yet again.

**12. Children who flee SGBV or experience SGBV during migration have limited access to justice and assistance in Mexico.**

Migrant and refugee children who are victims of SGBV in Mexico rarely report these crimes to authorities because they fear detention or deportation and do not trust authorities. This fear or mistrust stems in part from the fact that in some cases, authorities have extorted migrants or have been involved or complicit in acts of violence

against migrants. Many children are also isolated during the migration journey and rarely access government, civil society, or private shelter services. This isolation creates another barrier to reporting violence and often results in survivors not receiving the medical or psychological attention they need.

### **Sexual and Gender-based Violence After Repatriation and Lack of Access to Protection**

**13. Most often girls, and some boys, face discrimination and stigma within their families and communities following repatriation to countries of origin.**

Some returning girls suffer discrimination within their families and communities based on the assumption that they were raped or engaged in sexual relations with men during their journeys, or in the United States. Some returning boys and girls are accused of having picked up “malas costumbres” (bad habits). Peers and other community members sometimes ostracize or reject returning migrant children as a result of these judgments and assumptions.

**14. Returning children who are SGBV survivors rarely receive the support necessary to reintegrate into their families and communities, and in many cases do not receive adequate protection and assistance.**

Most child SGBV survivors repatriated to their countries of origin from the United States or Mexico do not receive the support services they need to reintegrate into their communities in a safe and sustainable way. There is an almost total lack of specialized medical and psychological services for this population, especially for those returning to rural and marginal urban areas, where government services are extremely limited. Additionally, weak child protection systems in the region often fail to identify and provide adequate protection for repatriated children who migrated to escape SGBV, leaving them vulnerable to the same violence they fled.



## Key Recommendations

(Complete recommendations can be found on pages 42-48)

### To the governments of El Salvador, Honduras, and Guatemala:

- Increase financial resources and personnel for investigation and prosecution of sexual and gender-based violence crimes.
- Increase resources and personnel dedicated to specialized units for attention to victims of gender-based violence and violence against children within police, prosecutors, and courts, and ensure the accessibility of those institutions in urban and rural areas throughout the three countries.
- Expand and institutionalize training on sexual and gender-based violence for all police, prosecutors, judges, and child protection officials.
- Devote resources to the monitoring and enforcement of restraining orders and other protection orders and create a specialized unit within the public prosecutor's office for the monitoring and enforcement of protection orders.
- Dedicate greater resources to strengthen and expand specialized children's courts to decide cases involving violence against children and other child protection issues.
- Increase the budget dedicated to child welfare agencies and systems to strengthen their ability to respond to child protection needs.
- Invest in the creation and expansion of government programs and services as well as government-civil society partnerships for comprehensive support and assistance for women, children, and LGBTI persons who are victims of violence, including legal, psychological, and health care, and other basic needs such as shelter.
- Implement public education efforts to de-normalize violence against women, girls, and LGBTI persons, including on-going education in primary and secondary schools, as well as public and community-based campaigns.
- Create and implement a system for the collection of statistics on SGBV-related crimes to be used consistently

across government agencies, in order to provide a more accurate picture of the current extent and forms of violence, to guide policy decisions, and to monitor progress. Make statistics available to the public on an annual basis.

- Increase funding, personnel, and training for consular offices in Mexico, to ensure that consular officials provide adequate, individual assistance and follow up for migrant children from their countries.

### To the government of Mexico:

- Consistent with Mexico's Migration Law and General Children's Rights Law of 2014, conduct best interest determinations (BIDs) for all migrant children prior to potential repatriation.
- Increase training for immigration and child welfare officials on screening children for international protection needs and about their obligation to inform children that they have the right to seek refugee status.
- Continue to increase resources, personnel, and expertise of Mexico's Commission on Aid to Refugees (COMAR) to appropriately interview children and survivors of sexual and gender-based violence and other trauma, and to decide their claims for refugee status.
- Comply with Mexico's 2014 General Children's Rights Law to end the detention of migrant children in immigration detention facilities. Promote and fund alternatives to detention that provide access to health, education, and other necessary support services.
- Increase financial resources, personnel, and expertise of Child Protection Authorities (Procuradurías de Protección de Niñas, Niños, y Adolescentes) at the municipal, state, and federal levels to represent migrant children on a broad range of legal needs.
- Permit civil society organizations access to detained migrant children to provide legal assistance and representation.
- Increase funding and training for specialized prosecutors from public prosecutor's offices for crimes against migrants and increase monitoring and oversight of investigations. Provide ongoing training on sexual and gender-based violence and working with survivors to all justice sector entities.

## To the government of the United States:

- Commit to providing long-term support to Central America to address the root causes of Central American migration. For FY 2018, the United States should commit \$750 million in foreign assistance to Central America.
- Foreign assistance from all U.S. agencies to El Salvador, Honduras, and Guatemala should prioritize violence prevention and response—including sexual and gender-based violence and gang violence—justice sector reforms, human development, and strengthening of institutions such as child welfare systems and education systems.
- Continue supporting Mexico’s capacity to ensure access to due process and international protection for migrants and refugees and support the work of the United Nations High Commissioner for Refugees in Mexico to strengthen the asylum system.
- Require as a precondition for any assistance to Mexico for immigration or border enforcement that Mexico demonstrate that its immigration officials are respecting the human rights of migrants and that those who do not are held accountable.
- Prioritize financial and political support for strengthening Mexico’s judicial institutions and judicial reform efforts.

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## Overview

The purpose of this study is to analyze the relationship between sexual and gender-based violence (SGBV) and child migration from Central America, including the forms of violence children experience in countries of origin, transit, and destination in the case of Mexico, and the barriers they face to accessing justice and protection. While existing research has documented the causes of child migration from Central America, including violence, there is a lack of documentation of sexual and gender-based violence and its relationship to child migration. This report addresses that gap in information by examining the relationship between SGBV and child migration through the stories of migrant and refugee children and information provided by government and civil society experts in the region.

**Section One** focuses on forms of and responses to SGBV in El Salvador, Honduras, and Guatemala. It describes the forms of SGBV documented in this study and discusses how sexual and gender-based violence causes Central American children, including the children who participated in this study, to flee their countries in search of safety.

**Section Two** describes existing efforts by the governments of El Salvador, Honduras, and Guatemala to respond to SGBV against children, with a focus on child welfare systems and laws and specialized institutions to address SGBV, and examines shortfalls in these laws and systems. The three countries have made important progress in developing response mechanisms, but significant obstacles remain to reporting and prosecuting SGBV and to ensuring protection and support for victims.<sup>7</sup>

**Section Three** focuses on SGBV against migrant children in Mexico, including children in transit and those seeking refugee status or living in the country. It describes study findings regarding the forms of violence that children experience during their migration journeys. It briefly outlines the services, systems, and protection mechanisms available in Mexico to migrant children who are victims of SGBV, including recent efforts by the Mexican government to improve protection for migrant and refugee children and increase access to justice for migrants who are victims of violence in Mexico. It then describes the major barriers that these children face to accessing protection, justice, and support in Mexico.

**The report concludes** with recommendations for Central American governments on how to strengthen protection and assistance available to children who are SGBV survivors, and how to further develop SGBV prevention efforts. It includes recommendations to Mexico on how to improve the treatment of migrant and refugee children, strengthen mechanisms to respond to SGBV experienced during migration, and improve access to refugee status. It also includes recommendations for the U.S. government on how funding to the region can be used to strengthen government and civil society capacity to respond to SGBV and thereby the root causes of migration, and to build capacity to ensure access to international protection.

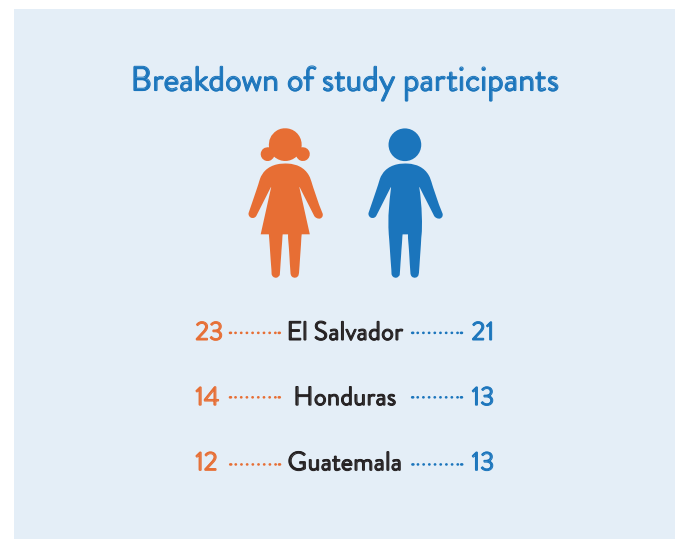
## Methodology

This report draws on interviews conducted with Central American migrant children, case documentation from KIND's child clients, and interviews with government and civil society representatives to document the forms of SGBV that affect Central American migrant children in their countries of origin and transit, as well state responses to violence. The analysis in this report is based on the cases of 96 Central American migrant children between the ages of 12 and 17. The information is drawn from 60 in-person interviews with migrant children conducted by KIND and CDH Fray Matías, as well as key documentation from the legal case files of 36 KIND clients. Interviews with children were conducted between March and July 2016, and interview sites included National Migration Institute (INM) migrant detention facilities in Tapachula and Mexico City, National System for Integral Family Development (DIF) shelters for migrant children in Tapachula and Mexico City, and Casa Alianza's shelters for migrant children in Mexico City. An additional 15 returning and potential migrant girls from the Guatemalan highlands participated in interviews and focus groups with the nongovernmental organizations (NGOs) Community Research and Psychosocial Action (ECAP) and Association Pop No'j, which provided insight into how returning migrant women and girls are perceived and treated within their communities. All children provided informed consent to participate in the study.

Additionally, KIND and CDH Fray Matías conducted 78 interviews with key government and civil society actors in El Salvador, Honduras, Guatemala, and Mexico, including judges, police, and prosecutors as well as representatives from civil society organizations focused on migration and women's, children's and LGBTI persons' rights. KIND conducted an additional seven interviews with U.S.-based attorneys and other experts who work with unaccompanied children from Central America. KIND also conducted analyses of secondary sources and data, including publications and reports by NGOs and government agencies on topics related to SGBV and child migration, as well as relevant statistics obtained from government agencies in El Salvador, Honduras, Guatemala, Mexico, and the United States.

While this study provides insights into the dynamics of SGBV in the region, due to methodological limitations it does not provide rates of prevalence for SGBV against

migrant children in their countries of origin or during migration. Limited access to government shelters and detention centers for migrant children in Mexico prevented us from conducting interviews with a random or representative sample of children from El Salvador, Honduras, and Guatemala. Also, many children do not disclose their experiences of SGBV in interviews due to factors including fear, shame, trauma, or a complex sense of loyalty to their abusers (see textbox 2, page 13 for further discussion), and it is likely that children significantly underreported SGBV in our interviews. However, interviews with children as well as government and civil society actors in the region clearly indicate that SGBV against children in El Salvador, Honduras, and Guatemala and against migrant children in Mexico is widespread, and that these forms of violence cause many children to migrate.



**Part I:**  
**Sexual and Gender-based Violence (SGBV)**  
**Against Children in El Salvador, Honduras, and Guatemala**



**Gender-based violence** is any form of violence, including physical, sexual, and emotional harm or threats of such harm, against a person based on their actual or assumed sex, gender, or sexual orientation. It includes violence perpetrated in any site including in the home and in public, as well as violence perpetuated or condoned by the state. While gender-based violence typically manifests against women and girls, boys and men can also be victims, especially in the context of violence against LGBTI persons.

**Sexual violence** is a form of gender-based violence and includes any sexual act or attempted sexual act that is carried out in the absence of freely given consent, regardless of the perpetrator's relationship to the victim. Sexual violence can also include coerced sexual acts in exchange for food, shelter, protection, or resources. While women, girls, and LGBTI persons suffer the highest rates of sexual violence, in some cases men and boys are also victims of sexual violence.

**Sexual and gender-based violence (SGBV)** refers to sexual and other forms of gender-based violence. While these forms of violence can be perpetrated against men and boys, they most commonly take the form of violence against women and girls. Violence against women and girls is “a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”<sup>8</sup> United Nations Declaration on the Elimination of Violence Against Women.

The forms of violence described below are rooted in long-standing structural inequalities and persistent forms of discrimination against women and girls, as well as widespread homophobia and discrimination against LGBTI communities in El Salvador, Honduras, and Guatemala.<sup>9</sup> According to the Honduran women’s rights organization Center for Women’s Rights (CDM), “Sexual violence against women is a product of unequal power relations between men and women. It is one of the most brutal manifestations of the subordination, discrimination, and subjugation of women to patriarchal power. Sexual violence isn’t an accident or an isolated incident.... nor is it an act provoked by the victim; sexual violence is rooted in the patriarchal system that is structured through cultural, social, political, legal, and ideological dynamics to maintain masculine power.”<sup>10</sup>

### Sexual and Gender-based Violence as a Driver of Displacement and Migration

*Women and children don’t migrate because of gender violence; they migrate because the state is unable to protect them from that violence.*

— Police officer, San Salvador

Sexual and gender-based violence, combined with a lack of access to justice, protection, and assistance, forces many children from El Salvador, Honduras, and Guatemala to flee their countries in search of safety. **Of the 30 study participants who experienced SGBV in their country of origin, 21 reported that they migrated to escape SGBV.** In surveys conducted by KIND, U.S.-based attorneys representing migrant children reported that 64 percent of their Central American female clients experienced SGBV in their countries of origin, and that over 95 percent of these children cited this violence as a factor in their decision to flee their country.<sup>11</sup> Many Central American children and families attempt to relocate internally to escape violence, including SGBV. In 2015, for example, 324,000 people were displaced by violence in El Salvador; 52 percent of those displaced were women and girls.<sup>12</sup> Gang violence is the main cause of internal displacement in El Salvador, and in many cases those individuals who relocate continue to face threats and violence by gangs, and are ultimately forced to leave the country.<sup>13</sup>

## Forms of SGBV Against Migrant Children in Their Countries of Origin

### 1. Sexual Violence in the Home and Family

*Maria is a 17-year-old study participant from El Salvador. As a young child she lived with her mother and stepfather. Her biological father was the husband of her mother’s sister. He had raped her mother and she became pregnant with Maria. He continued to live nearby and Maria occasionally saw him on the street but did not have a relationship with him. From a very early age, Maria’s stepfather sexually abused her. When she was six years old he attempted to rape her, but she ran away and later told her mother what had happened. Maria’s mother told her husband to stop touching Maria and at first ordered him to leave the house, but then allowed him to stay. Instead, Maria left her home and went to live with her grandmother. Her grandmother lived in a gang-dominated neighborhood and Maria began to receive attention from gang members, so at the age of 11 she moved back in with her mother and stepfather. He attempted to sexually abuse her again, and she fled El Salvador alone and traveled to the United States to live with her uncle. She was apprehended by immigration officials in Mexico, and at the time of her interview was awaiting deportation back to El Salvador.*

Sexual violence is extremely widespread in El Salvador, Honduras, and Guatemala and disproportionately affects girls and young women in all three countries. In Honduras, 85 percent of sexual violence cases investigated in 2014 were cases of violence against girls ages 19 and younger.<sup>14</sup> Similarly, in El Salvador 90 percent of the cases of sexual violence reported in 2013 were against women and girls, and 70 percent of these cases were against girls between the ages of 10 and 19.<sup>15</sup> According to a study by El Salvador’s Ministry of Health, 28.5 percent of parenting adolescent girls reported that their first sexual encounter was nonconsensual.<sup>16</sup> In Guatemala, in 2015 a new case

of sexual violence was reported every 46 minutes, and 64 percent of victims were children. The total number of incidents is likely much higher, however, as the vast majority go unreported.<sup>17</sup>

While children experience sexual violence in a range of contexts including schools, workplaces, and public spaces, sexual violence most frequently takes place within the home and family. Civil society organizations estimate that 80 to 90 percent of cases of child sexual abuse involve a perpetrator who is a member of the child's family, including stepfathers, fathers, and grandfathers.<sup>18</sup> Civil society experts link the prevalence of sexual abuse of children to the broader context in which intra-familial violence against women and children is normalized and widely considered to be acceptable within society.<sup>19</sup>

*Nine girls who participated in this study reported suffering sexual violence by a family member. The average age of these children when they first experienced abuse was nine; two girls were raped by a family member at the age of six. In some cases sexual abuse continued over the course of months or years. Abusers included stepfathers and mothers' partners, uncles, grandfathers, cousins, and step-siblings.*

Results of this study indicate that a lack of protection by a parent or other caretaker can heighten the risk of SGBV for children. Several of the children who participated in this study did not live with a parent or other consistent caretaker. Many of these children were passed between

*Karla is a 16-year-old study participant from El Salvador. Her father migrated to the United States when she was a baby. Shortly after, her mother moved to a town several hours away to work and left Karla under her grandparents' care. When Karla was 11 years old her grandmother migrated to the United States and sent Karla to live with her uncle in the capital city. One year later her uncle decided that he could not care for Karla and sent her back to her hometown to live with another uncle. This uncle raped and sexually abused Karla on multiple occasions. Karla told family members living in the area but they did not report the crime to the authorities, and the abuse continued. Convinced that there was no one in El Salvador who would protect her, Karla traveled alone to the United States.*

family members including aunts, uncles, and grandparents, who in some cases verbally, physically, and/or sexually abused children under their care. In cases in which girls did not feel supported or welcomed by their extended families, and especially in cases of abuse, some moved in with a boyfriend or partner to escape, only to end up in a relationship involving domestic or sexual violence.



Child survivors of sexual violence frequently keep their experiences of abuse secret, due to shame and guilt as well as the fear that if they tell anyone they will not be believed, or will be blamed for what happened. These children are forced to handle the fear, shame, and trauma of sexual abuse by themselves, often for many years, without emotional support from a trusted adult. The pervasive secrecy, shame, and fear around sexual violence poses additional problems when children are afraid to disclose abuse, even to adults who may be able to offer them protection and support. This is the case for many migrant and refugee children who have fled sexual violence. According to attorneys and other experts who work with migrant children in the United States, children often do not disclose sexual violence until late in their legal processes, if at all. This happens because children need to first feel safe and to have an established relationship with a trusted adult before they are able to discuss experiences of sexual violence.

Text Box 2

Children who suffer abuse by their parents or caretakers may be especially reticent to tell their caretakers about SGBV that they experienced because of lack of trust or fear of further abuse.

**K**aty is a 17-year-old study participant from Guatemala. Katy's mother emotionally and physically abused her, and at one point she became angry with Katy and attempted to burn her with a pot of boiling water. Katy's mother also forced her to stop attending school at the age of 14. When Katy was 16 years old her mother sent her to the store, and on her way back she was raped by an unknown man. Katy did not tell her mother about the incident because she was afraid that she would blame her and punish her for what happened. Instead, Katy fled the country, and did not learn until she arrived in the United States that she was pregnant as result of the rape.

Children who do share their experiences of abuse with a family member or other adult may not be believed or protected from further violence. In cases in which the abuser is the husband or partner of the child's mother, the mother often does not believe the child, or blames her for the violence. In many cases the victim is forced to continue to live with or have contact with the abuser, and may be subject to ongoing violence.

*This was the case for Ana, a study participant from El Salvador. When Ana was 14 years old, her mother's boyfriend began sexually abusing her when her mother was not home. One day he attempted to rape her, and she told her mother. Her mother did not believe Ana and accused her of attempting to steal her partner. She kicked Ana out of the house.*

*Celia, a 15-year-old study participant from Honduras, did not disclose sexual abuse by her stepfather because she was afraid she would not be believed. Celia's stepfather regularly raped her between the ages of 10 and 15 years old. He was extremely controlling, and accused Celia of having boyfriends and at times would not let her leave the house. Celia's mother was physically and emotionally*

*abusive as well. Celia did not tell her about the sexual abuse by her stepfather for fear that her mother would not believe her or would blame her. In an interview with KIND, Celia described the impact of the violence: "I felt like my body was dirty. I felt like it was my fault. But I didn't tell anyone. I was angry all the time and I began to have a difficult time in school. My grades went down and I fought with my teachers and classmates. I wanted to fight all the time and with everyone because I was angry at him for hurting me and angry at my mother for not protecting me from him."*

**Many girls who are victims of sexual violence become pregnant or are exposed to sexually transmitted infections.**<sup>23</sup>

Early pregnancy as a result of sexual violence, in many cases perpetrated by a member of the victim's family, is extremely common in El Salvador, Honduras, and Guatemala. Of parenting adolescent girls in El Salvador, 28.5 percent reported having a first sexual encounter that was non-consensual, and 36.8 percent showed indicators of sexual violence.<sup>24</sup> Of girls ages 10 to 12 who gave birth in public hospitals in El Salvador in 2012, nearly 20 percent had their first sexual encounter with a family member.<sup>25</sup> In Guatemala, 4,431 pregnancies in girls ages 14 and under were registered in the first 8 months of 2015<sup>26</sup>; many of these pregnancies resulted from rape by a member of the girl's family.<sup>27</sup> The criminalization of abortion under all circumstances in El Salvador and Honduras and the severe limitations on abortion access in Guatemala also mean that many girls who are victims of sexual violence have no choice but to carry a pregnancy to term.<sup>28</sup>



Text Box 3

## 2. Intimate Partner Violence

Intimate partner violence against women and girls is extremely prevalent in El Salvador, Honduras, and Guatemala.<sup>29</sup> Thirty-three percent of adolescent girls in El Salvador and 38 percent of adolescent girls in Guatemala reported experiencing physical, sexual, or emotional violence at the hands of a husband or partner.<sup>30</sup> While civil society organizations and governments in the three countries have made efforts to raise awareness of intimate partner violence, it remains largely normalized and hidden. It is generally considered to be a “private” issue that should be dealt with within a family, rather than a crime or an issue of “public security.”<sup>31</sup>

*Teresa, a 17-year-old study participant from Guatemala, fled her country to escape sexual and physical violence by her ex-boyfriend. When Teresa was 16, she began dating a 27-year-old man. He pressured her to have sexual relations with him, and when she refused he became physically violent. When Teresa ended the relationship and began dating someone else, her ex-boyfriend continually harassed her. One day he threatened to kill her, stating that if she would not be with him, she could not be with anyone. After receiving this threat, Teresa fled to the United States.*

Girls who enter into partnerships at a young age are at greater risk for intimate partner violence, including physical, verbal, and sexual abuse, especially when the partner is significantly older.<sup>32</sup> Four girls who participated in this study had partners who were at least ten years older; all but one of these reported physical and /or sexual violence (in addition to the sexual violence related to the fact that the girls had not reached the age of consent).

A 2012 report by El Salvador’s Ministry of Health (MINSAL) revealed that 65 percent of parenting adolescent girls had significantly older partners, and described how such relationships put girls at risk for violence: “These relationships between children and adolescent girls with much older partners imply very unequal relations of power, placing them in situations of disadvantage in which they have very little margin to make decisions about their lives.”<sup>33</sup>

Marriage or partnership can appear to be the “least worst” option for girls trapped in a context of violence, in many cases without protection from their families or the state and with limited access to educational and work opportunities.<sup>34</sup> Girls sometimes enter into intimate relationships to escape violence in their families or gang violence or threats of violence.<sup>35</sup> In many cases girls who turn to an intimate partner to provide refuge from abuse in the home or community ultimately become victims of violence in their partnerships as well. The fact that they cannot safely return to their families makes them even more dependent on their partners and vulnerable to continued violence.<sup>36</sup>

Girls who attempt to leave their partners or report abuse often suffer severe retribution.<sup>37</sup> *This was the case for Sandra, a study participant from rural Guatemala. At the age of 14, Sandra became pregnant and moved in with the child’s father. He began to abuse her physically and sexually, and also mistreated their baby. Sandra moved back in with her mother to escape the violence, but her abuser came to her mother’s house to harass her. One day he kidnapped her and took her to a wooded area where he beat and raped her. She reported the incident to the police, but they failed to investigate or follow up on her report. Sandra fled to the United States with her baby and continues to suffer severe trauma as a result of the violence she endured in Guatemala.*

## 3. Sexual Violence in the Workplace

Due to situations of extreme poverty, children in El Salvador, Honduras, and Guatemala are often obligated to begin working at a very young age, and often in dangerous and exploitative conditions. Many children perform agricultural work or domestic work, and others sell products or beg for money on the street.<sup>38</sup> In addition to being exploited economically, child workers are in some cases subject to sexual abuse by their employers.<sup>39</sup> This was the case for Yolanda, an indigenous girl from Guatemala.

*Yolanda was forced from the age of ten to work in a gold mine to help her family. She was sexually abused and raped by the mine bosses, and also witnessed the mine workers sexually abuse and*

*(Continued on next page)*





*rape her older sister and mother on a daily basis. When Yolanda was 13 she began working on an agricultural plantation, where the plantation's foremen and their assistants raped her regularly. On some occasions she was raped by two men at the same time. When she became pregnant the first time, the men beat Yolanda so severely that she suffered a miscarriage. When she became pregnant a second time, she escaped from the plantation. Eventually, Yolanda was able to flee to the United States. However, when she arrived at the Rio Grande River, the coyote told her he would only help her cross if she had sex with him. He raped Yolanda and another woman traveling with her.<sup>40</sup>*

#### 4. Gang-related SGBV

*"When I got off the school bus, Edgar was there. He was the 18th Street gang member who wanted me to be his woman... He said 'You're going to be mine and nobody else's.' When he said this I was very scared because I knew if I said 'no' something bad would happen to me. By something bad I mean that they [gang members] would kill me, hurt me, or rape me... He told me I could not escape from him. Even if I did not want to be with him, I had to be with him by force."*

*– Lila, age 16, study participant from El Salvador*

*Pamela is a 16-year-old study participant from El Salvador. When she was very young, gang members entered her house and raped her mother. Her mother became pregnant, and when the same gang members who raped her ordered her to give them the baby, she fled to the United States with the baby. With Pamela's mother gone, the gang began to target Pamela. They demanded money from Pamela and her father, claiming that they knew her family was rich because her mother was in the United States, and threatened to kidnap Pamela if they did not pay. Pamela's father reported the threats to the police, who did nothing. He eventually decided to flee the country with Pamela. When they reached the border, the gang members were waiting for them. Gang members kidnapped Pamela and held her in an abandoned house for nearly three months, where she was drugged and continually raped. She also witnessed gang members bring other women and girls into the house and rape them. With the assistance of a gang member who took pity on her, Pamela escaped and made it back to her home. Her father had reported her kidnapping to the police but they failed to investigate or follow up on the case, so when Pamela arrived home her father immediately mortgaged their house to hire a smuggler to take her to the United States. Pamela was apprehended in Mexico, where she submitted an application for refugee status and is awaiting a decision.*

Of the children who participated in this study, 13 were victims of sexual violence or threats of sexual violence by gangs. Six girls were raped and one was a victim of attempted rape by gang members, 11 girls were subject to sexual harassment and threats of sexual violence or forced relationships by gang members, and one transgender boy was subject to harassment by gang members because of his gender presentation.

## Sexual Harassment by Gangs

Sexual harassment in public spaces, in schools, and in the workplace is common throughout El Salvador, Honduras, and Guatemala.<sup>41</sup> In gang-dominated areas, girls, young women, and LGBTI persons report being subject to frequent sexual harassment by gang members, as well as by police and military, which are increasingly present in communities in response to gang violence.<sup>42</sup> Girls living in gang-controlled areas describe a heightened sense of fear because they know that harassment could escalate into physical or sexual violence at any moment.

Sexual harassment and the threat of sexual violence by gangs shapes the everyday lives of women and girls, many of whom are forced to limit their movement outside the home, abandoning school, work and other activities, and in some cases the community or country.<sup>43</sup>

*Nelly, a 16-year-old study participant from El Salvador, was sexually harassed and threatened with sexual violence by gang members. She stopped going to school and did not leave the house without a male relative. When gang members began calling her cell phone and writing her messages on Facebook threatening to kill her, she threw away her phone and deleted her Facebook account.*

*Lara, a 16-year-old study participant from El Salvador, lived in a neighborhood controlled by the MS 13 gang. She was frequently harassed by gang members on the street, and on multiple occasions gang members threatened to rape her during her walk to school. She explained how fear of gang violence shaped her day-to-day life, stating that she was afraid to leave her house after 6pm, and always wore pants or skirts below her knees to avoid attention from gang members.*

## Gang-Related Sexual Violence

Girls who live in gang-dominated areas of El Salvador, Honduras, and Guatemala face the constant threat of sexual violence and other forms of violence, and girls

like Pamela, above, daily suffer its consequences. In some cases gang members abduct girls and take them to abandoned buildings or other desolate areas, where they rape and torture them. While gangs allow some girls to leave after threatening to harm them and their families if they tell anyone what happened, they kill other girls.<sup>44</sup> Survivors of gang-related sexual violence very rarely report the violence to the authorities due to fear of retribution by gang members and lack of confidence that authorities will respond if a report is made. As a result, accurate statistics on the prevalence of these forms of violence are not available. However, government and civil society experts in the region report that these forms of violence are extremely widespread.<sup>45</sup>

While girls are the most frequent targets of sexual violence by gangs, in some cases boys are also victimized. A representative from a civil society organization in El Salvador described a case in which a six-year-old boy was abducted by gang members on his way to school. Gang members raped and physically abused the young boy, and then left him on the street. The boy was hospitalized and had to undergo reconstructive surgery to repair physical injuries caused by the rape. News of the incident spread through the neighborhood in which the boy lived, and when he returned to school he faced discrimination and ostracism by his classmates and their parents because he had been a victim of sexual violence.<sup>46</sup>

Gangs also use sexual violence as a punishment when girls or their families refuse to follow the gang's orders, including orders to pay extortion money.<sup>47</sup> While all individuals and families in gang dominated areas are vulnerable to extortion, gangs often target families and children known to have family members in the United States, because they are assumed to have access to money. This was the case for Pamela, described above (p. 16).

## Human Trafficking

Gangs and narco-trafficking cartels are commonly involved in the human trafficking of children for sexual exploitation.<sup>48</sup> In some cases gang leaders force girls to engage in sexual relations with gang members or others, in exchange for payment to the gang.<sup>49</sup> Gangs also run sex trafficking operations in which girls and young women are taken to prisons and forced to have sexual relations with incarcerated gang members.<sup>50</sup> In some schools under gang control, gangs forcibly recruit female students into sex trafficking operations.<sup>51</sup> Girls who resist or refuse face force, violent retribution, and even death.

## Forced Relationships and Domestic Violence

*Jennifer fled Honduras after receiving threats from gang members who said that if she refused to be “their woman,” they would kill her. She described her decision to leave Honduras. “When I really got scared was when they [the gang members] showed up at my school... I was with my friends outside of the school... and they were hanging around... They didn’t say anything, they just stood there observing me. I went crazy, I was so afraid. I remember that I went back into the school and I waited, I waited an hour, until the school closed, and then I left. I told my mother and we decided to leave. We only waited to gather the money.”*

Girls in gang-dominated areas of El Salvador, Honduras, and Guatemala are frequently forced into sexual relationships with gang members. Girls who participated in this study describe being afraid to leave their houses because gang members frequently identify girls walking down the street or in other public places and claim them as their “girlfriends.” Girls who refuse the advances of gang members are often threatened with violence toward them and their families, and in some cases they are killed.<sup>52</sup>

Gang members sometimes forcibly abduct girls and hold them captive in situations of sexual servitude in which they treat the girls as their property and regularly rape and abuse them.<sup>53</sup> *One attorney interviewed for this study described the case of a client from Honduras who was abducted by a gang member when she was 14. The gang member held her in a room for a month and continuously raped her, and then forced her to live with him and have sexual relations over the course of several years. She had two children as a result of rape. When the gang member was imprisoned for a period of time, he sent other gang members to watch and threaten her. When she attempted to move with her children to a different area of the country, gang members forced her to move back. When she finally escaped Honduras, she had lasting injuries as a result of severe physical abuse, including machete wounds and hearing loss.*<sup>54</sup>

In other cases girls enter into relationships with gang members to escape violence in the home or in an attempt to protect themselves from sexual violence by other gang members. Once in these relationships, girls often endure severe emotional, physical, and sexual violence. If they attempt to leave the relationship, gang members threaten to harm or kill them.<sup>55</sup> *This was the case for Esther, a 17-year-old study participant from El Salvador. When Esther was 12 years old, a friend introduced her to Carlos, a 41-year-old man who was a leader of the local chapter of the MS 13 gang. Carlos began to court Esther, and eventually she agreed to become his girlfriend. Without fully understanding the situation she was entering into, Esther became Carlos’s “woman.” She moved in with him, and he expected her to cook and clean for him. When Esther became pregnant at the age of 14, Carlos began to physically and sexually abuse her, in one case hitting her with a gun and throwing her to the floor. Carlos was physically abusive throughout Esther’s pregnancy, and she believes this is why her daughter has epileptic seizures. Despite the fact that Carlos was imprisoned for murder and extortion, he continued to threaten and attempted to control Esther from prison, sending her photos of bodies of murder victims to demonstrate what he would do to her if she attempted to leave the relationship. Afraid for her life, Esther fled with her baby to the United States.*

### 5. Violence Against LGBTI Children and Youth

Interviews with experts in the region indicate that LGBTI children frequently face violence and discrimination in their homes, schools, and communities.<sup>56</sup> LGBTI children and youth are often subject to violence by members of their own families, and most LGBTI persons suffer their first experience of violence within the home.<sup>57</sup> This violence takes the form of physical, verbal and emotional, and in some cases sexual abuse. Some girls who identify as LGBTI have been subjected to “corrective rape” by family members or other people they know, in order to punish them for defying gender norms or to force them “to act like a girl” or “to like men.”<sup>58</sup> Others have been pressured by their families to have sexual relations with someone from the opposite sex to “heal” or “change” their sexual orientation or gender identity. This happened to Cristina, a 15-year-old client of Survivor’s Foundation, a Guatemalan NGO that provides services for survivors of SGBV. Cristina described her experience when she came out to her family as a lesbian: “My family didn’t accept me, they told me that I was wrong and that I should try being with a man to change myself. I had a friend who

offered to help me, and I thought that if I was with him [sexually] I would stop being a lesbian, and my family would accept me again. Now I have a one-year-old daughter and nothing has changed [in relation to sexual orientation], and now I'm alone with my baby.”<sup>59</sup>

**P**ablo is a transgender boy from a rural community in Guatemala who participated in this study. When he was a teenager, he began to dress in boys' clothing. His parents became angry and accused him of being a lesbian, and were physically and verbally abusive. Soon after Pablo began to receive threats from gang members in his neighborhood. They beat him up in the street and told him that if he did not start to dress like a girl, they would kill him. Facing violence in both his home and his neighborhood, Pablo fled to the United States, where he found a safe and affirming environment in which he could openly identify as transgender for the first time.

While violence often begins in the home, the lack of support that LGBTI children and youth receive from their families, combined with widespread discrimination in schools, within their peer groups, and in broader society, makes them vulnerable to sexual violence, human trafficking, and other forms of violence. Carlos Valdés, director of the LGBTI rights organization LAMBDA in Guatemala, describes how LGBTI children become trapped in cycles of violence that they are unable to escape:

*“First a young person decides to express their sexual orientation or gender identity to their family, and they are subject to verbal and physical abuse, and in many cases they are kicked out of the house. They have no place to go and often end up on the street. The services available from the state to “protect” them don’t often take into account their gender identities, and they fail to provide adequate assistance to them. They end up falling into the trap of sexual exploitation, in many cases someone acts like*

*they care for them and they are going to protect them, but then demand that they have sexual relations with them or with others for money.”<sup>60</sup>*

Children who identify as LGBTI or who are labeled as LGBTI by others also face harassment and violence from gangs because of their sexual orientation and/or gender identity, and are frequently subject to extortion by gangs.<sup>61</sup> Some gangs in El Salvador have reportedly required members to attack LGBTI persons as part of their initiation.<sup>62</sup> Members of the LGBTI community receive little or no protection from police and other authorities and the vast majority of crimes against LGBTI persons result in impunity.<sup>63</sup>

## 6. SGBV Against Boys

While the majority of reported cases of sexual violence against children are against girls, boys are also victims of sexual violence in their homes, schools and communities. Sexual violence against children in general is underreported, but official statistics may even more dramatically underestimate the prevalence of violence against boys because social norms of masculinity and the stigma related to male victims of sexual violence create additional barriers to both disclosure and reporting.<sup>65</sup>



**G**erson, a study participant from El Salvador, was five years old when his mother fled to the United States to escape threats of gang violence. He was placed in a church-run shelter where older boys in the institutions sexually abused him for four years. He did not tell anyone about the violence during this period. When he finally told his mother, she sent for him to join her in the United States. His mother confronted the nuns who ran the shelter, but they denied the abuse, and no report was ever made to the authorities.

Civil society organizations report cases in which boys, like Carlos, have been sexually abused by teachers or other authority figures. *Carlos lived with his grandparents in a rural community in the Guatemalan highlands. When Carlos was 5 years old, he began to complain to his grandparents about pain in his mouth and throat that was so severe that he could not eat or swallow. His grandmother took him to a community health center, where he was diagnosed with human papilloma virus in his mouth and throat. He was referred to a hospital where he received urgent treatment. An investigation uncovered that Carlos had been sexually abused by his preschool teacher.*<sup>66</sup>

Miguel Angel López, Executive Director of CONACMI, a children's rights organization in Guatemala, reports that the organization sees similar rates of sexual violence against boys and girls ages five and under. As children get older, sexual violence against girls becomes more prevalent than against boys, but in some cases older boys suffer sexual violence as well.<sup>67</sup> *Roberto is a 17-year-old study participant from Guatemala. When Roberto was a teenager he was robbed by two adult men who stole his cell phone. When he followed them to try to get the phone back the men led him to a remote area where they sexually assaulted him.*

## 7. Human Trafficking and Exploitation of Children

Children are especially vulnerable to both sex and labor trafficking. Sex trafficking is widespread in the region and a major source of income for organized criminal groups. In Guatemala, approximately 57 percent of sex trafficking victims are children.<sup>68</sup> In El Salvador between 2012 and 2015, 75 percent of cases of trafficking reported to the

Public Prosecutor (FGR) involved children, and 66.4 percent of cases reported to police involved girls.<sup>69</sup> Research by Save the Children indicates that the majority of human trafficking victims in El Salvador are girls between 12 and 17 years old.<sup>70</sup> An estimated 3,000 girls ages 12 to 17 are involved in commercial sex work in the city of San Pedro Sula, Honduras, alone,<sup>71</sup> and an estimated 48,500 individuals in Guatemala are victims of sex trafficking.<sup>72</sup>

Trafficking in persons in El Salvador, Honduras, and Guatemala takes multiple forms, including international human trafficking and trafficking of children from rural to urban areas and to border areas.<sup>73</sup> Traffickers often recruit girls from rural communities, promising them work or educational opportunities, and then take them to major cities where they are forced into commercial sexual exploitation or exploitative forms of domestic work.<sup>74</sup> Children from El Salvador, Honduras, and Guatemala are also transported across borders or to border zones for sex and labor trafficking in Mexico, the United States, or other Central American countries.<sup>75</sup>

*Diana, a 17-year-old study participant, comes from a rural community in Honduras. Diana's father is an agricultural worker; her mother died when she was young. A woman in her community offered her work cleaning houses in Mexico, and she accepted the offer to help support her family. The woman paid and arranged for a smuggler to transport her through Guatemala to Tapachula, Mexico. Diana was taken to a house where she and the other Honduran girls were forced to consume alcohol and have unprotected sex with adult male customers who visited the house on a regular basis. The girls were held in the house and not allowed to leave, but after six months Diana managed to escape. Diana expressed that she did not want to report the crime to authorities in Mexico or to submit an application for refugee status in Mexico because she feared that the people who sexually exploited her would find her and harm her again.*

Some children suffer both domestic and international human trafficking, as was the case for 15-year-old Benita. *Benita is an indigenous girl from Guatemala who speaks Mam as her primary language. She never went to school in Guatemala and worked alongside her parents on the fincas (farms). When she was about 14 years old, her father disappeared, and her destitute mother began a relationship with a man who promised to support the children and send*

*them to school. Instead, this man forced Benita and her brother to work in the fields and kept their money. He beat them to force them to work faster and make more money for him. When Benita was about 15, the man attempted to rape her. Benita's mother and the children fled from their home and went into hiding elsewhere in Guatemala. One day when Benita and her brother were gathering firewood, they were both kidnapped. Benita was taken to Mexico where a man kept her locked in a room with no windows. He gave her short skirts and tops and made her watch videos of women wearing little clothing dancing in a sexy way and told her to learn how they danced. He told her that she would make him a lot of money. This man drugged and sexually assaulted her. One day he forgot to lock the door and she escaped. She made her way to the United States, where she was apprehended and has a pending claim for asylum.*<sup>76</sup>

Family members, including parents, are sometimes responsible for or complicit in commercial sexual exploitation of children, and in some cases parents force their children to engage in sexual activities in exchange for payment to the parent.<sup>77</sup> *This was the case for Rosa, a 15-year-old study participant from Honduras. Rosa's mother ordered her to engage in sexual relations with older men in exchange for money, and beat her when she refused.*

Police and other government officials are often involved or complicit with human trafficking activities. According to a recent report by the International Commission Against Corruption in Guatemala (CICIG) and UNICEF, "Experts in organized crime affirm that it is impossible to carry out the sexual exploitation of children, adolescents, foreigners and other trafficking victims without the cooperation of government officials, and especially police and municipal authorities."<sup>78</sup> In Guatemala, for example, police and judicial officials are some of the principal consumers of sexual services from victims of human trafficking, in some cases receiving sexual services in exchange for ignoring trafficking activities or resolving cases in favor of the perpetrators.<sup>79</sup>

### **The Social and Psychological Impacts of SGBV on Migrant and Refugee Children**

The impact of sexual and gender-based violence on children's well-being is profound and long-lasting. According to experts, migrant children who have been victims of sexual violence in their countries of origin or in transit

demonstrate high rates of post-traumatic stress disorder, as well as depression, anxiety, suicidal thoughts and tendencies and self-harming behaviors.<sup>80</sup> *This was the case for some participants in this study, including Sandra (same child as on p. 15) a study participant from Guatemala who was subject to severe physical, sexual, and emotional abuse by her boyfriend, the father of her child. Unable to escape her boyfriend's violence, she became depressed and began cutting herself. She considered suicide, and said that she wanted to die to escape the life she was living. Eventually Sandra and her son escaped to the United States.*

SGBV victims frequently face discrimination, harassment, and exclusion within their homes and communities. Even when sexual abuse is committed by a parent or other adult family member, girls are in some cases blamed by their families and communities and labeled as "vivas" (sexually experienced or promiscuous).<sup>81</sup>

*Sara is a study participant from a rural town in Guatemala. When she was 14 she was raped by a gang member who lived in her neighborhood. When she told her family, they did not believe her, and her uncle beat her with a belt to punish her for lying. Meanwhile, the gang member continued to harass Sara, and also told others in the community about what had happened, telling them that "she had asked for it." Sara was harassed by some adult men in the community, who called her derogatory names and offered her money in exchange for sex, while other members of the community ignored and ostracized her. Sara eventually fled to the United States to escape both ongoing threats of sexual violence by the man who raped her, as well as harassment in her community. She explained the social logic driving these reactions: "When a girl has been raped, people think they can have sexual relations with her whenever they want, because she already did it with someone else."*

## Part II: Access to Protection, Justice, and Services for Child Survivors of SGBV in El Salvador, Honduras, and Guatemala

### Existing Legal and Institutional Framework

Protection from SGBV requires both laws prohibiting and punishing SGBV, and the implementation of those laws. Significant advances have been made in recent years in establishing laws, policies, and institutions for the prosecution of sexual and gender-based violence and strengthening of protections for victims, including children, but implementation of these laws remains extremely weak.

Guatemala and El Salvador have passed comprehensive laws prohibiting all forms of violence against women, and Honduras has in place a law prohibiting domestic violence.<sup>82</sup> All three



countries have also passed child protection laws and have made efforts to strengthen their child protection/welfare systems. Additionally, the three countries have made significant progress in the creation of specialized units within the police and judicial systems to investigate and prosecute cases of violence against women and children as well as human trafficking, and to provide assistance to victims during the judicial process. Despite this critical progress, weaknesses and gaps in both child protection and judicial systems, lack of confidence in government institutions, and widespread acceptance and normalization of violence against women, children, and LGBTI persons, lead to low levels of reporting and high levels of impunity for SGBV. This in turn leaves many victims of SGBV in all three countries without protection.

### Limits to Implementation of Laws and Reach of Government Institutions, Resulting in Lack of Access to Protection and Justice

#### Obstacles to Reporting SGBV

Despite the criminalization of domestic violence, sexual violence, and other forms of SGBV, and the creation of institutions to receive reports of these crimes, the vast majority of SGBV cases go unreported for the following reasons:

#### 1. Normalization of violence and victim blaming

Experts interviewed for this study reported that violence against women and children, especially in the context of the home and family, is highly normalized in El Salvador, Honduras, and Guatemala.<sup>83</sup> It is widely considered legitimate for men to use physical violence against their partners, and parents against their children, to “teach” or “correct.”<sup>84</sup> As a result, many victims do not consider the harm they have experienced to be violence or a crime, or they assume it would not be taken seriously if reported to authorities. Widespread victim-blaming and shaming by family members and government officials, as well as broader social norms reinforce the idea that violence is provoked and justified by the ways in which women and girls dress or act.<sup>85</sup>

Additionally, in some cases SGBV is seen as a private or community issue, rather than a crime requiring prosecution. For example, while Guatemala’s 2009 Femicide Law prohibits the use of customs or traditions to justify violence against women and girls, this is still a common practice in some areas of the country. A girl who is raped and becomes pregnant may be forced to marry the rapist, in order to “repair” the damage caused to the reputation of the girl and her family.<sup>86</sup> Such practices undermine existing laws against SGBV and contribute to impunity.

#### 2. Lack of confidence in the police and judicial system

Many victims of SGBV do not report the abuses that they have experienced because they believe that state institutions, including police, prosecutors, and courts, will be unwilling or unable to help them.<sup>87</sup> In some cases victims do not report because family, friends, or acquaintances have reported violence in the past and have been faced with discrimination or indifference from officials and received no follow-up regarding their case. This lack of confidence in authorities is intensified when violence is gang-related or the survivor lives in a gang-dominated area. In these cases there is a generalized understanding that police and judicial officials will not intervene, because of the powerlessness

of state institutions over gangs and/or the involvement of state officials in gang activity.<sup>88</sup>

### 3. Fear of retribution and lack of protection

Many victims do not report violence because they fear retribution from the aggressor.

In cases of gang-related violence, victims reasonably fear that gang members will harm them and their families if they report.<sup>89</sup> Children who participated in this study reported knowing people in their neighborhoods who had been killed by gangs because they were suspected of talking to the police; civil society and government experts confirm that violent retribution against those who report gang activity is extremely common.<sup>90</sup> Women who are subject to violence by their partners or ex-partners also frequently do not report because of fear the abuser will exact revenge on them or their children.<sup>91</sup>

### 4. Economic dependence

In many cases of domestic or intra-familial violence, the victim or their family members do not report because they depend on the aggressor for financial support. They worry that they would not have the means to support themselves if the abuser were jailed or ceased providing for them in order to punish them for reporting. In cases where children tell a parent or other adult about sexual abuse by a family member, that person often discourages the child from reporting because the family cannot afford to lose the income of the abuser if he is jailed.<sup>92</sup> Lack of access to education, land, and employment options for women that pay a high enough wage to allow for financial independence, combined with the failure of judicial systems to mandate and enforce economic reparations for victims of SGBV, leave many women and girls trapped in situations of violence.<sup>93</sup>

## Institutional Weakness and Lack of Access to Protection and Justice

Major gaps continue to exist between progressive SGBV laws and actual practices in all areas of the judicial systems in El Salvador, Honduras, and Guatemala. These gaps create serious obstacles to access to justice for victims of SGBV, including children, and promote impunity. They include:

### 1. Lack of accessibility of judicial institutions

El Salvador, Honduras, and Guatemala have created institutions to accept reports of violence against women

and girls and to accompany victims through the judicial process. However, these institutions and services remain inaccessible to many victims for a range of reasons. Specialized institutions such as police units, prosecutors, courts, and centers for comprehensive care are often located in urban centers and are not accessible to people who live in rural or marginal urban areas.<sup>94</sup> These same individuals and families often lack the resources to cover costs and time off work to make the multiple trips to government offices necessary to ensure that their case receives adequate attention.<sup>95</sup> Similar barriers exist to accessing specialized judicial institutions for violence against children, including special prosecutors' offices and courts (see page 24).<sup>96</sup>

Victims of SGBV who are indigenous and for whom Spanish is not their primary language face additional barriers in accessing justice, including the lack of interpreters in police, prosecutors' offices, and courts.<sup>97</sup> As Juana Sales, director of the Guatemalan organization Movement of Indigenous Women Tz'ununija' explained, "The judicial system sees those [indigenous women] who don't speak proficient Spanish as a problem, rather than seeing it as the state's responsibility to provide linguistically and culturally appropriate services."<sup>98</sup>

### 2. Refusal of officials to accept reports of SGBV and discrimination

In addition to the limited accessibility of judicial institutions where SGBV victims can report crimes, victims often face discrimination during the reporting process, and in some cases police and other officials refuse to accept reports or discourage victims from reporting. *This was the case for a young boy who sought psychological assistance at the organization Survivors' Foundation in Guatemala. His mother explained, "My son was sexually abused by his godfather, and one day he said to me, 'Mommy, tomorrow is Saturday and I don't want to go to my godparents' house.' I asked him why and he told me that his godfather did things to him. I asked him, 'what things?' and he said that he touched his private parts. I wanted to make a report, but the police refused to take the report and they would not tell me where I could go to make the report.'*<sup>99</sup> In other cases, police refuse to accept reports of victims when perpetrators are affiliated with gangs or organized crime, either out of fear for their own safety or due to the



stigma against victims and the assumption that they were somehow involved in criminal activity.<sup>100</sup>

### 3. Long and burdensome judicial processes

As a prosecutor from the public prosecutor's office in Honduras described, "The penal process is torturous, frustrating, and implies great risk for the victim."<sup>101</sup>



Criminal cases often take two years or more from the time a report gets made to the time a sentence is issued, due to delays in investigation and long waits for court hearings. Victims are frequently required to make multiple visits to the

public prosecutor's office and other public offices during this time to complete bureaucratic requirements and to ensure progress on their case.<sup>102</sup> During this extended wait, "women flee or migrate, they are killed or kidnapped, are harassed or manipulated into dropping their cases, [and some] witnesses disappear."<sup>103</sup> Additionally, this long wait combined with lack of protection for victims during the judicial process leads many victims to drop their cases or retract their testimonies before their case is decided.<sup>104</sup>

For example, **approximately 50 percent of women and girls who file domestic violence reports in Tegucigalpa, Honduras, withdraw or abandon their cases before a resolution is reached.**<sup>105</sup>

A lack of financial resources and personnel within child protective systems and specialized judicial institutions such as public prosecutor's offices and courts mean that children also often endure long waits while their cases are resolved, despite laws in all three countries calling for immediate protective measures and expedient judicial processing in cases of violence against children.<sup>106</sup> In Honduras, for example, the office of the Special Prosecutor for Children and Adolescents is severely understaffed, and wait times for both the issuance and implementation of protective orders and the investigation of cases is extremely long.<sup>107</sup> When children report sexual violence by family members to authorities, they are often pressured, threatened, or manipulated by the abuser or other family members to retract their report, and drawn out procedures increase their vulnerability to these forms of pressure.<sup>108</sup>

Delays in judicial processes stem in large part from backlogs caused by the lack of personnel and necessary resources

and equipment, due to lack of adequate funding.<sup>109</sup> In Honduras, for example, Domestic Violence Courts receive less than 1.08 percent of the budget of the country's judicial system, despite the fact that domestic violence is the most reported crime in the country, with 20,000 cases reported each year.<sup>110</sup>

### 4. Discrimination and re-victimization within the judicial process

Despite the existence of laws and protocols guaranteeing the basic rights of women and children who are victims of violence during the judicial process, experts in all three countries report that victims are often subject to harassment, intimidation, and discrimination based on gender and/or age.<sup>111</sup> In some cases victims, including children, must testify in front of the aggressor, violating laws and protocols that protect their confidentiality, safety, and emotional well-being.<sup>112</sup> Leonel Dubón, Executive Director of the Refuge for Children, a Guatemalan NGO that provides shelter and other services to children, describes the forms of age and gender-based discrimination that child victims face from police, judges, prosecutors, and other officials: "These officials do not understand the impact these crimes have on children, and there's a strong tendency to blame the victim, question her credibility, or normalize these forms of violence."<sup>113</sup>

In addition to gender discrimination, survivors of SGBV also face discrimination based on their race, ethnicity, language, sexual orientation, class, and whether they live in a rural or urban area. LGBTI persons, including children, face systematic discrimination and re-victimization within policing and judicial systems; this leads to elevated levels of impunity for crimes against them.<sup>114</sup> All three countries lack specialized services for LGBTI children who are victims of violence.<sup>115</sup> Indigenous women and children face discrimination in the judicial process based on their gender, ethnicity, language, and clothing.<sup>116</sup> Afro-descendant women who report SGBV-related crimes also face discrimination with policing and judicial systems in El Salvador, Honduras, and Guatemala.<sup>117</sup>

### 5. Ineffective investigation and prosecution of SGBV cases

The majority of cases of sexual and gender-based violence, including cases in which victims are children,

are not effectively investigated and prosecuted. Investigative and forensic units in all three countries are severely underfunded and understaffed,<sup>118</sup> and in many cases focus on more high-profile crimes, such as those related to organized crime, leaving little time or resources for other crimes.<sup>119</sup> For example, the Unit of Forensic Medicine (INACIF) in Guatemala lacks sufficient personnel and equipment, leading to long wait times for medical and psychological exams that in turn slow down investigations and in some cases compromise the integrity of evidence.<sup>120</sup> A lack of training and specialized personnel and protocols within police units, public prosecutor's offices, and courts mean that cases of SGBV are often handled by officials who do not have the necessary sensitivity and expertise.<sup>121</sup> Where specialized SGBV units exist they lack sufficient funds, and in many cases do not have the necessary personnel and equipment to carry out their work.<sup>122</sup> Many cases never move out of the investigation phase, or they end in impunity when judges find that the prosecutor has not presented sufficient evidence to sustain a guilty verdict.<sup>123</sup>

Crimes against LGBTI persons are rarely investigated or prosecuted. In El Salvador, despite legislative reforms that were enacted in 2015 that define and punish hate-motivated crimes, no sentences have been issued for hate-based crimes against LGBTI persons.<sup>124</sup> And while hate-motivated crimes have been included in the Honduran penal code since 2013, no cases of violence against LGBTI persons have been successfully prosecuted under this code to date.<sup>125</sup> According to the LGBTI human rights groups in both countries, the lack of enforcement of these laws stems from widespread homophobia within the policing and judicial systems. This homophobia in turn leads to discrimination against LGBTI persons within judicial processes and the failure of police, prosecutors, and judges to investigate and prosecute crimes against LGBTI persons.<sup>126</sup> Guatemala does not have a law that defines hate-motivated crimes, and due to widespread homophobia and discrimination within the policing and judicial systems, crimes against LGBTI persons are rarely investigated or prosecuted.<sup>127</sup>

## **6. Lack of protection during and after the judicial process**

Victims of sexual and gender-based violence are at greatest risk when they report violence, and women and children are frequently subject to threats, violence, and even death by partners, gang members, and other aggressors during the judicial process.<sup>128</sup> This makes it especially critical that all victims have access to effective forms of protection while seeking justice.

Although the accessibility of protection orders varies between countries and institutional contexts, institutions across all three countries fail to monitor and enforce protection measures for women and children who are victims of violence, including SGBV.<sup>129</sup> This is due to factors including a lack of resources and personnel dedicated to enforcement of protection orders, corruption and collusion of police and other authorities, and the inability of police to intervene in areas controlled by gangs or other organized criminal groups.<sup>130</sup> In Honduras, judges have issued protection orders in domestic violence cases that police or other officials failed to deliver because they were unable or unwilling to enter into gang-dominated areas in which victims and perpetrators live.<sup>131</sup> In Guatemala, victims have been given a notice of a restraining order by the public prosecutor's office and told to deliver the notice to the aggressor and to call the police if the abuser violates the order.<sup>132</sup> Violation of a protection order may result in a steeper sentence for a repeat offender, but protection orders fail to prevent harm in the first place, leaving victims at risk for further violence or death.<sup>133</sup>

In all three countries protection programs for witnesses and victims of crime have limited capacity to provide security, especially in cases in which the perpetrator has ties to a gang or other organized criminal group.<sup>134</sup> Protection programs are not adequately monitored, and in El Salvador women who are victims of crime have been sexually harassed and abused by security officers while under protection.<sup>135</sup> In most cases only the victim, not the victim's family, receives protection, placing family members of SGBV victims at great risk of harm.<sup>136</sup> Additionally, mechanisms such as protective orders and programs generally last only as long as the criminal case, leaving victims vulnerable to retaliation by the perpetrator or someone acting on their behalf once the judicial process ends.<sup>137</sup> This is an especially grave concern in cases in which the perpetrator has ties to a gang or other organized criminal group, because even if the perpetrator is jailed, the gang often has a network in place to retaliate against the victim.<sup>138</sup>

## **7. Lack of training and oversight of government officials**

According to civil society experts in the region, police, prosecutors, and judges do not receive sufficient training on SGBV and relevant laws and protocols, including those related to victims' procedural rights. These officials

also lack adequate training to interview children and other survivors of violence and to collect evidence in cases of SGBV.<sup>139</sup> Along with insufficient training, civil society organizations express concern over the lack of effective mechanisms to monitor officials and impose sanctions on those who fail to comply with laws and protocols regarding the protection of and assistance to victims of violence.<sup>140</sup>

## 8. Corruption and collusion by government officials

According to experts in the three countries, in some cases police, prosecutors, or judges accept bribes from gangs or other organized criminal groups, and in exchange they facilitate or ignore illegal activity. In other cases officials fail to investigate or prosecute crimes because they have received threats or fear retaliation if they are known to be involved in a case against a member of a gang or other organized criminal group.<sup>141</sup> Officials also frequently fail to investigate and prosecute SGBV when the perpetrator is a powerful figure such as a church leader or local politician.<sup>142</sup>

## 9. Weak and under-funded child welfare/protection systems

Governments in the region have invested insufficient funding in child protection, and government institutions lack the resources and personnel to respond effectively and provide adequate assistance to all children who are victims of violence.<sup>143</sup> In El Salvador, for example, local-level Child Protection Committees (Juntas de Protección) charged with receiving reports and investigating violations of children's rights and issuing protection orders, lack the financial resources, personnel and equipment to respond to and investigate reports, leading to long wait times and a lack of protection for children who are victims of violence.<sup>144</sup>

Additionally, child protection systems and the specialized services they offer are in many cases concentrated in urban centers, and lack coverage of rural and marginal urban areas. When abuse or neglect of children in remote rural areas or marginalized urban areas is reported, responses on the part of the child protection system are often severely delayed or non-existent, leaving children unprotected.<sup>145</sup>

## 10. Inability of child protection systems to respond to gang violence

Child protection laws and systems in El Salvador, Honduras, and Guatemala were designed primarily to provide protection for children facing abuse, neglect, or mistreatment by caregivers such as parents or guardians. While these systems are often unable to

respond adequately to cases of abuse or neglect by caregivers, they provide a basic protection framework that can be developed and strengthened. However, as gangs increasingly target both children and their families, governments in all three countries lack the capacity to provide protection from gang-based violence. According to Casa Alianza in Honduras, "the government has no response for the forms of [gang] violence that are causing children and families to flee, to leave the country or displace internally."<sup>146</sup> A representative of the Secretary of the Secretariat of Social Welfare (SBS) in Guatemala confirmed that the agency lacks the adequate mechanisms to respond to cases in which the perpetrator is a member of a gang or organized criminal group.<sup>147</sup>

In many cases, gangs threaten violence against a child and their entire family, posing additional challenges for child protection systems designed primarily to protect children against abuse by family members, often by removing children from their homes.<sup>148</sup> Few shelter options exist for children and families fleeing gang violence, and those that do exist may provide shelter for only a few days.<sup>149</sup>

Roberto Rodríguez, Professor at the University of Central America in El Salvador and an expert in children's rights, points to the larger problem of a lack of sustainable options for children and families fleeing gang violence. "In the case of gang violence, in areas dominated by gangs, ISNA,<sup>150</sup> the local-level protection committees, the judges, none of them have the capacity to provide protection. The state may be able to provide emergency shelter or attend to the immediate needs of the child or the family, but there is no permanent solution. There is no way for the child or the family to safely return home."<sup>151</sup>

Child protection systems also have a limited ability to intervene in cases of child abuse that occur in gang-dominated areas, even when the abuser has no gang affiliation. In El Salvador, for example, child protection officials responsible for responding to and investigating reports of abuse and neglect of children are unable to enter some neighborhoods because of gang presence, and therefore cannot respond to reports of child abuse or neglect in those areas.<sup>152</sup>

The criminalization of young people, especially from marginal urban areas, creates an additional obstacle to child protection.<sup>153</sup> No mechanisms exist to protect children forcibly recruited by gangs, and recruitment is often seen as a delinquency issue rather than a child protection issue. According to Casa Alianza, Honduras, “The government needs to recognize the dangers that young people face, that they are not bad people, but they are being absorbed into a violent context against their will.”<sup>154</sup>

### Lack of Access to Services and Support

In El Salvador, Honduras, and Guatemala very limited medical, psychological, and shelter services exist for children who are survivors of SGBV. Some progress has been made in the development of comprehensive services for women and girls who are victims of SGBV, including legal, medical, and psychological assistance. These include City of Women (Ciudad Mujer) in El Salvador<sup>155</sup> and more recently in Honduras,<sup>156</sup> Centers for Assistance and Protection of the Rights of Women (CAPRODEM),<sup>157</sup> and Models of Comprehensive Attention (MAI) in Guatemala and Honduras.<sup>158</sup> These programs have received substantial support from international funders, including the Inter-American Development Bank in the case of Ciudad Mujer in El Salvador and Honduras, and the United Nations Population Fund in the case of MAIs in Guatemala and Honduras. While these programs are an important step toward addressing the needs of SGBV survivors, most lack specialized services for children and adolescent victims of violence, with the notable exception of the recently created Ciudad Mujer Joven in El Salvador.<sup>159</sup> Generally, comprehensive service programs are located in urban centers and are not accessible to victims who live in rural or marginalized urban areas.<sup>160</sup>

Additionally, most of these programs do not provide overnight shelter, and therefore do not address the dearth of temporary and longer-term shelter options for women and families fleeing violence.<sup>161</sup>

Children determined to be in need of protection also lack appropriate shelter options. Conditions in state-run shelters are often inadequate, and in some shelters children suffer the same forms of violence from which the state committed to protect them. In Guatemala, for example, the government-run shelter Hogar Seguro Virgen de la Asunción has received ongoing criticism for extreme overcrowding and inadequate attention to children, as well as reports that children were subject to physical

and sexual abuse and sexual exploitation within the institution.<sup>162</sup> **Despite reports about violence against children in the shelter and overcrowding, the government of Guatemala failed to make changes to protect children at the shelter, resulting in the tragic deaths of at least 40 girls in a recent fire, purportedly started by children held there as part of a protest of conditions within the shelter.**<sup>163</sup>

Child protection systems in the three countries have been criticized for their over-reliance on institutionalization of children in need of protection, despite the fact that each country’s child protection law mandates that institutionalization should be an exceptional and short-term measure. In El Salvador, for example, 40 percent of cases of sexual violence against children reported to ISNA result in the institutionalization of the child.<sup>164</sup> While all three countries are creating foster care and other alternative programs, these programs are in early phases of development and are currently serving very small numbers of children.<sup>165</sup>

All three countries also lack specialized health and mental health services for children, including children who are victims of violence. The municipal-level clinics where the majority of people in El Salvador, Honduras, and Guatemala receive health care provide only basic medical services, and have little or no capacity to provide specialized medical or psychological services to children who are survivors of violence.<sup>166</sup> The specialized services that do exist are generally concentrated within large hospitals in urban centers, and due to insufficient capacity have extremely long wait times.<sup>167</sup> A limited number of NGOs in each country also provide psychological services to children, but they often lack the resources and personnel necessary to meet demand, and receive little or no support from the



government.<sup>168</sup> Additionally, access to abortion for girls who become pregnant as a result of sexual violence is virtually non-existent. El Salvador and Honduras have

laws criminalizing abortion under all circumstances, and Guatemalan law severely limits abortion access, including for victims of sexual violence.<sup>169</sup>

## Part III: SGBV Against Children during Migration

### Forms of SGBV Children Suffer during Migration

#### Sexual Violence in Transit

*Lillian is a 17-year-old study participant from Honduras. She traveled through Guatemala by bus, and after crossing the border into Mexico the bus stopped at a roadside stand where the passengers were allowed to eat and shower. While Lillian was showering, the bus driver attacked and sexually assaulted her. She did not tell anyone about the incident, including the other migrants she was traveling with.*

*Marta is a 16-year-old Garifuna (Afro-descendant) girl from Honduras. She was traveling on foot with a group of migrants through southern Mexico when men identifying themselves as part of the Zeta cartel stopped them. They offered the group money in exchange for allowing them to take Marta into the woods to rape her. Fortunately for Marta, the group refused and she escaped unharmed.*

While accurate statistics on sexual and gender-based violence against Central American migrants and refugees in transit are not available due to vast underreporting, representatives of NGOs that serve migrants estimate that a high percentage of girls, women, and LGBTI persons experience SGBV during their journeys.<sup>170</sup> Attorneys from the Immigrant Defenders Law Center in Los Angeles, California, report that between a quarter and half of their child clients suffer SGBV during their migration journey.<sup>171</sup> Migrant and refugee girls themselves recognize

the danger, and some report taking birth control before beginning their journey to avoid pregnancy as a result of rape.<sup>172</sup> Adolescent girls in high-migration areas of the Guatemalan highlands cite rape, kidnapping, and forced prostitution as some of the risks girls and women encounter during migration.<sup>173</sup> According to a representative of El Salvador's Ministry of Health (MINSAL), transgender women and girls are at especially high risk for sexual violence and exploitation in transit through Mexico. Transgender women are "under constant threat of violence in their countries, so they migrate, and then they are doubly victimized when they experience gender-based violence during their journeys."<sup>174</sup>



Six girls who participated in this study disclosed experiences of SGBV in transit, including sexual assault, attempted sexual assault, and sex and labor trafficking. Aggressors included traffickers, smugglers, and members of organized criminal groups. None of the girls reported these crimes or sought assistance in Mexico for reasons discussed on pages 35-37.

One of the most common forms of sexual violence that women, girls, and LGBTI persons suffer in transit is coerced survival sex—being forced or coerced to engage in sexual relations with a smuggler, police officer, migration official, or another migrant, in exchange for food, shelter, protection, or the right to continue on the journey.<sup>175</sup> In some cases smugglers have threatened to abandon women and girls if they do not have sexual relations with them, or have told girls that the money

paid to the smuggler has run out and that they will have to “pay” for the rest of the trip by having sexual relations with the smuggler.<sup>176</sup> As is common with sexual coercion, many women and girls do not recognize these acts as forms of violence, and instead blame themselves. For the same reasons, women and girls rarely report these forms of violence to authorities, and may not disclose them even to family members.

Organizations that assist migrants in Mexico report that groups of migrants are sometimes kidnapped and held for ransom in Mexico by drug trafficking cartels or other organized criminal groups, in some cases in collusion with the human smugglers who have been contracted to transport them. Kidnappers hold these migrants in “safe houses” and use violence and torture to extort payments from family members in their countries of origin or in the United States.<sup>177</sup> Kidnappers frequently rape and sexually abuse girls and young women held captive, and in some cases, the kidnappers sell girls to human trafficking operations.

*Representatives of Casa Alianza Honduras described a case in which an adolescent girl was raped by four men in Mexico. She was afraid to continue her journey and decided instead to return to Honduras, despite the fact that she was under threat by gang members in her neighborhood. Back in Honduras, she hid in her home and would not leave in order to avoid the gang members who had threatened her. She reported to Casa Alianza personnel that she was suffering extreme depression and suicidal thoughts following return to Honduras.<sup>180</sup>*

## Sex and Labor Trafficking

Migrant and refugee children, and especially girls, are extremely vulnerable to human trafficking. The Mexican civil society organization Institute of Women in Migration (IMUMI) reports that as narco-trafficking cartels and other organized criminal groups have become increasingly involved in smuggling migrants through Central America and Mexico, the vulnerability of migrants and refugees to violence and exploitation has increased. Smugglers in some cases sell migrant and refugee women and girls to human trafficking operations for the purposes of sexual exploitation. In other cases smugglers force women and girls to engage in sex work or domestic work to “pay” for their trips when they run out of money or when the smuggler arbitrarily raises the fee midway through the journey.<sup>181</sup> A representative of El Belen (formerly El Eden),

*When Marta was 14 (same child as on pg. 28) she became pregnant, and had to drop out of school to care for the child. She began working, but could not earn enough money to buy food and diapers. She made the agonizing decision to leave her baby with family members and migrate to the United States in search of work to support her child. Marta traveled alone with only about 50 dollars. She was robbed on a bus in Guatemala and left with no money. At the bus station in Guatemala City, a taxi driver offered to pay for her trip to Mexico, and told her she could repay the cost of the trip by working in the home of his friend in Mexico for two weeks. Alone and with no other options, she accepted his offer. In Mexico, Marta was picked up by the taxi driver’s friend, who took Marta to her house to cook, clean, and care for her children. The woman made Marta work long hours and Marta barely slept. After two weeks, the woman did not pay Marta as she had promised and told Marta she could not leave. She remained trapped in the house working for several more weeks, until she was able to escape one day when the woman was distracted.*

the reception center for repatriated migrant children in Honduras, reported having received pregnant girls who had been forced into prostitution during their journeys through Central America or Mexico, and had been released by the human traffickers when they became pregnant.<sup>182</sup>

Girls from El Salvador, Honduras, and Guatemala are also trafficked to Mexico’s southern border for the purpose of sexual exploitation.<sup>183</sup> Partly in response to the demand created by the cross-border trade and the heavy presence of police, military, and other security forces in the area, Mexico’s border with Guatemala is the site of a large number of establishments that provide sexual services, including bars, nightclubs, and restaurants. Many of these establishments employ Central American women and girls, some of whom are victims of human trafficking.<sup>184</sup> Some of these women and girls are recruited from their communities of origin with false promises of work and education, while others

are kidnapped during the migration journey and forced into sex work. Still others fall prey to human traffickers while living and working in these border areas.<sup>185</sup> Some migrant and refugee children who seek work along Mexico's southern border end up in exploitative labor situations, as explained in text box 4.

### Increased Enforcement Measures Make Migrant Children More Susceptible to Violence

As border security in Mexico has increased with the implementation of Mexico's Southern Border Plan,<sup>192</sup> migrants and refugees, including children traveling unaccompanied, have varied their routes to avoid detection by authorities. Routes have become more dispersed and in many cases more isolated, and more children travel through remote areas that make them highly vulnerable to violence by organized criminal groups, human traffickers, public officials, and others.<sup>193</sup>

New, dispersed migration routes have also prevented children from accessing the NGO and church-run shelters that operate along traditional routes and previously provided a minimal level of protection and support for migrants and refugees in transit.<sup>194</sup> Reports from civil society shelters that serve migrants and refugees in Mexico indicate that a relatively low number of unaccompanied migrant children, and an even lower proportion of girls, stay in or receive services from shelters during their journey. While girls comprised 26 percent of unaccompanied children apprehended in Mexico in 2016, they made up less than 8 percent of the unaccompanied children who stayed at the La 72 in Tenosique, Mexico, along one of the country's primary migratory routes. The shelter Casa del Migrante in Tapachula, Mexico, also reports serving very few unaccompanied migrant girls, despite its location in one of the highest migration flow areas in the country.

In addition to following dispersed migrant routes, in many cases, children and families fleeing violence in their countries of origin do not stay in shelters for fear that their aggressors will find them or that they will be subject to sexual violence by other migrants in the shelter. The fear of being found is exacerbated when the aggressor involves a gang or others who have the capacity to track victims.<sup>195</sup>

Civil society and church run shelters and human rights centers are the principal sites through which migrants receive basic medical and psychological assistance as well

### Tapachula, Mexico: Central American Domestic Workers and Exploitative Labor

Tapachula, a small city in Chiapas, Mexico, near the Guatemalan border, serves as passage point, stop-over, and destination for thousands of Central American migrants, including unaccompanied children. It is also the location of the largest migrant detention center in Latin America and the principal point of deportations from Mexico to Central America. Tapachula is also the site of multiple forms of labor and sexual exploitation of Central American migrants, including children.<sup>186</sup>

Central American girls, many from indigenous communities near Guatemala's northern border with Mexico, travel to Tapachula to seek employment, in the majority of cases as domestic workers. There they enter into informal and often highly exploitative labor contracts that involve long hours and very low pay.<sup>187</sup> Domestic workers, half of whom are between 13 and 17 years old,<sup>188</sup> are also highly vulnerable to abuse by their employers, and sexual violence against girls by their employers is extremely common.<sup>189</sup> Because migrant girls and young women generally work without a work permit or other form of documentation, they often fear reporting violence to the police or the Special Prosecutor for Crimes Against Migrants in the state of Chiapas.<sup>190</sup> According to CDH Fray Matías, girls who report sexual abuse by their employers often face re-victimization by the government officials responsible for their protection. In one case a 15-year-old Guatemalan girl was raped by her employer and paid wages below the minimum required under Mexican law. When she reported the crimes, the public prosecutor who was charged with representing her accused her of lying and promiscuity. She was placed in the municipal DIF shelter for migrant children, where she was not given adequate medical or psychological attention or information on the status of her legal case against her employer. Although she was eventually provided backpay, her employer was not charged or held accountable for the rape. After being held in the DIF facility for four months, she decided to abandon her case and return to Guatemala.<sup>191</sup>

as information regarding their rights to report violence and seek protection in Mexico.<sup>196</sup> Isolation from authorities and service providers makes migrant children more vulnerable to sexual violence, exploitation, and trafficking, limits their

ability to access medical and other forms of assistance, and prevents them from reporting a crime or seeking refugee status in Mexico as discussed in part IV, below.

## Part IV: Access to Protection, Justice, and Services for Migrant and Refugee Children in Mexico



### International and Domestic Legal Frameworks and Limits to their Implementation

Mexican and international NGOs have pointed to a fundamental tension in Mexico's approach to child migration. On the one hand, Mexico has enacted progressive laws on migration and child protection that provide protections for migrant children and prioritize the best interest of the child. On the other hand, the country has increased enforcement efforts and with them the number of apprehensions and deportations of migrants, including children. The number of unaccompanied children deported from Mexico increased 446 percent between 2011 and 2016.<sup>197</sup> Despite laws to protect migrant children, these children continue to be subject to violence and human rights abuses in Mexico due to their immigration

status. Migrant children fleeing violence in their countries or who become victims of violence in Mexico also continue to face significant barriers to accessing protection, justice, and services. This reflects the broader context of weak judicial institutions and far-reaching impunity in Mexico: experts estimate that under 10 percent of crimes committed in Mexico are reported, due largely to lack of confidence in the police and justice system, and about 95 percent of crimes reported result in impunity.<sup>198</sup> Mexico has enacted several laws to strengthen protection of migrant and refugee children, including the 2011 Migration Law and the Law on Refugees, Complementary Protection, and Political Asylum, as well as the 2014 General Children's Rights Law (Ley General de los Derechos de Niñas, Niños, y Adolescentes). Additionally, Mexico created a new National Child Protection System (Sistema Nacional de Protección Integral de Niñas, Niños, y Adolescentes, SIPINNA) to coordinate child protection policy at the national level, as well as a Federal Child Protection Authority (Procuraduría Federal de Protección) to conduct best interest determinations, provide legal representation to children in vulnerable situations and whose rights have been violated (including migrant and refugee children), and guarantee full respect for the rights of children (including migrant and refugee children). The 2014 Children's Rights Law also clarified that state and municipal Child Protection Authorities bear the same responsibility to ensure the protection of children, including migrant and refugee children, as the Federal Child Protection Authority.<sup>199</sup> While these efforts mark significant progress, the above laws have not been fully implemented. Lack of funding and personnel, as well as lack of coordination across agencies and between federal, state, and municipal offices of the same agency has limited the reach of laws intended to protect migrant children.<sup>200</sup> Meanwhile,



although Mexico's Migration Code allows for granting humanitarian residency permits to unaccompanied children based on their vulnerability,<sup>201</sup> in practice unaccompanied children are rarely granted these permits.<sup>202</sup>

## Limited Implementation of Laws Leaves Migrant and Refugee Children without Access to International Protection, Justice, and Services in Mexico

### Meaningful Access to International Protection for Children in Mexico

As violence in Central America has intensified in recent years, the number of people, including unaccompanied children, seeking refugee status in Mexico has risen dramatically. Unfortunately, Mexico's ability to ensure full adjudication of their claims has not kept pace with increasing demand. According to Mexico's Commission on Aid to Refugees (COMAR), the agency that receives and adjudicates refugee claims in Mexico, the number of unaccompanied migrant children seeking refugee status in Mexico, the majority from Central America, increased 284 percent between 2013 and 2016. During this period Mexico made a number of improvements to its refugee processing system, including increasing COMAR's capacity and expertise. As a result, COMAR's approval rate for unaccompanied Central American children's refugee claims increased from 54.5 percent in 2013 to 58.9 percent in 2016.<sup>203</sup> During the same period the percentage of unaccompanied children who abandoned or desisted claims for refugee status before receiving a decision decreased from 47.6 percent to 26.9 percent.<sup>204</sup> In addition, COMAR granted complementary protection to 45 children or 14.3 percent of unaccompanied children who applied for and were denied refugee status between 2014 and 2016.<sup>205</sup> Despite these increases, the number of children who receive refugee status in Mexico continues to be extremely low compared to the number of children who may be in need of protection. For example, less than one percent of the unaccompanied Central American migrant children who were detained in Mexico in 2016 received refugee status or some other type of formal protection.<sup>206</sup>

Central American children fleeing violence and persecution in their countries of origin continue to face significant barriers to accessing international protection in Mexico. A number of factors impede children from seeking or obtaining refugee status in Mexico:

### 1. COMAR's limited capacity and coverage

COMAR does not have sufficient officers or offices to decide the growing number of refugee claims in accordance with its 45-day timeline for adjudication of cases. With assistance from UNHCR, supported in part by the U.S. government, COMAR has significantly increased the number of staff dedicated to interviewing children seeking refugee status. Nonetheless, the federal government of Mexico has not provided sufficient funding to COMAR to respond to the dramatic rise in applications for international protection.<sup>207</sup> COMAR's personnel remains inadequate to attend to the growing number of children seeking refugee status. COMAR received 1,296 applications for refugee status in 2013, and in 2016 that number reached 8,788.<sup>208</sup> Despite this increase, the agency currently has only 29 officers to conduct refugee status interviews in the entire country, and has offices in only three of Mexico's 31 states (Tapachula, Chiapas, Acayucan, Veracruz, and Mexico City).<sup>209</sup>

UNHCR's support of and capacity building efforts with COMAR has included training of COMAR officials on a range of topics, such as techniques for interviewing children and trauma survivors, as well as the conditions driving forced displacement from Central America. While some officials employ sensitive questioning when interviewing children and SGBV survivors, other officials continue to lack specialized expertise in interviewing and deciding cases of children and survivors of SGBV and other forms of trauma.<sup>210</sup> Some officials also continue to lack or fail to consider accurate and up to date information on the specific dynamics of violence in Central America, including the activities of gangs and other organized criminal groups, when analyzing claims for refugee status.<sup>211</sup> For example, COMAR denied refugee status to some Central American children based at least in part on the determination that they could safely relocate within their countries to escape gang violence,<sup>212</sup> despite extensive evidence that gangs can and do track victims who relocate within their countries and subject them to further harm.<sup>213</sup> Decisions provided by COMAR denying refugee status are formulaic; in many cases they do not include reasoning based on individual circumstances and relevant conditions in countries of origin.<sup>214</sup>

### 2. Detention harms children and impedes access to international protection

A 2015 Regulation to Mexico's General Law of Child Protection prohibits the detention of migrant children

in immigration facilities and requires that migrant and refugee children be housed in shelters administered by the National System for Integral Family Development (DIF). Mexico's National Migration Institute (INM) has gradually begun to transfer increasing numbers of migrant and refugee children to state and municipal shelters run by DIF.<sup>215</sup> However, the majority of migrant and refugee children apprehended in Mexico continue to be detained in INM facilities, in some cases for extended periods of time and in sub-standard conditions.<sup>216</sup> In 2015, 20 percent of migrant and refugee children apprehended in Mexico were transferred from INM to DIF facilities, and in 2016 that number increased to 31 percent.<sup>217</sup>



Though DIF shelters are an improvement over INM migrant detention centers, civil society organizations have expressed concern that they constitute an alternative *form* of detention, rather than an alternative *to* detention, for migrant children.<sup>218</sup> Conditions in DIF shelters vary widely among facilities in different areas of the country, but most shelters are closed-door facilities, meaning that children are rarely permitted to leave (e.g., to attend school or take a walk).<sup>219</sup> Children in DIF shelters have very limited access to educational and recreation opportunities, despite the fact that children can remain in these shelters for periods up to several months.<sup>220</sup> See text box 5 for information about alternatives to detention.

Detention of children in both INM facilities and closed-door DIF shelters deters children from seeking refugee status in Mexico. In the case of child survivors of SGBV who often experience psychological symptoms, detention—in particular, extended detention—may especially discourage claims for refugee status. Several children interviewed for this study in INM and DIF facilities reported that they did not plan to seek refugee status in Mexico, despite the fact that they would face danger if returned to their countries, because they had been told that they would be detained throughout the process.

In some cases, DIF and INM personnel fail to provide clear and age-appropriate information to children regarding their right to seek refugee status.<sup>221</sup> When DIF and INM

personnel inform migrant and refugee children of their right to seek refugee status, many emphasize that children will be detained throughout the adjudication process, that the process is long and complex, and that results are uncertain. These messages effectively dissuade many children from seeking international protection.<sup>222</sup>

### **3. Failure of Mexican officials to identify children with potential international protection needs**

Officials charged with identifying protection needs, including INM Child Protection Officers (OPIs) and DIF personnel, deal with high numbers of migrant children and can only spend limited time interviewing and following up with each child to identify potential international protection needs.<sup>223</sup> Because of the limited time they dedicate to individual children, OPIs and DIF personnel may fail to identify child survivors of SGBV, who often require time to build trust in authorities or other adults before disclosing their experiences of violence (see page 13). COMAR, in collaboration with UNHCR and UNICEF, recently released a Protocol of Initial Evaluation for the Identification of Indices of International Protection Needs in Unaccompanied and Separated Children and Adolescents, to be used by migration agents, DIF personnel, and other Mexican officials who come into contact with unaccompanied and separated children.<sup>224</sup> This is a positive step, though training and implementation will be key to further improving access to international protection, as will increasing the time spent with individual children.

*Rodolfo, a 16-year-old study participant who fled gang violence in El Salvador, was interviewed in an INM facility in Mexico City. He had initiated a claim for refugee status, but said he was ready to give up on the process because he could not survive being detained any longer. “I was closed in (encerrado) in my country because of the gangs, and then I came here and I am closed in. I am scared to go home but I am feeling desperate here.” He was planning to return to his country and immediately attempt to re-migrate, because he feared that gangs would kill him if he returned to his neighborhood.*

#### **4. Lack of access to legal assistance for children seeking international protection in Mexico**

Children who choose to seek refugee status in Mexico also lack access to legal assistance.<sup>225</sup> Although Mexico’s child protection law provides for the representation of migrant and refugee children by attorneys from the Child Protection Authority, these offices lack the capacity to represent the vast majority of children applying for refugee status.<sup>226</sup> Meanwhile, civil society organizations that provide legal assistance to migrant and refugee children have limited access to children in INM and DIF facilities and this access is often discretionary and dependent on the staff of a particular facility.<sup>227</sup> Even when civil society organizations do gain access to detained children they have limited resources and capacity and can assist only a very small proportion of children apprehended in Mexico. As a result, most children seeking refugee status in Mexico do not receive information about their rights or legal assistance during the process.

#### **5. Best interest determinations not conducted prior to most deportations**

Mexico’s Migration Law and its General Children’s Rights Law require consideration of the best interests of migrant children in all proceedings that affect them, and specifically, prior to deportation.<sup>228</sup> Regulations to the Migration Law set out a procedure to conduct best interest determinations (BIDs) of migrant children, and

BIDs have begun on a limited basis.<sup>229</sup> Among the required factors to assess in the BID procedure, children have the right to express their opinion and to have it considered.<sup>230</sup> These laws and the fact that implementation has begun represent significant progress toward the prioritization of children’s rights and interests over immigration enforcement. However, due to extremely limited capacity and resources allocated to Mexico’s child protection system, including municipal, departmental, and federal Child Protection Authorities, and in some cases lack of political will, BIDs are conducted in very few cases of migrant and refugee children. Those BIDs that do occur mostly take place in Mexico City, rather than Mexico’s border areas where the vast majority of migrant and refugee children are

#### **Alternatives to Detention for Migrant and Refugee Children in Mexico**

The Mexican government, in cooperation with international and civil society organizations, has recently begun to develop alternatives to detention for unaccompanied migrant and refugee children. Through a pilot program coordinated by the Citizen Council of the INM and the International Detention Coalition with participation from INM, COMAR, UNICEF, National-level DIF, and civil society partners in Mexico, unaccompanied children seeking refugee status in Mexico were placed in open-door shelters run by civil society organizations and provided with legal assistance as well as mental health and other services. The pilot program operated between 2015 and 2016 and served 22 children seeking refugee status. Since the completion of the pilot program, National DIF, in partnership with the NGO Casa Alianza Mexico and with support from UNICEF and funding from UNHCR, has begun working with some state-level DIF offices to implement open-door models in DIF shelters for migrant and refugee children. The first such shelter was opened in Tabasco in 2016.<sup>234</sup> These projects, though limited in scope and coverage of children, provide promising models for alternatives to detention that can be further developed and expanded.

Text Box 5

detained.<sup>231</sup> Some migrant and refugee children detained in Tapachula, Mexico, have been held in INM and DIF facilities for months without a best interest determination.<sup>232</sup> Additionally, the INM continues to push for rapid deportations of children, and in some cases children have been deported while a best interest determination was still in process.<sup>233</sup>

### Access to Justice for Migrant and Refugee Children Who are Victimized by Violence in Mexico

Mexico's constitution guarantees access to justice for all victims of crime, regardless of their nationality or immigration status. The Special Migration Program 2014-2018 (PEM), Mexico's public policy on migration, mandates actions to strengthen the capacity of Mexican policing and judicial institutions to detect, investigate, and prosecute crimes against migrants, including sexual violence and human trafficking.<sup>235</sup> Nonetheless, very few migrants who experience violence in Mexico make a report to the authorities, and those who do report face significant barriers in accessing justice.

#### Barriers to Reporting Violence Against Migrant and Refugee Children in Mexico

Central American migrants and refugees, including children, very rarely report sexual violence to authorities. This reflects a broader pattern of low levels of reporting of crime in Mexico, due in large part to lack of confidence in the judicial system, because of widespread corruption and impunity.<sup>236</sup> In addition, the following factors deter migrants and refugees, including children, from reporting violence in Mexico:

1. Sexual violence against migrants and refugees in transit is highly normalized and the risk of sexual violence is often considered part of the "price" that women and girls must pay for migrating.<sup>237</sup>
2. Migrant and refugee girls who are victims of sexual violence in Mexico lack information regarding their rights in Mexico as well as how to report a crime and seek assistance. According to Pop No'j, a Guatemalan NGO that works with returning migrant children, girls do not report sexual violence in Mexico because "they think they have no rights in Mexico."<sup>238</sup>
3. Migrants and refugees who are victims of violence in Mexico do not trust Mexican authorities to offer them

protection or to effectively investigate and prosecute crimes. According to the Scalabrini Mission with Migrants and Refugees in Mexico, many migrants and refugees are hesitant to report crimes, including sexual violence, because they were forced by INM agents, police, or other authorities to pay a bribe at some point during their journey through Mexico, and they associate Mexican authorities with corruption and abuse of power.<sup>239</sup>

4. In many cases, migrants and refugees traveling through or living in Mexico without documentation fear that they will be deported or punished by Mexican authorities if they report a crime.<sup>240</sup> Mexican law allows victims and witnesses of grave crimes (including rape and some other SGBV-related crimes) to apply for a humanitarian residency permit that authorizes them to remain in Mexico during the judicial process.<sup>241</sup> In reality, factors including the failure of officials to inform migrant and refugee victims of crime of their right to request a residency permit, the complexity of the application process, and the high level of discretion judicial and INM officials have to decide whether to grant residency permits prevents migrants and refugees from obtaining residency permits and therefore reporting crime in Mexico.<sup>242</sup>

5. Many detained migrants and refugees, including children who have experienced SGBV in transit, do not report violence to authorities because they fear increased time in detention.<sup>243</sup> Those few migrant and refugee children who do report sexual violence in Mexico often retract their testimonies or abandon their cases before a resolution is reached due to prolonged detention. In some cases the perpetrator, a smuggler, trafficker, or another migrant, is detained in the same migration facility as the child, and the child fears the perpetrator will find out if he or she discloses violence.<sup>244</sup> Additionally, a lack of adequate space and privacy for interviews with consular officials from their country deters children from disclosing violence, especially SGBV.<sup>245</sup>

6. Many girls travel with groups of migrants from their own communities and nearby communities, and they may not report SGBV because they fear being stigmatized upon returning to their communities.<sup>246</sup>

Underreporting makes it difficult to determine the prevalence of these forms of violence, and also makes it unlikely that migrants and refugees, including SGBV survivors, will access the services they need at any point of their journey.

## Barriers to Justice for Migrant and Refugee Children who Report Crimes in Mexico

Over the past several years, civil society groups in Mexico as well as international human rights organizations have called on Mexico to improve access to justice for migrants and refugees who are victims of crime.<sup>247</sup> Mexico has responded by creating seven specialized state-level prosecutor's offices (Fiscalías

Especializadas en Delitos Cometidos en Contra de Inmigrantes) and a federal-level Unit for Attention to Crimes Against Migrants within the Public Prosecutor Office (Procuraduría General de la República) that are responsible for the investigation and prosecution of crimes against migrants.<sup>248</sup> While these are noteworthy advances, rates of impunity for crimes against migrants and refugees continue to be extremely high.<sup>249</sup> The following factors impede the effective investigation and prosecution of SGBV-related crimes against migrants and refugees in Mexico, including children:

### 1. Lack of capacity of federal, state, and municipal-level Child Protection Authorities to provide legal representation and protection to migrant and refugee children who are victims of crime

The federal, state, and municipal level Child Protection Authorities (Procuradurías de Protección) are responsible for providing legal representation, issuing protective measures, and coordinating the restitution of rights (for example, the right to education or health) for all children in Mexico who are in a vulnerable situation or whose rights have been violated, including migrant and refugee children who are victims of crime.<sup>250</sup> In reality, federal, state, and municipal Child Protection Authorities lack sufficient funding, personnel, training, and in some cases political will, to provide adequate



protection and assistance to migrant and refugee children.<sup>251</sup> Organizations including UNICEF have trained attorneys of the federal, state, and municipal Child Protection Authorities to increase their capacity to represent and provide protection and assistance to migrant and refugee children.<sup>252</sup>

### 2. Lack of resources, personnel, and political will to prosecute crimes against migrants and refugees

The investigation and prosecution of crimes against migrants and refugees presents specific challenges and requires significant resources and expertise. The inherently mobile nature of the migrant population means that crimes are often reported far from where they were committed and in different states, necessitating that police and prosecutors in different areas of the country collaborate to collect evidence and identify perpetrators.<sup>253</sup> The specialized prosecutor offices responsible for crimes against migrants are under-resourced and lack the personnel, equipment, and training necessary to effectively investigate crimes, and there is a lack of institutional coordination between public prosecutor's offices in different states.<sup>254</sup> These factors contribute to a lack of adequate attention and follow-up on the part of prosecutors and other judicial institutions.<sup>255</sup> The migrant shelter La 72 in Tenosique, Mexico, has assisted numerous migrants and refugees, including children and families, in reporting violence they endured in transit, and report an almost complete lack of follow-up from authorities in these cases.<sup>256</sup>

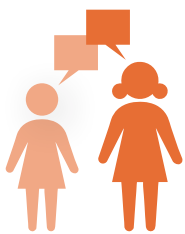
### 3. Corruption and involvement of state officials in crimes against migrants and refugees

The direct or indirect participation of police, military, and other government officials in acts of violence against

migrants and refugees further increases the likelihood that these crimes will result in impunity.<sup>257</sup> Human rights and civil society organizations report that public officials, including police and migration authorities, have been involved or complicit in some cases of kidnapping, extortion, and other crimes against migrants and refugees.<sup>258</sup> For example, in 2016 a group of 21 local police officers kidnapped and held migrants in the state of Chiapas, Mexico, according to the state prosecutor for crimes against migrants.<sup>259</sup>

#### 4. Re-victimization and discrimination against migrants and refugees who report crimes

Migrants and refugees who report crimes in Mexico often face re-victimization as well as discrimination by officials based on their sex or gender, age, nationality, and migration status.<sup>260</sup> In many cases women and girls are required to give their testimonies multiple times and in public spaces, leading to re-traumatization. Officials who receive reports of crimes in some cases ask victims the same questions multiple times in different ways, which confuses victims and leads to inconsistencies that serve as the basis of the officials' refusal to file a report.<sup>261</sup>



People who do not speak Spanish as their primary language, including indigenous Central American migrants, often face additional discrimination when reporting crimes in Mexico.

While victims of crime have a right to a translator, in the vast majority of cases no translator is provided, forcing victims to give testimony, receive information about the process and their rights, and sign documents in a language that they are not comfortable speaking and do not understand.<sup>262</sup>

#### 5. Limited access to consular assistance for crime victims and witnesses

In addition to Mexican institutions, consular officials have an important role in providing information and assistance to migrant victims or witnesses of crime in Mexico. While Central American countries, and especially Guatemala and El Salvador, have increased their consular presence in Mexico over the past few years, they remain severely understaffed and under resourced. Central American

Consuls in Chiapas, Mexico, the state with the largest number of detained migrants, reported that they have far from sufficient personnel to attend to all migrants adequately, and that their ability to provide assistance and follow-up to cases of individual migrant children who are victims of crimes in Mexico is limited.<sup>263</sup>

Due to their limited resources, consular officials sometimes focus their time principally on verifying a child's identity and completing the documentation necessary for Mexico to carry out the deportation of the child, rather than interviewing the child to identify individual protection and assistance needs.<sup>264</sup>

#### Access to Services for Migrant and Refugee Children Who Suffer Violence in Mexico

Migrants and refugees, including children who are victims of SGBV, face serious obstacles in accessing medical care and other forms of basic assistance in Mexico. Mexico's 2011 Migration Law recognizes the right of all migrants to medical care regardless of migration status, but in practice the law is not fully implemented.

Migration routes go through primarily rural and remote areas of Mexico, and migrants and refugees often find themselves far away from hospitals and other basic services. There are very few government-administered services for the local populations in these areas, and even fewer, if any, specifically for migrants. Those services that do exist are provided mainly by civil society and religious organizations which strive to provide food, shelter, medical care, legal support, and psychological assistance to as many migrants as possible, but have very limited resources and capacity, and are not able to cover all areas of the country or serve anywhere close to all migrants in need of assistance.<sup>265</sup> As increased security and migration enforcement along traditional migration routes has caused many migrants and refugees to seek out alternative routes, migrants and refugees have had even less access to these shelters and services, the majority of which are located along these traditional routes.<sup>266</sup>

Recently, migrant shelters run by civil society and religious organizations have made an effort to increase accessibility and specialized services for women and girls. Even so, very few shelters have the capability to provide specialized medical and psychological assistance for women and girls victimized by SGBV, and few have specialized services of any kind for LGBTI migrants.<sup>267</sup>

The vast majority of migrants and refugees who are victims of sexual violence in Mexico do not seek out medical assistance, because of fear, stigma, a lack of knowledge of their rights, and the normalization of sexual violence in transit.<sup>268</sup>

Those who do seek assistance at public health clinics often do not receive appropriate treatment, due to factors including limited knowledge of staff at public health clinics regarding protocols for the treatment of sexual violence, lack of clear and standardized regulations for public health care providers regarding services for migrant populations, lack of training for health care staff regarding the rights of migrants and refugees to receive care, and in some cases, discrimination toward migrants and refugees.<sup>269</sup> Migrants and refugees who are victims of sexual violence have been denied access to emergency contraception and HIV prophylaxis, in some cases because of intentional discrimination based on their status as migrants and in other cases because medical providers were not aware of laws that mandate access to treatment for migrants.<sup>270</sup> This discrimination and denial of services based on migration status violates the non-discriminatory medical services clause in Mexico's 2011 Migration Law.<sup>271</sup>



Additionally, migrant and refugee children who are detained in Mexico, including SGBV survivors, have very limited access to health care

and mental health care in custody. INM facilities lack sufficient medical personnel and equipment, and civil society organizations report that in many cases detained migrants and refugees are not provided with adequate medical care.<sup>272</sup>

Children held in DIF shelters do not have access to adequate and regular mental health care, despite the fact that they can spend up to several months in these facilities.<sup>273</sup> In some cases victims of SGBV also face discrimination and inadequate care in INM and DIF custody in Mexico, for example, being denied HIV prophylaxis or emergency contraception by shelter or detention center staff even after disclosing sexual violence during transit to staff.<sup>274</sup>

Mexico's General Children's Rights Law and the United Nations Convention on the Rights of the Child guarantee access to basic rights, including health care and education, for all children.<sup>275</sup> The failure of the Mexican government to consistently guarantee these rights in the case of migrant and refugee children is due, in part, to the lack of personnel and resources dedicated to government agencies charged with the protection of migrant and refugee children, including municipal, state, and national-level DIF offices, as well as a lack of clear mandates and coordination between those agencies.<sup>276</sup>

Non-detained migrants seeking refugee status, including SGBV survivors, receive limited or no support from Mexico for obtaining basic necessities such as food and shelter during the application and decision process.<sup>277</sup> UNHCR and NGOs provide some humanitarian assistance to refugees, but this support is minimal and insufficient to meet the needs of the population. According to UNHCR, lack of basic necessities for those seeking refugee status "exposes women and children with limited resources to higher risks of SGBV and other abuse and exploitation, since they must look for alternative ways to obtain shelter and food."<sup>278</sup> High levels of impunity for SGBV-related crimes in Mexico combined with a lack of shelters and other resources for victims leaves migrant and refugee women and children who suffer SGBV in Mexico unprotected.<sup>279</sup>

## Part V: Access to Protection and Services for Repatriated Migrant Children

A significant number of children who flee their homes in Central America seeking safety risk deportation back to their countries by Mexico or the United States. The number of unaccompanied children deported from Mexico increased 446 percent between 2011 and 2016, with over 15,000 unaccompanied children deported to El Salvador, Honduras and Guatemala, in 2016 alone.<sup>280</sup> While the United States has returned relatively fewer children, between 1,000 and 2,000 unaccompanied children have been repatriated from the United States every year since 2010,<sup>281</sup> and thousands more have been issued removal orders by the U.S. government and are vulnerable to deportation.<sup>282</sup> Migrant children returned to Central America face a lack of reintegration support and, in the case of survivors of SGBV and other forms of violence, a lack of access to protection and support services.



The majority of children repatriated from Mexico to Central America travel by bus, and in some cases children travel up to twenty hours.<sup>283</sup> One concerning practice has been the return of children from Tapachula to Honduras by bus at night, through areas with high incidences of crime, despite the considerable danger associated with this practice.<sup>284</sup> Many have also endured perilous journeys and extended periods of detention, and arrive in their countries of origin in need of immediate medical care and psychological support.

Regional governments and civil society, with international support, have made significant efforts to respond to the immediate humanitarian needs of these children. El Salvador, Honduras, and Guatemala have all created reception centers that provide food and basic medical and psychological attention to returning children, and have implemented protocols for safely reunifying children with their families. However, because of the inherent

difficulties in identifying children's protection needs at the time of reception (i.e., once they have already been deported and with family waiting for them at reception centers), as well as the general emphasis on rapid family reunification, **many migrant children are returned to the same situations of danger and economic marginalization from which they fled, and without the resources and support they need for safe and sustainable reintegration.**

### Challenges Identifying Protection Needs of Returning Migrant Children, Including SGBV Survivors

As part of the reception process, El Salvador, Honduras, and Guatemala have established protocols and processes for identifying repatriated children who need protection and services. However, children very rarely disclose experiences of sexual and gender-based violence in their countries of origin or in transit during the reception process.

A psychologist at El Belen (formerly El Eden), the government-run reception center for migrant children in Honduras, reported that in 2015 none of the girls she interviewed reported sexual abuse. She explained that because the reception process is rapid and children know their families are waiting for them, they do not have the time to build the trust and comfort levels necessary to disclose sexual violence. She stated that girls are also afraid to report sexual violence in their homes because they believe that their families will deny the violence.<sup>285</sup> A staff person at El Salvador's reception center for returning migrants, also reported that during the reception process girls almost never disclose experiences of sexual violence, either in their countries of origin or transit. She explained that "[sexual] violence does happen, but we are depending on children to share what they choose to share, and because of privacy or loyalty or shame they don't share that information."<sup>286</sup> According to a representative of Casa Nuestras Raíces, the reception center for



returning migrant children run by the Secretary of Social Welfare in Guatemala, while a small number of children do disclose sexual violence to reception center staff, many more leave the center and reunite with their families without disclosing abuse.<sup>287</sup>

This failure of reception centers to identify SGBV survivors means that child survivors are returned to their homes and communities without the protection and support that they need, and some may be returned to the very violence from which they fled. The child welfare agencies of El Salvador, Honduras, and Guatemala have limited capacity to protect repatriated children who fled violence or threats by gangs or organized criminal groups, or who return to gang-dominated areas.<sup>288</sup>

### Lack of Support for Returning Migrant Children Who Have Experienced SGBV

Honduras and El Salvador have recently made efforts to provide services to repatriated children once back in their communities. For example, Honduras has opened municipal Centers for Attention to Returned Migrants (including children),<sup>289</sup> and El Salvador is providing services through three Centers for Attention to Children, Adolescents, and Families.<sup>290</sup> Despite these important advances to ensure the safe and sustainable reintegration of migrant children, a dearth of government services and programs exist for repatriated children.<sup>291</sup>

Additionally, some migrant children return to their countries of origin severely traumatized by the violence they experienced or witnessed in transit.<sup>292</sup> Some return pregnant as a result of sexual violence. (see text box 3 for information on the impact of SGBV on migrant children). Many of these children return to a lack of specialized services, including medical and psychosocial assistance, in their communities.<sup>293</sup> As noted on page 27, services that do exist are often concentrated in capital cities and other urban centers that are inaccessible to children from rural and marginal urban areas, and have insufficient capacity to attend to all children in need of assistance.<sup>294</sup>

### Stigma and Discrimination Against Returning Migrant Girls and SGBV Survivors

Returning migrant children also face stigma, discrimination, and exclusion in their communities. Girls and women who migrate are assumed to have engaged in sexual relations or have been victims of sexual violence during their journeys, and face discrimination and harassment by peers as well as adults in their communities.<sup>295</sup> Discrimination is motivated by pervasive social norms that stigmatize sexual activity outside of marriage for women and place the blame for sexual violence on victims.<sup>296</sup> Casa Alianza in Honduras interviewed a returned migrant girl who reported that she was rejected by people in her community who thought that because she had migrated, she “must have slept with lots of men.” She reported that the most painful experience for her was that her friends’ parents no longer allowed them to play with her because they said she had picked up “bad habits” (malas costumbres) on the journey.<sup>297</sup> In some cases returning migrant boys also face rumors in their community that they had sex with or were raped by men during their journey, and in these cases boys are severely harassed by their peers.<sup>298</sup>

**For children who were victims of SGBV during migration, shame and stigma related to sexual violence creates additional barriers to seeking assistance.** After returning to their homes and communities, migrant children often do not talk about their experiences during the migration journey, and especially about any violence that they experienced or witnessed, even with family and friends. They may be hesitant to seek medical or psychological assistance because they fear that their family or community members will learn that they were victimized.<sup>299</sup>

## Part VI: U.S. Foreign Assistance to Prevent and Address Sexual and Gender-based Violence

### U.S. Assistance to Central America

The United States government has provided funding to Central America to address the root causes of migration, including almost \$750 million in aid allocated in the 2016 fiscal year. Some of this funding has been directed to programs and institutions that aim to prevent and address SGBV, through initiatives supported by the United States Agency for International Development (USAID), the International Narcotic and Law Enforcement Agency (INL), and the Central America Regional Security Initiative (CARSI), the primary U.S. strategy for citizen security in Central America.

In Guatemala, USAID has provided funding and technical assistance for justice sector reforms, including the creation of special 24-hour courts for SGBV related crimes.<sup>300</sup> While existing courts are located in Guatemala City, efforts are currently underway to expand the model to areas of the rural highlands. In El Salvador, USAID has funded the creation of 25 victim assistance centers, where SGBV survivors can report crimes and receive legal, psychological, and medical services in one location.<sup>301</sup>

Additionally, in coordination with the public prosecutor's office and the Institute of Legal Medicine (El Salvador's national forensic institute), USAID has established two rape crisis centers in El Salvador. In Honduras, USAID funds a secondary prevention program that helps to identify and provide counseling to families at high risk of suffering violence, including SGBV.<sup>302</sup> These programs provide valuable models for preventing and addressing SGBV. However, their capacity and geographic coverage is currently limited, and there is an urgent need to expand their reach to ensure that services are accessible to all those who need them.

INL has also focused funding on strengthening judicial systems and police forces in Central America, as well as efforts to build trust in these institutions. Initiatives in



Guatemala, El Salvador, and Honduras have included community policing programs, model police precincts, anti-corruption training, capacity building for judicial system personnel to conduct criminal investigations, and gang prevention programming for youth.<sup>303</sup> Reducing corruption and strengthening police and judicial systems overall is a critical step in reducing impunity for SGBV. These efforts, however, have not included sufficient focus on gender issues or on preventing and addressing sexual and gender-based violence.

In addition, USAID has funded community-based violence prevention programs in areas of El Salvador, Honduras, and Guatemala with high levels of gang violence. These programs aim to prevent and reduce gang violence by increasing access to education and work opportunities for youth, helping neighborhood residents to re-claim public space, and building trust between civilian police and local communities. Programs include counseling for youth at-risk of engaging in violence and their families and support for youth involved in the juvenile justice system to reintegrate into their communities.<sup>304</sup> In order to maximize outcomes, USAID and INL have coordinated their crime and violence prevention efforts, concentrating programming in communities with the highest crime levels in El Salvador, Honduras, and Guatemala.<sup>305</sup> These programs have shown positive results in reducing crime and increasing neighborhood residents' sense of security in the neighborhoods where they operate.<sup>306</sup> While these programs have included girls and women, to date they have not prioritized preventing and addressing gang-related sexual and gender-based violence.

Efforts to address the root causes of forced migration, including sexual and gender-based violence, require a sustained commitment from both the United States and Central American governments. Militarization of policing and "iron fist" responses to violence in Central America heighten the risk of SGBV for women and girls. These

approaches have exposed women and girls to SGBV by military and other security forces and deepened mistrust in police, thereby increasing barriers to girls and women reporting crimes and seeking justice.<sup>307</sup> In contrast, efforts that include civil society and affected communities in the implementation of violence prevention and response programming, such as USAID's community-based programming, have shown success in reducing violence and strengthening communities.<sup>308</sup>

**The FY 2017 Omnibus Appropriations Act passed by the U.S. Congress and signed into law by President Trump on May 5, 2017 provides \$655 million in foreign assistance to Central America, close to a \$100 million reduction from the FY 2016 funding.** A reduction in funding will only limit the efforts, programming, and services available to address SGBV in El Salvador, Honduras, and Guatemala.

### U.S. Assistance to Mexico

Since 2014, the U.S. government has used diplomatic pressure and provided significant funding and technical support to Mexico to step up its immigration enforcement in order to curb Central American migration to the United States.<sup>309</sup> With support and under pressure from the United States, Mexico launched Plan Frontera Sur, an initiative aimed at strengthening Mexico's border infrastructure and restricting Central American migration by increasing immigration enforcement. U.S. funding in southern Mexico has focused largely on border enforcement, including infrastructure, equipment, and training for police and immigration agents.<sup>310</sup> As of mid-January 2017, the State Department had delivered \$24 million to the Mexican government for those purposes, and had promised \$75 million more.<sup>311</sup> At the same time, the U.S. Department of State's Bureau of Population, Refugees, and Migration (PRM) has provided funding to build Mexico's capacity to identify and protect migrants with international protection needs, as well as to expand the presence of the United Nations High Commissioner for Refugees in Mexico to do the same.<sup>312</sup>

Amplified enforcement efforts have coincided with a dramatic increase in the apprehension and deportation of Central American migrants, including children, as well as human rights abuses by immigration officers, police, and military.<sup>313</sup> As discussed on page 30 & 37,

these operations have also led child (and adult) migrants, including refugees, to seek out alternative routes to avoid apprehension, in many cases traveling through dangerous and remote areas where they are often targets of kidnapping, robbery, extortion, and sexual violence by organized criminal groups and other actors.

U.S. support and political pressure for border enforcement in Mexico cuts against Mexico's domestic and international obligations to guarantee the human rights of, and ensure access to refugee protection for, migrants and refugees—including unaccompanied children. At the same time, U.S. support and pressure for amplified enforcement in Mexico to stem the flow of migrants to the United States denies child SGBV survivors and other potential refugees access to the United States in order to seek asylum, contrary to their rights under U.S. and international law.<sup>314</sup> By encouraging and backing Mexico's increased capacity to rapidly deport Central Americans, the United States runs the risk of supporting enforcement practices that result in the deportation of children, including SGBV survivors, without proper screening for international protection needs and without consideration of their best interests. This results in dangerous deportations and quite possibly refoulement – contrary to international and Mexican law.

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## Recommendations

### Governments of El Salvador, Honduras, and Guatemala

#### Justice Sector Reforms

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1. Increase by 50 percent the federal budget for investigation and prosecution of SGBV-related crimes; increase financial resources and personnel dedicated to SGBV-related crimes within police, public prosecutor's offices, and courts to shorten the amount of time it takes to process a case and therefore reduce both impunity and the burden on the victim; expand capacity for collection of forensic evidence and ensure that this evidence is handled according to existing protocols.
2. Increase resources and personnel dedicated to specialized units for assistance to victims focused on gender-based violence within police, prosecutors, and courts, and ensure the accessibility of those institutions in urban and rural areas throughout the three countries.

3. Expand and institutionalize training on SGBV for all police, prosecutors, judges, and child protection officials to ensure awareness of all binding laws related to SGBV and the application of proper procedures in cases of SGBV. Training should be ongoing and mandatory, and should build capacity for assisting SGBV survivors, including children and LGBTI persons as well as survivors of SGBV perpetrated by gangs or organized crime.

4. Create and implement protocols within government institutions including police, public prosecutor's offices, and courts for specialized attention to victims of SGBV, including children, adolescents, and LGBTI persons. Implement and/or strengthen institutional mechanisms to oversee the application of protocols for SGBV cases, including the monitoring and enforcement of protective orders. Sanction public officials who fail to comply with protocols for investigation and prosecution of SGBV-related crimes and protection of victims.

5. Dedicate resources to ensure that indigenous people who are victims of SGBV have access to linguistically and culturally appropriate services, including the assistance of an interpreter for reporting crimes and throughout all phases of the judicial process, as well as information available in indigenous languages about the judicial process.

6. Devote resources to the monitoring and enforcement of legal protection mechanisms (such as restraining orders) for women and girls who are victims of domestic violence and other gender-based crimes. Create a specialized unit within the public prosecutor's office for the monitoring and enforcement of protective orders and ensure coordination between judges issuing orders and local police.

7. Strengthen victim and witness protection programs by expanding them to protect family members, and offering victims protection beyond the sentencing phase if there is a continued threat. Create witness protection programs and shelters that have capacity to provide security to victims and families in cases where there is gang involvement, including mechanisms to provide protection outside of the country if necessary.

8. Establish and strengthen internal government entities charged with investigating and prosecuting local level corruption and police involvement with gangs and organized crime. Create and expand current

international monitoring entities, such as CICIG in Guatemala and MACCIH in Honduras, to ensure accountability for corruption at all levels.<sup>315</sup> Prosecute government authorities found guilty of colluding with gangs or organized crime.

9. In consultation with civil society, develop and implement realistic and effective public policies to increase the credibility of government institutions and public confidence in those institutions, so that people will be willing to report SGBV-related crimes and seek assistance from government institutions.

## Child Protection System Reforms

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10. Dedicate greater resources to strengthen specialized children's courts so that specialized courts, rather than general courts, hear cases involving violence against children and other child protection issues. Resources should go to decentralizing the courts, increasing the number of specialized judges, ongoing training of judges, and monitoring of judges.

11. Increase the budget dedicated to child welfare agencies and systems to strengthen their ability to respond to child protection needs. Resources should go to decentralizing systems, increasing staff at agencies and ongoing training of staff. Resources should also go to increasing the use of home based placements such as family or foster care, rather than institutionalization. State run shelters should comply with national child welfare standards; resources should also be used to modernize shelters and develop networks of smaller shelters as opposed to shelters housing hundreds of children at a time. Child welfare agencies should regularly monitor shelters and have a zero tolerance policy for abuse or mistreatment of children in care. When private shelters provide care, the child welfare agencies of El Salvador, Honduras, and Guatemala should monitor these shelters.

## Victim Services

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12. Dedicate greater resources to serve survivors of SGBV. Invest in the creation and expansion of government programs and services for comprehensive support and attention for women, children, and LGBTI persons who are victims of violence, including legal, psychological, and health care as well as basic needs such as shelter. Coordinate with and provide support to civil society organizations that provide these services.

13. Ensure that municipal-level health centers have psychologists trained to provide support to survivors of sexual and gender-based violence, and that the availability of these services is adequate to meet the needs of the local population. Create additional sites and ambulatory services to ensure that these services are accessible to women and children outside of major cities. Ensure that all children and adolescents have access to comprehensive health services, including sexual and reproductive health services.

14. Create and implement international mechanisms and protocols between the three countries for coordination to protect victims of SGBV. Establish a regional network of shelters (including El Salvador, Honduras, and Guatemala, as well as Nicaragua, Costa Rica, and Panama) to provide protection to victims who cannot safely remain in their countries, including victims of violence by gangs or other criminal groups.

15. Working with civil society experts, reception centers for children in El Salvador, Honduras, and Guatemala should develop screening tools to better detect SGBV survivors and children at risk of violence upon return to the community of origin. El Salvador, Honduras, and Guatemala should conduct follow up home visits to ensure that repatriated children are safe once back in communities of origin. El Salvador, Honduras, and Guatemala should ensure access to medical, mental health, and other needed services to returning SGBV survivors near communities of origin—either by developing and providing these services directly or working with civil society to provide them.

## Violence Prevention

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El Salvador, Honduras, and Guatemala should each dedicate a portion of their national budget to violence prevention across all municipalities. These funds should be used to:

16. Implement public education efforts to de-normalize violence against women, girls, and LGBTI persons, including on-going education in primary and secondary schools as well as public and community-based campaigns and campaigns that are directed toward families. Ensure that these programs and initiatives are adequately funded.

17. Promote municipal-level efforts that bring together mayors, school leaders, health care workers, police, prosecutors, judges, and civil society to raise awareness of SGBV and create a plan of action for local-level interventions.

18. Create and expand local-level gender violence prevention programming for youth in cooperation with municipal governments, ministries of education, health, labor, and other government agencies, and civil society. Sexual and gender-based violence prevention programming should include education and empowerment opportunities for girls—such as scholarships and workshops for girls, as well as expanding and cultivating opportunities for young women through training, internships, and job development for work outside of domestic labor and other female dominated jobs. Programming should also include access to comprehensive health and mental health services.

19. Create and expand local-level gang violence prevention and intervention programming for youth in cooperation with municipal governments, ministries of labor, ministries of education, and civil society. Support evidence-based models that include school-based prevention, strengthening of families, community policing, and meaningful education and employment opportunities for youth, including former gang members seeking reintegration into families, communities, and the workforce. Programming should include a focus on preventing and addressing gang-based SGBV.

20. El Salvador, Honduras, and Guatemala should create and implement a system for the collection of statistics on SGBV-related crimes to be used consistently across government agencies, in order to provide a more accurate picture of the current extent and forms of violence, to guide policy decisions, and to monitor progress. Make statistics available to the public on an annual basis.

## Consular Services

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21. The governments of El Salvador, Honduras, and Guatemala should increase funding and personnel for consular offices in Mexico, to allow consulates to provide individual assistance and follow up for migrant children from their countries. Funding should in

part be dedicated to training consular officials on techniques for interviewing children and survivors of sexual and gender-based violence and other trauma, identifying protection needs, children's rights and best interests, and sexual and gender-based violence.

## Government of Mexico —

### Justice Sector Reforms

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1. Prioritize the rights, protection needs, and best interests of migrant and refugee children, as defined in the United Nations Convention on the Rights of the Child and Mexico's General Children's Rights Law, over immigration enforcement.
2. Comply with requirements under Mexico's 2014 General Children's Rights Law to end the detention of migrant and refugee children in INM facilities and transfer all migrant and refugee children from INM to DIF facilities or appropriate civil society residential programs. Promote and fund alternatives to detention, including open-doors DIF shelters and civil society shelters that provide access to health, education, and other necessary support services.
3. Increase regulation of and oversight for migration enforcement activities to prevent human rights abuses, and increase investigation and sanction of officials who violate the rights of migrants and refugees, including sexual harassment, abuse, and violence.
4. Provide clear mandates to municipal, state and national-level DIF offices in relation to their responsibilities for the protection of migrant and refugee children, along with the financial resources to carry out those mandates. Funding for the protection of migrant and refugee children should be allocated to municipal and state DIF offices in accordance with the numbers migrant and refugee children in a particular area. Ensure necessary coordination between the levels of DIF.

### Access to International Protection

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5. Increase training for INM, national, state, and municipal DIF officials, and all other Mexican officials who interact with migrant and refugee children, regarding their obligation to inform children of their right to seek refugee status during first contact with

the agency, and about how to do so in a child appropriate manner. Provide INM and DIF officials with the training and supervision necessary to apply the Protocol of Initial Evaluation for the Identification of Indices of International Protection Needs in Unaccompanied and Separated Children and Adolescents developed by COMAR, UNHCR, and UNICEF.

6. Provide greater funding to COMAR to increase personnel, training and specialization, and geographical coverage. Train COMAR personnel in skills for interviewing children and trauma survivors, and international protection needs of SGBV survivors, and ensure COMAR personnel receive regularly updated information on country conditions and dynamics, including gang violence (and gang-related gender-based violence) in Central America.
7. Increase federal funding to COMAR and other government agencies responsible for providing support to people seeking refugee status, including unaccompanied children. Provide comprehensive assistance to people seeking refugee status, including support with housing, employment, education, health care, and basic needs, from the time that they submit their application through the process of integration into their local communities.

### Legal Assistance to Children and Best Interests Determinations

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8. Increase financial resources and personnel of the federal, state, and municipal-level Child Protection Authorities to represent SGBV survivors and other migrant and refugee children on a broad range of legal needs, assess the best interests of each child, issue protection orders based on that assessment, and coordinate and follow up on all protection mechanisms ordered for migrant children (for example, in relation to education or health care) in compliance with Mexico's General Children's Rights Law and Migration Law. Attorneys of the Child Protection Authorities—charged with representing children—should receive regular training on standards with regard to representing children, such as identifying and taking into consideration children's stated interests in all proceedings.
9. Permit access of human rights and other civil society organizations to detained migrant and refugee children so that they are able to provide legal and psychological

support and other services to SGBV survivors and other migrant and refugee children; ensure that children who seek refugee status in Mexico have access to legal assistance from civil society organizations from the beginning through the completion of the refugee status process, in collaboration with the Child Protection Authorities.

10. In compliance with Mexico's Migration Law and implementing Regulations and General Children's Rights Law, best interest determinations (BIDs) should be conducted for all migrant and refugee children prior to potential repatriation. BIDs should be coordinated by federal, state, or municipal level Child Protection Authorities and carried out by interdisciplinary teams of child protection experts that are housed within the Authorities, in compliance with Mexico's General Children's Rights Law. Consistent with the United Nations Convention on the Rights of the Child and Mexico's Regulations implementing its Migration Law, children must have the right to express their opinion and have their opinion taken into account in the BID process.

### Child Migrant and Refugee Victims of Crime

1. Ensure that state, municipal, and federal-level Child Protection Authorities have the resources, personnel, and training to represent migrant and refugee children who are victims of crimes and to ensure that all orders for the protection and restitution of rights (for example, rights to education, health care, mental health care) of child victims of crime are carried out.

2. Provide specialized training in gender issues, SGBV, children's rights, and LGBTI rights to all justice system officials who come into contact with migrant and refugee children who are victims of crime or other rights violations, including prosecutors and judges. Training should build specialized capacity for interviewing children and survivors of SGBV and other forms of violence. Training should include information on all relevant laws related to children's rights, migrant's rights, and SGBV.

3. The Mexican government should increase funding for specialized prosecutors for crimes against migrants. State governments should dedicate funding to train personnel in specialized investigation techniques

for crimes against migrants, including SGBV-related crimes. State governments should increase monitoring and oversight of investigations. The federal government should require increased coordination between special prosecutor's offices in different states, and provide funding and training to support that coordination.

4. The Mexican government should grant unaccompanied migrant children humanitarian residency permits based on their vulnerability as unaccompanied children, consistent with Article 52 of Mexico's Migration Code.

5. State-level Special Prosecutors for Crimes Against Migrants (FEDCCI) and the Unit for the Investigation of Crimes Against Migrants within the Federal Prosecutor's Office (PGR) should establish mechanisms to detect cases of human trafficking and labor exploitation of migrant and refugee children, investigate such cases and prosecute those responsible, and provide humanitarian residency permits and access to protection and support services to victims.

6. Train public employees, including federal, state, and municipal-level police, prosecutors, and health care providers, in migrants' rights, human rights, gender sensitivity and attention to victims of SGBV.

7. State and municipal governments should require that all public health centers provide services to all people without discrimination on the basis of migratory status and should sanction centers that discriminate based on migration status. State and municipal governments should dedicate resources to creating mobile health care units to provide emergency health and mental health care to migrants and refugees, including victims of violence, who are far from medical facilities. Services should include psychological assistance, emergency contraceptives, and HIV prophylaxis for victims of sexual violence.

### United States Government

#### Funding to Central America

1. The United States should make a long-term commitment to support efforts to address the root causes of Central American migration, such as sexual and gender-based violence and gang violence. For FY 2018, the United States should commit \$750 million in foreign assistance to Central America (the level committed for

FY 2016). U.S. funding to the region should address the root causes of migration and should not be contingent on migration reduction. Central American children fleeing sexual and gender-based violence need international protection, not border enforcement efforts aimed at preventing them from exercising their international rights, escaping violence, or returning them to it.

**2. U.S. funding to Central America should support government efforts to address violence generated by gangs, human traffickers, and other organized criminal groups, and to meaningfully fight corruption.** These efforts should include violence prevention education and programming, creating alternatives to violence for youth through education, internships and employment opportunities, as well as afterschool programming, human development, developing and strengthening community policing, and law enforcement components. Responses to violence should not focus on law enforcement alone and should not increase militarization, as strengthening military and security forces in Central America has historically led to human rights abuses. U.S. funded programming in El Salvador, Honduras, and Guatemala to address gang violence must be developed in consultation with civil society in these three countries and must ensure transparency, monitoring, and accountability mechanisms.

**3. SGBV prevention and response should be a priority area for foreign assistance from all U.S. agencies to El Salvador, Honduras, and Guatemala.** To maximize effectiveness, USAID and INL should coordinate SGBV programming, similar to the existing coordination between USAID and INL in communities with the highest levels of violence. SGBV prevention and response funding should require meaningful involvement by civil society organizations with expertise in gender, SGBV, gangs, and at-risk youth in designing programming and ensuring appropriate monitoring, transparency, and accountability mechanisms. Impact evaluation reporting should be done for all programming and results should be made public. Funding should support:

(a) programming in schools, starting from a young age, for boys and girls, to teach SGBV prevention and to challenge gender norms

(b) educational and development opportunities directed at economic empowerment of girls and women

(c) scaling up of community based violence prevention programming

(d) expansion of justice sector reforms focused on SGBV including, for example, victim service centers where SGBV survivors can report crime, and receive legal assistance, and support services

(e) comprehensive services for survivors of SGBV

(f) regular training of police, prosecutors, and judges on SGBV and working with survivors, and

(g) efforts to build trust between communities and law enforcement, including developing community monitoring of police.

**4. In consultation with civil society experts in SGBV, gangs, and at-risk youth, the United States should set benchmarks for reduction of SGBV in El Salvador, Honduras, and Guatemala, and should condition release of foreign aid on reaching these benchmarks.** Benchmarks should be progressive such that expectations in reduction rise over time for future assistance.

**5. U.S. funding should be dedicated in part to strengthening child welfare systems and agencies through decentralization of agencies, hiring of professional staff, ongoing training and monitoring of staff, and monitoring of child welfare agencies by an independent body.** Funding should also be dedicated to ensuring access to primary and secondary education for all children.

## Funding and Support to Mexico

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**1. U.S. funding to Mexico should focus on strengthening the capacity of all Mexican government agencies that come into contact with migrants to identify international protection needs** (i.e., refugees, human trafficking victims), and on strengthening COMAR's capacity to adjudicate claims for refugee status and other forms of protection, consistent with international law.

**2. The United States should further support Mexico's capacity to screen and adjudicate refugee claims consistent with international law** by increasing funding



to UNHCR in Mexico to support its work to strengthen Mexico's refugee system.

3. The United States should support Mexico's efforts to investigate and respond to SGBV and other crimes against migrants and refugees through prioritizing financial and political support for strengthening Mexico's judicial institutions and judicial reform efforts.

4. Any U.S. funding directed at supporting border/immigration enforcement in Mexico must require as a precondition that Mexico demonstrate that its immigration officials are respecting the human rights of migrants and are complying with international law regarding access to international protection, and that officials who commit human rights abuses against migrants and refugees or infringe on their right to seek protection are held accountable.

## Endnotes

<sup>1</sup> Statistics for 2011–2015 provided by U.S. Customs and Border Protection (USCBP). Statistics from 2016 available here: <https://www.dhs.gov/news/2016/12/30/dhs-releases-end-year-fiscal-year-2016-statistics> (accessed May 17, 2017).

<sup>2</sup> Secretariat of the Interior (SEGOB), Mexico, “Boletines Estadísticos,” [Hereafter “SEGOB Mexico Statistics”], [http://www.politicamigratoria.gob.mx/es\\_mx/SEGOB/Boletines\\_Estadisticos](http://www.politicamigratoria.gob.mx/es_mx/SEGOB/Boletines_Estadisticos) (accessed April 12, 2017). Statistics on the apprehensions of unaccompanied migrant children in Mexico are not publicly available for the full 2011–2016 period.

<sup>3</sup> The Office of Refugee Resettlement (ORR), part of the U.S. Department of Health and Human Services, is the agency charged with custody and care of unaccompanied immigrant children in the United States. U.S. Office of Refugee Resettlement “Facts and Data,” December 21, 2016, <https://www.acf.hhs.gov/orr/about/ucs/facts-and-data> (accessed April 12, 2017).

<sup>4</sup> SEGOB Mexico Statistics.

<sup>5</sup> SEGOB Mexico Statistics. Mexico disaggregates statistics by age and gender together, whereas ORR disaggregates statistics by age and gender separately.

<sup>6</sup> UN High Commissioner for Refugees (UNHCR), “Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection,” 2014, <http://www.unhcr.org/56fc266f4.html> (accessed April 12, 2017); UNHCR, “Arrancados de Raíz,” 2014, <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/Publicaciones/2014/9828> (accessed April 12, 2017).

<sup>7</sup> The terms victim and survivor are used interchangeably in this report to refer to a person who has experienced sexual and gender-based violence, in recognition of the different ways in which people who have experienced sexual and gender-based violence identify.

<sup>8</sup> United Nations Declaration on the Elimination of Violence Against Women, December 20, 1993, G.A. res 48/104, 48 U.N. GAOR Supp. (No.49) at 217, U.N. Doc. A/48/49 (1993), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx> (accessed April 12, 2017).

<sup>9</sup> These gender-based forms of inequality intersect with pervasive racism and discrimination against indigenous and Afro-descendant peoples within El Salvador, Honduras, and Guatemala, putting these groups at heightened risk for sexual and gender-based violence.

<sup>10</sup> Center for Women’s Rights (CDM), “Obstáculos y Desafíos que Enfrentan las Mujeres Víctimas de Violencia Sexual para Acceder a la Justicia,” 2013, [Hereafter “CDM, 2013”], p. 10, [http://www.derechosdelamujer.org/tl\\_files/documentos/violencia/Cuaderno%20Obstaculo%20web.pdf](http://www.derechosdelamujer.org/tl_files/documentos/violencia/Cuaderno%20Obstaculo%20web.pdf) (accessed April 12, 2017).

<sup>11</sup> Information provided by Community Legal Services in East Palo Alto (East Palo Alto, California), Immigrant Defenders Law Center (Los Angeles, California), and Pangea Legal Services (San Francisco and Milpitas, California).

<sup>12</sup> Sarah Kinoshian, Angelika Albaladejo, and Lisa Haugaard, “El Salvador’s Violence: No Easy Way Out,” Latin America Working Group (LAWG), 2016, p. 25–27, [Hereafter “LAWG, 2016”], [http://www.lawg.org/storage/documents/El\\_Salvadors\\_Violence-No\\_Easy\\_Way\\_Out.pdf](http://www.lawg.org/storage/documents/El_Salvadors_Violence-No_Easy_Way_Out.pdf) (accessed May 17, 2017).

<sup>13</sup> LAWG, 2016, p. 26.

<sup>14</sup> Universidad Nacional Autónoma de Honduras (UNAH), “Observatorio de Muertes Violentas de Mujeres y Femicidios: Resultados del Análisis Enero-Diciembre 2014,” Observatorio Nacional de la Violencia, January–December 2014, p. 12. <http://www.iudpas.org/pdf/Boletines/Genero/MMEd10EneDic2014.pdf> (accessed April 12, 2017).

<sup>15</sup> United Nations Children’s Fund (UNICEF), “2014 Informe de Situación de la Niñez y Adolescencia en El Salvador, transformar inequidades en oportunidades para todas las niñas, niños y adolescentes,” 2014, p. 103. [https://www.unicef.org/elsalvador/Informe\\_de\\_situacion\\_de\\_la\\_NNA\\_en\\_El\\_Salvador.pdf](https://www.unicef.org/elsalvador/Informe_de_situacion_de_la_NNA_en_El_Salvador.pdf) (accessed April 30, 2017).

<sup>16</sup> Ministerio de Salud de El Salvador (MINSAL), “Maternidad y Unión en Niñas y Adolescentes: Consecuencias Para la Vulneración de sus Derechos,” November 2015, [Hereafter “MINSAL, 2015”], p. 22. [http://www.salud.gob.sv/archivos/comunicaciones/archivos\\_comunicados2015/pdf/maternidad\\_union\\_ninas\\_y\\_adolescentes\\_1ra\\_lectura\\_datos.pdf](http://www.salud.gob.sv/archivos/comunicaciones/archivos_comunicados2015/pdf/maternidad_union_ninas_y_adolescentes_1ra_lectura_datos.pdf) (accessed April 12, 2017).

<sup>17</sup> Claudia Palma, “Cada 46 Minutos se Comete una Violación,” Prensa Libre, May 16,

2016, [Hereafter “Palma, 2016”] <http://www.prensalibre.com/guatemala/justicia/cada-46-minutos-se-comete-una-violacion> (accessed April 12, 2017).

<sup>18</sup> Office of the Human Rights Ombudsman (PDDH), “Informe Especial sobre el Impacto de la Violencia en los Derechos de las Niñas, Niños y Adolescentes en El Salvador,” May 2013, [Hereafter “PDDH, 2013”], p. 46, [https://www.redlamyc.info/images/stories/INFORME\\_ESPECIAL-2.pdf](https://www.redlamyc.info/images/stories/INFORME_ESPECIAL-2.pdf) (accessed April 12, 2017); KIND interview, Miguel Ángel López, Director, National Association Against Child Abuse (CONACMI), Guatemala City, Guatemala, September 19, 2016 [Hereafter “López Interview”]; KIND interview, María Pop Cal, Human Rights Defender, Office for the Defense of Indigenous Women (DEMI), Guatemala City, Guatemala, May 23, 2016 [Hereafter “Pop Cal Interview”].

<sup>19</sup> KIND interview, José Guadalupe Ruelas, National Director, Casa Alianza Honduras, Tegucigalpa, Honduras, February 16, 2016 [Hereafter “Ruelas Interview”]; KIND interview, Carolina Escobar Sartí, National Director, La Alianza Guatemala, phone, October 26, 2016 [Hereafter “Escobar Sartí Interview”]; PDDH, 2013, p. 29.

<sup>20</sup> The difficulties that children from El Salvador, Honduras, and Guatemala face disclosing sexual abuse apply to children who experience sexual abuse in the United States as well. However, the normalization of violence, the pervasiveness of victim blaming and stigmatization, and the shockingly high rates of impunity for violent crime (including sexual abuse) that exist in El Salvador, Honduras, and Guatemala entrench children’s reticence to disclose the violence.

<sup>21</sup> KIND interview, Javier Arturo Domínguez, Esq., Children’s Attorney, and Guadalupe Fernandez, Children’s Border Project Legal Advocate, Tahirih Justice Center, phone, November 17, 2016 [Hereafter “Domínguez and Fernandez Interview”]; KIND interview, Golden McCarthy, Esq., Children’s Program Director, The Florence Project, November 29, 2016.

<sup>22</sup> Pop Cal Interview.

<sup>23</sup> KIND interview, Leonel Dubón, Executive Director, Refuge for Children, Guatemala City, Guatemala, September 21, 2016 [Hereafter “Dubón Interview”].

<sup>24</sup> MINSAL, 2015, p. 22.

<sup>25</sup> *Ibid.*, p. 23.

<sup>26</sup> Observatory of Sexual and Reproductive Health, Guatemala (OSAR), [http://www.osarguatemala.org/Archivos/PDF/201510/289\\_21.pdf](http://www.osarguatemala.org/Archivos/PDF/201510/289_21.pdf) (accessed May 12, 2017).

<sup>27</sup> Anastasia Moloney, “Fathers Rape with Impunity, Fueling Guatemala’s Teen Pregnancies,” Reuters, October 2, 2015, <http://www.reuters.com/article/us-guatemala-teenage-pregnancy-idUSKCNORW22D20151002> (accessed April 12, 2017).

<sup>28</sup> “Sexual and Reproductive Health of Young Women in Honduras Fact Sheet,” Guttmacher Institute, 2014, [Hereafter “Guttmacher Institute 2014”], <https://www.guttmacher.org/fact-sheet/sexual-and-reproductive-health-young-women-honduras> (accessed April 12, 2017); Amnesty International, “News: El Salvador’s Total Abortion Ban Sentences Children and Families to Trauma and Poverty,” November 30, 2015, [Hereafter “Amnesty International, 2015”], <https://www.amnesty.org/en/latest/news/2015/11/el-salvador-s-total-abortion-ban-sentences-children-and-families-to-trauma-and-poverty/> (accessed April 12, 2017); Guatemalan Penal Code, Decree Number 17-73, Title VII, Chapter III, Articles 133–140 (1973), [Hereafter “Guatemalan Penal Code Decree 17-73”] <http://www.reproductiverights.org/world-abortion-laws/guatemalas-abortion-provisions> (accessed April 12, 2017).

<sup>29</sup> Karen Musalo and Blaine Bookey, “Crimes Without Punishment: an Update on Violence Against Women and Impunity in Guatemala,” *Hastings Race & Poverty Law Journal*, Vol. 10, Research Paper No. 47 (May 2013), [https://cgrs.uchastings.edu/sites/default/files/Musalo\\_Bookey\\_CrimesWithoutPunishment\\_2013.pdf](https://cgrs.uchastings.edu/sites/default/files/Musalo_Bookey_CrimesWithoutPunishment_2013.pdf) (accessed April 12, 2017) [Hereafter “Musalo and Bookey 2013”]; Laura Navarro Mantas, Marta Judith Velásquez, and Jesús López Megías, “Violencia Contra las Mujeres en El Salvador: Estudio Poblacional,” Universidad Tecnológica de El Salvador, 2015, [https://www.unicef.org/elsalvador/violencia\\_contra\\_las\\_mujeres\\_INFORME\\_FINAL\\_2014.pdf](https://www.unicef.org/elsalvador/violencia_contra_las_mujeres_INFORME_FINAL_2014.pdf) (accessed April 12, 2017); Center for Women’s Rights (CDM) et al., “Situación de las Violencias Contra las Mujeres en Honduras,” (paper presented before the UN Special Rapporteur on Violence Against Women in her visit to Honduras, Honduras, June 2014), [http://www.derechosdelamujer.org/tl\\_files/documentos/derechos\\_humanos/Informe-Violencia-Mujeres-Honduras-RelatoraONU-Junio2014.pdf](http://www.derechosdelamujer.org/tl_files/documentos/derechos_humanos/Informe-Violencia-Mujeres-Honduras-RelatoraONU-Junio2014.pdf) (accessed April 12, 2017).

<sup>30</sup> United Nations Children’s Fund (UNICEF), *Hidden in Plain Sight: A Statistical*

Analysis of Violence Against Children, September 2014, [Hereafter “UNICEF, 2014”], p. 140, [http://www.unicef.org/publications/index\\_74865.html](http://www.unicef.org/publications/index_74865.html) (accessed May 12, 2017).

<sup>31</sup> KIND interview, Carolina Sierra, Director, Forum of Women for Life (Foro de Mujeres por la Vida), San Pedro Sula, Honduras, February 11, 2016 [Hereafter “Sierra Interview”]; Pop Cal Interview; KIND interview, Regina Fonseca, Coordinator, Center for Women’s Rights (CDM), Honduras, February 18, 2016 [Hereafter “Fonseca Interview”].

<sup>32</sup> Sierra Interview.

<sup>33</sup> MINSAL, 2015, p. 19.

<sup>34</sup> Margaret E. Greene, Giovanna Laura, and Alice Taylor, “Yes, Girls do Marry as Children and Adolescents in Latin America,” Inter-American Development Bank, Gender and Diversity Division, July 9, 2016, <http://blogs.iadb.org/y-si-hablamos-de-igualdad/2015/07/09/yes-child-marriage-algo-exists-in-latin-america/> (accessed May 9, 2017).

<sup>35</sup> Pop Cal Interview.

<sup>36</sup> Pop Cal Interview.

<sup>37</sup> Sierra Interview.

<sup>38</sup> Ministry of Labor and Social Projection and National Institute of Statistics (INE), Guatemala, “Informe Nacional Sobre Trabajo Infantil en Guatemala,” 2011, <https://www.dol.gov/lab/reports/pdf/GLO%2008%20Guatemala%20NCLS%202013.pdf> (accessed May 11, 2017); “Casi un Millón de Niños en Guatemala Realizan Laburos de Alto Riesgo,” Center for Informative Reports on Guatemala (CERIGUA), 2016,

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<sup>39</sup> Gloria Morán, “El Salvador: El Trabajo Infantil en la Vida Cotidiana,” Huffington Post Contra Punto, June 19, 2013, [http://www.huffingtonpost.com/contrapunto/el-salvador-el-trabajo-infantil\\_b\\_3462322.html](http://www.huffingtonpost.com/contrapunto/el-salvador-el-trabajo-infantil_b_3462322.html) (accessed May 11, 2017); Casa Alianza, 2011, p. 4, 17.

<sup>40</sup> Client of a legal services organization that serves migrant children.

<sup>41</sup> Center for Women’s Rights (CDM) Honduras, “El Hostigamiento Sexual,” 2004, [http://www.derechosdelamujer.org/tl\\_files/documentos/violencia/doc\\_violencia\\_3.pdf](http://www.derechosdelamujer.org/tl_files/documentos/violencia/doc_violencia_3.pdf) (accessed May 11, 2017); Organization of Salvadoran Women for Peace (ORMUSA), Observatorio Laboral y Económico, “Acoso Laboral y Acoso Sexual como Formas de Violencia en los Lugares de Trabajo,” 2011, [http://observatoriolaboral.ormusa.org/boletinas/2011\\_03\\_Boletina\\_ECL.pdf](http://observatoriolaboral.ormusa.org/boletinas/2011_03_Boletina_ECL.pdf) (accessed May 11, 2017); Observatorio contra el Acoso Callejero en Guatemala, Testimonios, Nd., <http://ocacgt.org/category/testimonios/> (accessed May 11, 2017).

<sup>42</sup> Sierra Interview; Fonseca Interview; Nina Lakhani, “We Fear Soldiers More Than Gangsters: El Salvador’s ‘Iron Fist’ Policy Turns Deadly,” The Guardian, February 6, 2017, [https://www.theguardian.com/world/2017/feb/06/el-salvador-gangs-police-violence-districto-italia?CMP=Share\\_AndroidApp\\_Facebook](https://www.theguardian.com/world/2017/feb/06/el-salvador-gangs-police-violence-districto-italia?CMP=Share_AndroidApp_Facebook) (accessed April 12, 2017).

<sup>43</sup> Kelly McEvers and Jasmine Garsd, “The Surreal Reasons Girls are Disappearing in El Salvador: #15 Girls,” post to “Goats and Soda: Stories of Life in a Changing World,” October 5, 2015, <http://www.npr.org/sections/goatsandsoda/2015/10/05/445985671/never-leave-your-house-survival-strategies-for-el-salvador-s-15girls> (accessed April 12, 2016); Roxana Delgado and Jorge Vargas Méndez, “El Salvador: La Violencia de Maras y su Impacto en la Vida, la Seguridad y las Libertades de las Mujeres,” Organization of Salvadoran Women for Peace (ORMUSA), 2016, [Hereafter “Delgado and Vargas Méndez, 2016”], p. 42-43.

<sup>44</sup> KIND interview, Silvia Juárez, Program Director, Organization of Salvadoran Women for Peace (ORMUSA), phone, June 1, 2016 [Hereafter “Juárez Interview”]; KIND interview, Claudia Hernández, Executive Director of Survivor’s Foundation, Guatemala City, Guatemala, September 20, 2016 [Hereafter “C. Hernández Interview”]; Alberto Arce, “Violación de Mujeres: Otro Sello de las Pandillas,” Diario

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<sup>45</sup> Sierra Interview; Fonseca Interview; Escobar Sartí Interview; KIND interview, Staff Members and Board of Directors, Las Dignas, San Salvador, El Salvador, November 6, 2015 [Hereafter “Las Dignas Interview”].

<sup>46</sup> The civil society representative asked that the organization remain anonymous to protect the child and his family.

<sup>47</sup> Thomas Boerman and Jennifer Knapp, “Gang Culture and Violence Against Women in El Salvador, Honduras, and Guatemala,” Immigration Briefings Issue 17-03, March 2017, p. 8 [Hereafter “Boerman and Knapp, 2017”]; Delgado and Vargas Méndez, 2016, p. 35.

<sup>48</sup> International Commission Against Impunity in Guatemala (CICIG) and UNICEF, “Trata de Personas con Fines de Explotación Sexual en Guatemala,” 2016, [Hereafter “CICIG and UNICEF, 2016”] p. 91-94, [http://www.cicig.org/uploads/documents/2016/Trata\\_Esp\\_978\\_9929\\_40\\_827\\_2.pdf](http://www.cicig.org/uploads/documents/2016/Trata_Esp_978_9929_40_827_2.pdf) (accessed April 12, 2017).

<sup>49</sup> Observatory of the Rights of Children and Youth in Honduras, “Violencia Sexual e Infancia en Honduras,” Casa Alianza, 2013, [Hereafter “Casa Alianza Honduras, 2013”], p. 20, [http://www.casa-alianza.org/hn/images/documentos/Informes.Especiales/Inf.2013/3.%20Informe%20violencia%20sexual%20y%20trata\\_casa%20alianza%20honduras.pdf](http://www.casa-alianza.org/hn/images/documentos/Informes.Especiales/Inf.2013/3.%20Informe%20violencia%20sexual%20y%20trata_casa%20alianza%20honduras.pdf) (accessed April 12, 2017).

<sup>50</sup> PDDH, 2013, p. 54-55; KIND interview, Representatives, Secretary Against Sexual Violence, Exploitation, and Human Trafficking in Guatemala (SVET), Guatemala City, September 23, 2016; Delgado and Vargas Méndez, 2016, p. 32.

<sup>51</sup> Delgado and Vargas Méndez, 2016, p. 31.

<sup>52</sup> Vilma Vaquerano, “Violencia contra las Mujeres en El Salvador,” 2016, p. 15, [Hereafter “Vaquerano 2016”], <http://library.fes.de/pdf-files/bueros/fesamcentral/12926.pdf> (accessed April 12, 2017); KIND interview, Police Officer, El Salvador National Civil Police (PNC), San Salvador, El Salvador, November 5, 2015 [Hereafter “Police Officer, El Salvador PNC Interview”]; Sierra Interview.

<sup>53</sup> KIND interview, Elisa Portillo, Human Rights Attorney, Guatemala City, Guatemala, May 24, 2016 [Hereafter “Portillo Interview”]; KIND interview, Noah Bullock, Executive Director, Foundation Cristosal, Washington, D.C., October 15, 2016 [Hereafter “Bullock Interview”]; C. Hernández Interview; Vaquerano 2016, p. 14-15.

<sup>54</sup> KIND interview Lisa Koop, Associate Director of Legal Services, National Immigrant Justice Center, phone interview, October 18, 2016.

<sup>55</sup> Juárez interview; KIND interview, Thomas Boerman, Ph.D., Attorney and Gang Violence Expert, phone, September 30, 2016, [Hereafter “Boerman Interview”].

<sup>56</sup> KIND interview, Office of the Human Rights Ombudsman, Guatemala (PDH), Gabriela Tuch, Human Rights Defender for Sexual Diversity, Guatemala City, Guatemala, September 22, 2016; KIND interview, Carlos Valdés, Director of LAMBDA Guatemala, Skype, October 6, 2016 [Hereafter “Valdés Interview”]; KIND interview, William Hernández, Executive Director, Entre Amigos, El Salvador, Skype, January 30, 2016 [Hereafter “W. Hernández Interview”].

<sup>57</sup> Valdés Interview.

<sup>58</sup> Ibid.

<sup>59</sup> Written communication, Claudia Hernández, Executive Director, Survivor’s Foundation, Guatemala, April 19, 2017. [Hereafter “Written communication C. Hernández”].

<sup>60</sup> Valdés Interview.

<sup>61</sup> Sam Tabory, “Policía y Pandillas Ejercen Violencia Contra la Población LGBT en El Salvador,” post to “InsightCrime,” April 27, 2016, <http://es.insightcrime.org/noticias-del-dia/policia-pandillas-ejercen-violencia-poblacion-lgbt-salvador> (accessed April 12, 2017); Boerman Interview.

<sup>62</sup> International Human Rights Law Clinic, “Sexual Diversity in El Salvador: A Report on the Human Rights Situation of the LGBT Community,” July 2012, p. 14, [https://www.law.berkeley.edu/files/IHRLC/LGBT\\_Report\\_English\\_Final\\_120705.pdf](https://www.law.berkeley.edu/files/IHRLC/LGBT_Report_English_Final_120705.pdf) (accessed April 12, 2017).

<sup>63</sup> Ibid., p. 15, 17-18; Human Rights First, “Bias-Motivated Violence Against LGBT People in El Salvador,” 2017, [Hereafter “Human Rights First, 2017”], [http://www.humanrightsfirst.org/sites/default/files/El-Salvador-Brief-ENG\\_0.pdf](http://www.humanrightsfirst.org/sites/default/files/El-Salvador-Brief-ENG_0.pdf) (accessed April 12, 2017).

- <sup>64</sup> López Interview.
- <sup>65</sup> Ibid; UNICEF, 2014, p. 63.
- <sup>66</sup> Written communication, Leonel Dubón, Executive Director, Refuge for Children, Guatemala, April 26, 2017.
- <sup>67</sup> López Interview.
- <sup>68</sup> CICIG and UNICEF, 2016, p. 72.
- <sup>69</sup> Marvin Díaz, “Trata De Personas: De 360 Casos En Cinco Anos Solo 16 Casos Fueron Judicializados,” *Revista Gatoencerrado*, June 7, 2016, <http://elsalvadortrespuntocero.com/trata-de-personas-de-360-casos-en-cinco-anos-solo-16-casos-fueron-judicializados/> (accessed April 12, 2017).
- <sup>70</sup> KIND interview, Ludin Chávez, Director of Operations, Save the Children, El Salvador, Skype, January 12, 2016.
- <sup>71</sup> Helen Julissa Montoya, “3,000 Mil Niñas de 12 a 17 Años se Prostituyen en las Calles Sampedranas,” *La Prensa* (Honduras, January 13, 2014), <http://www.laprensa.hn/honduras/sanpedrosula/442291-98/3000-mil-ninas-de-12-a-17-anos-se-prostituyen-en-las> (accessed April 12, 2017).
- <sup>72</sup> CICIG and UNICEF, 2016, p. 7.
- <sup>73</sup> CICIG and UNICEF, 2016, p. 89; U.S. Department of State, *Trafficking in Persons Report*, 2016, p. 162, 184, 192, <https://www.state.gov/j/tip/rls/tiprpt/2016/> (accessed May 5, 2017).
- <sup>74</sup> Pop Cal Interview; Ruelas Interview; Escobar Sartí Interview.
- <sup>75</sup> U.S. Department of State, “*Trafficking in Persons Report*,” 2016, p. 162, 184, 192, <https://www.state.gov/j/tip/rls/tiprpt/2016/> (accessed May 5, 2017).
- <sup>76</sup> Story provided a legal services organization representing immigrant children.
- <sup>77</sup> CICIG and UNICEF, 2016, p. 94.
- <sup>78</sup> CICIG and UNICEF, 2016, p. 92-94.
- <sup>79</sup> Ibid., p. 94.
- <sup>80</sup> KIND interview, Jodi Berger Cardoso, PhD, LCSW, Associate Professor, Graduate College of Social Work, University of Houston, Skype, November 30, 2016.
- <sup>81</sup> Portillo Interview.
- <sup>82</sup> A proposal for a Comprehensive Law Against Violence Toward Women (LI-VHM) was developed by women’s rights organizations and government agencies in Honduras.
- <sup>83</sup> KIND interview, Claudia Herrmannsdorfer, Women’s Rights Expert and Independent Consultant, Tegucigalpa, Honduras, February 5, 2016 [Hereafter “Herrmannsdorfer Interview”]; C. Hernández Interview; Ruelas Interview; Las Dignas Interview; Fonseca Interview.
- <sup>84</sup> KIND interview, judge with expertise in violence against women, Tegucigalpa, Honduras, February 15, 2016 [Hereafter “Judge with expertise in violence against women Honduras Interview.”]; Ruelas Interview.
- <sup>85</sup> Pop Cal Interview; Dubón Interview; Portillo Interview; KIND interview, Judith Erazo, Coordinator of Migration Programs, Community Research and Psychosocial Action, Guatemala City, Guatemala, September 23, 2016 [Hereafter “Erazo Interview”].
- <sup>86</sup> Written communication C. Hernández.
- <sup>87</sup> UNHCR, “Women on the Run,” 2015, p. 4-5, <http://www.unhcr.org/5630f24c6.html> (accessed April 12, 2017); The Advocates for Human Rights, “Honduras. Stakeholder Submission to the United Nations Universal Periodic Review,” September 2014, [Hereafter “The Advocates for Human Rights, 2014”] p. 6, [http://www.theadvocatesforhumanrights.org/uploads/honduras\\_hrc\\_vaw\\_2014.pdf](http://www.theadvocatesforhumanrights.org/uploads/honduras_hrc_vaw_2014.pdf) (accessed April 12, 2017).
- <sup>88</sup> Bullock Interview; Juárez Interview; Portillo Interview; Fonseca Interview.
- <sup>89</sup> The Advocates for Human Rights, 2014, p. 6; Fonseca Interview.
- <sup>90</sup> Sierra Interview; Fonseca Interview; C. Hernández Interview.
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- <sup>94</sup> KIND Interview, Prosecutor, Public Prosecutor’s Office, Tegucigalpa, Honduras, February 18, 2016, [Hereafter “Prosecutor Honduras Interview”]; Pop Cal Interview; Plataforma CEDAW Honduras, “Valorando el progreso del Estado en la implementación de la Convención sobre la Eliminación de toda forma de Discriminación contra la Mujer 2007-2012,” September 2016, [Hereafter “Plataforma CEDAW Honduras, 2016”], p. 10, [http://www.derechosdelamujer.org/tl\\_files/documentos/derechos\\_humanos/CEDAW%20Honduras%20Informe%20Alternativo%202007-2012.pdf](http://www.derechosdelamujer.org/tl_files/documentos/derechos_humanos/CEDAW%20Honduras%20Informe%20Alternativo%202007-2012.pdf) (accessed April, 12, 2017).
- <sup>95</sup> Pop Cal Interview; Las Dignas Interview; CDM 2013, p. 31.
- <sup>96</sup> KIND interview, Roberto Rodríguez Meléndez, Professor and Judicial System Expert, Central American University (UCA), Skype, December 19, 2016 [Hereafter “Rodríguez Meléndez Interview”]; KIND interview, Martha Savillon Castro, Child Protection Expert, Honduras, Skype, January 10, 2016 [Hereafter “Savillon Castro Interview”]; López Interview.
- <sup>97</sup> Pop Cal Interview; KIND Interview, Miriam Domínguez Sebastian, Ombudsperson for Women, Office of the Ombudsman for Human Rights (PDH) Guatemala City, Guatemala, September 22, 2016.
- <sup>98</sup> KIND interview Juana Sales, Movement of Indigenous Women Tz’ununija’, Guatemala City, Guatemala, September 22, 2016 [Hereafter “Sales Interview”].
- <sup>99</sup> Written communication C. Hernández.
- <sup>100</sup> Theodora J. Simon, “Gang-based Violence and Internal Displacement in El Salvador: Identifying Trends in State Response, Human Rights Violations, and Possibilities for Asylum” [Hereafter “Simon, 2016”], p. 10, 17-18, [http://archive.carrcenter.hks.harvard.edu/files/carrcenter/files/gang-based\\_violence\\_and\\_internal\\_displacement\\_in\\_el\\_salvador\\_-\\_identifying\\_trends\\_in\\_state\\_response\\_human\\_rights\\_violations\\_and\\_possibilities\\_for\\_asylum.pdf?m=1464200254](http://archive.carrcenter.hks.harvard.edu/files/carrcenter/files/gang-based_violence_and_internal_displacement_in_el_salvador_-_identifying_trends_in_state_response_human_rights_violations_and_possibilities_for_asylum.pdf?m=1464200254) (accessed April 3, 2017).
- <sup>101</sup> Prosecutor Honduras Interview.
- <sup>102</sup> Ibid.
- <sup>103</sup> Ibid.
- <sup>104</sup> CDM 2013, p. 31; Las Dignas Interview; In Guatemala, since the creation of the 2009 femicide law, the public prosecutor has a responsibility to prosecute all cases of violence against women, regardless of whether the victim chooses to continue with the legal process. However, without the active participation of the victim in the investigation and prosecution it is very unlikely that a case will reach a sentence (Written communication C. Hernández).
- <sup>105</sup> Judge with expertise in violence against women Honduras Interview.
- <sup>106</sup> KIND interview, Justo Solorzano, Director of Policy, UNICEF Guatemala, skype, November 13, 2016 [Hereafter “Solorzano Interview.”]; Savillon Interview; Rodríguez Melendez Interview.
- <sup>107</sup> Savillon Interview.
- <sup>108</sup> Dubón Interview.
- <sup>109</sup> López Interview; Prosecutor Honduras Interview; Rodríguez Meléndez Interview.
- <sup>110</sup> Plataforma CEDAW Honduras, 2016, p. 18; Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, Report to the United Nations Human Rights Commission, A/HRC/29/27/Add.1, March 31, 2015, p. 5.
- <sup>111</sup> CDM 2013, p. 29; Pop Cal Interview; Dubón Interview; Las Dignas Interview.
- <sup>112</sup> Dubón Interview.
- <sup>113</sup> Ibid.
- <sup>114</sup> Plataforma CEDAW Honduras, 2016, p. 11; Valdés Interview; W. Hernández Interview; Las Dignas Interview; KIND interview, Indyra Mendoza, Director, Lesbian Network of Honduras, Las Cattrachas, phone, March 1, 2017 [Hereafter “Mendoza Interview”].
- <sup>115</sup> KIND interview, Representatives, Secretary of Social Wellbeing (SBS), Guatemala City, Guatemala, September 21, 2016 [Hereafter “SBS Guatemala Interview”]; López Interview; Valdés Interview; W. Hernández Interview.
- <sup>116</sup> Pop Cal Interview; Sales Interview.
- <sup>117</sup> Sales Interview; Inter-American Commission on Human Rights (IACHR), “The

Situation of People of African Descent in the Americas,” (OEA/Ser.L/V/II., Doc. 62), December 5, 2011, p. 27, [http://www.oas.org/en/iachr/afro-descendants/docs/pdf/afros\\_2011\\_eng.pdf](http://www.oas.org/en/iachr/afro-descendants/docs/pdf/afros_2011_eng.pdf) (accessed April 12, 2017).

<sup>118</sup> Portillo Interview; Musalo and Bookey 2013, p. 285-286; CDM, 2013, p. 33.

<sup>119</sup> Portillo Interview.

<sup>120</sup> Portillo Interview.

<sup>121</sup> Sierra Interview; Las Dignas Interview; Fonseca Interview; Portillo Interview.

<sup>122</sup> Las Dignas Interview; Prosecutor Honduras Interview; C. Hernández Interview.

<sup>123</sup> Las Dignas Interview; Plataforma CEDAW Honduras, 2016, p. 10; CDM 2013, p. 33-34.

<sup>124</sup> Valdés Interview; The Salvadoran penal code mandates harsher sentences for hate-motivated murder, as well as the threat or attempt of murder, based on sexual orientation and gender identity and expression, among other factors. Salvadoran Penal Code, Chapter I, Article 129, Chapter II, Article 155.

<sup>125</sup> Mendoza Interview; The Honduran penal code classifies as “aggravated” any crime motivated by hate based on sex, gender, race, ethnicity, sexual orientation, disability, and other factors in Title III, Chapter II, Article 32. The Honduran Congress is currently considering a revised penal code that includes femicide, or the gender-motivated killing of a woman, as an aggravated crime, but omits other aggravating factors. LGBTI rights groups in Honduras are urging Congress to revise the proposed code to maintain the existing categorization of hate-motivated crimes (Mendoza Interview).

<sup>126</sup> W. Hernández Interview; Mendoza Interview; Valdés Interview; Human Rights First, 2017.

<sup>127</sup> Valdés Interview.

<sup>128</sup> Juárez Interview; C. Hernández Interview; Prosecutor Honduras Interview.

<sup>129</sup> Rodríguez Meléndez Interview; López Interview; Judge with expertise in violence against women Honduras Interview; Portillo Interview.

<sup>130</sup> KIND interview, Representatives, National Commission for Human Rights (CONADEH), Tegucigalpa, Honduras, February 15, 2016 [Hereafter “CONADEH Interview”].

<sup>131</sup> Prosecutor Honduras Interview.

<sup>132</sup> López Interview.

<sup>133</sup> Portillo Interview.

<sup>134</sup> Prosecutor Honduras Interview; Bullock Interview; Portillo Interview.

<sup>135</sup> Human Rights Ombusman, El Salvador, Resolution, February 16, 2016; United States Department of State, Bureau of Democracy, Human Rights and Labor, “El Salvador 2016 Human Rights Report,” 2016, p. 21, <https://www.state.gov/documents/organization/265798.pdf> (accessed April 10, 2017); Bullock Interview.

<sup>136</sup> PNC El Salvador Interview; Prosecutor Honduras Interview.

<sup>137</sup> Judge with expertise in violence against women Honduras Interview; PNC El Salvador Interview; Prosecutor Honduras Interview; Portillo Interview.

<sup>138</sup> Asa Welander, “Ellas Ven, Oyen, y Callan,” *El País*, August 26, 2015, [http://elpais.com/elpais/2015/08/25/planeta\\_futuro/1440515739\\_660469.html](http://elpais.com/elpais/2015/08/25/planeta_futuro/1440515739_660469.html) (accessed April 4, 2017); PNC El Salvador Interview; Boerman and Knapp, 2017, p. 9.

<sup>139</sup> López Interview; Herrmannsdorfer Interview; Las Dignas Interview; Portillo Interview.

<sup>140</sup> Dubón Interview; Juárez Interview; Las Dignas Interview; Portillo Interview; Erazo Interview.

<sup>141</sup> Portillo Interview.

<sup>142</sup> Las Dignas Interview; López Interview.

<sup>143</sup> Savillon Castro Interview; Bullock Interview; Dubón Interview; Ruelas Interview; López Interview.

<sup>144</sup> Rodríguez Meléndez Interview.

<sup>145</sup> Rodríguez Meléndez Interview; López Interview.

<sup>146</sup> KIND interview, Vivian Fajardo and Gerardo Borjas, Coordinators of Return and Reintegration Programming, Casa Alianza, Honduras, February 11, 2016, San Pedro Sula, Honduras [Hereafter “Fajardo and Borjas Interview”].

<sup>147</sup> SBS Guatemala Interview.

<sup>148</sup> Bullock Interview; Ruelas Interview; Rodríguez Meléndez Interview; CONADEH Interview.

<sup>149</sup> Savillon Castro Interview; KIND Interview, Beatriz Campos, Attorney for Civil Rights and Migration Program, Human Rights Ombudsman Office (PDDH), San Salvador, El Salvador, November 23, 2015; Interview Prosecutor Honduras.

<sup>150</sup> The Salvadoran Institute for the Integral Development of Children and Adolescents (ISNA) is a part of El Salvador’s child protection system, and is responsible for providing protection and other services for children.

<sup>151</sup> Rodríguez Meléndez Interview.

<sup>152</sup> Bullock Interview.

<sup>153</sup> Ruelas Interview.

<sup>154</sup> Fajardo and Borjas Interview.

<sup>155</sup> Ciudad Mujer, Secretary of Social Inclusion, El Salvador, <http://www.ciudadmujer.gob.sv/> (accessed May 11, 2017).

<sup>156</sup> “Inauguran Primer Centro de Ciudad Mujer en Honduras,” *El Herald*, March 28, 2017, <http://www.elheraldo.hn/pais/1057287-466/inauguran-primer-centro-de-ciudad-mujer-en-honduras> (accessed May 11, 2017).

<sup>157</sup> Centers for Assistance and Protection of the Rights of Women (CAPRODEM), Honduran Judicial System, <http://www.poderjudicial.gob.hn/Proyectos/CAPRODEM/Paginas/default.aspx> (accessed May 11, 2017).

<sup>158</sup> United Nations Population Fund, “Modelo de Atención Integral para las Víctimas de Violencia Sexual, Guatemala,” <http://unfpa.org.gt/content/modelo-de-atencion-integral-para-las-victimas-de-violencia-sexual> (accessed May 11, 2017); “Instalan Modelo de Atención Integral a Víctimas de Violencia,” *El Herald*, April 7, 2014, <http://www.elheraldo.hn/pais/573755-214/instalan-modelo-de-atencion-integral-a-victimas-de-violencia> (accessed May 11, 2017).

<sup>159</sup> Ciudad Mujer Joven, Secretary of Social Inclusion, El Salvador, <http://www.inclusion-social.gob.sv/ciudad-mujer-joven/> (accessed May 11, 2017).

<sup>160</sup> Pop Cal Interview; Domínguez Interview; KIND interview, Police Officer, PNC Honduras, Tegucigalpa, Honduras, February 17, 2016.

<sup>161</sup> Herrmannsdorfer Interview.

<sup>162</sup> “El ‘Seguro,’ Un Centro Acusado de Abusos y Maltratos en Guatemala,” *La Prensa Gráfica*, March 10, 2016, <http://www.laprensagrafica.com/2017/03/10/el-hogar-seguro-un-centro-acusado-de-abusos-y-maltratos-en-guatemala> (accessed April 12, 2017); Disability Rights International, “Después del Fuego: Sobrevivientes del Hogar Seguro Virgen de la Asunción en Riesgo,” March 15, 2017, <http://www.driadvocacy.org/wp-content/uploads/Despues-del-Fuego.pdf> (accessed April 20, 2017).

<sup>163</sup> “Tragedia en Hogar Seguro: Cifra de Fallecidas Sube a 40,” *Prensa Libre*, March 12, 2017, <http://www.prensalibre.com/guatemala/comunitario/tragedia-hogar-seguro-virgen-de-la-asuncion-aumenta-cifra-de-muertos> (accessed April 12, 2017); Nic Wirtz and Elisabeth Malkin, “35 Girls Killed in Guatemala Fire May Have Been Locked In,” *New York Times*, March 9, 2017, <https://www.nytimes.com/2017/03/09/world/americas/guatemala-city-fire.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news&r=1> (accessed April 12, 2017).

<sup>164</sup> PDDH, 2013, p. 47.

<sup>165</sup> Rodríguez Meléndez Interview; Dubón Interview; “DINAF Impulsa Observatorio Independiente de la Niñez,” *La Tribuna*, January 20, 2017, <http://www.latribuna.hn/2017/01/20/dinaf-impulsa-observatorio-independiente-la-ninez/> (accessed May 11, 2017).

<sup>166</sup> Dubón Interview; Savillon Castro Interview; Rodríguez Meléndez Interview.

<sup>167</sup> Savillon Castro Interview.

<sup>168</sup> Ruelas Interview; Savillon Castro Interview.

<sup>169</sup> Guttmacher Institute, 2014; Amnesty International, 2015; Guatemalan Penal Code Decree 17-73. The Guatemalan Penal Code criminalizes abortion, including in cases of sexual violence. The Penal Code permits abortion in the case of danger to the life of the mother, but requires confirmation by two doctors that abortion is medically necessary to save the life of the mother and that all other medical options have been exhausted.

<sup>170</sup> Doctors Without Borders, “Forced to Flee Central America’s Northern Triangle: A Neglected Humanitarian Crisis,” 2017 [Hereafter “Doctors Without Borders, 2017”], p. 12, [Hereafter “Doctors Without Borders, 2017”], <https://www.doctorswithoutborders.org/>

doctorswithoutborders.org/sites/usa/files/msf\_forced-to-flee-central-americas-northern-triangle.pdf (accessed May 12, 2017); CDH Fray Matías Interview, Linda de León, Scalibrini Missionaries, October 18, 2016, Tapachula, Mexico; KIND interview, Alejandrina García Rojas, Program Coordinator, Salud Integral Para la Mujer A.C. (SIPAM), Mexico City, Mexico, July 20, 2016 [Hereafter “García Rojas Interview”]; Gabriela Díaz Prieto and Gretchen Kuhner, “Un Viaje Sin Ratros,” 2015, p. 81, [Hereafter “Díaz Prieto and Kuhner, 2015”]; Inter-American Commission on Human Rights (IACHR), “Human Rights of Migrants and other Persons in the Context of Human Mobility in Mexico,” 2013, <http://www.oas.org/en/iachr/migrants/docs/pdf/report-migrants-mexico-2013.pdf> (accessed May 11, 2017); Amnesty International, “Invisible Victims: Migrants on the Move in Mexico,” 2010, <http://www.amnestyusa.org/research/reports/invisible-victims-migrants-on-the-move-in-mexico> (accessed May 11, 2017).

<sup>171</sup> Written communication, Nickole Miller, Managing Attorney, Immigrant Defenders Law Center, January 18, 2017.

<sup>172</sup> Díaz Prieto and Kuhner, 2015, p. 81-84.

<sup>173</sup> Interviews and focus groups conducted by Association Pop No’j and Community Research and Psychosocial Action (ECAP) in Guatemala, January-June, 2016.

<sup>174</sup> KIND interview, Representative, El Salvador Ministry of Health (MINSAL), San Salvador, El Salvador, November 4, 2015.

<sup>175</sup> Lydiette Carrion, “La Trata Invisible,” *Enelcamino*, July 23, 2014, <http://enelcamino.periodistasdeapie.org.mx/ruta/la-trata-invisible/> (accessed April 12, 2017).

<sup>176</sup> KIND interview, Consular Official, Honduran Consulate in Tapachula, Mexico, April 15, 2016 [Hereafter “Honduran Consulate Tapachula Interview”].

<sup>177</sup> Díaz Prieto and Kuhner, 2015, p. 31; La 72 Shelter for Migrants, Public Statement, “Nueva Ola de Violencia se Suma a la Profunda Crisis Regional en torno a Personas Migrantes y Refugiados,” 2016 [Hereafter “La 72, 2016”] <http://reddtd.org.mx/?p=7217> (accessed April 30, 2017); KIND interview, Leticia Gutiérrez Valderrama, General Director, and Leonila Romero, Coordinator, Centro Pastoral de Derechos Humanos, Scalabrinianas Misión con Migrantes y Refugiados, Mexico, phone, January 27, 2017 [Hereafter “Gutiérrez and Romero Interview”].

<sup>178</sup> Díaz Prieto and Kuhner, 2015, p. 32; Domínguez and Fernández Interview.

<sup>179</sup> KIND interview, Representative, Special Prosecutor for Crimes Against Migrants, Chiapas, Tapachula, Mexico, April 7, 2016. [Hereafter “Prosecutor Chiapas Interview”]; Domínguez and Fernández Interview.

<sup>180</sup> Fajardo and Borjas Interview.

<sup>181</sup> Díaz Prieto and Kuhner, 2015, p. 31.

<sup>182</sup> KIND interview, Psychologist, El Belen Reception Center, Honduras, February 9, 2016.

<sup>183</sup> Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” (<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>).

<sup>184</sup> CICIG and UNICEF, 2016, p. 84 -85; Ángeles Mariscal, “Mujeres Migrantes, Atrapadas en una Frontera Imaginaria,” *Enelcamino*, June 3, 2014, [Hereafter “Mariscal, 2014”], <http://enelcamino.periodistasdeapie.org.mx/ruta/mujeres-frontera/> (accessed April 12, 2017); United Nations Office on Drugs and Crime (UNDCO), “Trata de Mujeres y Niñas de Centroamérica,” Nd., [https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/Spanish/TOCTA\\_CA\\_Caribb\\_trata\\_mujeres\\_ninas\\_CA\\_ES.pdf](https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/Spanish/TOCTA_CA_Caribb_trata_mujeres_ninas_CA_ES.pdf) (accessed May 5, 2017); Ciro Pérez Silva, “En el Sur, a Migrantes Espera la Explotación Sexual y Laboral,” *La Jornada*, December 29, 2012, <http://www.jornada.unam.mx/2012/12/29/politica/013n1pol> (accessed May 5, 2017).

<sup>185</sup> Some Central American children migrate to southern Mexico to seek employment as agricultural or domestic workers, with the intention of remaining in southern Mexico or returning to their country of origin. Other children work in

southern Mexico to earn money to continue their migration journeys.

<sup>186</sup> For more information on the diverse situations of migrant and refugee children in southern Mexico, see: Human Rights Center Fray Matías de Córdoba, “Mexico: Southern Border,” in *Childhood, Migration, and Human Rights in Central and North America: Causes, Policies, Practices, and Challenges*, Center for Gender and Refugee Studies, University of California, Hastings, and Lanus National University, 2015, p. 217-219, [Hereafter “CDH Fray Matías, 2015”], [https://cgrrs.uchastings.edu/sites/default/files/11\\_Mex\\_Sur\\_English\\_0.pdf](https://cgrrs.uchastings.edu/sites/default/files/11_Mex_Sur_English_0.pdf) (accessed May 5, 2017).

<sup>187</sup> Human Rights Center Fray Matías de Córdoba, “Situación de las y los Trabajadores del Hogar en la Ciudad de Tapachula, Chiapas,” 2014, [http://cdhfraymatias.org/sitio/wp-content/uploads/2014/11/situacion\\_de\\_las\\_y\\_los\\_trabajadores\\_del\\_hogar\\_en\\_la\\_ciudad\\_de\\_tapachula\\_chiapas.pdf](http://cdhfraymatias.org/sitio/wp-content/uploads/2014/11/situacion_de_las_y_los_trabajadores_del_hogar_en_la_ciudad_de_tapachula_chiapas.pdf) [Hereafter “CDH Fray Matías, 2014”].

<sup>188</sup> CDH Fray Matías, 2014; Mariscal, 2014.

<sup>189</sup> CDH Fray Matías, 2014.

<sup>190</sup> CDH Fray Matías, 2014.

<sup>191</sup> Human Rights Center Fray Matías de Córdoba, Tapachula, Chiapas, México, Legal Services Unit, information obtained through legal representation of migrants and people seeking refugee status.

<sup>192</sup> The implementation of Mexico’s Southern Border Plan (Plan Frontera Sur), initiated in 2014, has involved a marked increase in the number of INM officers and other security forces along Mexico’s southern border. The initiative coincided with a dramatic rise in the number of apprehensions and deportations of Central American migrants in Mexico between 2014 and 2015, as well as human rights abuses by immigration officers, police, and military. José Knippen, Clay Boggs, and Maureen Meyer, “An Uncertain Path,” 2015 [Hereafter “Knippen, Boggs, and Meyer, 2015”] p. 8-13, [https://www.wola.org/sites/default/files/An%20Uncertain%20Path\\_Nov2015.pdf](https://www.wola.org/sites/default/files/An%20Uncertain%20Path_Nov2015.pdf) (accessed April 12, 2017); Elijah Stevens, “Mexico’s Southern Border Plan Fuels Violence,” *Insight Crime*, November 10, 2015, <http://www.insightcrime.org/news-briefs/mexico-southern-border-plan-fuels-violence> (accessed May 5, 2017); Inter American Commission on Human Rights, “IACHR Expresses Concern over Mexico’s Southern Border Plan,” 2015, [http://www.oas.org/en/iachr/media\\_center/PReleases/2015/065.asp](http://www.oas.org/en/iachr/media_center/PReleases/2015/065.asp) (accessed May 5, 2017).

<sup>193</sup> García Rojas Interview; Díaz Prieto and Kuhner, 2015, p. 71-72; Knippen, Boggs, and Meyer, 2015, p. 6.

<sup>194</sup> García Rojas Interview; Prosecutor Chiapas Interview.

<sup>195</sup> Human Rights Center Fray Matías de Córdoba, Tapachula, Chiapas, México, Research and Advocacy Unit, information obtained through monitoring of INM and DIF facilities.

<sup>196</sup> García Rojas Interview.

<sup>197</sup> SEGOB Mexico Statistics.

<sup>198</sup> University of the Americas, Puebla (UDLAP), “Global Index of Impunity in Mexico,” 2016, p. 13, [Hereafter “University of the Americas, Puebla, 2016”], [https://www.udlap.mx/igimex/assets/files/igimex2016\\_ESP.pdf](https://www.udlap.mx/igimex/assets/files/igimex2016_ESP.pdf); Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH) and the Mexican Institute of Human Rights and Democracy (IMDH), “Acceso a la Justicia en México: La Constante Impunidad en Casos de Violaciones de Derechos Humanos,” N.d., [http://www.iccnw.org/documents/Access\\_to\\_Justice\\_in\\_Mexico\\_-\\_Spanish.pdf](http://www.iccnw.org/documents/Access_to_Justice_in_Mexico_-_Spanish.pdf) (accessed May 8, 2017).

<sup>199</sup> 2014 General Children’s Rights Law, Chapter 19 and Articles 121-123, [http://200.33.14.34:1033/archivos/pdfs/lib\\_LeyGralCuidadoInfantil.pdf](http://200.33.14.34:1033/archivos/pdfs/lib_LeyGralCuidadoInfantil.pdf) (accessed May 19, 2017).

<sup>200</sup> The Republic of Mexico is made up of the Federal government, which contains 32 states. Each of these states has its own constitution, institutions, and policies. These states are made up of municipalities with their own institutions and policies. In some cases there is a lack of clear definition regarding the roles and responsibilities of federal, state, and municipal government. National Human Rights Commission, Mexico (CNDH), “Informe sobre la Problemática de Niñas, Niños y Adolescentes Centroamericanos en Contexto de Migración Internacional no Acompañados en su Tránsito por México, y con Necesidades de Protección Internacional,” 2016, p. 42-44, [Hereafter “CNDH, 2016”], [http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Informe\\_NNACMNA.pdf](http://www.cndh.org.mx/sites/all/doc/Informes/Especiales/Informe_NNACMNA.pdf) (accessed May 17, 2017).

<sup>201</sup> Article 52, 2011 Migration Law, <http://cis.org/sites/cis.org/files/Ley-de-Migracion.pdf> (accessed May 11, 2017).

- <sup>202</sup> Human Rights Watch, “Closed Doors,” 2016, p. 74, [Hereafter “Human Rights Watch, 2016”], <https://www.hrw.org/report/2016/03/31/closed-doors/mexico-failure-protect-central-american-refugee-and-migrant-children> (accessed April 12, 2017).
- <sup>203</sup> COMAR, Statistics 2013- 2017, [Hereafter “COMAR Statistics 2013-2017”], [http://www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS\\_2013-2017\\_1er.Trim.pdf](http://www.comar.gob.mx/work/models/COMAR/Resource/267/6/images/ESTADISTICAS_2013-2017_1er.Trim.pdf) (accessed May 18, 2017).
- <sup>204</sup> COMAR Statistics 2013-2017; COMAR maintains statistics on the number of applicants who “abandon” and “desist” claims for refugee status; we include both terms consistent with COMAR’s data categories.
- <sup>205</sup> Complementary Protection is a form of protection available to applicants for refugee status who do not meet the requirements for refugee status under Mexican law, but who, if returned to their countries, would be in danger of being subject to torture or other cruel, inhumane, or degrading treatment. Complementary Protection provides protection from deportation. 2011 Migration Law, Title 1, Chapter 2, [http://www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP\\_301014.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LRPCAP_301014.pdf) (accessed May 12, 2017).
- <sup>206</sup> COMAR Statistics 2013- 2017; SEGOB Mexico Statistics.
- <sup>207</sup> Ximena Suárez, Jose Knippen, and Marureen Meyer, “A Trail of Impunity: Thousands of Migrants in Transit Face Abuses Amidst Mexico’s Crackdown,” Washington Office on Latin America (WOLA), FUNDAR Center for Analysis and Investigation, and Casa del Migrante Saltillo, 2016 [Hereafter “Suárez, Kippen, and Meyer, 2016”], p. 6, <https://www.wola.org/wp-content/uploads/2016/09/A-Trail-of-Impunity-2016.pdf> (accessed May 5, 2017).
- <sup>208</sup> COMAR Statistics 2013-2017.
- <sup>209</sup> Written communication , UNHCR Mexico, May 6, 2017.
- <sup>210</sup> KIND interview, Elizabeth Arroyo, Sub Coordinadora del Área Legal, Sin Fronteras, Mexico City, Mexico, July 18, 2016. [Hereafter “Arroyo Interview”].
- <sup>211</sup> Ibid.
- <sup>212</sup> Iberoamerican University, Human Rights Program, “La interpretación y Aplicación del Derecho Internacional y Nacional de los Refugiados en México: Análisis de las Resoluciones de Primera Instancia de la Comisión Mexicana de Ayuda a Refugiados,” 2017, [Hereafter “Iberoamerican University, 2017”]; Human Rights Watch, 2016, p. 67-68.
- <sup>213</sup> According to a UNHCR background note cited by Human Rights Watch, “[i]t is virtually ‘inconceivable that an individual or an entire family could escape the maras through simple relocation and begin a new life without fear of retribution.’” Human Rights Watch, 2016, p. 68; LAWG, 2016, p.26.
- <sup>214</sup> Iberoamerican University, 2017.
- <sup>215</sup> International Detention Coalition (IDC), “México Establece no Detención de Niños Migrantes en Reglamento de Nueva Ley de Derechos a la Infancia,” post to “End Child Detention,” April 29, 2016, <http://endchilddetention.org/es/mexico-establece-no-detencion-de-ninos-migrantes-en-reglamento-de-nueva-ley-de-derechos-a-la-infancia/> (accessed April 12, 2017).
- <sup>216</sup> Human Rights Watch, 2016, p. 86-90.
- <sup>217</sup> Information provided by National DIF.
- <sup>218</sup> CDH Fray Matías, 2016, p. 228; Human Rights Watch, 2016, p. 98.
- <sup>219</sup> Human Rights Watch, 2016, p. 93.
- <sup>220</sup> CDH Fray Matías, 2016, p 234; Human Rights Watch, 2016, p. 93-94.
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- <sup>223</sup> KIND interview, Representative, National System for Integral Family Development (DIF), Municipal Shelter, Tapachula, Mexico, April 9, 2016; KIND interview, Representative of the National Institute of Migration, Tapachula, Mexico, April 5, 2016; Georgetown Human Rights Institute, 2015, p. 45.
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- <sup>227</sup> Knippen, Boggs, and Meyer, 2015, p. 32; Fray Matías 2015, p. 235.
- <sup>228</sup> Ley de Migración, Title II, Chapter I, Article 11, <http://cis.org/sites/cis.org/files/Ley-de-Migracion.pdf> (accessed May 12, 2017); Ley General de de los Derechos de Niños, Niñas, Adolescente, Chapter 19, [http://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA\\_041214.pdf](http://www.diputados.gob.mx/LeyesBiblio/pdf/LGDNNA_041214.pdf) (accessed May 12, 2017).
- <sup>229</sup> Reglamento de la Ley de Migración Title VII, Chapter I, Article 172-174. [http://www.diputados.gob.mx/LeyesBiblio/regley/Reg\\_LMigra.pdf](http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf) (accessed May 12, 2017).
- <sup>230</sup> Reglamento de la Ley de Migración, Title VII, Chapter I, Article 173, VI. [http://www.diputados.gob.mx/LeyesBiblio/regley/Reg\\_LMigra.pdf](http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LMigra.pdf) (accessed May 12, 2017)
- <sup>231</sup> Human Rights Center Fray Matías de Córdoba, Tapachula, Chiapas, México, Research and Advocacy Unit, information obtained through monitoring of INM and DIF facilities.
- <sup>232</sup> Human Rights Center Fray Matías de Córdoba, Tapachula, Chiapas, México, Research and Advocacy Unit, information obtained through monitoring of INM and DIF facilities.
- <sup>233</sup> Ibid.
- <sup>234</sup> Efforts have also been made to provide alternatives to detention for adults and families. In 2016 UNHCR, INM, and COMAR established a program for alternatives to detention for individuals seeking refugee status in Mexico. As of March 2017 the program served 910 people, including 285 children (all of them accompanied). (Information provided by UNHCR Mexico).
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- <sup>237</sup> Díaz Prieto and Kuhner, 2015, p. 82-83.
- <sup>238</sup> KIND interview, Yolanda Hernández, Coordinator of Women’s Programming, Asociación Pop No’j, Guatemala, Skype, November 14, 2016.
- <sup>239</sup> Gutiérrez and Romero Interview.
- <sup>240</sup> Díaz Prieto and Khuner, 2015, p. 87.
- <sup>241</sup> National Institute of Migration (INM), “Derechos Humanos de las Personas Migrantes que Transitan por México,” Nd., p. 8 [http://www.inm.gob.mx/static/pdf/DH\\_PERSONAS\\_MIGRANTES\\_TRANSITAN\\_MEXICO.pdf](http://www.inm.gob.mx/static/pdf/DH_PERSONAS_MIGRANTES_TRANSITAN_MEXICO.pdf) (accessed April 12, 2017)
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- <sup>243</sup> KIND interview, Carolina Farrera, Attorney, CDH Fray Matías de Córdoba, Tapachula, Mexico, November 9, 2016.
- <sup>244</sup> KIND interview, Consular Official, Salvadoran Consulate in Tapachula, Mexico, April 5, 2016 [Hereafter “Salvadoran Consulate Tapachula Interview”].
- <sup>245</sup> Salvadoran Consulate Tapachula Interview; Honduran Consulate Tapachula Interview.
- <sup>246</sup> KIND interview, Anna Aziz Grewe, Program Coordinator, Colectivo Vida Digna, Quetzaltenango, Guatemala, Skype, November 30, 2016.
- <sup>247</sup> Knippen, Boggs, and Meyer, 2015, p. 38.
- <sup>248</sup> Knippen, Boggs, and Meyer, 2015, p. 38; Suárez, Kippen, and Meyer, 2016, p. 8.
- <sup>249</sup> Knippen, Boggs, and Meyer, 2015, p. 41; Suárez, Kippen, and Meyer, 2016, p. 8.
- <sup>250</sup> General Children’s Rights Law, 2014, Title 5, Chapter 2, [http://www.cinu.mx/minisitio/juventud\\_2015/ley\\_general\\_ninasninosyadolescentes.pdf](http://www.cinu.mx/minisitio/juventud_2015/ley_general_ninasninosyadolescentes.pdf) (accessed May 12 2017).

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- <sup>256</sup> La 72 Shelter for Migrants, “En Los Límites de la Frontera, Quebrando los Límites: Situación de los Derechos Humanos de las Personas Migrantes y Refugiados en Tenosique, Tabasco,” 2016, p. 21; La 72, 2016.
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- <sup>258</sup> La 72, 2016, p. 20; Díaz Prieto and Kuhner, 2015, p. 33, 93.
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- <sup>263</sup> Salvadoran Consulate Tapachula Interview; Honduran Consulate Tapachula Interview.
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- <sup>265</sup> García Rojas Interview; Gutiérrez and Romero Interview.
- <sup>266</sup> García Rojas Interview.
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- <sup>268</sup> Doctors Without Borders, 2017, p. 19; García Rojas Interview; Gutiérrez and Romero Interview.
- <sup>269</sup> Doctors Without Borders, 2017, p. 18-19.
- <sup>270</sup> García Rojas Interview.
- <sup>271</sup> Mexico’s General Migration Law, 2011, Article 8, [http://www.diputados.gob.mx/LeyesBiblio/ref/lmigra/LMigra\\_orig\\_25may11.pdf](http://www.diputados.gob.mx/LeyesBiblio/ref/lmigra/LMigra_orig_25may11.pdf) (accessed May 12, 2017).
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- <sup>274</sup> Human Rights Center Fray Matías de Córdova, Tapachula, Chiapas, México, Research and Advocacy Unit, information obtained through monitoring of INM and DIF facilities.
- <sup>275</sup> The United Nations Convention on the Rights of the Child guarantees the rights of children to freedom from discrimination (Article 2), to education (Article 24), and to health care services (Article 28), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> (accessed May 11, 2017); Mexico’s General Children’s Rights Law guarantees the rights of all children, regardless of migratory status, to freedom from discrimination (Chapter 6), to health care (Chapter 9), and to education (Chapter 10), [http://www.cinu.mx/minisio/juventud\\_2015/ley\\_general\\_ninasninosyadolescentes.pdf](http://www.cinu.mx/minisio/juventud_2015/ley_general_ninasninosyadolescentes.pdf) (accessed May 11, 2017).
- <sup>276</sup> LXIII Legislatura, 2016; CNDH, 2016, p. 42-44; Mexico’s National System for Integral Family Development (DIF) is made up of a federal-level office as well as offices in each state and municipality. In most cases shelters for migrant children are administered by the DIF office of each state, with funding from the federal DIF office. In some cases shelters for migrant children are administered by municipal DIF offices, as is the case for the shelter for migrant girls in Tapachula.
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- <sup>292</sup> KIND interview, Father Mauricio Gaborit, Professor and Director, and Larisa Brioso, Researcher, University of Central America (UCA) Psychology Department, San Salvador, El Salvador, November 6, 2015 [Hereafter “Gaborit and Brioso Interview”].
- <sup>293</sup> Murillo Interview; Ruelas Interview; Escobar Sartí Interview.
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<sup>309</sup> Bill Frelick, Ian Kysel, and Jennifer Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants,” *Journal on Migration and Human Security*, Volume 4, Number 4 (2016), [Hereafter “Frelick, Kysel, and Podkul, 2016”], p. 201-202, <http://jmhs.cmsny.org/index.php/jmhs/article/view/68> (accessed May 8, 2017); Alejandra Castillo, “Programa Frontera Sur: The Mexican Government’s Faulty Immigration Policy,” Council on Hemispheric Affairs, 2016, <http://www.coha.org/programa-frontera-sur-the-mexican-governments-faulty-immigration-policy/> (accessed May 10, 2017).

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<sup>315</sup> The International Commission Against Impunity in Guatemala (CICIG) and the Support Mission against Corruption and Impunity in Honduras (MACCIH) are national-levels bodies charged with investigating cases of corruption and strengthening government institutions to prevent and corruption.

