



REPORT ON

HUMAN RIGHTS

AND CONFLICT IN CENTRAL AMERICA.

2015-2016

REGIONAL TEAM FOR MONITORING AND ANALYSIS OF HUMAN RIGHTS IN CENTRAL AMERICA



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Report on Human Rights and Conflict in Central America 2015 – 2016.

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PRESENTATION

The eleventh edition of the Report on Human Rights and Conflict in Central America, from 2015 to 2016, is the result of the work and effort of the Regional Team of Monitoring and Analysis of Human Rights in Central America.

For the Lutheran World Federation / World Service, Central America Program, it is of importance that any situation that violates the right of the people, be attended, denounced and visibilized to give a pertinent approach to them.

In this framework, this document analyzes the situation of Human Rights in the Central American region and highlights the adverse situations faced by the population, which prevent their full development: poverty; discrimination; violence and insecurity; crisis of the democratic model; obstacles to access justice and violations of the human rights of indigenous and Afro-descendant people.

With very important data, the report analyzes these problems, so its reading gives us a vision of which are the situations that do not allow the full achievement of justice and peace in the region, and allows us to reflect on the structural causes that propitiate them.

Central America is a region with similar situations, but also with great challenges to overcome, which is why the regional vision of the report seems important.

Undoubtedly, the information allows having the necessary input to understand the reality and the particular contexts of each country, which constitutes a consulting tool to make successful interventions, based on participation, accountability, non-discrimination, empowerment and laws compliance.

It is our desire that this document serves as reference to understand the reality of our countries and serves useful for work in favor of Human Rights at local, national, regional and international level.

Sincerely,
Central America Program
World Service
Lutheran World Federation

REGIONAL CONTEXT

Human rights in Central America continue to be violated; even when there is the necessary legislation and state institutions to guarantee them. The levels of insecurity, dissatisfaction with non-compliance of economic, social and cultural rights, the crisis of democratic processes, the lack of access to justice and the imposed economic model that is not oriented towards development with equity, constitute the main triggers that generate repeated violations of human rights in all sectors of society including human rights defenders.

In most countries, the fragile democracies that were installed as a result of transition processes after the signing of the Peace Accords of the last decades of the 20th century have entered a process of erosion; the same happens in those states that progressively achieved or reached certain conditions for the establishment of political democracy.

The republican and democratic forms of government have been affected by the interference of the executive branch in the functions in the other branches of the State; on one hand, in El Salvador, exceeded judicial decisions are identified; and on the other hand, in Nicaragua, a clear intention to control the power from the executive branch with respect to the other branches of the State is confirmed, where the reelection already constitutes a practice contrary to the alternation of power, and more than 60 marches have taken place to generate conditions to choose in the future, and in liberty representatives; the same is evident in Honduras. The design of power concentration imposed in these countries limits citizen participation, generating environments for the repression of social protest and the closure or intimidation of people who participate in alternative spaces of communication.

From the norming, institutional and cultural aspect and political practice of the decision-makers, it is tried to legitimize that citizen participation is

limited to the exercise of suffrage, prohibiting other forms of participation; and although there are some institutions and mechanisms such as the popular consultation or open town councils, these are inoperative, used and manipulated by the economic and political power, to legitimize their policies and ways of governing.

In general, Central America is a region characterized with alarming levels of violence. However, in the comparative analysis between countries, the significant difference between the countries of the so-called North Triangle and the South of the Central American region cannot be overlooked; the least violent in the last five years, is Costa Rica, ranking on average 38th out of 162 countries evaluated by the Global Peace Index; and on the other hand the most violent is Honduras in position 124. Nicaragua's increase is worrying when moving from position 58 in 2014 to position 75, which reflects the accelerated deterioration in human rights that are registered in the country.

Violence against women, linked to the predominant patriarchal structures and the weak act of the States in guaranteeing the human rights of women continues to be the cause of gender violence. In the region, violent deaths recorded in 2015 were 1925, making the countries with the highest incidence Guatemala with 766, El Salvador 575 and Honduras with 478.

By 2015, four of the six countries that make up the Central American isthmus - Guatemala, Honduras, Panama and Nicaragua - have reduced their homicide rates, compared to 2014; In Costa Rica and El Salvador the homicide rate increased. The latter constitutes the most worrying case, as the rate of 61 per 100,000 inhabitants registered in 2014, went to 102 by 2015. It is important to note that in the particular case of Honduras, figures have improved since the modification of the methodological application to validate homicide data. But independent civil society sectors do not support this action

that seeks to address the subjectivity of insecurity rather than adopting a comprehensive policy to tackle the problem.

Faced with this situation, governments have adopted precipitate and hasty measures such as remilitarization. Conflicts generated since militarization and increasing citizen insecurity have forced citizen displacements, which are quickly increasing, both internally and externally. In Honduras, the implementation of a security policy from the militarist perspective and the total dismantling of citizen security system, have promoted a climate of confrontation in crime actors, echoing in apparent success when in fact more than 30 thousand inhabitants have been displaced internally because of violence. In Nicaragua, its excessive armament acquisition undermines the military balance of the region.

Facing constant violations of human rights, in many cases, victims or their relatives go to the justice administration system; however, they face different difficulties, such as delays in processes, the inability of the system to geographically approximate the jurisdictional function to citizens, violation of procedural rights and safeguards; they are structurally confronted with a system of justice co-opted largely by the economic power, the governing party and factual powers; all product of an inefficient and very well-articulated form of election of the people that direct the different agencies that compose the justice system, the interference of other branches and institutions of State, with the purpose of making the justice system an instrument for ensure impunity, acquiring roots, this form of impunity, the historical result is that transitional justice processes have not been installed tending to clarify serious violations of human rights, as a historical debt to victims, with the exception of El Salvador where there was slight advance with the declaration of unconstitutionality of the Amnesty Law. However, the same country denied the extradition required by the National Court of Spain for the military linked to the massacre of six Jesuit priests during the period of armed conflict.

It becomes evident that there are no measures to reduce the prison problem in the region, which causes constant human rights violations to prison

population. Overcrowding at Central American level continues to be the system's main problem, whose installed capacity at the regional level is 53,423 prisoners and the penitentiary population amounts to 110,317. Although some countries such as Costa Rica and Nicaragua have implemented actions to reduce overcrowding, these have not had a significant impact. In Nicaragua's case, inadequate measures have been implemented that do not guarantee the re-socialization of inmates; the massive release of prisoners with sentences of less than five years failed to improve the conditions of overcrowding and transgressed legal procedures.

From the economic model adopted in Central America, which conceives, on one hand the reduction of the state apparatus, and on the other, the liberalization of the merchandise, wrong measures have been adopted, like the elimination of taxes to the economic power and the granting of privileges and Tax incentives. Plus tax evasion and tax avoidance made by this sector. In this same way, they continue to subscribe and ratify free trade treaties that do not place the human dignity as a transversal axis, thus increasing the existing inequality gaps. This has led States to a deep fiscal crisis resulting from the low tax collection and the increase of their public debt that rises to 37.3% in relation to the GDP, on regional average; added to this, we have the embezzlement of public finances as a product of corruption.

The Central American States continue to promote megaprojects that generate conflict in the region. Through the Alliance for Prosperity of the Northern Triangle, the states of Honduras and El Salvador have committed to develop megaprojects such as the Patuca III hydroelectric plant in Honduras and El Chaparral in El Salvador; in addition they have committed to increase the road network of the region to improve the flow of merchandise, all without previous environmental study or previous consultations with citizens that will be directly affected. The right of consultation is deliberately omitted, access to water and housing conservation is threatened, indigenous territories are usurped, labor rights violated, and the environment is affected. In Nicaragua, the Transoceanic Canal

project continues to provoke the opposition of thousands of affected families, generating instability and creating conflict with the increase of the military presence in the area. The same situation exists for the indigenous peoples who have been obligated to forced displacement, going even to other places where insecurity reigns.

Economic growth in the region has not brought about social development. By making a superficial reading of poverty figures, we could optimistically conclude that Central America has reduced poverty levels. This has gone from 53.7% to 49.4% between 2000 and 2014; while the figure of extreme poverty went from 29% to 26%. However, due to population growth in recent years, the figures in real terms went from 20 million inhabitants to 22 million in poverty. If the total population of the isthmus is 45 million, it is inferred that one in two people in the region is poor and one in four is in extreme poverty.

The poor life conditions for Central Americans generated by ineffective economic policies continue to force them to migrate to other countries. The migrant population continues to be an unprotected sector when in transit and in the destination countries. In the meantime, the expelling States deal with the phenomenon in an ambiguous way, on one hand, they promote political agreements to reduce migration; and on the other, they benefit from the flow of

remittances that serve to sustain their economies in crisis.

Faced with the progressive democratic crisis, levels of citizen insecurity, inefficiency of justice systems, an economic system and model incapable of generating social development and environmental protection, in the region there are sectors of society that have a more precarious and more vulnerable living standard, such as women, the elderly, people with disabilities, indigenous peoples, LGBTI people, children, adolescents and youth; who, despite the fact that in recent years normative and institutionalism have been generated, continue to suffer inequality, repression, exclusion, and in some cases hate crimes.

With a human rights crisis in the region and the lack of willingness from the State to protect them, human rights defenders have taken a more leading role. Because of their work they have suffered political and judicial persecution, discredit campaigns, armed attacks, expulsions of countries, attacks on their physical integrity or even death. For the most part, aggressions against defenders are oriented from the economic or political power and from the institutionalism of the State, in a climate of total impunity. The precautionary measures enacted by the IACHR have been neglected by the States since many aggressions registered during the course of 2016 were against defenders who should have had State protection.

CHAPTER I

DEMOCRATIC SYSTEM AND CONCENTRATION OF POWER

1.1 Democratic System

Throughout history, Central America has been a region with high propensity for social, political and legal crisis. On many occasions, those crises have triggered major confrontations among power sectors, which affect citizens. This makes the Central America, a region with huge social injustice dominated by corruption, impunity, and autocratic governments which have caused social chaos which in turn originates difficult conditions to govern, as well as oligarchic government systems.

After the XX century military dictatorship periods, political rhetoric was oriented toward the need to set up democratization processes. In practice, however, the region goes through a large democracy deficit meaning a significant social debt and a political participation unable to become in a genuine social participation.

Guatemala, Honduras and Nicaragua have been featured as having bureaucratic-authoritarian government apparatus with populist characteristics where economic and military power have created strongly repressive regimes, that is, truly "plutocracies" (power of the wealthy). These regimes have implemented government policies that promote wealth concentration, widening of inequality, deepening economic exclusion, legitimizing cultural exclusion, favoring social exclusion and imposing political exclusion. At the same time, human rights violations occur again, which were already something from the past, after the Salvadoran and Guatemalan Peace Accords or through insignificant pacific transitions to democratic models during the last two decades of the XX century. Those democratic models anticipated a new institutionalism period, and socio-economic and democratic reforms.

In spite of Peace Accords Agreement and then pacific political transformations, governments systematically avoid approaching the structural root causes of conflict which exposes the region

to possible new armed conflict scenarios in the near future. This, as a result of social discontent, closure of political spaces that leads to political unrest, a latent threat of establishing military dictatorships, the closure of democratic spaces, repression, election frauds, criminalization of social protest, prosecution, stigmatizing, threats and killings of human rights defenders, dispossessions, forced population displacement, impoverishment of indigenous Peoples and mestizos, exclusion and aggression of historically excluded persons such as women, youth, infants, sexual diverse persons and migrating population.

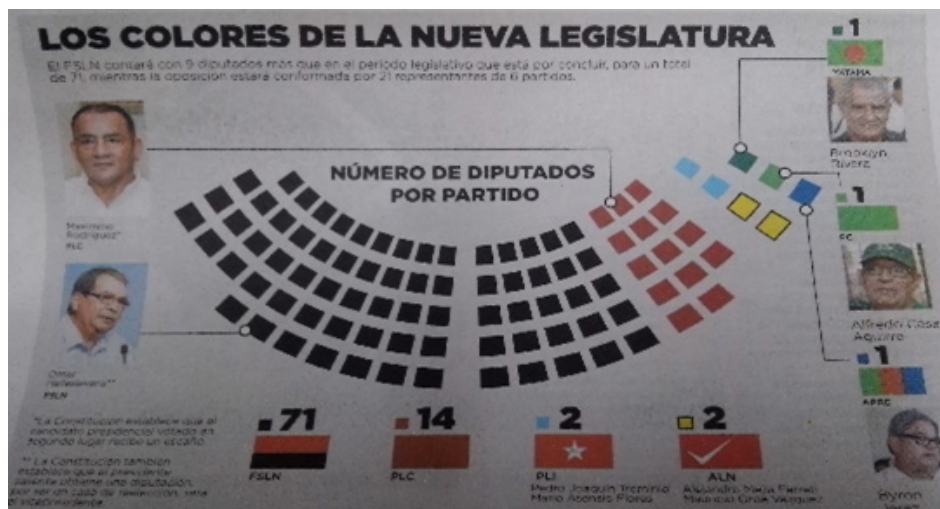
In Central America, democratic processes are stalled due to the generally low level of political participation and also due to a weak democratic culture. The Economist Intelligence Unit (EUI for its initials in Spanish) is in charge of measuring the democracy state in 165 independent governments and two territories. This unit classifies different countries in four categories: "fully-fledged democracies", "imperfect democracies", "hybrid" models and "authoritarian regimes"¹. Guatemala, Honduras and Nicaragua are classified and featured as having a "hybrid" model and "authoritarian regimes", which result in elections which are not completely free and just. El Salvador and Panama are considered countries with imperfect democratic processes; these are countries which in spite of having free elections and respect for civil liberties, show flaw in other aspects such as the level of political participation or culture. Costa Rica is the only country classified as fully-fledged democracy².

The standstill of democratic processes and the reversion intentions places Central America in a critical situation in relation to civil and political rights of citizens. Such is the case of Nicaragua where President Daniel Ortega strengthens his autocratic ruling style, which weakens the once again fragile country's institutionalism by concentrating the government powers and the state forces under his authority. Legislative

function has been distorted because of the lack of autonomy of most legislators in relation to the executive branch.

Power management in the executive branch is evident upon ordering the use laws to foster centralism, in avoiding institutional control, in guaranteeing impunity for the political power circles closer to the official party. This management is also evident by weakening any pluralism initiative, for example June, 2016 removal from office of the 28 opposition representatives (16 full representatives and 12 alternate representatives). This removal was backed by the Electoral Council by claiming contempt of the Independent Liberal Party leadership, leaving citizens without any representative.

With the Electoral Council action, the governing party remained with control of the Parliament, even more than before. At present, the composition of this branch is as follows: 63 Sandinistas, 2 members from the Constitutionalist Liberal Party (PLC for its initials in Spanish), 24 members from the Independent Liberal Party (PLI for its initials in Spanish) and 2 independents. According to the result of the 2016 November 6th election, the composition will be of 71 members of the Sandinista National Liberation Front (FSLN for its initials in Spanish), 14 from PLC, 2 from PLI, 2 from Nicaraguan Liberal Alliance (ALN for its initials in Spanish), 1 Yatama, 1 from the Conservative Party, and 1 from Alliance for the Republic (APRE for its initials in Spanish).



Legislative Assembly composition after electoral results in Nicaragua
Photo by Nuevo Diario

Less than five months before national elections, the Constitutional Chamber of the Supreme Court of Justice (CSJ for its initials in Spanish) settled the PLI internal dispute that had begun nearly six years before, giving Lawyer Pedro Reyes Vallejo the legal representation. Mr. Vallejo is a member of one of the three factions within the party. This action left The National Coalition for Democracy (Coalición Nacional por la Democracia) without any possibility for participating in the electoral process, even though they had already registered candidates.

Indeed, family relationships confirm public institution arbitrary actions. Thus, to further ensure endogamic concentration of power, the Constitution and the Electoral Law were amended so that President Ortega could get re-elected for a third period and appoint Rosario Murillo, his wife, as Vice-President, as well as all his sons and daughters as presidential advisers. This, has raised a major concern among Nicaraguans fearing the establishment again of a family dynasty which the people of Nicaragua have fought against.

In 2015, Guatemala took some important steps in strengthening democracy by amending the Electoral Law in order to search consensus in regards to the necessary changes in the Law and in unifying different sectors so that they make proposals, which at present are still being discussed. These proposals seek to ensure women's participation under equal terms and their inclusion in government institutions in full parity. Nevertheless, the democratic system does not realistically assure citizens' representation, mainly minority concerns which are taken as votes that consolidate the old known political class in the country which is financed by the oligarchy.

It is worth mentioning that in spite of the electoral reforms, weak procedure are still present in law enforcement regarding political party finance regulations, minority participation in partisan ranks, and the lack of effective penalties for offenders to minimum regulations within the law.

Political finance is a complex source collecting and flow system in corruption arrangements and commitments which work in different geographical settings and political structure.³ In spite of this, during the last electoral year (2015) the Commission Against Impunity in Guatemala (CICIG for its initials in Spanish) has evinced party finance sources.

In El Salvador, the 2016 recent Latinobarometro report, an annual democracy-strengthening survey points out that Salvadoran support for the democratic system has dropped due to violence, going from 41% to 36%.⁴ Besides, the survey shows that Salvadoran population leans towards a government that solves immediate problems, especially extreme violence, and not because of their democratic vocation.

In Honduras, many communities are under military control, among them Valle del Aguan in Colon Province where the Joint Task Force Xatruch has been set up. According to peasant organizations, since 2011 military

forces are responsible for seizures, torture and killings of organized peasants in different social movements. Simultaneously, a government reform process is implemented, aimed at using the government apparatus for the re-election project of the party in power. Therefore, this is a reform that comprises three objectives: a) centralize power in the President of the Republic and in the Defense and Security National Council in order to ensure "social order"; b) adapt the legal framework and Institutionalism to the needs of private capital (national and international) in order to promote a new neo-liberal generation model centered around concessions; c) develop a social assistance policy based on bond emission /conditioned transferences aimed at consolidating and expand the social electoral base of the party in power.

The current reform of the State content is due to the correlation of political forces in Honduras.⁵ This correlation can be summarized as follows: centralization of public administration competences in the presidency; change in the leadership structure of the executive branch in which the emergence of sector-wide cabinets stand out; reconfiguring the state to promote and facilitate big capital business through the creation of new legal frameworks together with supporting institutionalism (for example the establishment of the Public-Private Alliance Promotion Commission (COALIANZA for its initials in Spanish); the implementation of a social assistance public policy as an instrument to create and strengthen a supporting electoral social base; blocking social organizations dialog spaces as well as blocking their access to public information; strengthening the armed forces role as a main actor in the Honduran state governance, this was made official by the creation and operation of the Defense and Security National Council.

The Support Against Corruption and Impunity Mission in Honduras (MACCIH for its initials in

Spanish) urged the Honduran Congress to pass the political campaign Finance Law. On September 1st, 2016, MACCIH and the Legislative Branch presented the draft bill technical guidelines for the Law of Political Parties and Candidates Finance, Transparency and Audit before civil and business society members, diplomatic corps, Representatives and political parties. This law which seeks to avoid the use of money coming from illegal transactions by political parties was passed by the Honduran Congress on October 20th, 2016 and will take effect at the end of 2017. This law provides imposing fines to political parties that use illegal funds for their campaigns and also provides for the destitution of officials that participate in the detected use of that kind of funds.

Concerning Panama, this country has characterized by having election days in which the right to vote is commercialized by offering some types of goods, political patronage and nepotism. The dominant class, the political parties and the mass media reduce democracy to elections which have been held every five years for over three decades. Similarly to different countries in the region, influence of oligarch families in the state powers have promoted two-party system (liberals and conservatives), where, in spite of not having reelections, there is power- alternating. During the last decades, el Partido Panameñista (Panamenian Party) and el Partido Revolucionario Democrático (PRD Democratic Revolutionary Party). Only in the last five year term, Cambio Democrático (Democratic Change Party) came into existence. This party is managed by business men and tradesmen whose president was Ricardo Martinelli who became President of Panama and who now faces accusations in different courts for corruption actions during his term.

Ironically to what has been stated above, in 2015, according to the German Konrad Adenauer Foundation, Panama gained political ground in regards to democracy upon obtaining a Democratic Development Index (IDD for its initials in Spanish) of 7.1 points of a maximum

of 10. This figure represents an increment of 2.4 points compared to the 2014 measure – last year in which Ricardo Martinelli was in power when Panama had a rating of 4.7 points.⁶ That foundation places Panama among the four countries with better democratic development in the American continent; Costa Rica is also included in this group of four. Nicaragua, Guatemala and Honduras obtained the lowest ranking in the region.

1.2 Independence of powers

Power separation or division as a characteristic principle of Contemporaneous Constitutionalism assumes a guarantee for the state and also a guarantee for citizens, so that they feel protected by a legal framework which makes power abuse and possible public institution arbitrary actions hard to commit. However, in Central America it's the opposite; it pervades the tendency to interfere in the offices in charge of jurisdiction of different election and removal processes, as well as in the decision making processes within State branches, with emphasis in the Judicial Branch.

Through different press releases, reports, hearings and other actions, human rights organization, civil society organizations and the Regional Team for Human Rights Monitoring and Analysis in Central America have pointed out impunity originated by partisanship within the powers of the State, most of all within justice administration systems which prevent access to prompt and efficient justice focused on population rights. This impunity has deepened a governance crisis which has weakened the democratic system.

The concentration of powers within the Judicial Branch leadership, the lack of clear mechanisms and procedures that ensure an impartial objective criteria application in judge appointment and removal processes, in internal disciplinary processes, or in decisions about judge transference makes this branch act in favor of political and economic elites.

In El Salvador there is a reiterated delay in the election of second grade officers. For

the election of five titular and five alternate members of the Judiciary National Council, the Legislative Assembly took around a year. Same situation happened for the election of the Human Rights Defense Attorney General. It was until September 22nd, 2016 that such officer, for the next three years, was elected.

In general, the election processes of second grade officers undergo the acceptance of the political forces represented in the legislative assembly, who make weak and discretionary arguments based on electoral politics in order not to support certain candidates.⁷

Based on some of the judgement delivered by the Constitutional Chamber of the Supreme Court of Justice different public officers have given their valuation and have made comments on some aspects of those judgements. In the same manner, civil society organizations have protested which were taken as signs of confrontation and hostility by constitutional court members. Concerning the organizations that express discontent about the delivered sentences, constitutional magistrates have made negative value judgements and have asked that actions against them be refrained.

On their behalf, the Supreme Court of Justice refuses to give any information about a private meeting that Constitutional Chamber magistrates had with conservative mass media owners and directors on July 22nd, 2016. This meeting was set up after sentences that had an impact on State finance were issued. Even after the Institute of Access to Public Information (IAIP for its initials in Spanish) ordered the release of the requested information, the Supreme Court of Justice still refuses to do so.

Some sectors in the country consider that excess in the sentences issued by the Chamber have been made. Besides, these sectors also consider that magistrates and officers in general show intolerance to popular vote. There are also difficulties to comply with sentences issued by the Chamber. These situations originate a climate of legal insecurity in the population of which the State is responsible for.

Under the above framework, on October 26th, 2016, the Secretary General of the American states Organization (OEA for its initials in Spanish), Luis Almagro took a stand on the issue, urging Salvadoran political forces to put an end to verbal pressures and attacks by issuing a call to respect the independence of those State Powers.⁸ On her behalf, on October 13th, Monica Pinto, the United Nations (UN) Special Rapporteur for magistrates and lawyers independence, expressed her deep concern about the increasing tension among the government of El Salvador, certain sectors within Salvadoran society and the Constitutional Chamber of the Supreme Court of Justice.⁹

Guatemala is pointed out because of the high corruption indices and lack of trust in the government institutions. However, Guatemala has made slight progress in power independence and in its institutionalism operation. Under this framework, one of the biggest corruption structures in the history of the country is identified and given a heavy blow by dismantling "la LINEA",¹⁰ a well-known structure. As a result, Roxana Baldetti, former Vice-President and Otto Pérez Molina, former President are accused of being the structure leaders.

During 2016, the warrant of arrest was issued for 14 military officers involved in enforced disappearance during the internal armed conflict. In this warrant, the accusation of one of the founders of the official party, Justino Maldonado Ovalle, former professional military, is also included. This military man is accused of participating in the enforced disappearance of six persons. Being a deputy, this man has immunity, therefore his involvement in the process has been hard to prove.

In Costa Rica, magistrate elections are seemed as politically tinted processes more than a merit-analysis process. This represents a setback which attempts against the independence of State powers. Celso Gamboa Sánchez, Third Chamber (Penal) magistrate, took office in February, 2016. This post had been his fifth public post within the last five years. During these years, without holding a previous

post in the judicial profession, he has been appointed as Prosecutor, Vice-Minister and Minister of Security, Deputy General Prosecutor and Magistrate, something unprecedented in the election of a Magistrate of the Republic.¹¹ The fact that Gamboa Sánchez served public posts from the Executive Branch so close to his election as Judicial Branch magistrate, infringes upon the independence principle in the Judicial System.

The Judicial Police director denounced before the Judicial Inspection Police that magistrate Celso Gamboa and Gerald Campos, police assistant director, were intermediary for a deputy who tried to get a third party a job in the police institution.¹² This shows the power structural framework that infringe upon judicial independence.

In that regard, at a hearing before the Inter-American Commission on Human Rights (CIHD for its initials in Spanish) in April, 2016, the Costa Rican Judiciary Association (ACAJUD, for its initials in Spanish) stated the promotion of the necessary reforms to the magistrate election system to meet inter-american system minimum standards. At the time in that hearing, three of the involved cases in disciplinary procedures against Costa Rican judges were reported. Those cases were as follows: the imposed disciplinary punishment to judges Kathya Jiménez Fernández and Jorge Araya Jiménez for issued resolutions; the disciplinary process of judge Carlos Sánchez Miranda who resolved in favor of a same-sex couple that asked for the acknowledgement of their de facto relationship; and the procedure for the judges who resolved the first trial of environmentalist Jairo Mora murder.¹³

In Honduras the judicial system does not achieve an acceptable independence¹⁴ level provided by its political constitution article 4 which states that State powers must be “complementary, independent and without subordinating relations”.¹⁵ At present, different sectors of the Honduran society have been denouncing the no-independence Of State Powers, most of all, executive power interference on the judicial power.

In the published Human Rights report about the situation in Honduras, the Inter-American Commission for Human Rights - CIDH,¹⁶ warns about the persistence of important challenges concerning judge and prosecutors independence, particularly those derived from the norm framework established by the State to regulate selection and discipline processes.

As an example, during January and February, 2016, the Honduran National Congress elected Supreme Court of Justice new magistrates for a period of 7 years. Initially, the roll met resistance from some opposition parties because many of the persons in the roll had been reported to be linked to corruption activities and to political power, therefore, the necessary votes in congress were not obtained. Nevertheless, the party in power insisted on the same roll and negotiated with certain deputies from the Liberal Party (partido Liberal), Free Party (Partido Libre) and with Anti-Corruption Party (Partido Anti-Corrupción), as a result the roll was accepted without verifying the elected eligibility and integrity.

Besides, the party in power is not willing to pass urgent electoral reforms in order to strengthen democracy in the country. Such reforms are: electronic vote, second round, and social citizenship of the polling stations.

In Panama, December 2015, the Magistrate President of the Supreme Court of Justice, through the mass media accused the President of the Republic of directly interfering Judicial Branch functions. She expressed her deep concern about the Executive Branch procedures in relation to Judicial Technical Police and the so called Fifth Chamber, which “threatens the Independence of the Judicial Power”.

In the current year, the draft of 214 Law known as Super Shield Law, through which intends to reform Law 55 known as Armor Law. This situation continues to generate even more institutional crisis because impunity is legalized through the draft law. Many Panamanians consider this law as inappropriate on account of the increasing impunity of the three State Powers

that this law includes. Panama is a country whose Court magistrates are distrusted by citizens due to the serious complaints hanging over their heads which the National Assembly refuses to carry on.

This controversial Law 55 lays down a special jurisdiction procesal status for judging deputies, this was a fundamental law in the Court verdict which decided not to fully investigate 34 deputies for supposedly irregular use of \$403.4 million in "circuit departures".¹⁷

In the case of Nicaragua, President's Ortega government through constitutional reforms, amendments and passing laws and coercive actions damage the public powers independence allowing the appointment of subordinates and "partners" in the public sector as well as businessmen, totally controlling, this way, all powers. Through electoral power, Ortega's government has ensured the manipulation of every election by disqualifying candidates, changing districts, nullifying and falsifying identities, and altering electoral processes results. By controlling Judicial Power Ortega's government penalizes political opposition, judicializes social protest and nullifies processual guarantees. It is necessary to note that most Supreme Court of Justice and Electoral Supreme Council magistrates are openly defined as FSLN militants.

1.3 Citizen Participation

Central America is diagnosed as a region with a weak political participation culture; most of the population restrict themselves to the right of voting on election days. However, there is a marked exclusion of the majority concerning decision-making on public affairs. Therefore, consensus is reduced to non-representative minorities in regards to plurality of political-partisan interests. It is important to mention that in countries like Honduras and Nicaragua there are strong complaints about electoral fraud which leads to conclude that not even the citizens right to elect is not complied with.

The democratic representative forms in Central American political systems are not only permeated in norm systems, but also in the region's political culture. This limits and holds up a true citizen participation in transcendental decision-making within the State institutionalism. This is exemplified by repression, intimidation, and criminalization of population sectors who demand bigger participation by expressing their non-conformity for actions that violate their rights and those of their communities, especially those in which concession have been given to exploit natural resources, without any civil consultation. This is worsened by some public officers who manipulate the situation in order to distort the people's will through "consultation" meetings after the facts have taken place.

In Honduras, there are many registered cases in which the population is not even inquired, nor informed about crucial decisions that affect their lives, such is the case of the indigenous Peoples Lenca and the Chortis, in the south and west, the Tolupanes in the center, the Pech and Tawakas in the east and the Garifunas along the Atlantic coast. As well as well as, mestizo population who have had to face invading businessmen in order to protect their ancestral territories and their resources (forests, water, fishing and coastline) and their cultural heritage. As a response, the government militarize the areas originating conflict and bigger community affectation.

Another case is the indigenous Panamanian Ngäbe-Buglé People who have been violently repressed for resisting so their land is not exploited through the Barro Blanco Hydroelectric Project; in Nicaragua, peasants, men and women have been hurt and incarcerated because they mobilized in defense of their land in the face of a latent threat of being deprived from it, based on Law 840, "Special Law for the Development of Nicaraguan Infrastructure and Transportation Pertaining to the Canal, Free Trade Zones and Associated Infrastructures", passed without consulting the local population

who will be affected by the construction of these mega projects.

In Honduras, the right for citizen participation implies citizen's inclusion in planning, executing and evaluating all the State policies and activities, give citizens a leading role and enable them to take their destiny in their own hands. However, in practice, the effective exercise of that right is banned and in some cases it is manipulated.

In Guatemala, norms emphasize citizen participation in public policies as a resource for governance. This is reflected in the law clauses of which the following stands out: "the signing of the Firm and Durable Peace Accords, ended the internal armed conflict and commitments were made to overcome the root causes that originated it". However, after 20 years, citizen participation under conditions with equal opportunities in a pacific coexistence setting within decision-making processes about planning and executing development public policies has not been effective.

Participative representation in Guatemala is still limited. Guatemalan Indigenous peoples representation in the 2016-2020 legislature numbers 18 (11.39%) two less than in the previous legislature and similar to the one in the 2008-2012¹⁸ period, even if Guatemala is one of the Latin American countries, after Bolivia, with the highest rate of indigenous population.

In Nicaragua, the Citizen Participation Law aims at promoting a full civic exercise in political, social, economic and cultural sectors through creating and operating institutional mechanisms that allow fluid interaction between the State and the Nicaraguan people. This fact contributes to strengthening freedom, and participative and representative democracy as stated in the Political Constitution of the Republic. According to the law, the State is in charge of creating and operating institutional mechanisms that allow interaction among

organized citizens, however, since 2008, participation spaces have progressively closed and new structures have been created, among them, there are Citizen Participation Councils (CPC for its initials in Spanish) and concertation spaces (family cabinets). The latter ones have affected the plural spaces legally planned such as the Municipal Development Committee. By creating a parallel instance, the committee function is eliminated. Another way in which those spaces have been affected is by taking and controlling the legal space using the CPC as unique inter-locutors of the Nicaraguan civil society.

Even though citizen participation has a constitutional rank in Nicaragua, there is a series of limiting conditions for citizens to exercise this right because of political-partisan reasons or because of personal leadership. These limiting conditions might be the dependence for calling for proposals, besides, the operation of these structures promote a mere instrumental participation of Nicaraguan population.

In El Salvador the inexistence of a citizen participation law or at least an executive decree that acknowledges and develops such right, makes it impossible that citizens freely practice it institutionally. At the municipal level, the Municipal Code acknowledges entities such as open town councils or popular inquiry; nevertheless, such mechanisms are not promoted by the State institutionalism.

An important mechanism that the Executive branch has set up is the civil assemblies known as "Festival for Good Living" (Festivales para el Buen Vivir). These events are carried out and coordinated by city halls in different cities throughout the country. The objective of these events is to identify need priorities in the population, which afterwards should be channeled to the appropriate level of government, and it should originate a follow up mechanism so that it does not stay at the level of consultation.

In Panama, during the launching of the project Strengthening the Pillars of an open Government Citizen Overseer, the contralor Federico Humbert¹⁹ expressed that “citizen participation in decentralizing processes is a fundamental element for transparency and success in such initiative”. However, there persists violations to the participation right of minorities, evidenced by the fact that in the last Universal Periodic Review (EPU for its initials in Spanish), the government of Panama was requested to include Afro-Panamanians in all aspects of the life in the country.

Without inclusive participation of the different social sectors in the countries of the Central American region, it is impossible to construct fully democratic States which structure themselves to generate transforming and structuring changes that not only lead into better conditions for their inhabitants, but also in development that launch the region's potential.

From the above stated, it can be deduced that participation is a process to generate critical and creative awareness in the citizens. Participation is not truly effective if it does not modify and extend power relations. The goal of citizen participation is not the action itself, but the objective it should pursue is the sustainable improvement of people's living conditions.

1.4 Criminalization of Social Protest

The right to protest not only exists, but it is expressively acknowledged by Constitutions of the different countries in the region and by the universal and regional international treaties for Human Rights. This right is found implicit in the freedom of thought, consciousness, and religion (art. 18), in the freedom of opinion and expression (art. 19) and in the freedom of pacific gathering and association (art. 20) all of them as part of the Human Rights Universal Declaration. These regulations impose all States the obligation to respect the right to dissent and to publically claim rights. Nobody can maintain judiciously that the freedom of gathering is only acknowledged to express satisfaction. Besides

the right to protest, the right to claim your rights before law is acknowledged in the normative framework quoted (art. 8).

Costa Rica, historically considered a country where human rights are respected and guaranteed, in 2016 social protest continued being criminalized. The most recent case took place on February 14th, 2016, when 100 peasant families that were going to be evicted from Finca Chánguina, land they have occupied for over 15 years, and whose owner owes the treasury 8 million dollar²⁰ from tax evading. These families pacifically blocked the road on the bridge over Río Grande de Terraba. The riot police proceeded to remove the protesters and 7 persons were arrested.²¹

Paulina Briones' case, a housewife from Limón, a Caribbean City must also be mentioned. Ms Briones was sentenced to five years in jail for having participated in 2010, in a popular protest against the concession of the construction of a containers terminal in the Costa Rican Caribe to the Nederland Transnational APM Terminals. In April, 2015, a sentence of acquittal sentence was given to 20 of the 21 protesters. Ms. Briones was sentenced to 5 years under charges of instigation of fire. The sentence is being appealed, and as of September 2016,²² it has not been resolved.

Similarly, on November 8th, 2012, citizens and different organizations protested pacifically across from the Costa Rican Social Security Office, demanding a stop to the budget cuts for the hospitals in the western region. The result was the illegal arrest of 35 persons. At least 10 of them were taken to the Minor Offenses Court where they were judged and declared free of guilt. However, 5 of these person are still detained.²³



Free zone workers demonstration in Nicaragua is repressed after protesting for work demands.

Source La Prensa de Nicaragua

In Nicaragua, in spite of the normative acknowledgement, social protest is made by all citizens who dissent the President Ortega government administration. Such is the case of the Wednesdays protests by the Coalición Nacional por la Democracia (National Coalition for Democracy) civic groups. These groups demanded free and transparent electoral processes. On repeated occasions they were harmed by masked men groups, armed with sticks and stones, stopping the protesters gathered across from the Electoral Supreme Council, with disdain from the police.

In June, 2016, unions and workers from the free zone Korean Company Sae-A Technotex protested and stopped working demanding the reintegration of two leaders who were laid-off with the backing of the Labor Ministry (MITRAB for its initials in Spanish). Pedro Ortega,

Central Sandinista de Trabajadores Union leader declared they had been negotiating a petition and protested because after 50 days, they had not been called by MITRAB to continue negotiations.

The workers were about to carry out a demonstration demanding their labor rights, when suddenly National Police riot special troops appeared and confronted the protesters. The policemen came into the company building and fired tear gas to disperse the demonstration. Ten workers were hurt and 13 were arrested, among them a minor, and taken to the Judicial Assistance Department. As if this were not enough, the police also made aggressions against the demonstrators which were denounced, but the Public Minister did not do any follow up on them. The actions were left in complete impunity. About this, the case of "Ocupa INSS" in 2013 must be recalled because it remained in complete impunity as well.



October 2016, the day for the earth, rivers and life called by the Indigenous Peoples National Council in Honduras was repressed.

The students' demonstrations in Honduras have been giving an important idea against criminalization and harassment toward social organizations and indigenous leaders who defend their territories.

Students continue being a repression target as part of the government policy of President Hernández who has responded with aggression through the use of public forces and tear gas, water tanks blasting water and bullets. Some journalists who provide coverage of the police repression have also been hit.

University authorities have exacerbated the use of penal law to criminalize social protest at the Universidad Nacional Autónoma de Honduras (UNAH). This action is done by stigmatizing students' leaders and publically discrediting the work performed by human rights defenders. The latter seek to protect the youth fundamental rights before the police and military barbaric actions who use force to stop the exercise of fundamental right of freedom of expression.

The earth, rivers and life Day called for by the Honduran National Council of Indigenous Peoples (COPINH for its initials in Spanish) was repressed by anti-riot police officers when they were at the Public Ministry. Organizations such as OFRANEH and the Honduran Defense National Network for Human Rights made up of young girls and boys, and older people were participating in this pacific demonstration.

In El Salvador, on September 19th, 2016, on Monsignor Romero Boulevard, the Unit for the Maintenance of Order repressed a pacific protest organized by settlers who demanded their right for decent housing. After a pacific road blocking, the police evacuated the protesters, chased them into their community and assaulted them with unnecessary and disproportionate force.

In Panama, on August 25, 2016, Indigenous Ngäbes People at Gualaquita community, Bocas del Toro Province, were victims of violent police repression. Such actions were accompanied by private property trespassing and family intimacy violation because the police officers entered the homes, looted properties and crops. This action was done under the false evidence allegation to incriminate young indigenous persons. Arrests were made and several persons were wounded, besides, children and women were affected because community homes were besieged and fired tear gas without taking into account people health conditions.

Different sectors have reached a conclusion that President Juan Carlos Varela is unable to handle political crises. Such conclusion is made after the repression carried out against Gualaquita indigenous people, Cambio Democratic (Democratic Change) followers, University of Panama students, and the most recent, against Colon residents who protested for lack of safe water.

1.5 Freedom of Expression and Press

Freedom of expression is constantly infringed under three ways: a) government repression has increased, b) most larger audience mass media are now controlled by States, businessmen tied to official parties or tied to the economic power, c) censure and self-censure because of fear of being victims not only of threats but also of getting killed; this type also includes censure from mass media owners towards journalists, and their self-censure in order to keep their jobs.

Honduras is one of the Central American countries, has the largest number of assassination of journalists and where intolerance and freedom of expression attacks remain in impunity. According to data found in the 2015 annual report of the Free Expression Committee (C-Libre), 219 alerts for freedom of expression violations were reported. Seventy-five percent were attacks against journalists and social communicators. Since 2003, C-Libre has filed 63 journalists, communicators, staff and mass media owners assassinated. Out of all of those cases, only six have been processed and the perpetrators have been condemned. Two thousand fifteen registers the largest social communicator assassination wave, accounting 12 in total. Between 2014 and April 2016, 22 journalists were assassinated.

C-LIBRE has pointed out that the Juan Orlando Hernández Administration is the biggest violator of freedom of expression, using security institutions administrative norms. Due to the concentration of institutionalized political power, being

Francisco Morazán province the geographical area with the largest number of aggressions registered, there have been 150 attacks against freedom of expression.²⁴

In El Salvador, judicial processes against journalists for illegal actions against honor committed in the exercise of freedom of expression right. Such is the case of the Factum journal co-director, Hector Silva Ávalos who in his right of freedom of expression stated the political relationship of a businessman with an official party leader and the use of this businessman's planes that Luis Martínez, in his capacity of Attorney General made during his term. After the testimony, businessman José Enrique Rais López brought a lawsuit against the journalist for falsehood and defamation of character at the Penal Court in Santa Tecla, La Libertad. The same case happened with the Human Rights defender Sonia Sánchez who is being prosecuted after making same statements about the degree of affection to the environment of the company "Grupo Roble" in the municipe of Santo Tomás, San Salvador.

In Nicaragua, attacks, espionage, and intimidation acts are constant acts performed by the government against independent journalists, such is the case of the claim presented to CENIDH by the director of Confidencial, Carlos Fernando Chamorro of intimidation and political espionage activities by army and official party officers. On the other hand, international journalists have been expelled or their entrance to the country has been denied. Fourteen cases have been reported without any explanation from the Government.

The access to public information is nonexistent. Independent mass media and journalists do not have access to public acts neither to press conferences called for by government offices, including deputies from the official party, who also have been prohibited to make any statements to the media. Similarly, censure to critic mass media persist; the closure of "Noticiero Hoy" (Today's News) ordered by the government party is an example. This news program was broadcast by Radio Zinica on

the Caribbean Coast, property owned by a Sandinista deputy. The deputy reasoned the closure by expressing that the journalist Yolidia Navas, director and presenter of the program used to harm the government, the police and the city hall with all the criticism the journalist made.

On July 21, 2016, the Supreme Electoral Council published in La Gaceta, the official newspaper, a set of regulations by which comments made by journalists, mass media directors and owners, websites, and social networks about the electoral campaign were supposed to be regulated. These regulations also prohibited that political parties, party leaders and followers used the mass media, including social networks to make demagoguery, "make fun of the adversary, and carry out a false and confronting electoral propaganda". This created a feeling of rejection in all population, above all from the journalism profession, which made electoral magistrates to nullify such regulations and stop its application.

In Panama, there is concern about limiting the exercise of freedom of press. Abuse and repression claims against independent media are recorded. Another concern is the threat of law reforms which intend to regulate contents, and establish prohibitions and penalties through vague legal concepts which may derive in auto-censure conditions, regulation of editorial content, set fines, even the possibility of mass media immediate closure. In spite of all, free journalism practice and access to public information have been in effect. This was possible by canceling the draft law of Journalism at the National Assembly. This draft law included severe measures against the freedom of press and expression.

In Costa Rica, the common citizen does not have timely and complete access to public information. Besides, there is a debt concerning this issue; like the civic need of not fearing penalty upon making a complaint about public interest matters, or that official advertising might be used to praise or punish mass media and also that every day more media may have access to the State guidelines.

CONCLUSIONS

Through Esquipulas II, (twenty years ago) the region States signed a commitment for to drive an authentic pluralist, and participative democratic process which would imply the promotion of social justice and the respect for human rights. However, this continues as a pending challenge considering the multiple difficulties Central American people face for the full enjoyment of their rights. This could endanger the stability of the countries in the region and make the pursuit of life in democracy difficult, because of dissatisfaction of human rights issues within society.

The political systems that develop representative democracy do not constitute in a real manner civil representation, mainly that of vulnerable groups such as women and indigenous Peoples. The limitation of political rights and the prevalence of the exercise of given suffrage from practical politics, the State institutionalism, and the judicial system, create a civic apathy culture concerning the state agenda and in significant decision making.

The systematic violations of human rights in the Central American population confirm that the set up democratic systems in the region do not work. The separation of powers in all the countries of the region is found in their norm systems, but practically they undergo a progressive deterioration, with some exceptions like the one pointed out in the case of El Salvador. The State institutions do not comply with their autonomous, independent and counterbalance function considering the various constitutional and legal reforms which in the long run have been a guarantee to stay in power.

The weak citizen participation and the exclusion to minorities are derived from the absence of information and civil awareness, also from the possibilities, that in some cases

offer, each country judicial framework in relation to the formal acknowledgement of participation spaces. To the extent that citizens become aware and demand their rights, access and configuration of non-exclusion citizen participation spaces will be facilitated. In that way, citizens will be able to impact and achieve changes in the decisions that individually or collectively affect them.

The right to social protest exercise is being criminalized from region's set of laws, judicial systems, and the state institutionalism in general, in favor of political interests and economic power. The lack of consensus search on part of governments, originate conflict climates that in the end citizens are affected by public forces when human rights are demanded.

Freedom of expression is fundamental to defend other rights and guaranties. The states are obliged to avoid the monopolies or oligopolies in mass media and in promoting plurality. However, there is a big concern about the high index of impunity in crimes. All of this, in the face of a hostile panorama full of aggressions against journalists and mass media staff. Similarly, the lack of an appropriate access to information constitutes a structural situation that affects freedom of expression in most of the countries in the region, where a culture of secrecy and lack of transparence prevail.

RECOMENDATIONS

States must fulfill their obligation to ensure the full observance of the rule of law and a strict respect for the individuals' fundamental rights and protection of the freedom of expression.

Guarantee separation of powers as stated in their constitutions, consequently, the government institutions must carry out only the powers given by the their normative bodies and must not interfere in other institutions.

Governments must appropriately implement citizen participation mechanisms as well as processes and/or mechanisms of prior, free and informed consultation for indigenous peoples through the adoption of specific oriented norms and through improvement

of the existent one in order to achieve participation.

Besides, States must develop effective actions to give due attention to the violence situation against journalists and mass media. Furthermore, the different public ministries in the region must carry out the respective investigations to prosecute and penalize the cases committed against journalists. Governments must also refrain from using public power to punish or praise media and journalists through discriminative and arbitrary assignment of official advertising, administrative processes, pressure, and other indirect means which hinder freedom of press and expression.

CHAPTER II

INSECURITY AND VIOLENCE

During decades, the Central American region has been considered one of the most violent in the world. The variations of violent behavior of this region has been few, however much of this violence is due to common features of some of the countries involved, having as common heritage internal armed conflicts, which have currently provoked trials against military and former military.

Homicide violence emerging after the armed conflicts, always leave a wake of criminality as a consequence of abandonment in terms of transitional justice. From the point of view of

economics, the region is losing its human talent with higher productive potential, since young people is the most affected sector. Therefore we have not only a region seriously affected by violence but also by poverty.

According to the Global Peace Index, which studied 162 countries around the world, position 1 belongs to Iceland, as the best country evaluated and position 162 to Siria, as the worst evaluated. Central America is identified as a zone with high levels of conflict caused by violence.

STANDINGS OF CENTRAL AMERICA COUNTRIES RELATED TO GLOBAL PEACE INDEX.						
Country	2011	2012	2013	2014	2015	Country Average
Honduras	129	134	123	117	116	124
El Salvador	121	128	112	116	123	120
Guatemala	128	125	109	115	118	119
Nicaragua	70	80	66	58	75	70
Panamá	53	62	56	57	64	58
Costa Rica	39	37	40	42	34	38
Central American average	90	94	84	84	88	88

Source: Own Chart, data taken from Global Peace Index.

The table above shows the general fluctuations in the increasing of violence in the region, particularly, in each country, during the last five years. If Central America were evaluated as a whole by the mentioned Index, calculating the average based on the five years positions showed on the Table, it would be placed in the position 88 out of 162 countries; obviously above world level average.

If we make a comparative analysis per year taken the same period as reference, we are unable to identify trends related to the increasing of violence and insecurity at regional level; nevertheless sensible fluctuations are noted within the period. As a matter of fact, 2012 resulted as the most violent year of the region in general terms; subsequently, there is a significant reduction of violence in 2013 and 2014; where it is worth mentioning that in one of the most

violent countries of the region, El Salvador, a social phenomenon known as “truce between rival gangs” took place, which on that occasion stimulated similar processes in other countries of the region, like Honduras. In 2015 there is an important increase of the Central American average.

In comparative analysis of Central American countries regarding violence levels, we should not miss out the significant difference between the so called North Triangle countries and the South of Central American region, where the less violent country –through the last five days analyzed- is Costa Rica, standing in the position 38 out of 162 countries evaluated by the Global Peace Index compared to Honduras, which is on position 124. It is also a matter of great concern the increase registered in Nicaragua, moving out from position 58 in 2014 to 75, which reflects the accelerated deterioration detected in this country, regarding human rights.

Regardless of the fact that El Salvador is one of the countries that has shown higher violence indicators, the Public Minister and particularly the Public attorney’s office, has not yet made actions aimed at fighting illegal actions, as a money laundering, drug traffic and corruption. The above mentioned is confirmed by declarations of General Attorney of El Salvador, Douglas Meléndez, which state that “unfortunately I have found myself in the Public Attorney’s office with a precarious situation related to investigation issues. Precarious situation with respect to corruption issues, also to organized crime. It seems that, based on what I have found, few investigations or investigations of little importance have taken place; it could

seem as if in our country would not exist these type of crimes in past years”.

In the same line of thought, it can be stated that Central America region remains affected by all forms of violence, not only homicide violence but other forms, such as family and gang violence. The approach of the present study focuses on homicide violence, as the more decisive point of an armed conflict.

2.1 Homicides

A constant fact for more than a decade is the high homicide rate per hundred thousand inhabitants in the North Triangle (Guatemala, El Salvador and Honduras), and remains the red point on the map for Central America where El Salvador has the highest rate of homicides per hundred thousand inhabitants, which dramatically increased in 2015, to the extent of doubling the 2014 rate, having reported 6,653 violent deaths, with a rate of 102.9 victims per hundred thousand inhabitants, reflecting an increase of 40 points, as compared to 2014 rate.

Honduras is the second most violent nation in the region. According to the Violence Monitor of National Autonomous University of Honduras (UNAH, for its initials in Spanish)²⁵ it has been reported 390 massacres during the last seven years. And from January 2005 to December 2015, there were 45,058 violent homicides using guns, placing Honduras with a rate of 56.7 victims per hundred thousand inhabitants. Guatemala positioned in the last place (third) registers a 2 point reduction, with 35 victims per hundred thousand inhabitants, a trend that has prevailed during the last two years.

HOMICIDE RATE PER 100, 000 INHABITANTS IN CENTRAL AMERICA		
Country	Homicide rate per 100, 000 inhabitants in Central America as 2014	Homicide rate per 100, 000 inhabitants in Central America as 2015
El Salvador	61	102.9
Honduras	66	56.7
Guatemala	37	35
Panamá	15	11.4
Costa Rica	9.5	11.4
Nicaragua	8.7	8

Source: Own chart, made from data searched by Regional Team of official source and journalism follow up

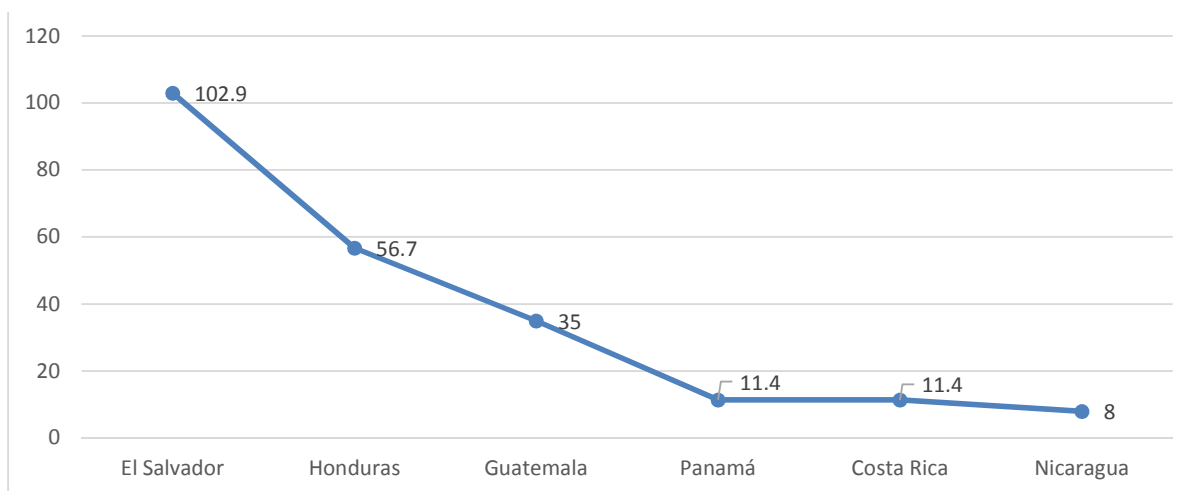
Four of the six nations of Central America – Guatemala, Honduras, Panama and Nicaragua – seemed to have reduced the homicide rate as compared as 2014 due in some cases to data manipulation or misinterpretation by the state authorities, as in many occasions, death as such seems to be the main violence indicator regardless of the way in which victims died.

Nicaragua remains the nation with lower death rate per hundred thousand inhabitants and is considered to be the safest in Central America and the sixth in Latin America. However there have been reports of some abuses by National Police and the Army, even assassinations and summary executions against civilians that should be the ones to be protected and respected by these institutions. There are also complaints regarding abuse and violence against teenagers and young people in general by police raids,

while in detention they suffer beatings and other abuses, leading in some cases to the death.

Nicaragua has been considered after Costa Rica with a high trend level to commit homicides according to the 2016 Global Peace Index of the Peace and Economy Institute (IEP for its initials in Spanish).²⁶ Different analyses by experts including the IEPP²⁷ showed a trend to the growth of violence in different modalities of crime: armed robbery, sexual violence against women including girls, boys, teenagers and young people, sexual harassment on the street, school and work place as well as an upsurge of homicides, the latter having the highest growth according to perception surveys conducted by the mentioned organization, which points out that civil insecurity has increased from 2% up to 30% in the last years, which is a very significant number indeed.

HOMICIDES RATE PER 100, 000 INHABITANTS 2015



Source: data collected by the Regional Team of official sources and journalist follow up.

Through a comparative analysis country by country for 2015 Nicaragua has the lowest homicide rate in the region; the opposite is El Salvador, with a difference between these countries of 95 points per hundred thousand inhabitants. When we compared the northern tip with the southern tip of Central America region, the difference decreases but remain very significant; North Triangle shows an average homicide rate of 66 per hundred thousand inhabitants and the southern tip, 10 per hundred thousand inhabitants. The 56 points difference still remains significant and explains the migratory phenomenon due to violence in the region identifying the South nations as receivers of Northern Triangle migrants.

2.2 Militarization and Security Policies

Due to the increasing level of violence in the region local governments have given limited and insufficient solutions to the problem by increasing the repression levels toward criminal actions. In specific terms there has been an increase militarization of public security and other areas. Violence as such as became an excuse to remilitarize civil society giving up the preventive approach to it.

In El Salvador, militarization of public security keeps increasing this is demonstrated by the creation of army battalions and Special Forces created for security tasks, the promotion of extraordinary measures and the development of plans for cleanliness and taking control of the occupied territories and in some cases extrajudicial executions. The incorporating of military to public security tasks has increased from 897 effectives in 2006 involved in joint tasks to 11,200 in 2015.²⁸

Similarly Guatemala has created a Joint Task Force, which remains in place, causing expenditures without effective outcomes. In Honduras it is estimated that in 2014 there were 3,500²⁹ military belonged to the Military Police involved in civil security tasks, despite pressure social activities of human rights promoters in the country. In addition, military have been denounced for excessive force being used, torture and assassination of citizens, human rights promoters and children. The CIDH "pointed out that one the causes of civil insecurity comes from Police Force itself, Military Police and the Army through the illegitimate use of force, in some cases in complicity with organized crime."³⁰

“Civil security should be exclusive responsibility of civilian police force properly organized and trained. The army lack proper training to effectively control civil security and its involvement in this broad spectrum of functions of state represents a risk for the validity of the rule of law” these are statements of Commissioner Francisco Eguiguren Rapporteur of the CIDH for Honduras.

It is a matter of concern the acquisition of more war weapons by Nicaragua, including trainer and combat aircraft breaking the military balance violating the Esquipulas II Plan and Contadora Accord, conceived during the 80s of the last century aimed to the disarmament of Central America. The Framework Agreement on Democratic Security was subscribed in 1995, from where the Conference of Central American Armed Forces (CFAC for its initials in Spanish) emerged which includes the commitment to maintain the military balance in the region; However, the nations claimed they can buy weapons based on their sovereignty. By acquiring this weaponry Nicaragua sums up more than 350 armored vehicles, while El Salvador Guatemala and Honduras all together add up 79.

In response to the purchasing of military equipment by Nicaragua the government of Costa Rica managed the donation by the U.S. Government of major depth vehicles. The donation includes cargo aircraft, ships, a quay and a hangar, among other equipment and this happened at the time where the worries of neighboring countries increased due to the Nicaraguans acquisition of tanks, antiaircraft weapons and combat aircraft. But authorities indicated that this equipment was going to be used by Police as a way to fight drug trafficking and it is not for military equipment³¹ purposes.

The Fifth Regional State Report, published in August 2016, shows an increase of almost 50% of

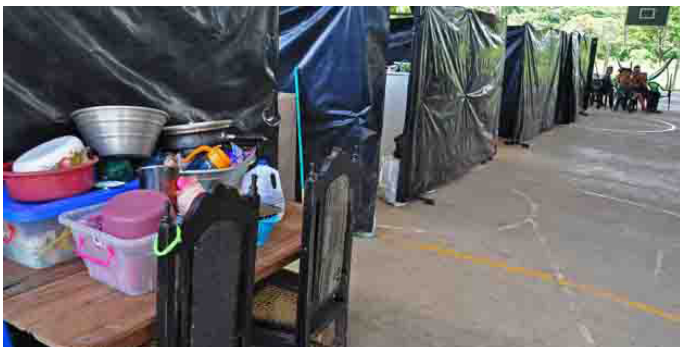
military personnel in Central America between 2008 and 2014, as well as the purchasing of weapons and war equipment, particularly in the four nations already mentioned that have armed forces: Guatemala, El Salvador, Honduras and Nicaragua. The acquisitions from the United States rose up from 21 million of dollars in 2004 to 2.015 million in 2014. Honduras concentrated the 75,3% out of the total of the isthmus (\$1.518 million); Costa Rica added up \$ 142,6 million for a second place.³²

In June 2016 the military forces of Nicaragua and Honduras signed a Working Protocol 2016 to strengthen security, intensifying the control of all border checkpoints, aiming to the “prevention of crime actions” related to organized crime which operates in the region, at the same time increasing operating procedures at all border (land, sea and airport) posts of both countries, in order to prevent crime activities linked to organized crime, gangs, drug, goods, weapons, vehicles and migrants trafficking.

Nevertheless, the militarization of the region is also a threat to peasant movements, due to repression policies by the armed and security forces against poor families because they demand respect to their rights, oppose to irrational exploitation of natural resources, and demand food sovereignty. It must also be recognized that militarization implies the control mechanism of capital over strategic resources and energy. Besides, it violates the rights of the communities to those resources and decisions about their land and territories. Militarization also expresses violence, repression and intolerance.

The high levels of conflict due to social insecurity by common and organized crime and the militarization of regions have caused a forced displacement of a large number of citizens within their own countries and also to those neighboring countries with lower levels of violence.

In 2016 Costa Rica was continuing strengthening its military equipment as well as the cooperation with the United States for the realization of anti-drug sea patrols. On June Legislative Assembly had approved the authorization for the dockage of 86 ships from the U.S. Coast Guard for the period 1o. of July to 31 December 2016. Only the left wing Frente Amplio was opposed to the dockage of the U.S. ships as the war policy against drug trafficking of United States contradicts its standing as one of the major drug consumers in the world.³³



On September 2016 several families of Cantón El Castaño, Caluco, Sonsonate province, El Salvador, were forced to abandon their homes due to gangs threats and violence and they stayed temporarily in the municipality shelter) Source: El Diario de Hoy. El Mundo newspaper, Photo: Oscar Machón

In 2015 in Honduras, 174, 000 people -4% of all households in the country- fled their homes due to violence, most of them returning eventually to their original domicile.³⁴ The displacement of people is internal and external. In Honduras the main cause of forced displacement is extortion, where families are forced to leave their communities, homes and belongings. This is a recurrent pattern in the countries of the North Triangle, as in El Salvador and Guatemala also due to violence and organized crime.

Automatically, this phenomenon creates countries where citizens leave their homes, as well as countries that host migrants, which in turn creates problems for both countries. Migrants that are forced to leave their home land, seek refuge mainly in Nicaragua, Costa Rica and Panama. As we have already stated, the North Triangle causes the highest level of migration and strong level of internal displacement through each of the countries. For example in March 2026, through letters, gangs sent threats to the families living at Reparto Lempira, a neighborhood in San Pedro Sula.³⁵

There is also violence in border crossing points sharing by Honduras, Guatemala and El Salvador, as Salvadorian gang members sometimes are forced, when fleeing from security forces, to get into Honduras.

In the case of Guatemala, according to GAM reports, violent areas are located in the provinces bordering El Salvador as well as Honduras. The same happens in these countries because those areas are meeting places for criminals.

ACNUR has mentioned that "It is necessary to focus our common efforts to meet protection requirements against the incidence of inequality, recognize the link between school dropout and unemployment, with crime and violence on one hand and forced displacement on the other."³⁶

Violence in Central American countries is perpetrated by transnational criminal organizations, drug trafficking local groups, gangs and corrupted members of security

forces, among other actors. Unfortunately the security policies of governments are oriented only to the repression of crime and not to the prevention.

CONCLUSIONS

The actions taken by the Central American states to reduce the levels of violence and insecurity have not led to expected results and some slight progress in this matter do not point to be permanent. Those repressive measures have displaced violence from one region to another and in some cases these steps have created a high concentrated zone of gang violence where eventually the State is unable to control, giving existence to parallel power structures.

In areas most affected by violence this situation has provoked the forced displacement of citizens as a result of threats of organized crime; there is not only internal migration but also external, mostly from the North Triangle toward the South of the region. This type of

migration is added to the traditional one to other countries, mainly countries in the northern hemisphere.

Gang violence continues to attract the attention of the states of the region, making visible mostly the violence generated by organized crime, drug trafficking and their links with economic and political power.

The short-term solution given by the Central American governments is the remilitarization of society, which leaves a trail of conflict in those territories where the intervention occurs. The common denominator of the Central American region is the lack of an integral approach to solve the high levels of violence.

RECOMENDACIONES

Local governments must work closely together to launch comprehensive and coordinated actions promoting the fulfillment of economic, social and cultural rights (DESC for its initials in Spanish) and the steps aimed to the persecution of crime. In addition, they should be able to create an official record of migrants and people displaced due to violence as the first step needed to identify those affected and to develop mechanisms to ensure the protection of their fundamental rights.

In general, it should be created institutionalism, rules and regulations and programs that provide adequate attention to victims of violence and insecurity in the region. The allocation of increased budgetary resources should be a priority in the public portfolios of

education, health, work, social insurance and public safety as measures aimed to prevent crime in all its forms.

It should be reverted the militarization of society and public security in order to make state institutions function and to decrease violations to human rights by the military. The scientific proof should be a priority instrument aimed to avoid subjectivity in the investigations carried out by the Police and the public Ministry.

The joint States should joint efforts to adopt measures directed to fight organized crime and drug trafficking without leaving them invisible in the face of gang violence which is still considered the first cause of violence.

CHAPTER III

OBSTACLES FOR ACCESS TO JUSTICE

Justice is a fundamental human right of society and citizenship, in a democratic state where laws are applied and guarantee the respect for human rights. The stability of a state depends on a Judicial System that properly works.

In several occasions The Regional Team for Analysis and Monitoring of Human Rights in Central America, through its Report about Human Rights and Conflict in Central America, have made a series of recommendations aiming to the state authorities, having as the main objective the fight against impunity linked to serious violations to human rights. Besides, the states should improve the Penitentiary System with emphasis on the prevention of crime.

Within the frame of recommendations, the states have not showed interest in fighting impunity, in spite of some slight progress in transitional justice in El Salvador and Guatemala, these countries have been unable to clarify all the serious violations to human rights of the past armed conflicts of the last decades. For instance, Honduras is going backwards by failing to comply with the Cartagena de Indias Accords, doing political persecution to the opposition, particularly members of the Libertad and Refundación (LIBRE for its initials in Spanish). On the other hand, the Justice administration in Nicaragua is highly divided by the political party interest and according with economic interest of powerful groups of power linked to these political parties.

3.1 Access to justice and Impunity

The Impunity Index is a useful instrument for measuring the effectiveness of access to justice by citizens. According to the Centre for Studies on Impunity and Justice, all Central American countries are below the average of Impunity Global Index, out of 59 countries, having Nicaragua the highest rate of impunity, followed by Honduras and El Salvador. Costa Rica has the

lowest rate of impunity in the region, followed by Panama, however they are placed within the global median.³⁷

Depuration of Judicial Systems in Central American region has been requested by every country but due to some irregularities caused by partisan politicization and the influence of organized crime on public security, Attorney offices courts and tribunals, progress has been very slow.

In Honduras, the main obstacles for accessing to justice are the partisan politicization of cases, especially those cases related to peoples' rights, such as the right to self-determination; slow processes, It is important to mention that many specialized tribunals and courts are not found in the 18 capital of provinces which generates high economic costs in the users of the judicial system.

It must be mentioned that the Judicial system in Honduras has been pointed out for corruption, political patronage, partiality and slowness in trials. On November 2011,³⁸ National Congress of Honduras created the Office for Evaluation and Vetting of the Police Career (DGCEP for its initials in Spanish), aiming to evaluate and vet all police personnel. In spite of these changes, public denounces against police forces continued. Therefore, on April 12 2016,³⁹ the Congress formed a new Depuration Commission; up to September 20 2016,⁴⁰ the Commission has evaluated 1,515 police members, rehiring 810, dismissing 628, suspending 14, 36 on voluntary retirement and 27 are pending evaluation. In spite of all these measures, denounces have been continued that only officials that not serve the interest of officialdom.⁴¹

Similarly, The Judiciary Council was disqualified by Supreme Court of Justice due to corruption practices by two of its councilman. One of them is pending trial.

In El Salvador the Justice Administration Systems are harmed as long as government officials violate the Constitutional State of Laws. In El Salvador, the systems of administration of justice are particularly affected as long as public officials violate the rule of constitutional law obstructing the law enforcement.

No organ of the state has the power of make evaluations of the performance of public officials of second grade election that enable them identify suitability and competence to perform their duties, which enables unqualified personnel that were in charge of the head of a public institution could be reelected without any control or they may continue in their jobs.

Civil Society has been promoting the evaluation of government officials, for instance through Urge, Justice and Transparency platform – UJUXTE- in El Salvador, who evaluated the management assessment of former Attorney General of El Salvador Luis Martinez, concluding that he was not fit ethically to be reelected and he was not. Afterwards he was sentenced to a fine of \$9,000 for accepting perks while on office charge and on August 2016 was arrested on charges of procedural fraud, all of that aiming to benefit businessman Enrique Rais, currently being processed for the same offence. Martinez is also currently on trial for revealing confidential information about Antonio Rodríguez, known as advocate of human rights, known as Father Toño.

Up to 2016 the Judicial Investigation Department (DIJ for its initials in Spanish) of CSJ (Supreme Court of Justice) has 122 open processes against justice administrators. Since 1995 only 102 judges have been removed due to ineptitude and inefficiency in performing his duties, lack of requirements to practice his profession, abuse of authority, among others.⁴² Up to February 2015 there are 250 cases⁴³ attributed to only 25 judges.

Apart from administrative penalty procedures against judges, there have been emblematic cases where criminal proceedings had been brought against public officials of the Judicial Body, as is the case of first instance judge of

Municipality of Santa Rosa de Lima, Union Department, René Francisco Treminio, accused of helping imputed persons to in criminal proceedings in which he was in charge.⁴⁴ Likewise 9th judge of peace of San Salvador Romeo Aurora Giamattei, linked to advantages received by businessman Enrique Rais in the process.

On the other hand, Costa Rica, in spite of low level of impunity compared to neighboring countries, presents cases where the privileges of impunity go to members of the aristocracy; One of them, the case of former Minister of Environment Roberto Dobles Mora during the second administration period of President Oscar Arias (2006-2010) On November 2006 Ministry of Environment and Energy (MINAE for its initials in Spanish) granted an authorization to Agricultura Mecanizada Chapernal S.A. for the exploitation concession of stone, sand and gravel on Aranjuez river bank during five years. However, it was found that this company has links with Roberto Dobles' relatives. He went through a judicial process on charges of personal benefit management, however on November 2015 was acquitted of charges.⁴⁵

On January 29 2015, Roberto Robles was sentenced to three years imprisonment on charges of breach of trust due to the granting of another concession in which he signed the decree which declared of public interest the mining project Crucitas. Similarly, it was evidenced the slow process in the case of Crucitas. On November 2015 the Contentious Administrative and Civil of Treasury Tribunal of San Jose, ordered to pay \$6.4 million for environmental damages caused by mining project Las Crucitas in Cutris. The sentence was made public five years after the verdict that annulled the concession granted to the company by the State, judging the irregularities of the process. Canadian Infinito Industries sought to extract 800.000 ounces of gold out of the mine.⁴⁶

In Nicaragua, access to justice is a fundamental and human right. However, the delaying criminal proceedings, violation of the right to

due process and corruption are still the main problems that hinder access to justice. Unlawful and arbitrary arrest by police is becoming a more routine practice detaining persons and searching private homes without a warrant. In actual practice there are not guarantees of due legal process. In other words under these conditions it is unlikely that the exercise of power of the State have no undue adverse effects on fundamental rights of the population.

However, the abusive exercise of punitive faculty of the State of initial investigation diligences during the process and implementation phase of the punishment is a common feature against the civil legal mechanisms of protection such as habeas corpus, habeas data and shelter which in real life have proven ineffective because police and penitentiary authorities reject seeing judges appointed by tribunals and also reject to comply with freedom resolutions.



Members of National Council in defense of our land, lake and sovereignty, in front of Supreme Court of Justice, requesting the Court to rule on the appeal of unconstitutionality of Law 840.

With regard to appeals of unconstitutionality, which based on Amparo Law these should be resolved by the Supreme Court of Justice within sixty days after authorities submit their reports, but often this period is not respected causing delaying justice has happened with the unconstitutionality appeal against criminalization of therapeutic abortions submitted on July 2008; yet there have been no resolution; the Appeal against Regulation of Integral Law against violence against women lodged on September 2014 and the writ of Amparo lodged by National Council for the defense of our land, lake and

sovereignty, so as to allow that the National Assembly gives follow up to the civil law initiative for the repealing of Gran Canal Law (Law 840). So far Supreme Court of Justice has not given judgment.

In penal processes, a cause of justice delay is generated by the inefficiency of the penitentiary system by not moving inmates to court when they are called for hearings. Then, hearings are cancelled. This prolongs the process in a stage where promptness should be observed, since inmates are limited in their fundamental rights.

The above mentioned implied delaying justice, as the inmate will be in prison longer awaiting trial but also slowing down all the procedural parties. We have also violation of human rights within police units and Penal centers, as the following case shows:

Disappearances and Torture in Police Stations

Mr. Franklin Polanco Trujillo, from San Bartolo, Quilalí, denounced to the Nicaraguan Human Rights Centre (CENIDH) the arbitrary detention of him and his brother Nolberto Morales Trujillo by the police, on August 11 2016. Around 4 a.m. of that day, policemen arrived at his home without a warrant and without explanation they ordered the two brothers to go with them to the municipal police station. "They took us by deception and held us prisoners for six days, with no food and the police questioned me about the death of a police official and I was beaten". "I didn't even know where this official lived, neither knew anything about him, they wanted me to say something about my brothers knowledge about that, I kept repeating them -I don't know anything" stated the claimant. "So far my brother is still missing and because of that I am here seeking help to know about him. When they let me free they told me to call him because he was also free but that is a lie no one in the family knows nothing about Nolberto" said Franklin. Franklin relatives have sought information in Quilalí and Ocotol police stations, but they have not had any response.

In Panama, in spite of weaknesses in the administration of justice, the entry into force of the new adversarial system, on September 2nd, 2016, creates good expectations. This system was first effective in Panamá, Colón, and Darién provinces, among others. The main objective of this new system was the expeditious delivery of justice, the avoidance of uprooting, jail overcrowding, and preventive detentions. Therefore, the judicial branch has made efforts to appoint judges to apply the system.

It is regrettable that during the republican period inequity in securing justice had occurred as an appropriate model distribution that can guarantee the fair judgment of each citizen according to his acts. In spite of political campaign against impunity, corruption and justice launched by the executive body there is a lack of initiatives aiming at fulfilling campaign promises.

Some of the steps taken for the improvement of judicial system and reduce delays of trials are mobile courts through which the judicial duties and functions are transferred to the jails. Besides this, hearings through video-calls, techniques that allow not to move inmates to the judiciary premises.

3.2 Penitentiary System

Due to the implementing of repressive strategies for the fighting of crime adopted by judicial systems of the region, penal centers have been unable to comply with their rehabilitation goal. The most evident problem that waits for solution is prison overcrowding in Central America; which is a situation that allowed not only violation of human rights but also the self-government of prisons. There are also cases where the penitentiary system is used for political persecution of citizens.

Disappearances and torture in police stations ⁴⁷			
País	Capacidad instalada	Población penitenciaria	Sobrepoblación penitenciaria
Honduras	10,500	14,803	4,303
Nicaragua	5,000	10,500	5,500
Costa Rica	9,130	13,361	4,231
El Salvador	7,800	34,934	27,134
Panamá	14, 174	16, 828	2,654
Guatemala	6,819	19, 891	13,072
Centroamérica	53,423	110,317	56,894

Source: Own chart, made from data searched by Regional Team of official source and media monitoring

Prisons are not a rehabilitation places, on the contrary they are strengthening the criminal self-government within. Unfortunately, authorities are still given the wrong answer which is mainly military, thus undermining the rule of law and allowing the violation of human rights of inmates.

The capacity for housing inmates in Central America is not sufficient, to the point that the

population doubles the capacity. Regarding to overcrowded prisons, Guatemala and El Salvador share a very serious problem. If the figures in each of these two countries is taken and added up, it overpasses that of the rest of Central America.

Costa Rica, Panama and Nicaragua have reduced overcrowded levels of prisons,

nevertheless they still have some. Particularly Nicaragua has failed to solve the problem, having taking abrupt measures which do not guarantee the rehabilitation of inmates.

El Salvador features the most critical situation in spite of announcing steps to reduce overcrowding, so far they have not been implemented.

In Honduras, the Inter-American Commission on Human Rights (CIDH) confirmed on December 2014 that inmates often have more power than prison staff.⁴⁸ This means that State lacks the capacity to control all prisons and prison farms of the country.

By the end of 2014 Honduras had 14, 803 people deprived of liberty, which represents an increase of 25% compared with population deprived of liberty in 2012.⁴⁹ This shows that public policies are mostly oriented to the repression of crime rather than its prevention. On 2012, the percentage of prisoners waiting trial was 48%, for 2014 was of 54%, which means more than 8,000 people, showing an increase of prisoners pending trial, and therefore, the weakness of the judicial system in delaying of processes.

Most inmates are men: only 4.5% of penitentiary populations are women. The installed capacity of the 25 prisons in Honduras can accommodate 10,500 persons, but the system has exceeded its capacity. Eleven percent of the inmate population sleeps on the floor.⁵⁰ According to the Minister of Security, 80% of extortion crime in the country comes from inmate instructions, in spite of the fact that exists a law that demand from telephone companies the blocking of any mobile phone signal in penal centers.

According to the Center for the prevention, Treatment a Rehabilitation for Victims of Torture (CPTRT, for its initial in Spanish), "between December 2013 and December 2014, six out of 10 inmates were allegedly tortured or subjected to cruel, inhuman and degrading treatment during their arrest in some cities. The Anti-extortion National Force was presumably responsible of the most serious cases of torture".⁵¹ This situation is repeated in most prisons of Honduras. One of

the factors that may have created this problem is the militarization of the penal centers. Even in probation centers we can see military men giving custody. Many penitentiary centers are under high rank military control, violating the Prison National System Law. According to CIDH-OEA⁵² out of the 253 torture cases presented before the Human rights Defense office between 2009 and 2014, only 15% reached the accusation stage.

For its part, Nicaraguan prisons are seriously overcrowded. On October 2014, prison population was around 10,500 based on government numbers published by World Prison Brief; nevertheless infrastructure capability is of 5,000 inmates. Government has launch the so called "live-in regime" which means to substitute offenses punishable by deprivation of liberty by a less severe forms, for instance to prisoners that have committed minor crimes, whose penalties are equal or less to five years. From 2014 up to February 2016, 8,149 inmates have been under such system.⁵³ It was also announced that the extradition of 34 foreign prisoners, so that they may finish their sentences in their country of origin. This measure has been implemented inappropriately, transgressing existing processes such as pardon or amnesty. The fact is that this measure was carried out fast, so there was no chance to analyze each case.

Still in Nicaragua, during 2016, in Leon, there have been clashes between prisoners and guards in pre-trial detention cells. The mutiny left 9 wounded persons, (five police officers and 4 prisoners). Extra-official data reports that there were more than 20 wounded persons. The mutiny began due the complaint about a poor diet and allegedly bad treatment by officials.

Alexander Junior Díaz Amador,⁵⁴ 38 year old. Arrested by police, denounced he was a victim of assault and torture by plain clothed policemen from District VII of National Police. Díaz Amador and another inmate were beaten and tortured by electric shocks. Amador also claimed through the media that he was struck on his right eye with the fist and received electric shocks on his neck. The other prisoner referred that he was struck on chest, abdomen and left arm.

It is worth mentioning that CENIDH has been prevented from visiting the conditions of inmates in Penal centers during the last six years, in spite of receiving many requests. Secretary General of World Organization against Torture (OMCT for its initials in Spanish), Gerald Staberock, sent a letter to the Governance Minister Ana Isabel Morales, requesting permission for Human Rights Organizations to visit prisons. In the letter, he also reminded her of the importance of monitoring activities that Human Rights Organizations carry out regarding the prevention of abuses and torture. Repeatedly, CENIDH lawyers have complained that penitentiary authorities prevent the verification by inmates' relatives of rights violation in prisons.

There has been some progress in Costa Rica regarding to prison overcrowding, due to policies led by the Ministry of Justice and Peace. Guidelines have been established for the transference of inmates of semi-open system to full detention system under specific conditions aiming to lower down prisons overcrowding. On November 2015, 570 detainees exited, out of 13,889, which reduced overcrowding from 52.2% to 46.3%.⁵⁵

In El Salvador levels of overcrowding are very high. In 2000 the penitentiary system had 7,800 inmates.⁵⁶ The Direction of Criminal Centers registered 34,934 inmates spread up to June 2016 through 19 penal centers in the country. Penitentiary population exceeded almost fourth times the installed capacity of the system; this has caused a crisis for institutional control within the system and failure to becoming a real space for rehabilitation and social reintegration. Masculine population rises to 90.49% and the feminine to 9.51%,⁵⁷ there is only one Penal Centre for women.

In Panama, Direction of Criminal Centers increased during the last few years prisons' capacity particularly in the provinces of Bocas del Toro, Panamá and Colón, even though remains still prison overcrowding. Based on files of the institution, the capacity of prisons in Bocas del Toro increased from 100 to 304; in Colón from

1,092 to 1,406; and in Panamá grew from 4,913 to 11,510. In spite of efforts made for extension of spatial capacity it can accommodate 14,174 inmates; up to January 2016 penitentiary population was of 16,828 inmates, which makes an overpopulation of 2,654 inmates (15.7%).

At national level the range age of prison inmates ranged between 18 and 25, representing 33% followed by age range between 26 and 30 accounting for 21%; detainees range between 31 and 35 16% and from more than 36 years of age 30%. Therefore, it is implied that most inmates of the Penal system are young. There are several reasons for riots to happen, for instance: flagrant violations of human rights and inter-gang rivalry.

Guatemala had a penitentiary population of 19,891 in 2016,⁵⁸ representing a high overcrowding level, besides the non-governability of incarceration system, which is worrying, as the state has done little or nothing to resolve this problem. Furthermore, instead of fulfilling their objective, prisons have becoming centers for the promotion of delinquency. Besides overpopulation, inmates lack drinking water, and basic items such as soap, toilet paper and towels.

Fragility of penitentiary system has led to the inmates themselves to keep controlling crimes, business and their personal activities, without due control by Guatemalan state; as is the case of inmate General Byron Lima who was assassinated on July 18 2016. Such inmate was known for had being involved in the assassination of Monsignor Juan José Gerardi and was sentenced to 30 years in prison. However, he managed to become the most powerful person within the prisons network, keeping a maquila business within the farm having easy contact with his family, as well as the privilege of getting out and in of his prison cell easily. The weakness of Penal system has becoming more difficult each time to eradicate, as the inmates have their own rules within the facilities. The Guatemalan prison self-government became easier to the extent that there are only 3,469 penitentiary security guards in the system, who, sometimes are involved in illegal activities inside prisons.

3.3 Transitional justice

Transitional justice is a process through which nations are reconstructed after a political or belligerent crisis. Transitional justice seeks to be addressed during times of transition, namely when a country is going through a conflict. Transitional justice helps solving all those cases of impunity remained by passed wars within the country. It is a way of guaranteeing compensation for damages, stabilization of victims and the protection to their human rights.

In Honduras, following the 28 June 2009 coup d'état there were many violations to human rights, like persecutions, exile and death. Afterwards the political conflict a Truth Commission was created, which through different interviews and investigations with a variety of representatives of sectors of Honduras society, concluded that there was a coup d'état; the Commission gave some recommendations including Constitutional and electoral reforms. One of the Constitutional reforms was the inclusion of plebiscite, and referendum with mechanisms of citizen consultation of linked type; spite of that and taking into account the increasing level of social polarization due to reelection expectations of current President of the Nation, plebiscite has not yet realized in order to give people a mechanism to express his views, in spite of the petitions of most people and proposals of three political parties to National Congress.

Honduras process of transitional justice has moved backwards in view of lack of political will by the official party, some minority parties and a wide sector of deputies of the Liberal Party.

On the other hand, Nicaragua has pending debt with the victims of violations of human rights perpetrated since the times of Anastasio Somoza until now. Nicaragua is still one of the four nations that have not ratified the Statute of International Penal Court, a permanent judicial body whose mission is to bring to justice the most serious crimes pertaining to international Law: genocide, crimes of lese humanity, war crimes and aggression crimes. In spite of the recommendations made by the Human Right

Council of United Nations Organization (ONU) through the Universal Periodic Examination (EPU), Nicaraguan government is reluctant to ratified it as it would implied a compromise with justice and penal responsibility against the perpetrators of crimes of lese humanity.

In El Salvador, after the internal armed conflict of last decades of twenty Century and de signing of Peace Accords in 1992, two laws were promulgated that allowed impunity of all crimes committed during the conflict. The first, the National Reconciliation Law, promulgated seven days after signing the Peace Accords; the second, General Amnesty Law for Peace Consolidation promulgated five days after the publication of Truth Commission Report. Notwithstanding the fact that the Inter American Justice System through different resolutions had pointed out that the state of El Salvador should let unobserved the figure of Amnesty o the prescription to secure access to justice of the victims of serious violations of human rights during the internal armed conflict, it was an obstacle the validity of General A. Law for Consolidation of Peace, proof of that is that on this date no case has been brought to justice.

After more than three years of have brought a demand of unconstitutionality against the General Amnesty Law for Peace Consolidation, by members of different organizations of civil society, last 13 July, the Constitutional Hall declared unconstitutional the above mentioned normative body, which constitutes a significant historical fact by which Salvadoran state makes some progress against historical impunity; however, since the declaration of unconstitutionality different political actors have called for initiatives aiming to obscure the search for justice for all the serious human rights violations committed during the Salvadoran armed conflict. To such affirmations joints the one of Attorney General who has claimed he will not investigate such cases due to lack of funds.⁵⁹

No extradition of military but the case is reopened



Colonel Guillermo Alfredo Benavides, been required for the second time by National High Court of Spain for the assassinations of six Jesuit priests in 1989 will not be extradited to Spain after decision of the Supreme Court of Justice; however the Court also decided that Benavides should return to prison to complete the 30 year sentence he got in 1992, but he was amnestied as beneficiary by the "Amnesty Law" of 1993, which was declared unconstitutional.

About the case, on February 2016 were apprehended only 4 military men, out of 17 that had legal apprehension order activated by "Red Notices" of INTERPOL. The extradition of these four military men required by Spanish justice were denied remaining on detention only Colonel Benavides as he had a previous process before the approval of Amnesty Law.

Within this frame, Civil National Police still has to continue searching for fugitive military men within national territory that have active the "Red Notice" of INTERPOL.

In the 1990s it was created, in Panama, a Truth Commission that made a census of disappearances and killings during military Governments period (1968-1989). Emblematic cases are the assassinations of Father Héctor Gallego and Hugo Espadafora.

In Guatemala, more than 200,000 people died during the internal armed conflict and more than 45,000 disappeared. In regard to this issue, the transitional justice process has been very slow. The Commission for Historical Clarification made a number of specific recommendations aiming to deliver justice to all victims after internal armed conflict. However impunity still

is the main obstacle for the clarification and reparation for human rights violations during the conflict. The CICIG and the International Centre for Transitional Justice (in English ICTJ) have collaborated to bring to justice criminal groups that had committed crimes against human rights as well as military structures that victimized whole towns; additionally to provide and help to people and communities to let them know how to seek justice quickly and effectively.⁶⁰

Although Guatemala, El Salvador and Honduras had Truth Commissions, their reports were silenced or forgotten therefore the advances have been minimal in terms of restorative justice.

CONCLUSIONS

Impunity levels in Central America are high, up to the point that surpassed the world average rate. One of the factors that catalyze impunity levels is the lack of steady evaluating processes of public officials under that exercise professional jurisdiction within justice system, which allows partiality, violation to due process and fundamental rights, justice delaying, "favoring" and arbitrariness in the system. In the majority of cases causing an abusive use of the punitive faculty of the state.

The situation of Penitentiary system remains critical as well as lack of governance by state. Overcrowding levels are an obstacle for the accomplishment of rehabilitation of inmates; much on the contrary this creates conditions for the reproduction of higher level of criminality. In spite of the efforts by some nations having taken steps to reduce prison

overpopulation, such measures are proved to be insufficient. As in the case of Nicaragua, it is evident that measures taken by the government to reduce overcrowding are not designed within the frame of objectives of rehabilitation through the penalty.

Historical impunity caused by political and armed internal conflicts in most countries of region remains in effect. For the most part, investigations carried out by their respective commissions of truth are taken as an illustrative nature of history and process of transitional justice are not detected. Notwithstanding some advances, as the declaratory judgment of unconstitutionality of the Amnesty Law in El Salvador, there is a lack of political will to prosecute culprits.

RECOMMENDATIONS

It is imperative for state members of the region the institutional strengthening of the justice system, creating evaluating mechanisms for person who hold second degree electable posts; furthermore, current mechanisms should be strengthened for personnel that exercises jurisdiction for the purpose of purging the system, respecting the due process and all guarantees and fundamental rights.

The *ius puniendi* of States has to be used reasonably and in due time. It is also imperative the retaking of crime prevention strategies, through fulfillment of economic, social and cultural rights and give up public policies against crime based on repression. There should be created mechanisms aiming to reduce the penal overpopulation keeping in mind that the objective of liberty privation penalty is the re socialization of the citizen, whose human rights must be respected.

The normative systems need to be modified in the sense of eliminating sentences involving deprivation of liberty or life imprisonment, understanding these as those on long duration, even though a limit in time is prescribed; other measures to be considered by states are the application of penitentiary benefits such

as early conditional release, conditional or provisional release, probation service, house arrest, electronic devices for surveillance, among others.

After political and armed conflict of the region there should be a transitional way to justice implying knowledge of truth, damage retribution, the recognition by the state of serious violations to human rights aiming to strengthen constitutional, democratic and social law of state. Accordingly the states that have no ratified Rome Statute of the International Criminal Court (CPI, for its initial in Spanish) as Nicaragua, should proceeded in its ratification in order to seek justice for the crimes well established in the Statute: of war, aggression, against humanity and genocide acts.

Similarly, we recommend the elimination of all existing obstacles for the installation of a transitional justice as the derogatory of amnesty laws, prescription of serious violations of human rights and lack of political will to boost historical cases of impunity.

CHAPTER IV

ECONOMIC DEVELOPMENT MODEL AND INEQUITY

4.1 Political and commercial agreements.

Under the influence of economic globalization, Central America has joined promoting of bilateral and multilateral free trade mechanism, which has led to the elimination of tariff barriers to many commodities. This allows a greater flow of goods and services, but also, the reduction of revenues the States receive through the tariffs. This causes damage to national production and the creation of supra state entities, the latter carries the loss of national sovereignty under the influence of world powers in matters of economic policy, promotion for the installation of extractive industries, among others.

The intention of world powers to liberalize economies on a global scale to remove barriers for merchandise, led them to subscribe and ratify international normative bodies that do not see after human rights. International trade agreements have binding mechanisms to force State parties to comply with them; unlike international human rights conventions.

The Trans-Pacific Partnership (TPP, for its initials in English) is a free-trade agreement that has been promoted among several countries in the Pacific Rim that addresses a variety of public policy issues, signed on 4 February 2014, at Auckland, New Zealand. Although the geographic conditions of Central America countries give them the possibility to be subscribers to this treaty, most governments have shown no interest in doing so.

El Salvador's private enterprise sector is fearful of TPP taking effect and the negative impact that this would generate in the textile and clothing industry. In this area, currently, El Salvador is identified as the 11th supplier of the United States and it is feared that with the commercial opening that this country would have with countries like Vietnam, this sector will fall into crisis when referring "TPP taking effect would be a new shock, but the effects could

be even bigger, because the mentioned sector is now tied with other industries. Competition with Asia's developing economies is very strong, as some of them operate with very low labor costs, few government regulations and high subsidies on behalf of the State. That is to say, many do not function as market economies. Plus, these countries have been able to create development centers and free zones that are highly competitive. An imminent risk El Salvador faces is Vietnam."⁶¹

On March 2016, the Nicaraguan government opened a debate between businessmen, government representatives and pro-government workers to request membership in the short-term to the TPP. In June of the same year these sectors signed the strategy that seeks adhesion to it. However, there is very little information about it, which has been largely provided by the official media through Rosario Murillo, coordinator of the Council of Communication and Citizenship, not knowing the type of consultation done with the workers.

For the government of President Ortega, incorporation to the agreement, will allow the country to boost its export capacity and increase the insertion of the economy in international markets. According to data from the Central Bank of Nicaragua (BCN, for its initials in Spanish), the open economy has generated total exports of 5 billion dollars which represents half of the Gross Domestic Product (GDP).⁶²

The National Human Rights Commission of Panama (CONADEHUPA, for its initials in Spanish), regarding the liberation of the economy under the modality of free trade treaties states that the benefits that are disclosed publicly are false, rather, they generate a kind of disloyal competition with the local producers, impacting to a greater extent on small and medium-sized enterprises with little capacity to compete

with transnational corporations, deepening inequality gaps.

In Costa Rica the asymmetries regarding the validity of the Free Trade Agreements have not deserved any modification. Additionally, the current government faces palpable contradictions regarding the alleged contributions of these commercial treaties over the last 20 years. Meanwhile the Minister of Finance stated in June 2015 that international trade tax revenues were almost 3.5 per cent in 1974 and were reduced to 1 per cent by 2015; the Foreign Trade Minister indicated that, despite the tariff reduction caused by the 14 trade treaties that the country has in effect, real income from tariffs (without inflation) grew by 4% between 1999 and 2014. He also pointed out that the income from internal taxes levied on imports, sales taxes and selective consumption increased by 52%, "for a total increase in real tax revenue from imports of 43%".⁶³

The Pacific Alliance is a regional integration initiative formed by Chile, Colombia, Mexico and Peru, created on April 28, 2011. Costa Rica has not defined incorporation. President Luis Guillermo Solís indicated on May 1, 2016 that the country would not sign the treaty until the creation of new taxes through tax reform.⁶⁴ The Minister of Foreign Trade has shown a position in favor of the treaty, even though the majority from the official party requested to the President of the Republic to stop showing a favorable position until the president decides his final position.⁶⁵

Similarly, the Costa Rican government has accepted the political intervention made by the United States Embassy regarding import issues for agricultural products. The US ambassador said in February 2016 that the government's agricultural policy provoked "tension" between the two countries and lamented the operation of the State Phytosanitary Service (SFE, from its initial in Spanish), which, he says, obstructs "one hundred percent" bilateral trade in agricultural goods when managed with political and not technical criteria. COMEX also reported on its discomfort with the obstacles to the entry of US onions into the country, due to the lack of

issuance of permits for the importation of new varieties of plants, and the barrier to the entry of other products such as soy, maize, wheat and potatoes.⁶⁶

Similarly, nine years after DR-CAFTA came into effect, results are not visualized as promised by its proponents. According to the *Semanario* (weekly newspaper) *Universidad*, in a May 2016 publication, Costa Rica's trade deficit with the United States grew 125% between 2007, when the treaty was ratified, until 2014.⁶⁷

One of the most significant political agreements for the region is the one named "Northern Triangle Prosperity Alliance Plan" (Plan de la Alianza para la Prosperidad del Triángulo Norte), which links El Salvador, Honduras and Guatemala. It proposes four strategic lines: a) To invigorate the productive sector, b) develop human capital, c) improve citizen security and access to justice; and d) strengthen institutions and improve transparency.

In order to follow the agreement, the Presidents of El Salvador, Guatemala, Honduras and the Vice President of the United States, on March 2015 in Guatemala City, agreed to accelerate the implementation of the plan in the aforementioned areas. For 2016, the three countries have allocated to their national budgets, resources to the amount of US \$ 2,857 million.⁶⁸

The States, through the report "Progress 2015 and the 2016 Plan of the North Triangle Prosperity Alliance Plan", have indicated progress in all four axes of the Plan.⁶⁹

In terms of invigorating the productive sector, it is pointed out that: a) the road map for the establishment of the Central American Customs Union was defined by the Council of Ministers of Economic Integration (COMIECO, from its initials in Spanish) with the purpose of promoting commercial flow among countries by modifying customs and migratory controls b) regarding energy integration, the signing of the Third Additional Protocol to the Agreement on Economic Complementation signed by Guatemala, El Salvador and Mexico, on trade and transportation of natural gas in order to

facilitate the expansion of the gas pipeline to the North Triangle; c) the strengthening of micro and small enterprises is proposed.

Regarding this, while it is true that strengthening small, micro and medium-sized enterprises is committed to strengthening historically excluded sectors, so that they can be inserted in the market and thus be able to strengthen the family economy and reduce unemployment; structural changes are not sought, tending to reduce the inequality gap by means of equitable distribution of wealth through a progressive tax system or to provide workers with greater purchasing power. In this context, all the macroeconomic growth achieved through the implemented measures will be inserted in an accumulation schema that will benefit traditional economic sectors.

Regarding the Human Capital Development axis, the countries in the Northern Triangle have identified the most needed territories and they cover 58% of the population in Honduras, 20.7% in Guatemala and 15% in El Salvador. In terms of education, the strengthening of projects such as the "Full Time Inclusive School" (Escuela Inclusiva de Tiempo Pleno), in El Salvador's case, is intended. Honduras is committed to the universalization of pre-basic education through formal and alternative modalities mainly in rural and low income areas. Guatemala signed an agreement with the Millennium Challenge Corporation (MCC) to improve the secondary education system and vocational education opportunities for young people. In terms of health, the improvement of infrastructure in the public health system and its equipment, as well as the promotion of health plans and programs, is proposed; in the equal opportunities strategy, the creation and strengthening of State initiatives bound to strengthen women's rights. In this context, the creation of another headquarter of Women City (Ciudad Mujer) in El Salvador is indicated, the beginning of a similar project in Honduras and hopes on productive projects in Guatemala.

In relation to the above-mentioned axis in the framework of the report elaborated by the States, no substantial progress in their fulfillment has been identified, and the reported results,

apart from the diagnosis, seem to be for the most part a series of aspirations.

Regarding the improvement of citizen security and access to justice axis, a number of measures are aimed at strengthening, in some way, the technical capabilities of law enforcement agencies to repress crime, but no clear bets are identified on prevention and re-socialization. This section highlights achievements against corruption and the strengthening of institutions. On the strategic axis, the countries refer as progress the creation of regulations, measures, actions and institutional changes aimed at institutional strengthening and improving of transparency.

It is of concern that the states commit themselves to promote mega-projects through that political agreement; such as the El Chaparral dam for the case of El Salvador and Patuca III for the case of Honduras, especially since the megaprojects have generated climates of conflict in the region. On the other hand, they oblige themselves to expand road connectivity without previous study of environmental and social impact.

4.2 Tax structure and fiscal policy

The form of economic development implemented in Central America has progressively allowed deterioration in public finances, with a benefit to the economic power, who historically have been reduced taxes with strictly technical approaches; on the other hand the general citizens have been taxed with the consolidation of a regressive scheme in taxation.

Trade liberalization in the region also brought, at the same time, losses in taxation, since only "tax waives" were made in the free trade agreements, but no mechanisms were established to replace the revenues that were no longer received. In the Costa Rican case, laws were created that oblige expenses, without there being support in the part of income.⁷⁰

In Costa Rica, the approval of the Law against Tax Fraud is under discussion, which has encountered opposition (multiple) from business sectors traditionally benefited by the tax regulations. Several advisers on tax issues of

large Costa Rican conglomerates, the Costa Rican Union of Chambers and Private Enterprise Associations (UCCAEP, from its initial in Spanish) and the Costa Rican-North American Chamber of Commerce (AMCHAM, from its initials in Spanish) proposed to the National Liberation Party the introduction of modifications to the bill in order to change sanction against tax evaders, in particular to reduce the range of imprisonment of crimes regulated in the bill. With this proposed modification, the imprisonment can be changed to an alternative non-custodial measure.⁷¹ Finally, this attempt to legalize impunity for tax evaders was discarded in Parliament, and in September 2016 the bill was approved by the same Organ without the modification proposed by the economic power.⁷²

The Central American Institute of Fiscal Studies –ICEFI–, from its initials in Spanish– evaluated Costa Rica's 2017 proposed project⁷³, and as a result estimated that if the medium- and long-term prospects of fiscal insufficiency are maintained, there is a serious risk of losing the social achievements reached by this nation; also to accumulate fiscal deficits and public debt that would jeopardize the sustainability of the State in the medium and long term. Finally, it reiterated the need for a comprehensive fiscal agreement to guarantee economic growth and social welfare in the country.

In El Salvador, the current fiscal policy does not allow the Government to raise enough funds to develop the different public policies that could meet the needs and rights of the population. But not having a progressive fiscal policy to combat the widespread practices of circumvention and evasion is largely responsibility of the Government; since the made attempts to slightly modify tax legislation, so far, have not yielded the expected results.

Every year the Salvadoran government presents a budget that is not funded, which in the long run always requires more loans, which leads to greater indebtedness. It has even had to deal with the refusal of the opposition whom do not give their votes for the approval of new credits; with admitted claims of unconstitutionality; and precautionary measures granted by the

Constitutional court of the Supreme Court of Justice, which has stopped the issuance of securities from the Executive.

The financial situation is further aggravated when other problems, inherited from previous governments, are considered, such is the case of the social security debt, or other social requirements not yet satisfied, such is the case about former veterans; they were favored with the passing of a law, but in the current financial conditions it has not had concrete results.

Under the influence of the neoliberal model, the state reduced taxes to the economic power, under the logic of liberalizing the economy. In this context, coffee and sugar export taxes were eliminated; so were taxes on wealth; tax on corporate income was reduced and indirect taxation increased, via tax on transfer of movable property and the provision of services - value added taxes- and some selective taxes. Laws were passed that favored economic power by evading taxes; free trade agreements were signed, which initiated tariff elimination processes; the creation of a private pension system whose transition only privileged the private sector. All of the above generated a negative impact on public funds. Being this not enough, the private sector reaches exorbitant levels of evasion, of around 2.005 million dollars, of Value Added Tax and Income Tax.⁷⁴

Last July 20, the International Monetary Fund (IMF) published the report No. 16/208 for El Salvador, in which it made a series of recommendations, including: a) a two percentage point increase in VAT, increasing to 15%, deepening the regressive nature of the tax structure; b) the reduction of the rate of income tax to profit; c) the elimination of the tax on financial transactions; d) carry out parametric reforms to the pension system, such as increasing the number of years and the amount contributed; e) reduce government contracting in all sectors, which in other words is nothing more than the dismissal of public employees that translates into the State's low capacity to respond to the satisfaction of people's rights; f) limit wage indexation to increases lower than the inflation rate, which affects in the reduction of the different variables for wage adjustments and

limiting only to inflation; G) flexibility of wages in a general way, among other recommendations. For the most part, just as in other countries in the region, IMF proposals only deepen the historical crisis of family economy of the general public.

In Nicaragua, the tax burden falls more heavily on the lower income social sectors, and therefore the system is highly regressive. The regressive nature of the system reduces its potential to raise taxes by leaving out the higher-income sectors, most of which are concentrated in the Supreme Board of Nicaraguan Private Enterprises (Consejo Superior de la Empresa Privada Nicaragüense – COSEP-).

Official figures show that by May 2016, the Central Government's tax collection had increased by 19.8% compared to the same period in 2015. In sharp contrast, the year-over-year growth rate of tax revenues implicit in the General Budget of The Republic for the year 2016 is reduced to just 8.91%. This contradiction between the projected rate and the real rate of growth in tax collection is the result of the tendency of the Ministry of Finance to undervalue the growth projection of tax revenues, which determines, in real budget execution, the appearance of what has been called "over-collection", which opens a wide margin to discretion.⁷⁵

Honduras, conditioned by the establishment of a stand-by agreement with the IMF, is implementing all the necessary actions to achieve a reduction of the fiscal deficit. In order to do so, in 2014 it carried out a strongly regressive fiscal reform that further deteriorated the quality of life of Hondurans.⁷⁶ The tax reform approved in December 2013, created the conditions for the State to receive more income, but because of its regressive nature, the inequality gap increases. For 2016 the estimated Gross Domestic Product (GDP) will be of \$ 20,658 million with a collection goal of \$ 3,645 million, equivalent to 17.6% of collection.⁷⁷ On the other hand, tax benefits obtained through tax exemptions have strongly affected public finances; the State, in the first half of 2016, approved the Fiscal Responsibility Law, which seeks to limit tax benefits to which a natural or legal entity can access; however,

no exemption is eliminated as it only restricts the possibility for companies or natural persons to enjoy more than one exemption.⁷⁸ Despite tax adjustments in Honduras, fiscal privileges or incentives continue to affect the finances of the state.

Panama is one of the countries that generate conditions so that the economic power, in a "legal form", does not pay taxes at their respective countries. On April 3, 2016, the information leakage of confidential documents from the Panamanian law firm Mossack Fonseca was published by the German newspaper *Süddeutsche Zeitung* and the International Consortium of Investigative Journalists (ICIJ), revealing the concealment of company properties, assets and profits of large companies and individuals, this allows non-taxation through the identification of tax havens, seriously affecting the income of each State.

In Guatemala, on August 12, 2016, a reform proposal, with some slight elements of a progressive nature in the tax scheme, was presented to Parliament by the Executive Branch, which was withdrawn by the latter without further explanation⁷⁹ in correspondence to the President Of Congress, signed by the president of the Republic Jimmy Morales Cabrera.

Among the forms that the States use every day to obtain income for their normal functioning is through taxes, loans, donations, sale of assets, among others. As a result of the low tax revenues resulting from a regressive nature, the Central American states have resorted to acquiring public debt to finance their operations, which has led them to critical levels.

The trend at regional levels indicate that Central American governments obtain less income than they need for their current operation, which has led to the creation of an annual deficit that progressively leads to more public debt, which averaged 37.3 % in 2015, and which is projected to increase by 2016.

Macro fiscal situation in Central America			
Criteria	Percentages regarding GDP		
	2014	2015	2016
Central government tax collection	13.7	13.9	13.7
Central government public expenditure	18.5	18.5	18.7
Budget deficit	-3.3	-3.1	-3.0
Balance of central government debt	36.2	37.3	38.1

Fuente: Cuadro propio, con datos del ICEFE

4.3 Impact of extraction industries and mega-project

Investment mega-projects and extractive industries continue to generate conflict in Central America, with the result of serious violations to citizen's human rights: the right to consultation is deliberately omitted, access to water and housing conservation is threatened, indigenous territories are usurped, labor rights violated, and the environment is affected. Apart from the environmental, social and economic impacts generated by the extractive industries and mega-projects, there is a new modality that is harmful to countries of the region, namely: the national and international demands made by multinationals against the states to obtain million-dollar revenues without any investment.

In El Salvador, Pacific Rim / Ocean Gold sued the state since 2009, before the International Center for Settlement of Investment Disputes (ICSID) for \$ 314 million dollars, because it had denied the El Dorado mine's operating license in Cabañas. Seven years after the lawsuit, social organizations show their concern about the unprecedented delay in resolving the conflict, the stages prior to the arbitration award were concluded in October 2016; the organizations oppose to a possible negotiated solution between the parties in conflict,⁸⁰ since the company has tried to negotiate an adverse resolution. On October 14, the ICSID tribunal issued the arbitration award and ordered the mining company to pay the Salvadoran State the amount of \$ 8 million in procedural costs. The company refuses to pay the State and contrary to this has initiated a

propaganda attack to insist on exploiting mining in the country.

Besides, after the construction of the El Chaparral dam was halted for five years, in December 2015 they signed new contracts for its execution⁸¹ and the hydroelectric project is scheduled to be completed in 2018. El Chaparral is a hydroelectric project developed in the Torola River of San Miguel, to the east of El Salvador; it provoked a strong resistance of the affected communities, nevertheless, despite the opposition of the communities to the restarting of the project,⁸² it does not register the same levels of resistance, to the point that some of them demand the development of social programs from the construction of the project.⁸³

Likewise, in Costa Rica, despite the existence of a mining moratorium in effect until 2018, the threats of extractive activities continue. In 2009, under the government of Oscar Arias, the Costa Rican Chinese Reconstruction Society (SORESCO, from its Spanish initials) company was founded, with capital of the Costa Rican Petroleum Refinery (RECOPE, from its Spanish initials) and China National Petroleum Corporation International (CNPCI) with an initial capital of \$ 100 million, of which, \$ 62 million have been spent as of July 2015. Although the General Comptroller of the Republic declared null the feasibility study presented in 2011,⁸⁴ it was until April 2016 that the executive president of RECOPE decided to abandon the project to modernize the Costa Rican refinery.⁸⁵ This creates unnecessary expenses in the state bureaucracy.

Monocultures continue to negatively affect the health of Costa Rican citizens, as well as the sustainability of agriculture in harmony with the environment. About 5,000 people from Pital, San Carlos, in the northern part of the country, drank contaminated water, with the herbicide bromazil, a pesticide used for weed control when growing pineapples, of high toxicity for the human being. It has been banned throughout Europe for being carcinogenic. According to studies, weeds absorb the chemical by root and can remain active on the ground for more than 60 days. Communal aqueducts are in danger as they are frequently affected by toxic substances, the same occurred in 2010, which resulted in no solution.⁸⁶ This problem has occurred constantly in the Cairo of Siquirres, a Caribbean area; where, to date (dates back for more than 15 years), it has not been solved. It was even the subject of a thematic hearing before IACHR in early 2016.

Regarding the construction of the Mega-terminal of Containers at Port Moín, Caribbean, the company APM Terminals has used up the administrative routes for the Exploitation of Asunción quarry, since the Institute of Aqueducts and Sewers (AyA, from its Spanish initials), extended the protected area to an adjacent property to protect the Rio Banano basin. They intended to exploit 1.5 million tons of rock during the first phase of the work.⁸⁷ The transnational company faces a claim for “illegal mining” before the Geology and Mines Management (Dirección de Geología y Minas) for using -without a mining concession - sand from the ocean floor in the construction of an artificial island. Accusing geologist, Allan Astorga, estimates that the 2 million cubic meters that, according to the Environmental Impact Study, would be extracted as “loan material”, has a commercial value of about \$ 100 million. However, since the mining concession applications are not processed, the concessionaire does not pay any type of permit for this item.⁸⁸

In Nicaragua, the stability of peasant communities has been violated with the construction plans of the Interoceanic Canal,⁸⁹ creating insecurity in their environment due to the threat this mega-project poses to their territory. The government

has granted the maximum protection to the concessionaire, to the detriment of more than 100 thousand people directly affected. In general, the government has made invisible the consequences of environmental destruction, and the sovereignty of the country.

To September 2016, the peasants' movement has carried out 81 marches demanding the repeal of Law 840, Special Law for the Development of Infrastructure and Nicaraguan Transportation to the Canal, Free Trade Zones and Associated Infrastructure (Ley Especial para el Desarrollo de Infraestructura y Transporte Nicaragüense Atingente a El Canal, Zonas de Libre Comercio e Infraestructura Asociadas). The most recent demonstrations were held simultaneously on August 31, 2016 in twenty communities of different departments of the country, a national march was scheduled for November 30 of the same year, in rejection of the mega-project and demanding that the Supreme Court of Justice issue a favorable ruling so that the National Assembly proceeds with the citizen initiative of law for the repeal of Law 840.

The violating situation of human rights in the framework of this mega-project merited that the 39th Congress of the International Federation of Human Rights (FIDH, for its initials in Spanish) held in Johannesburg on August 2016 issued a resolution in which 171 human rights organizations members of FIDH, support the peasant movement in its demand to repeal Law 840; recommending that Nicaragua renounces to the inter-oceanic canal project and other planned mega-projects, as well as the cessation of militarization in the areas affected by the concession, just as it is expressed in the Results Report from the investigation carried out by FIDH and CENIDH on the Concession of the Interoceanic Canal in Nicaragua: Serious Impact on Human Rights.⁹⁰

In Honduras, after the 2009 coup d'état, concessions to exploit minerals have been rapidly made to national and international industries; despite the fact that this has generated higher levels of criminalization of social protest and increased the number of murders against human rights defenders, including the murders

of Berta Cáceres, Lesbia Yaneth Urquía and Nelson García, members of COPINH, who were murdered for their struggle and resistance against projects and policies that go against the dignity of the Lenca people, especially for their struggle against the Agua Zarca hydroelectric project of DESA and financed by FMO, Finn Fund and CABEL.

On May 9, 2016, as part of a campaign to demand justice for the murder of Berta Cáceres, members of COPINH were repressed by military and police forces, having a result of injured people and temporarily captured ones.

In Guatemala, despite a judicial decision issued by the Constitutional Court, through which mining operations of the company EXMINGUA at San Pedro Ayampuc and San José del Golfo are suspended in El Tambor mining project, it continues operating in an illegal way, without greater institutional control.

Although there is a register of workers being arrested for continuing to operate in this mining project, arrests of company executives cannot be identified.

As we have pointed out in previously, the governments of El Salvador and Costa Rica have promoted de facto closures for mining operations, generated by the cases of the El Dorado and Crucitas projects respectively. They have brought million dollar demands against both States. In addition to this, we have the lawsuit against Panama, before the ICSID filed

in April 2016, for the non-renewal of the mining concession of the North American company Dominion Minerals in the indigenous territory of the Ngäbe Buglé People, for not complying with environmental requirements; the demand reaches an amount of \$ 268 million. This indicates that mining companies in Central America are redefining their strategy to obtain "profits" without operating, constituting a new form of looting of the countries of the isthmus.

In Panama there are constant attacks by agents of the national police against the indigenous people of Ngäbé, for opposing the Barro Blanco hydroelectric dam built by the company Generadora del Istmo S.A. (GENISA) on the river Tabasará. Joint project proposed during the Puebla Panama Plan (PPP) and Mesoamerican initiative, whose objective is the expansion and marketing of energy capital in the region. Added to this are the attacks against journalist and human rights defender Ligia Arreaga Pinto, coordinator of the Alliance for a Better Darien (Alianza por un mejor Darién), who has been threatened to death by hired assassins for denouncing the entitlement of land that cannot be adjudicated to individuals, as it is a wetland of Matusagaratí Lagoon, which covers 50 thousand hectares of the province of Darién, of which only 15 thousand are under State protection. Businessmen benefited have declared themselves victims of these complaints and have exposed threats, which raise fears for the safety of this activist and human rights defender.

CONCLUSIONS

The processes of integration and free trade are positive when they respond to each country's reality, within the framework of wide consultation, with the purpose of promoting the equitable growth of their economies, but unfortunately in the Central American region these have been considered from an economic and technical point of view, aimed at benefiting the historically privileged families, to the detriment of the majority of the population, increasing the inequality gap, becoming one of the instruments of internationalization of enterprises; which ensure their access to markets, weaving a legal framework that protects the interests of multinationals, such standards are, in practice, more effective than international agreements or the internal legislation in environmental and social matters.

As of October 2015, the total number of claims brought by multinationals to Central American countries before the International Center for the Settlement of Investment Disputes (ICSID) amounted to 25. Costa Rica alone has been brought nine times into this court of arbitration. If the Central American countries do not change their vision in relation to free trade, in the best of cases there will be an increase in the macro-economy, but it will generate greater violations of the economic, social and cultural rights of the people; victims who do not find answers in state courts, but there is no international body to prosecute transnational corporations and their leaders for violations of international human rights law.

Bilateral or multilateral political agreements constitute the vehicle for promoting normative or institutional measures within each country by world powers, under the cover of international cooperation. Under the Alliance for Prosperity Plan of the Northern Triangle Plan, governments have committed to boost mega-projects such as the Patuca III hydroelectric plant in Honduras and Chaparral in El Salvador.

In general, from its design and execution, mega-projects have not used consultation, and in some cases have been implemented even in violation to the internal legislation of the countries. The human rights violations generated by mega-projects create conflict climates that leave death balances in communities and people defending rights, plus imminent forced displacement, fragmentation of communities, negative impact on the environment, among others.

The tax structure adopted by the different countries of Central America has an emphasis on the regressivity of taxes, to which strong evasion and avoidance of large companies is added. In the stated framework, the states do not have the resources to develop their activity in a satisfactory manner, which has led them to contract public debt that progressively increases. Although States must improve efficiency in the execution of their resources, the problem is not public expenditure, rather it is an income problem.

RECOMEDATIONS

Mechanisms to protect human rights, nationally and internationally, should be improved; which is why States, in negotiation stages of all free trade agreements, must identify institutionality and regulations for the protection of human rights, with the purpose of insuring them.

Political or cooperation agreements between countries must pick up their nature and avoid State interference in public policies in the countries of the region. International cooperation should eliminate the practice of interference or promotion of normative and institutional measures in the recipients. Such cooperation must be developed within a framework of reciprocal respect to sovereignty of the interveners.

States must comply with their obligations of transparency and ensure the participation of the population in decision-making on development projects by conducting free,

prior and informed consultations with the aim of guarantying the common interest of the majority and not of the minority of the population.

The tax structure of the countries that make up the Central American region must be modified, giving it progressivity; they must combat evasion and review the circumvention of the economic power; and be more efficient in the execution of resources, guiding it to the satisfaction of the human rights of citizens. The solution to the financial crisis of the states is not the reduction of public spending; the solution must be sought in greater tax collection, increasing the fee to the economic power, making efficient the collecting mechanisms of debtors and to create social programs, with the purpose of reducing the inequality gap from the taxes and the adequate distribution of the proceeds.

CHAPTER V

POVERTY AND HUMAN DEVELOPMENT

Poverty, inequality and the equitable low human development equitably have been topics of analysis in the Regional Team of Monitoring and Human Rights Analysis in Central America since their emergence. In 2004, in the in the first report on Human Rights the team identified from the structural area, the generating problem that causes serious living conditions of Central Americans. Under this framework, the team expresses that such problem is not a problem caused by very little economic growth or production. Rather it is a problem of inequality. Such inequality generates inadequate living conditions for the population. This, makes people migrate out of choice and get exposed to big risks, while the States maintain an indifferent attitude because they get benefits from the remittances sent by people expelled from their countries.

Starting with the tenth report published by the Regional Team in 2015, it was pointed out that the inequality that generates poverty conditions and inequality is catalyzed by a development economic model that favor a small sector of the society. Consequently, in most of the published reports, it has been recommended to modify the economic and social formation of the countries with the aim of fighting poverty, inequality, and low equitable development. These conditions generate, in most of the cases, the migration phenomenon.

After twelve years of pointing out these issues, the states have not been able to eradicate inequity. Rather, they have only implemented strictly economicist measures. That maintain the status quo and pauperize the living conditions of Central Americans.

5.1 Human development and inequality.

Making a superficial reading of poverty numbers

and being optimist it may be concluded that Central America has reduced the level of poverty, from 53,7% to 49.4%, in this range persons who do not have the economic resources to reach a minimum well-being. This data belongs to 2000-2014. Meanwhile, the extreme poverty went from 29% to 26%. However, data is relativized when the population growth is taken into account.

Due to population growth in the last years, real figures went from 20 million inhabitants to 22 million living in poverty condition. If the Isthmus total population is of 45 million, it is inferred that one of every two persons in the region is poor, and one out of every four lives in extreme poverty conditions. This data was confirmed by a study carried out by the project State of the Region Report called "Poverty in Central America: evolution 2000-2014 and Present Situation".

On the other hand, the Central American region economy has shown a major convergence of growth rate. El Salvador, in spite of its dynamism, continues to be the country with lowest growth. During the second trimester of 2016, there was a slow down for Nicaragua and Guatemala, but in any case, the region presents economic growth rate higher over the Latin American growth.⁹¹ In spite of all, the Central American economy grows, but what is not reflected is the satisfaction of economic, social and cultural rights of the people.

Percentage wise, with the exception of Guatemala, all the countries in the region experimented an poverty incidence reduction. For example, Honduras and Nicaragua which have always had the highest poverty level, an important decline was observed. Such valuation cannot be determined because of the lack of access to information in those two countries.

Costa Rica has presented a prolonged deterioration in the poverty indices through the last 30 year. According to the Home National Survey 2015 (ENAHO for its initials in Spanish) from the Statistics and Census National Institute (INEC for its initials in Spanish), 21.7 % of Costa Rican homes lives in poverty. In absolute figures, the number is 1,137,881 persons. Besides, the extreme poverty homes considered are 7.2% at national level. That is, there are 104,712 homes made up by 374,185 persons in extreme poverty. It is worth mentioning the extreme poverty increased from 5.8 % in 2010 to 7.2% last year.⁹²

The State of the Nation report points out that in Costa Rica, the average income of the 2% of the wealthiest homes was 48 times bigger than the poorest 10%. It also stated that the 32% workers do not receive minimum wage, and the 41.2% of youth between in the range 15-24 do not study, nor work.⁹³

Because poverty is a scourge that influences directly on education, poverty cycles seem to be interminable. A 43% of children, adolescents and youth live in households in extreme poverty; a 39.3 % of them live in poor household and 21.7% live in vulnerable homes. The more poverty yields the less access to education opportunities, good health, entertainment and culture.

If a vulnerable population is being sought, the 181.439 children, adolescents, and youth who do not study, nor work, is the more exposed population group with risks to fall into sexual exploitation and drug trafficking criminal organizations.⁹⁴

Nicaraguan urban population moved from the 69.3% to 58.2% which represents a notorious impact in poverty reduction; regarding extreme poverty, the figure decreased in one third, meanwhile in Honduras reduction was from 75.3% to 69% .⁹⁵

Nevertheless, the crisis of satisfaction of economic, social, and cultural rights has worsened. Most of the new jobs fall in the informal sector with low salaries and without the possibility of access to social security. Income is insufficient to guarantee quality basic services, to obtain a

decent house and to acquire a basic basket of quality and quantity food.

Social programs in both countries are party-framed, administered without transparency, and with political patronage in order to keep gratitude and cooperation to the party in government. Social aid does not reach all the needy.

Even if poverty has constantly decreased in the last few years the rate is still high. The country is still one of the poorest countries in Latin America, 80% of the poor live in rural areas. The sixth 2014 Survey for measuring Living Standards (EMNV) shows that among the Nicaraguan population, 21.3% is poor and 8.3% is found in extreme poverty conditions. In summary, 29.6% of the population, which makes up 1 million 835 thousand are affected by poverty.⁹⁶

On his part, El Salvador in 2010 moved from 47.9% of persons in poverty condition to 40.9% in 2013; precisely, in this country an important advanced was evidenced in the rural area, since in this period a decrease from 62.3% to 48.7% was achieved.

Starting in 2015, poverty is evaluated from a multi-dimension approach and not only by income as required by the Development and Social Protection Law in El Salvador (LDPS for its initials in Spanish), passed in 2014 by the Legislative Assembly, however, this law is not enforced.

Measurement of multi-dimension poverty⁹⁷ of Salvadoran households is 35.2%, equivalent to approximately 606 thousand households in which around 2.6 million people reside. In contrast, 31.9% is poor because of their income. On the other hand the multi-dimension poverty households have a high level of deprivation of in these indicators: low adult education (97.7%), lack of access to social security (90.8%), under-employment and job-instability (84.4%), lack of access to sanitation (83.7%), and overcrowding (79.6%).⁹⁸

The minimum income a person may have in salary does not allow satisfaction of average household basic needs. The situation becomes

more critical when salaries do not cover the basic basket of food as it happens in rural area households. Apparently, in the urban area household with minimum income salaries reach the needed basic calories for their development, however, such salaries do not allow them to have access to other basic needs.

In spite of governmental efforts, during the 2016 first semester, to increase up to \$250.00 the minimum salary in rural areas and up to \$300.00 in the urban areas, the private enterprise and the labor sector represented in the Minimum Salary National Council have opposed to this measure. In a decade and a half, Panama decreased poverty in 13.7% from the point of view of income, that is less than one percentage point per year. Costa Rica was only able to decrease from 20.3% to 17.7% between 2000 and 2013, which represents an incipient drop among the analyzed countries.⁹⁹

Honduras continues being a country with high level of poverty in the Central American region. Sixty-nine percent of the population lives poverty condition. The percentage of households in extreme poverty reaches 46%. That is, more than 4 million Hondurans survive with less than a dollar per day.¹⁰⁰

It is worth mentioning that “the amount of people who live in poverty condition in the whole territory is the highest throughout history”.¹⁰¹ In 2000, Honduras like the other countries in the region, subscribed at the Millennium Declaration at UN, under this document the country signed the commitment to comply with the Millennium Development Objectives (ODM for its initials in Spanish) having up to 2015 the due date. The first of the eight objectives is clear: “Eradicate extreme poverty and hunger”, however, this objective was not achieved.

Out of the 3.6 million of working-age in Honduras, only 1.6 works which implies that 54% of the population does not have a formal and decent job, therefore, they internally and externally are forced to migrate, to enter in the informal economy sector, and in extreme cases forces youth to enter illegal groups in conflict with law.

The minimum salary in the country has been agreed in consultation with businessmen, workers, and government based on the amount of employees in every labor center and on the work area; for 2016, a minimum salary of around \$311¹⁰² was negotiated. Considering that according to the Honduran Central Bank and the organizations that defend consumers' rights, the basic food basket costs around \$648.00, consequently, the basic needs of Honduran families is not met.

In the face of this situation, the present government has implemented well-fare based strategies such as the 10 thousand bonus (with serious corruption and party-politics components), it has developed a temporal employment program, which has offered hospital jobs for National Party young activists, it also has created the Vida Mejor program (Better Life), used as a mean of promoting the President of the Republic, with clear intentions for reelecting him.

According to the research paper “Hunger without Frontiers”,¹⁰³ there is a positive correlation between food insecurity and migration in the North Triangle: Guatemala, El Salvador, and Honduras. Migration is used to face food insecurity. Additionally, violence is another migration propellant.

In Guatemala, the goal measurement final report prepared by the Presidency Planning and Programming Secretariat (SEGEPLAN by its initials in Spanish) reveals that out of the 66 proposed goals from the eight ODM, only six were achieved. SEGEPLAN states that Guatemala should have reduced up to 9.1% the amount of extreme poverty national population. Guatemala accounts for 52.8% inhabitants in poverty and extreme poverty out of which 39.8% is indigenous and 13% non-indigenous.¹⁰⁴

Guatemala has had one of the best progressive economic performance with a growth rate of above 3% since 2012 and reaching 4% in 2015. Even so, poverty has increased in the last years, rising from 51% in 2006 up to 59.3% in 2014.¹⁰⁵ Economic measures have shown inefficacy in a country's social development. Besides, social

programs do not generate significant impact and against figures they prove to be inefficient.

5.2 Migration as a result of low human development and inequality.

As announced before, the economic development has not achieved the satisfaction of material needs in the Central American citizens due to non-guarantee of DESC, people are expelled from their territories. It is worth mentioning the rising phenomenon of migration due to high levels of violence in the region, however, they impact mostly in forced displacements.

The migration phenomenon must not only be explained from the citizens' perspective in their search for satisfying material needs which are not guaranteed in their spelling state. Because of

the complex phenomenon level it has become a topic that demands more attention from the region states. It represents challenges and opportunities for each country, it allows enables countries to maintain and frequently to increase economic growth of the destiny countries, but at the same time, remittances contribute to the economy of the origin countries. Besides, the cultural phenomenon generated around it, must be taken into account.

The generalized idea of obtaining more income in a shorter term than what they would obtain in their countries, contribute to create expectancies of an "opulent" life style created by the big social mass media and inserted in the people's conscience. This idea can only be explained by the unequal global wealth distribution and the looting of the peripheral countries.

Population Expelled from Central America		
Country	Migrant persons	Migrant percentage with regard to total population
El Salvador	1,353,047	21.1
Nicaragua	618,774	9.9
Honduras	631,872	7.5
Guatemala	989,072	6.1
Panamá	129,547	3.3
Costa Rica	116,627	2.3
Central America	3,838,939	8.37

The countries with larger expelling population levels are the North Triangle countries and Nicaragua. Although, Costa Rica and Panama expel their citizens, they are also migration receptor countries. Nicaragua is also a receptor country of migrating North Triangle person due to insecurity.

Migration encouraged for socio-economic

reasons is not the only cause for migrating. Insecurity in origin countries is becoming one of the most emphasized reasons for migrating. In this area, the North Triangle countries record larger migration because of the above mentioned factors. In addition, those who do not achieve their objective are returned to the expelling countries where they face worse situations than the ones they had before migrating.

Returned Persons to the North Triangle		
Country	2014	2015 (First Semester)
El Salvador	73,272	20,223
Guatemala	96,271	49,562
Honduras	81,017	32,381
North Triangle Total	250,560	102,166

Elaboración propia, con datos de la Federación Luterana Mundial

El Salvador is the country with the larger number of expelled persons by not guaranteeing them adequate living conditions concerning security issues and by not satisfying civil, economic, social, and cultural rights.

In January, 2016, the Migrant Salvadoran Institute (INSAM for its initials in Spanish) reported that 300 Salvadorans migrate to other countries daily, migrants are, in most cases, youth in the 15-19 age-range.¹⁰⁶ In spite of registering advancement in political rights guarantee by creating mechanisms for exercising the right to vote of those Salvadoran living abroad, that right is only guaranteed for presidential elections, excluding the 262 municipal council, Legislative Assembly, and Central American Parliament elections.

Family remittances mitigate the Salvadoran household serious conditions, besides, the economy in general is fortunate for accounting for a rising remittance flow during the last years. If the initial seven months of 2015 and 2016 are taken as comparative parameter, an increase of 6.22% in remittances is shown. That is, that 2015 shows \$2442.67 million, and \$2594.54 million for 2016.¹⁰⁷

The Salvadoran government has tried to create initiatives so the returned persons do not try to leave the country again. Under this logic, it created the pilot program "Productive Insertion of Returned Persons", whose purpose is to offer technical assistance, specialized training, equipment and inputs transference to the participating persons. It is expected that these actions will assure the participants a permanent source of economic income,¹⁰⁸ however, other analysts believe that the government maintains an expelling policy, since remittances support the economy. Those analysts believe that the more Salvadoran are abroad, the more amount of remittance there will come.

Costa Rica is a country with less expelled persons, but it has become a border migration receptor, as well as a receptor of other countries in the region. It also is part of the countries with transmigration.¹⁰⁹ In spite that in January, 2016 there was an end to the migration crisis of Cubans en route to the United States (around 8000 left the country), since April, out of the continent and Haitian migrants are arriving. The World Organization for Migration (OIM), in June 2016, estimated that approximately 20,000 Africans enter Costa Rica on transit, from south of the continent, whose final destiny is the

United States.¹¹⁰ The Nicaraguan government's position of limiting transit from the south and out of continent migrants, has led to the increase of irregular migration flow, generating risk conditions and the non-guarantee of human rights to such population.¹¹¹

Particularly, Nicaraguan migration is a product of socio-economic factors. They migrate to Costa Rica, The United States and Spain.

During the first seven months in 2016, Nicaragua received \$707.4 million from remittances, a 4.2% more than the amount during the same period in 2015, according to BCN.

With regards to the present migration wave faced by the countries in the Central American region, because of their international transit location for persons coming from out of the isthmus countries, who because of economic and political factors in their countries of origin, are stuck in the Panama, Costa Rica and Nicaragua, the Nicaraguan government has applied migratory regulations which limit or denied entrance to the country, such is the particular case of Cubans, Haiti, Africa who in the last months have settled in the border-lines Costa Rica-Nicaragua and Panama-Costa Rica. Besides, internal legislation criminalize principles and practice of human solidarity, setting limits towards facing the crisis that experienced by migrants in the border line with Costa Rica.

In the same trend, the government has denied entrance to journalists, human right defenders, scholars and religious professionals. Various countries have reacted and have given their countrymen an alert warning for entering Nicaragua.

One of the recent cases occurred in August, 2016, when migration authorities at the border line El Güasaule denied entrance to 41 Salvadoran pilgrims who intended to visit Popoyuapa Sanctuary in the province of Rivas and also Granada, in spite of coming from of the four CA-4 Agreement signing countries.¹¹² Friar Anselmo Alberto Maliaño, superior friar of the Nicaraguan Franciscans, reported this action at CENIDH, the friar expressed that without any explanation the

entrance denial for, migration authorities came from higher orders because of religious cause. Most of the pilgrims were older persons who were verbally abused and had to sleep in the open because at that border-line site, there are no hotels, nor sanitary accommodations.

During the time this report was being prepared, the government has maintained this entrance denial or expelling practice; the Italian citizen Albert Boschi, as well as three member of TransformArte, a Bolivian Theater Group were expelled. In February, 2016, Carlos Ponce, Freedom House director was also expelled. In June, 2016, three United States officers were expelled, among them the scholar Evan Ellis.

Six Environmentalist professionals from various nationalities and José María Reyes, environment promoter and Nicaraguan resident were also expelled. On August 3rd and 4th, 2016, three deputies and a Venezuelan adviser; in the following months, entrance denial to religious groups took place. This moved catholic and evangelical church authorities to join efforts to request the government to stop such administrative measure. As a result, it was agreed that those interested groups in entering the country would have to apply for entrance, in a written document, seven days in advance and wait for the approval, which violates the CA-4 agreement.

In Honduras, the migratory flow generated for economic and social factors is the hope of thousands who intend to change their life condition, because the State is not able to generate conditions to satisfy the DESC. It is estimated that 326 persons leave the country daily to go to the United States, in search of better life conditions. A large number of migrants are returned,¹¹³ finding, upon their return, worse conditions than the ones they had before leaving; many of them invest their belongings in a journey that did not give them the expected results. The figures are: in 2012, 60,003 persons, in 2013, 72,679 persons and for 2014, 81,017 persons are recorded; up to June, 2015m 32,381 persons were reported, according to Migration and Immigration Office.

According to CIDH,¹¹⁴ among reasons for expelling migrants are high levels of inequality, poverty, violence, lack of opportunities and the high impact of natural disasters.

According to data from the National Commission Office for Human Rights (CONADEH), during 2014, the figure of non-accompanied children was 18,244, while in 2015 it was 5,409.¹¹⁵ Between 2014 and July, 2016, 24,534 children and adolescents were returned from different border points, Out of this figure, 10,873 were repatriated in 2014, 8,277 in 2015, and 5284 until July, 2016.¹¹⁶

The Monitoring Center for Internal Displacement reports that in 2014 there were, in Honduras, 29,400 internal displaced persons.¹¹⁷ It is worth mentioning that people that mobilize internally do not go abroad because of lack of resources to leave the country.

Guatemala, like other countries in the area records massive migration flow. In many of the cases, the migrating population does not achieve their objective. In many of the cases, migrants are returned from the in-transit countries or from the receptor country. Comparing the 2015 and 2016 January-August period, there is a recorded reduction in the flow of citizens returned from the United States and Mexico; in the first year there were 71,945 and in 2016 it is reduced to 56,022.¹¹⁸

On family remittance issues, there is a progressive increase starting in 2009, the

generation of currency through remittance reached \$3,912,286.8 million which went up to \$6,284,977.8 million in 2015.¹¹⁹ In 2016, the Banco de Guatemala recorded an 18.9% increase in family remittances during the first semester. Totally, there are \$3,512 million against \$2,955 million that entered the country in the 2015 January-June period.

Human trafficking cases in Guatemala increased in 23% during 2015, with a total of 673 registered cases, a figure that hides a more obscure reality of up to 20,190 "hidden victims". UN has pointed out that for each rescued person in the world, other 30 are maintained "hidden" in the trafficking tangle, which rises to 20,190 the victims of this problem in Guatemala. The detected cases figures move up to 673, a 23% more than the 2014 data, which presupposes that 4 out of every 10,000 persons experience human trafficking in the country.¹²⁰

Panama is also an expelling country, but in the region Panama is featured as a South American citizens' receptor. For 2014, 2015 and the first months of 2016, Venezuela became first place country with most residence permits in Panama, Colombia is in second place, varying in third position Spain, Dominican Republic and Italy.¹²¹ Traditionally, Colombians migrated to Panama because of their internal armed conflict, but due to Peace negotiation there and the economic crisis provoked in Venezuela, citizens in this latter country look for Panama as their destiny.

CONCLUSIONS

Material conditions are still precarious for the Central American population. As long as there is a coordinated structural change among the Central American countries, conditions such as poverty, inequality, exclusion, job insecurity, and gender inequity will continue affecting Central American citizens. The tax structure in these countries has not made a shift that permits it to collect more income to the States, with a vision of equitably redistributing the region's productive wealth.

In spite of the region's moderate economic growth, social, economic and cultural civil conditions do not register significant improvements. The economic and political model in the region has centered on the liberalization of goods for a major economic growth, which has not successfully been achieved and has made invisible civic human rights particularly in the economic, social and cultural areas.

One out of every two Central Americans is poor, and one of every four is in extreme poverty conditions. The States have not

achieved giving attention to lack of decent employment, on one side, access is not guaranteed, and on another side, job offer does not account for a sufficient salary that fulfills basic needs for human development. Most Central Americans do not have purchase power to ensure appropriate quantity and quality food, situations which is worsened in rural areas.

In this context, migration has become a palliative mechanism for poverty, because it is the only option in the face of unemployment and opportunities, it has come to be a source of currency and macroeconomic stability, through remittances.

This is an issue that demands more attention from the States in the region. Although the phenomenon becomes bigger, significant measures to diminish the phenomenon have not been taken. On the contrary, migration policies in some States have been classified as repressive, contravening international agreements and treaties concerning human rights.

RECOMENDATIONS

The States must coordinately offer responses to the structural problems which generate inequality, exclusion and larger poverty indices. They must also modify the development model used according to the context; the modified model should benefit sustainable development and the well-being of the people, this way the integral growing in the isthmus is fostered. In terms of immediacy, the governments must propose measures to modify the tax-collecting structure that allows more income from the economic power. This increased income must be oriented towards effective social programs to restrain inequality generated by the economic model.

Another form of equitably distributing the produced wealth in the region is to have the States guarantee decent salaries which permit workers to satisfy their material, moral and cultural needs. This measure must be immediately promoted and coordinated by the region's governments, since salaries in all countries do not correspond to the cost of living.

Job and life growing insecurity in the region have generated massive expelling in each one of the countries. Under this frame, a harmonization of national laws with international instruments is required. This can be achieved by adopting public policies and legislative reforms that contribute to strengthening living conditions, particularly those aspects related with migration, so that permanent protection coordination and migrant human rights promotion be established.

The Central American States must create initiatives so that returned persons may have access to reinsertion with proper assistance, provide the necessary knowledge and resources that allow them to incorporate to the labor force or to economic initiatives to ensure a source of income that guarantee their stay in the country.

CHAPTER VI

DISCRIMINATION AND VIOLENCE TO GROUPS IN SITUATION OF

VULNERABILITY

6.1 Violence against women

Violence against women is still a major problem in Central American society, with a tendency to violate their human rights, in spite of normative progress in almost all nations of the isthmus. Costa Rica shows an increase of deaths of women classified as femicides from 2014 to 2015 with 22 to 27 deaths; but the total of violent death of women was 51 in 2014 and 58 in 2015.

In Guatemala, according to a 2015 report published by Geneva Declaration Office¹²², one woman dies assassinated every twelve hours in the country. In 2015, 766 women were murdered and so far this year numbers reach 565 dead.

In this frame, Honduras has also a high level of femicides, standing in third place in 2015, below El Salvador and Guatemala, which stand in the second and third place respectively.

Between 2005 and 2013, in Honduras, violent death of women increased 263%.¹²³ It is statistically estimated that a woman is assassinated every 17 hours in the country. During 2015, 478 out of 5,148 violent deaths were against women, representing 9.7% of assassinations.¹²⁴

The violence levels recorded in El Salvador for 2015 have been reflected in femicides. In that year, there were 575 violent deaths of women, number that could be surpassed in 2016, as only in the first semester of this year, there were reported 300 deaths. In addition, Civil National Police received 227 denounces about disappearances of women.¹²⁵

In Nicaragua the sum of femicides during 2015 was 53.¹²⁶ For 2014, it was of 75, showing a decrease of 22 homicides. However discrimination based on gender still remains in Nicaraguan society. From January to September 2016 the Observatory of Catholic Women for a Free Choice accounted 45 deaths of women, 42 of which were considered as femicides, predominating among main victims an age range of 26 to 40 with 16 cases, followed by victims older than 41 years with 14 cases.

Panama showed a steady decrease during 2013 and 2014 that remained during 2015. According to data from Ministry of Security, in 2015 femicides were of 26, a significant decrease of 14 compared to 2014.¹²⁷

FEMICIDE COMPARATIVE / FEMENICIDE PER YEAR			
COUNTRY	2014	2015	DIFFERENCE
Guatemala	756	766	10
El Salvador	294	575	281
Honduras	453	478	25
Nicaragua	75	53	-22
Costa Rica	22	27	5
Panamá	40	26	-14
TOTAL	1,640	1,925	285

Elaboración propia, con datos compilados por las organizaciones miembros del Equipo Regional a partir de fuentes oficiales y monitoreo de medios.

It can be observed that in the region there was an increase of 285 violent deaths of women, where El Salvador is the most frightening case, showing more than 285 violent deaths from one year to the other. The factors promoting gender violence against women are linked to patriarchal structures of Central American society and weak actions oriented by states to guarantee respect of human rights of women.

Another factor that weakens women's human rights is the high rate of poverty of the region which deepens when the variable gender is included. In Costa Rica 37.7% of poor households are under feminine leadership. This circumstance is reinforced by inequality linked to labor activities suffered by women. For example, only 36.85 of the total of labor force within formal or informal sector are women.¹²⁸ It can be added that salary inequality between men and women makes 28%, under similar labor conditions and academic level.

In Honduras, in 2016, a law that enforced men to give a specific amount of money for the support of their women, sons and daughters was passed,¹²⁹ in case of abandonment or separation. The law also stipulates that those who refuse to pay will have some limitations in regard to some transactions or rights, as for instance to leave the country and will be included in the Risk Centre, which prevented them access to loans and credit. Regarding electoral issues, for the primary and general elections to be held in 2017, a 50% of feminine participation must be reached, for posts through popular election.

In El Salvador, a total of 1,728 complaints for sexual crimes during 2015, the crime against minors and without legal capacity was the most denounced.¹³⁰ Even though the Equality, Equity, and Elimination of Women Discrimination Law (LIE for its initials in Spanish), the State institutionalism and the measures the new law includes, have not been implemented.

In Nicaragua, the Legal Medicine Institute, (IML for its initials in Spanish) pointed out that on May 2016 they made 740 investigation-reports on interfamily violence, 41% more than on May 2015. In the same period (May 2016) realized

462 reports on crimes against sexual freedom and integrity, 35% more than on May 2015 (343).

It is worth mentioning that the Commissariat for Women and Infancy where judicial processes for violence offenses were laid down by offender women have been currently weakened or disappeared throughout the country. Law number 779, Integral Law against Violence to Women, has been denaturalized with the reform and later with the regulations made through Presidential Decree. Services to women presenting denounces has been transferred in many places toward the National Office for Alternate Dispute Resolution or Family Counseling, having a proactive approach lacking experience and training needed for understanding, attending and accompanying of women victims of violence. However presidential regulations have given them enough authority for their intervention aiming to avoid the submission of women denounces and therefore seeking to solve the problem "within the family". It is clear that in these institutions it is promoted the conciliation of these offenses against women.

6.2 LGBTI persons

In the Central American region, infringements of non-heterosexual person's human rights continue being done, which is against the enjoyment of the human right of equality. Throughout the period of this Report, no country has approved the marriage or civil union between same sex couples, high levels of impunity for hate crimes against this population sector continue. In addition, the roles of catholic and different denomination evangelical churches continue favoring discrimination.

In Guatemala ONUSIDA authorities requested the investigation about the death of Luis Aldo García Sologaitoa, who died "as a result of a homophobic attack". García was attacked at dawn, on June 22nd, 2016 by a person that had previously reproached him his sexual orientation.¹³¹

The Organization of Solidarity Help against Social Injustice (OASIS for its initials in Spanish) estimates around 250 cases of aggressions to homophobic,

transphobic and biphobic motivation. Due to the fact that in Guatemala hate crimes are not punishable, investigations of such crimes lack the right approach and most of them remain in impunity,¹³² therefore having no official record of aggressions against LGBTI citizens.

In Honduras, LGBTI persons and civil society organizations denounced the high number of cases of crimes motivated by hatred. From 2009 to December 1 2014, 174 violent deaths of this type had occurred.¹³³

In 2013, National Congress approved reforms aiming to penalize as crimes discrimination based on gender or sexual preferences.¹³⁴ In spite of that current situation has not changed, more efforts remain necessary in Honduran society in order to protect the human rights of these people.

In El Salvador there have been some advances regarding human rights of sexual diversity through the creation of Secretariat of Social Inclusion and within it the Directorate for Sexual Diversity that bring forth the incorporation of appropriate strategies aimed to health attention and strengthening citizen participation, crediting legal recognition to organizations belonging to LGBTI community.¹³⁵

Similarly, important advances in jurisprudence have been reported regarding to the rights of personal identity of LGBTI people. On June 2016, Criminal Family Court No.2 of San Salvador, through diligences of change of name, ruled in support of a transsexual citizen. The Foundation for the Study of Applied Law (FESPAD for its initials in Spanish) has given legal assistance to the case since 2014.

Despite this advances in El Salvador, hate crimes against people of different sexual orientation still remain, as the case of Aldo Peña, a transgender man, bitten by members of Civil National Police (PNC for its initial in Spanish) on June 2015 (see Chapter 7 infra) and the crime motivated by hate against Francela Méndez, transgender woman, assassinated in the early morning on May 31 in 2015, in Las Palmeras neighborhood, in Sonsonate, in the western zone of El Salvador.

In Nicaragua, even though organizations of sexual diversity orientation admit that, in the country, there have been some advances in regard to LGBTI¹³⁶ people, discrimination, verbal, psychological and physical violence still remain. Even though there is a decision of Ministry of Health under reference number 671-2014 that promotes no discrimination in public and private Health Units due to sexual orientation, identity and gender expression, carrier of HIV virus or sexual labor, discrimination acts still occurred.

In Nicaragua, an appeal for unconstitutionality against the Family Code is pending of resolution before the Supreme Court of Justice, as it limits human rights of people of different sexual orientation.

Costa Rica shows no significant normative advances regarding gender equality for LGBTI community. A clear example of this is the legislative file No. 18-481, to which more of 1000 submission of motions have presented mainly from the faction of Christian deputies. Such file corresponds to the project of Law of Social Coexistence, which pretends legalize and give the same rights to civil unions for homosexual couples.¹³⁷

However, autonomous institutions in the country have intended to incorporate some modifications into their regulations aiming to recognize some rights of LGBTI people, among these are Ministry of Labor that announced the increasing of widowhood pension to LGBTI couples through all pension insurance systems from the National Budget. Costa Rican Social Security Fund implemented the same measure for Disability, Old age and Death. University of Costa Rica recognized the right of gender identity of transsexual people that studied or work within the institution, giving the possibility to request their university identification by the name they decided according with the gender they feel identified with.¹³⁸

6.3. Indigenous people

The human rights analysis of indigenous people through different reports have reflected the lack of action by Central American States to guarantee the full enjoyment of minimum quality

standards of this catalogue of fundamental rights. All regional countries have disrespected the people's right to self-determination. There is also absence of public policies aiming at guaranteeing the non-indigenous population access to basic public services on equal conditions. This social inaction of States has obeyed extractive project interests which causes whole population displacement and condemns native peoples to cultural genocide.

Guatemala is the nation with the highest indigenous population of the isthmus, showing unacceptable levels of systematic discrimination. Thus, 59.3% of Guatemalans live under de poverty line. However, poverty levels among indigenous people have reached 79.2% which means 20% more than the average rate of non-indigenous population.

Similarly, there are other afflicting problems, like the trafficking in minors. Rosy Palma, of Childhood Refugee NGO, denounced the recruitment of indigenous children by traffickers in agreement with their parents whom are getting money in exchange for hiring the kids who are forced to work up to 16 hours per day.¹³⁹

In spite of the fact that Honduras is a multifaceted and multicultural nation, it lacked differentiated policies that promote and preserve cultural diversity. In terms of concessions of natural resources of the country, one of the most affected sectors by this kind of policies benefiting investors, are ethnic groups and Afro-descendants. Up to October 2015 there were 27 people of indigenous towns and Afro-descendants on charges of land invasion or for resistance to concessionaires to exploit their natural resources.

A frightening fact is the assassination of 109 activists of the environment and land, occurred between 2010 and 2015, according to International Amnesty and Washington Global Witness. The latter claimed that Honduras is "the most lethal country in the world" for nature advocates if we consider number of people deaths out of the total of population. And is also particularly dangerous for indigenous people: of eight cases of activists assassinated in 2015 six

were indigenous.¹⁴⁰ An emblematic case was the assassination of indigenous Lenca leader Bertha Cáceres at the beginning of March 2016 and later the loose of the original file of the case by a judicial official woman (see Chapter XII *infra*).

Indigenous peoples and Afro-descendants are suffering the fractioning of their lands, through the concessions realized by companies or the government without consultation, violating their culture, rights of self-determination and destroying their natural resources.

In El Salvador, in spite of recognition of indigenous peoples in the National Constitution, Agreement 169 of ILO (OIT for its initials in Spanish) has not been ratified yet and even though municipalities that have developed normative to municipal laws existed, these lack regulations to support the rights recognized by them.

One of the main challenges of indigenous peoples it's the strengthening of their political organization through self-government, aiming to recuperate their territories, productive and alimentary sovereignty. There are three municipal laws at national level, one located in Metapán Municipality, on Ramsar site, which encompass all communities located around Gūija lake; the second in Municipality of Santa Ana and the third in Nahuizalco Municipality, all located to the west of El Salvador. 141

Nicaragua has the historical debt of guaranteeing the sanitation of the ancestral territories. However, Ortega Saavedra government has not had the political will to carry out the last of five steps established in Law no.445 to accomplished the objective. Such normative prohibits the commercialization of indigenous lands and guarantees communal ownership. In the territories of WangkiTwi-Tasba Raya, Li Aubra y Lilamni Tasbaika Kun inhabited approximately 11.000 miskitos and at least 3.000 have been forced to abandon their homes, according to information handed down by Center for Justice and Human Rights of North Atlantic Coast (CEJUDHCAN).

Journalistic investigations have identified corruption processes and trafficking of ancestral territories by some state officials and members of FSLN and YATAMA political parties.¹⁴² Inquiries of the case linked it to General Attorney of Republic Hernán Estrada, as it was found he parceled out 6.000 blocks of land within indigenous territory. Even though Puerto Cabezas Attorney's Office knows about denounces against the department officials involved, the cases are not actives judicially.

On October 2015 and more recently on August 2016, the CIDH (Human Rights Inter-American Commission) and the IDH Court conferred third consecutive time legal cautious measures in favor of Miskito people whom suffering from armed violence of colons have fled to Honduras to take refugee. Protecting measures were given for El Cocal and Naranjal communities belonging to Li Aubra territory, summing up twelve beneficiaries in less than a year. Besides six advocates of indigenous of CEJUDHCAN that also were granted legal cautious measures because of frequent death threats and harassment due to nature of their job. The conflict between indigenous persons and colonists and have left, as a result, the death of many miskitos, being the most recent Chale Allen and Pedro Parista of Esperanza Community, on August 2016.

Costa Rica failed to fulfill its compromises with indigenous peoples to whom denies their rights by rejecting to adjust its normative as omission still remains regarding approval of Project of Autonomous Development for Indigenous Peoples Law (dossier 14.352). This initiative would restrain interests of extractive companies and would recognize instances of indigenous representation that could affect the mega-projects that promote transnational companies (in the context of incentives from CAFTA-DR for its initials in English) as well as the own state company, Electricity Institute of Costa Rica (ICE for its initials in Spanish) that continues the search for constructing a hydroelectric dam in the southern area of the country (Hydroelectric Project El Diquis).

Similarly clashes between indigenous and no

indigenous have been rising in recent years. Between March and June of 2015 the process of land recovery in Salitre (Buenos Aires de Puntarenas) by indigenous people continued. For their part, indigenous sectors and social organizations reacted by requesting IACHR (for its initials in English) some pronouncement, based on protection measures requested in an open process in that international body.¹⁴³

In spite of meetings promoted by Executive Power,¹⁴⁴ reactions of non-indigenous big landowners sector –who hire little peons that used them as legitimizing shield—are kept as permanent tone of confrontation. The repercussions of that have been aggressions against indigenous, vehicles set on fire and bullying from non-indigenous “brigades” in the area¹⁴⁵ that have caused injured persons.¹⁴⁶ The government short-term solution was supported it by police presence.¹⁴⁷ However, this does not prevent these sectors from continuing their repressive actions that are constantly intimidating indigenous people by gunshots made at night and direct threats among others.¹⁴⁸ Last strategy promoted by the government was the creation of an institutional commission¹⁴⁹ for legal analysis of land situation.

Indigenous peoples' right to consultation continued to be violated, this time under the pressure of approval of REDD+ strategy. Global strategy of climatic change promoted by several extractive companies in the world have made Costa Rica one of the first countries where a new system of “oxygen market” wants to be installed, promoted under the nomenclature known as REDD+ (emission reduction for deforestation and degradation) and with this objective in mind, some actions by forest administration are carried out against the will of indigenous communities, ignoring the right of indigenous consultation as part of all rights of ancestral towns in this country.

Costa Rican Forestry Administration, National Funds for Forestry Financing –FONAFIFO (for its initials in Spanish)-, promotes mediatization actions within indigenous communities, as a result of international donations granted partly by Cooperative Found for Forest Carbon, that in some way have propitiated community

clashes and indigenous protests in the capital city.¹⁵⁰ It has been stated that FONAFIFO has no way of transmitting the studies emitted through consultancies that have been accomplished, that is why the consultation process such association claims to promote has no credibility.¹⁵¹

In Panama, approximately 10% of population is indigenous, distributed in seven towns. Panama state has incorporated in his legislation the recognition of rights of indigenous peoples through incorporation of the figure of indigenous areas with an autonomous administrative regimen; even though this autonomy has not been respected.

In Ngäbe Buglé indigenous people keep on resisting against the termination of hydroelectric project Barro Blanco. Members of the indigenous areas assured that Cacique Silvia Herrera is acting in complicity with the government, after signing an agreement stating the continuity of the project and the exclusion of Energy Generator of Isthmus S.A. (GENISA for its initials in Spanish)) hiring a third independent company to operate de project. Cacique Herrera was dismissed recently.¹⁵²

The 130 million of dollars project has been surrounded by polemics since its beginning in 2006, during presidential period of ex-president Martín Torrijos. Indigenous groups pointed out that 5.000 people have suffered so far damages caused by these works. On the other hand demonstrations against the project have caused several episodes of police violence.

This hydroelectric plant would generate 28.56 megawatts, barely 2% of the country's total capacity.¹⁵³

6.4 Childhood, adolescence and youth

Central American region has no way of guaranteeing human rights respect for childhood, adolescence and youth, mainly due to lack of public policies of the states that can stand for the rights of this important social sector.

In Guatemala, the fourth part of overall population is adolescent, between 10 and 19

years of age (23.6% out of 15.4 million people) adolescent women represents half of this range of age, 11.7% of the total population.¹⁵⁴ The Monitor for Sexual and Reproductive Health (OSAR for its initials in Spanish) pointed out that from January to March 2016 young women ages between 10 and 17 gave birth to 687 babies. In 2015 the number of births reached 2.947. Women ages confirm they suffered sexual violence by getting pregnant. Similarly the report shows it were 9.142 minor women pregnant ages between 15 and 17. En total during 2015 there were 83.483 new adolescent mothers aged between 10 and 17. Only during the first semester of 2016 9.829 cases were accounted.¹⁵⁵

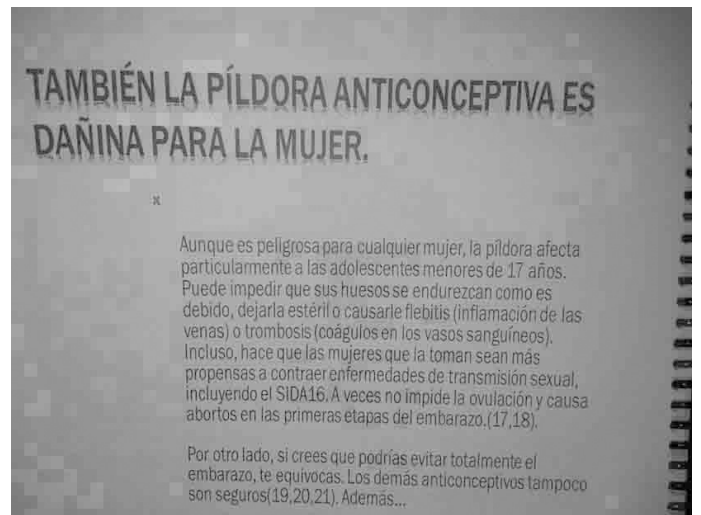
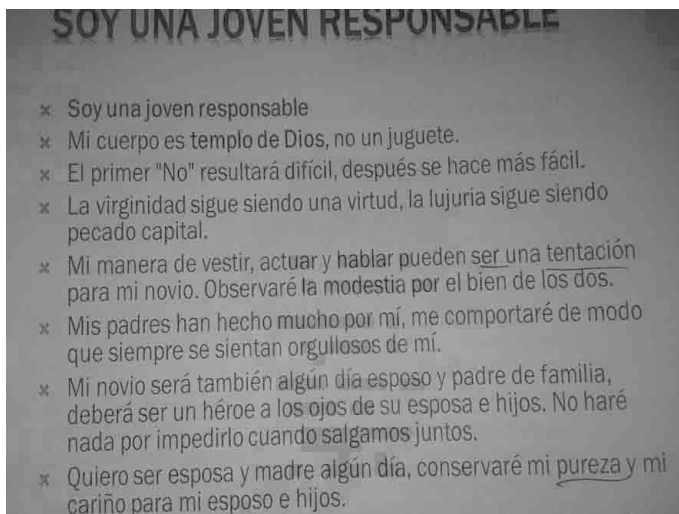
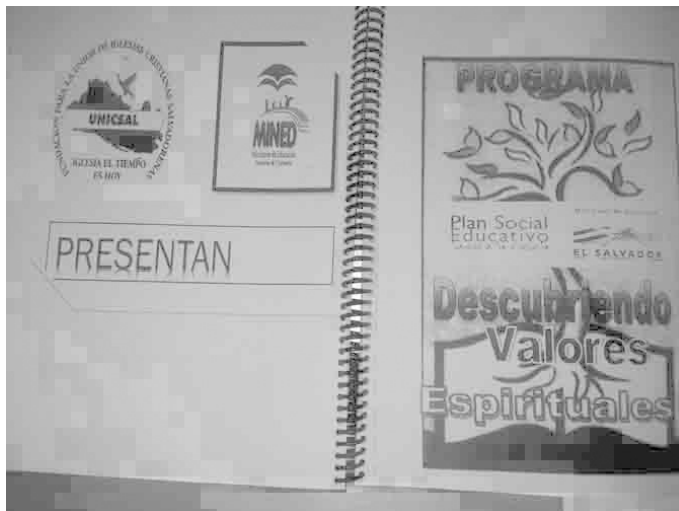
The Attorney General's Office has rescued throughout the country approximately 68 children victims of exploitation during the first semester of 2016, a number considerably low, comparing the official estimations of child labor.¹⁵⁶

Even though Honduras is one of the Latin American countries with the youngest population, 65% younger than 30, the State is unable to include this important segment of the population into social participation policies, neither creates for them jobs and education opportunities, respecting basic standards of human rights. All this happens in spite of existence of the Frame Law for Youth Integral Development in the country since January 2016.

According to 2015 Bulletin of Observatory of Violence of National Autonomous University of Honduras (UNAH for its initials in Spanish),¹⁵⁷ in 2015 died violently 3.277 young people, aged between 15 and 34, representing 63.65% of violent deaths. 40% of Honduran youth in age of work and study are not doing it, therefore increasing poverty and promoting internal and external migration.

In El Salvador, the situation of vulnerability and insecurity of young people is critical. The main victims of violence belong to this group but also the participants of it on variety of forms.¹⁵⁸ In 2015 1.012 violent deaths of children, boys, girls and adolescents were recorded. Regarding sexual aggressions, records showed 826 violations of girls younger than 17 years.¹⁵⁹

In regard to sexual and reproductive health of childhood, adolescence and youth within formal educational system, there have been some advances in general terms. The Ministry of Education has a base document for incorporating sexual and reproductive education from initial to secondary education.¹⁶⁰ However, in operative terms such approach has not developed effectively, added to this, MINED (Ministry of Education) has signed an agreement with evangelic churches within the framework of a “program of education on values”¹⁶¹ through which a patriarchal system is transferred, attempting on reproductive rights of childhood and youth, by including statements on manuals such as “my way of dressing, acting and talking is a temptation to my boyfriend. I will observe modesty for the sake of both”.¹⁶² The above mentioned also attempt on secularity of education, promoting the increasing of



Manual for development program of “education on values” given by evangelical pastors in public schools, in El Salvador. Photos obtained through Alberto Romero de Urbiztondo’s presentation, August 29 2016.

pregnancy in girls and adolescents. For 2015, a total of 25,021 little girls and adolescents aged 10 to 19 years registered for antenatal care control.¹⁶³

In Nicaragua six out of ten boys, girls and adolescents live in poor homes, which makes life very difficult for approximately 600.000 young people (the 31% of population younger than 18 years of age) 114.000 of this people living in extreme poverty conditions. According to official statistics, in the country 1.600 are registered per year whose mothers are girls aged between 10 and 14; and 35,000 pregnancies happen to teenagers and young women aged between 15 and 19. 76% of sexual abuses are on girls and boys and 62% of these figures happen at home.

In Costa Rica, the institution in charge of caring for children, Children National Board (PANI, for its initial is Spanish) has demonstrated its inability to prevent and rescue children and youngsters of sexual exploitation, prostitution and infant pornography to which they are currently exposed. According to PANI data, this population begins their sexual encounters at the age of eight, and who hire them would pay up to \$400.00. Even though there was a condemnatory sentence of the Constitutional Chamber in 2008 that obliged to create institutions and programs for rescue and prevention of commercial sexual exploitation of minors, they have not taken any action to comply, claiming it is very difficult to

accomplish this task, where minors are facing humiliating and violent situations, that ended up lately in the dead of two adolescents, one of them in jail.¹⁶⁴

Lack of educational programs, poor information on behalf of authorities as the Ministry of Public Education obviously has repercussion in the fact that every 90 minutes happen births whose mother ages are between 12 and 17; approximately 500 adolescents mothers have a second, third and even a fourth baby within this age ranges. And besides, have seen 12.508 adolescent births, 509 children were born of mothers younger than 14 years. It is important to point out that most of these mothers live in social and economic vulnerability, with a very low educational level and have seen situation of family violence.¹⁶⁵

In Panama adolescent pregnancies keep following the tendency of the isthmus. In 2015 the Ministry of Health recorded 10.976 girls and adolescents age between 10 and 19 in state of pregnancy; 241 more than in 2014. For the first five months of 2016, 4.880 pregnancies were registered within ranges already mentioned, which leads to identify 32 pregnancies in young people per day. The number represents 557 more cases than those registered up May 2015, which means an increasing of 12%. While adolescent pregnancy continue rising, conservative sector in the country are reluctant to implement sexual guides in educational institutions.¹⁶⁶

6.5 People with disabilities.

People with disabilities should enjoy their human rights on equality of conditions just as the rest of society does, without any discrimination. Regional states are unable to guarantee satisfactory the rights of people with disabilities due to the fact that to accomplish that objective implies large investment and the elaboration of public policies are implied.

In Costa Rica, according to National Institute for Statistics and Census, (INEC, for its initials in Spanish), 10.5% of citizens have some form of disability. However, only less than 1% of this population qualifies to get assistance from the above mentioned institution.¹⁶⁷

An important advance toward the possibility of giving help to people with disabilities was made by the General Attorney's Office, when defining and showing the right interpretation of literals h and k of Article 3 of the Social Development Law and Family Allocation Funds, where poor families that have members with disabilities can get assistance. It also recognized the possibility of keep helping a disabled elderly person without the need to fulfill all requirements of subparagraph k of the law already mentioned.¹⁶⁸ On the other hand, in favor of this people an inclusive system in formal education is beginning to be implemented, initiating from the first levels of education system aiming to reach the highest levels of University Education.¹⁶⁹

In Guatemala, according to National Institute of Statistics (INE, for its initial in Spanish), there are more than 1.2 million people suffering some level of disability in the country and only 1% has work. Considering that, the National Board for the Attention to Disability Persons (CONADI, for its initials in Spanish) has implemented a pilot program aiming to insert them in the work environment. It is also an idea to launch information and sensibility campaigns to private sector, managing technical and financial cooperation and other type of strategies aiming to guarantee insertion and promotion of people with disability through a variety of labor areas.¹⁷⁰ These measures have not yet showed any significant results.

In Honduras, most educational centers have not developed educational strategies and methodologies that take into account the particular conditions of persons on disability. Besides, the Public Education System lacks proper trained teachers to attend this sector.

In El Salvador, in spite of the existence of secondary legislation that stipulates some rights of disability people, exclusion of this sector of society is put in evidence by the fact that it has to be waited until 2016 for the university graduation of the first blind student. In order to obtain his academic Bachelor degree Armando Madrid did his thesis under the Braille system, becoming the first person in the history of the country in achieving this goal.

In Nicaragua, last official data collected are from 2003 through the National Survey for Disability (ENDIS, for its initials in Spanish), in that year 461.000 persons older than 6 years, showing some type of disability, were registered, which represents a prevalence of 10.3% (out of 11.3% in women and 9.1% in men).¹⁷¹ According to General Attorney's Office for the Defense of Human Rights, in information given through the media, it was expressed that out that out of 35,600 (major employer) state workers, only 360 are disabled persons, which means 0.9% of the total amount.¹⁷²

Even though judicial support of the normative, the exclusion of disabled people remains constant. Law No. 763, Human Rights Law for Disability Persons approved by the Parliament in

2011, recognize the right to work, just salary, no discrimination, access to health, education and justice.

In Panama, 11.3% of the population presents some disability, according to the First Prevalence Survey of Disability, Pendis 2006. The state has implemented a series of inclusive norms for disabled persons, among which is worth mentioning: Law No. 42 in August 27th, 1999; on leveling of opportunities; regulated by Executive Decree No. 88, on November 12th, 2002; Convention on Rights of Disabled Persons and the Facultative Protocol of the Convention about Rights of Disabled Persons, on December 13th, 2006; and Disability Policy of Republic of Panamá in 2009.¹⁷³

CONCLUSIONS

Central American region remains giving signs of not guaranteeing economic, social and cultural rights. States has not disposed of their resources adequately to guarantee a life with dignity to millions of families in Central American isthmus. Similarly, there are still violated the rights of thousands of people that have been traditionally discriminated and exploited, like women, not heterosexual persons (LGTBI), indigenous and Afro-descendants, childhood and adolescence and disabled persons.

Year 2015 had frightening levels of violations to women's rights. As a matter of fact, there was an increase of feminicides in the region, particularly frightening the cases of Guatemala and El Salvador. The tendency during 2016 remains the same to the year before, even with possibilities of increasing. So far not important decreases of this kind have been reported in southern countries of the region, therefore it is expected the number to be the same.

Persons with diverse sexual preferences different to the dominant (LGTBI) continue to be invisible to the eyes of Central American society, as most countries do not present normative advances of major importance in order to produce equality of human rights regarding to heterosexual population. Thus, no country has elaborated a normative favoring civil homosexual union, much less marriage. Equally serious are hate crimes caused by some individuals, since it is usual that the bodies of Judicial Power do not resolve their causes. There are some normative advances in Nicaragua and Costa Rica related to recognition of patrimony rights and access to health services; however, we are still far from guarantee the human rights of these groups.

Indigenous human rights continue to be ignored by regional governments, to the point

that there are not protocols or regulations to implement the consultation right to ancestral towns, which cause that in a unilateral fashion the states take the decision to create mega-projects and that the extractive companies destroy their territories. Similarly, there is no legislation –and if there is any dispositions are not fulfill- in favor of the right to autonomy for these peoples, and the rest of human rights include in the ILO Agreement No. 169. There has even been an increase of assassinations of indigenous leaders (men and women) mainly in Honduras and Nicaragua, due to their fight to protect the environment and ancestral lands. It is noticed that these extractives and death practices imply the generation of cultural genocides, even in full XXI century.

Childhood, adolescence and youth of the region have been neglected, as states do not guarantee human rights of these groups, where it should be include child abuse in general, particularly child work in Guatemala; children are also at high risk of becoming victims of violence in El Salvador and Honduras. Their sexual and reproductive rights of groups already mentioned are systematically violated in the region, where predominate high rates of pregnancy among adolescents, even girls younger than 12 years, perpetuating circles of poverty and limiting the access to education for adolescent mothers.

Disabled people continue facing obstacles for the full enjoyment of their rights on equality conditions. In regard to access to employment, in Guatemala and Nicaragua only 1% of disabled persons have one. Similarly, almost all disabled people are on exclusion condition mainly due to lack of proper infrastructure to let them an easy access to every day spaces.

RECOMMENDATIONS

States should adopt public policies to redefine the traditional conceptions on women role in society and promote eradication of discriminatory sociocultural patterns that limit their full access to justice. The interventions and actions of states should be oriented to guarantee women victims of violations a competent judicial answer, immediate, appropriate, responsible, fair and in timely manner. The subject of no violence against women should be include in the formal education system, to bring to practice public policies that protect women rights and ratifying international instruments as the Optional Protocol to the Convention about elimination of all forms of violence against women (CEDAW, for its initials in English), in those countries of the region that have not ratified it.

Central American Governments should also create equality conditions for the fulfillment of human rights for non-heterosexual people (LGTBI). This implies the recognition of civil marriage and civil unions of couples of the same sex, as well as the protection of their patrimonial rights, that are currently only for heterosexuals. Similarly, we urge the states of the region to compromise carrying out due diligences in order to the proper investigation of hate crimes, which are very common in Honduras, Guatemala, El Salvador and Nicaragua. Similarly, we demand secularity of state, not only regarding to the norm but also to governance. This implies the elimination of discourses promoting hatred, issued by various religious denominations, mainly catholic and evangelic in El Salvador and Costa Rica.

Central American states should adopt the pertaining legal normative in order to allow the full enjoyment of human right for

indigenous. This takes into account the right of autonomy, included in ILO Convention No. 169. This right also considers the full recognition of their traditional institutions, systems of traditional justice and their ideas of development according with their ancestral cultures. Regarding to Honduras, Nicaragua and Costa Rica it is urgent to proceed with public policies aiming to territorial sanitation of indigenous communities with the objective of protecting and preserving their ancestral land. In regard to the environmental impact of extractive projects, like miners of Guatemala, hydroelectric in Costa Rica, Panama and Nicaragua; ancestral towns should decide about the convenience of these models of economic activity through appropriated indigenous consultation procedures, obtained by means of a timely information and free will and whose result is binding upon member states and companies involved.

The States of the isthmus should guarantee the enjoyment of human rights of all citizens, particularly childhood, adolescence and youth. In Guatemala, Honduras and El Salvador, minors are the ones who suffered the onslaught of structural violence these countries show. Therefore it is important to create conditions aiming to diminish social inequalities and facilitate the inclusion of more people of this sector in the educative system. Similarly, there should be more access to instruments that allow the full enjoyment of their reproductive and sexual rights, aiming to reduce in a radical way adolescent pregnancy. In a similar way, governments should joint efforts to strengthen a promotion system of sexual and reproductive rights, that guarantee an integral sexuality in the cohorts of people's initial ages.

There is a historical responsibility from Central American States towards people with disabilities, therefore it is recommended to the region governments to overcome the charity or assistance approach, and take on an approach that guarantees human rights in that population sector, which is made up

by 10% in the mentioned States. It is urgent to create legal norms that oblige public and private employers to hire people with different disabilities, in order to fulfill the human right to labor. Likewise, States should promote appropriate infrastructure constructions so that this population may have true access.

CHAPTER VII

CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS

As human rights are constantly violated in the region, the role of persons who defend those rights gains momentum, at the same time more and more aggression, assassinations, prosecution, and repression are directed towards them. Although these persons carry out actions that strengthen a constitutional, social and rule of law state, they are unprotected and not guaranteed their human rights effective practice.

In this highly conflictive context, the work of human rights defenders is very risky, as aggressions are more frequent and remain unpunished. According to Front Line Defenders, 45% of defender's assassinations at world level and 41% in Latin America in 2015, were related to environment defense, territory, and indigenous peoples' rights. At the same time, the report includes systematic judicial harassment, physical attacks, threats, intimidations and smear campaigns particularly in Guatemala and Honduras, most of the cases are related to opposition to mining, forest and energy mega-projects.¹⁷⁴

According to United Nations (UN) High Commissioner for Human Rights files in Guatemala, only in June 2016, three assassinations of human rights defenders were perpetrated. June 19th, Brenda Estrada Tambito, legal adviser for Guatemalan Workers' Trade Union was assassinated in the capital city. Besides, June 8th, the homicide, in Cobán, of Daniel Choc Pop, community leader, member of the High-Plateau Peasants' Committee. On June 7th, Victor Hugo Valdés Cardona, founder and director of a television program in Chiquimula was assassinated while walking with his relatives.

In Guatemala, on July 26th, 2016, Sergio Alejandro Apxuac, lawyer of Grupo de Apoyo Mutuo (Mutual Support Group) (GAM), private prosecutor of "CREOMPAZ" was hit by a cyclist

who insulted and verbally aggressed until threatening him with death, this made the offended to approach a nearby Civil Police officer. The aggressor left the scene immediately. Apxuac filed a complaint before the Public Ministry.

Mario Polanco, GAM executive director has also undergone a series of aggressions and smear actions, since the military involved in the "CREOMPAZ" case were arrested. On January 8th, 2016, before the hearing outside the judicial office, unknown persons insulted the members of the organization and private prosecutors shouting "there goes the NGOs millionaire who has made lots of money with the compensations given by the supposed victims. Besides he has been accused of fraud before the Public Ministry". Also, when Polanco entered the court room, two individuals shouted that he was an "ex-guerrilla" and that he "invented cases against the military", they even stuck that printed expression on the chair where Polanco sat.

On August 29, 2016, Iduvina Hernández, human rights defender who is in charge of Asociación Seguridad en Democracia (Security in Democracy Association) (SEDEM) after being deprived from attending a first declaration hearing of the accused Benedicto Lucas García for forced disappearance and against humanity crimes, found out that Jeniffer Rosalinda Zaldaña (daughter of one of the ex-military accused in the Molina Theissen case) had placed a complaint against her. She also found out that last June 16th a hearing against her had taken place without her presence. The defender visited the Multiple-personal Court where a file copy and an audio copy of the June 16 hearing were given to her. The document states that Ms. Zaldaña pleads a supposed death threat by Iduvina Hernández, besides it contains a series of falsehoods such as that the defender uses an armored vehicle and is accompanied by several bodyguards.

The truth is that Idivina does not own a vehicle and although she is subject of precautionary measures, she does not have police protection or any other type of protection.

Lastly, it is known that in May, Ms. Zaldaña Mazariego also placed a complaint at the Public Ministry against Idivina pleading the same falsehoods described before a judge. These accusations against Idivina are the result of providing close accompaniment to the genocide victims in Guatemala, the Sepur Zarco case, CREOMPAZ case y more recently she has accompanied and carried out actions in her capacity as journalist, in the kidnapping, torture, and sexual violation against Emma Molina Theissen and the forced disappearance of minor Marco Antonio Molina Theissen in 1981, criminal action carried out by high ranking military then.

This aggression is produced after a month of the attacks against the lawyer in charge of the victims of the Molina Theissen case in which militaries were also arrested and accused of serious human rights violations. Both organizations are part of the Regional Team of Monitoring and Analysis for Human Rights in Central America.

On November 12th, 2016, Jeremy Abraham Barrios Lima, activist and defender of human rights and who worked for the Centro de Acción Legal Ambiental y Social de Guatemala (CALAS) (Guatemalan Legal Environment and Social Action) assigned to institutional operations and sensitive information management for two years, was shot to death. CALAS requested the case be moved to the Unidad de Ataques Contra Activistas de Derechos Humanos (Attack Against Human Rights Activists Unit) at the Human Rights Attorney's Office in order to find the criminals and punish them.

In March 2016, in Honduras, Berta Cáceres, General Coordinator of the COPINH Civic Council was assassinated by armed men who broke into her home in La Esperanza, Intibucá province. The defender had denounced 33 death threats and the Inter-American Commission had urged the government to intervene in order to protect her; however, the



Title: Public Prosecutor for Human Rights investigates GAM member's aggression.

Source: Grupo de Apoyo Mutuo

police never investigated any of these threats against her. In May, the authorities detained five men for supposed participation in her homicide, included in those five men were an army mayor and the social and environment matters manager of the company contracted for the construction of Agua Zarca dam. The Attorney's office contended that the assassination was part of a conspiracy with the company. In September a sixth supposed involved person was detained. The file, according to local media press, included proofs against several suspected individuals—was stolen from a judge's car on September 29th. While, the Supreme Court of Justice declared they had file copies, the way the government has dealt with the case shows lack of political willingness to clarify the case and punish the criminals.



Gladys Lanza and Berta Cáceres, Honduran defenders both passed away in 2016
Photo: Mundubat

Persons who defend rights, besides risking their lives, face legal processes, smear campaigns, and constant threats. A quick look at Gladys Lanza Ochoa's processes, coordinator of the feminist movement Visitación Padilla Las Chonas in Honduras, who was convicted, in 2015, to a year and a half in prison for a smearing crime in a case brought against her by the former director of Fundación para el Desarrollo de la Vivienda Social, Urbana y Rural (FUNDEVIH) (Social, Urban and Rural Housing Development Foundation). The process against her began because she demanded justice in the Lesbia Pacheco case, former Personnel Head at FUNDEVIH, who accused Juan Carlos Reyes, her boss, of supposed sexual harassment. Gladys was threatened to death, aggressions, vigilance, stigmatizing, tracking, telephone tapping, office raids, e-mail hacking, etc., although she had precautionary measures from CIDH (for its initial in Spanish) since 2009. Her persecution speeded up her health condition, passing away in September 2016.

On March 15th, 2016 Nelson Garcia's homicide took place, he was also a COPINH leader and had precautionary measures. He was assassinated after a big and disproportionate military deployment whose purpose was to violently evict and repression against 150 Río Lindo families, in Cortez province, Honduras, and where COPINH was participating.

Another case was that of Lesbia Yaneth Urquía, COPINH leader, who was disappeared on July 5th, 2016 and assassinated afterwards in Marcala, La Paz province in Honduras central region. Lesbia Yaneth's assassination takes place during a "consultation" process carried out by the Honduran government concerning the passing of the bill about the regulation of prior, free, and informed consultation mechanism, norms demanded by the recognized rights in the 169 Agreement of the Labor International Organization (OIT in Spanish).

On October 18, 2016, two defenders for the right of land, José Ángel Flores and Silmer Dionisio George, both with precautionary measures provided by CIDH (for its initial in Spanish) in May, 2014, were assassinated by several non-

identified armed men when they were leaving a meeting in Tocoa, Colón, on the Caribbean coast. Up to now, the crimes have not been solved.

Impunity of attacks against defenders, as well as the lack of effective protection measures and the absence of compliance of protection precautionary measures issued by the Inter-American System for Human Rights constitutes a clear sign of the existence of a definite aggression pattern towards the legitimate civic work. This work is performed individually or collectively to defend human rights in the Central American region. But the failures above mentioned reveal the inefficacy of the States to protect and guarantee the rights of persons who defend rights.

In the most recent report, the CIDH expresses a deep concern for the persistent high level of impunity in the region. This reports points out that one of the problems that affect defenders is the lack of investigation for the attacks towards them. This has deepened the vulnerability situation which defenders overcome. Defenders had denounced threats, harassment, and aggressions. In many cases they are under precautionary measures determined by CIDH or under protection of State agencies.

Such is the case of defenders assassinated in Honduras y Guatemala. The published report by el Programa Somos Defensores de Honduras (We are Honduran Defenders Program) points out that fourteen assassinated persons in the last four years had been given precautionary measures from CIDH (for its initials in Spanish).

Even though, international pressure and the demands by human rights organizations has caused that some States like Honduras, create special units oriented towards protection or pass laws aimed at guarantying and protecting right defenders. However, there are several complaints about compliance inefficacy, which is accompanied by inefficiency in justice administration in the context of high levels of impunity regarding crimes and aggressions against human rights defenders.

Even though Honduras passed the "Protection

for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators Law", mechanisms to operate and make the law effective have not been created. The lack of regulations that develops law requirements make rights defenders' protection difficult.

Frightening and arbitrary detentions are other way of aggression. On November 5th, 2016, Karla Lara y Sandra Sánchez were threatened by private security members of the company Concesionaria Vial (COVI in Spanish) (Road Concessionary Company), and afterwards detained by national police in the framework of demonstrations carried out for road sovereignty. Due to the absence of unlawful acts and evidence they were released, however, a hostility process is identified under State institutionalism coverage.

The situation of right defenders in Honduras is still critical. Proof of this is the presence of international organizations that accompany it, as a way of protecting persons who defend other persons' rights, reason for which they are seriously threatened. The Accompaniment Project in Honduras teams (PROAH, for its initials in Spanish) and the Peace Brigades International (PBI) teams cannot cope to fulfill the defenders in risk demands. On October 25th, 170 organizations, 16 scholars, and other personalities delivered a signed letter addressed to the Public Ministry and to the State Secretariat for Human Rights, Justice, Governance and Decentralization in Honduras, aimed at demanding that the Honduran State comply with international agreements in protection and guarantee issues of persons who defend rights.



Photo: ILGALAC

For 6 years, Aldo Alexander Peña, has been a member of Cuerpo de Agentes Metropolitanos (CAM) (Metropolitan Police Body) in San Salvador, and an activist leader of Salvadoran Transsexual-Men was brutally injured by Civil National Police on Saturday, June 27th, 2015 after participating in a demonstration organized by LGBTI.

In El Salvador, it is increasingly more and more a matter of concern the exercise of defending rights, more over because of the lack of political willingness of the government to protect those who protect people's rights. This is evidenced when the government refrains from voting at the United Nations Human Rights Council to pass resolution A/HRC/31/L.28 concerning protection to persons who defend human rights in matter DESC, at the session of February 29-March 24, 2016.

Besides, there is problematic prosecution cases, harassment, bullying, tracking, threats, criminalizing, and assassination of human rights defenders which have not been investigated by state authorities, least of all brought to court and sentenced of intellectual or material authors, all of which derives in impunity.¹⁷⁵

At the end of July, 2016, six environment defenders in seven communities of Tacuba, Ahuachapán, were captured by police officers and from the General Attorney's office for fighting over community water projects. The captures were carried out, even though, the leaders had precautionary measures from the Human Rights Attorney's office since 2015.

Sonia Sánchez, environment defender who faced, since March 2015, faced a legal process for denouncing harm to the environment in Santo Tomás, San Salvador, caused by El Roble S.A, as part of the Poma Business Group, which is developing a housing complex in the area. After finishing the process Sonia was declared free of charges. Similar process faces the co-director of Factum journal, Hector Silva Ávalos, journalist who in the exercise of his right to freedom of expression, made public the political relationship of a businessman and an official party leader,

and the use of that businessman's planes by the former Republic Attorney General, Luis Martínez, when he acted as such. After his declarations, the businessman José Enrique Aquiles Rais López has filed a claim for slander and libel at the court in Santa Tecla, La Libertad, up to now, such process is active. Margarita Posada was victim of smear and intimidation actions through a campaign directed by Asociación Nacional de la Empresa Privada (ANEP) (National Association of Private Enterprise). Legal persecution and discredit is a measure used by the economic power in order to attack right defenders.

The Institute for Women's Studies (Instituto de Estudios de la Mujer) Norma Virginia Guirola de Herrera (CEMUJER), Communicating and Training HIV trans-women Association in El Salvador (COMCAVIS TRAN) accompanied defender Bessy Ríos before the Attorney's Office for Human Rights Defense in order to demand a response from the State for the excessive force and repression exerted on her during a pacific demonstration on June 29, across from the Presidential House. On that occasion she was injured by officers from the Unidad de Mantenimiento del Orden (UMO, for its initials in Spanish) (Order Maintenance Unit) just for protesting about the rise in the price of electricity.

In Nicaragua, defender's work faces increasingly barriers because of silence and lack of attention from government authorities, who do not give any protection, nor investigate the claims presented by this population sector, leaving aggressors unpunished. The obstacle placed by the government against defenders is isolation and government silence, in some cases, in response to activities carried out by defenders,

the use of the Civil National Police and their shock forces to attack, the making illegal detentions, persecution, injures, and setting up permanent vigilance in order to intimidate, on top of the dishonor campaigns and disqualification through pejorative terms that jeopardize their lives.

During 2015-2016, the proliferation of hate messages against defender Vilma Nuñez de Escorcia have become a common practice. President of CENIDH, through official channels or digital magazines like "Nicaleaks", which in less than a year has published 51 articles against her, smearing her or using falsehoods, using coarse and pejorative language, which jeopardize her life, just because she has demanded justice in the face of repression acts, raids, criminalizing social protest, torture and deprivation of liberty for political reasons, and for accompanying victims in their rights of a self-defense process, indigenous peoples and peasants families in their rights to free, prior and informed consultation in affected communities by economic mega-projects.

Systematically, Vilma Nuñez and human rights promoters joined around Padre (Father) César Jerez Network, are attacked, abused, tracked, job disqualified by government officers and official mass media.

On January, 2016, the branch office of such organization in Estelí was victim of hostile actions by the Nicaraguan National Police. On this occasion a police officer broke into CENIDH office and demanded the identity document of the branch's members and a list of the staff without any reason.



Carlos Fernando Chamorro placing a claim before CENIDH

Photo: Confidencial

Carlos Fernando Chamorro, "Confidencial" and "Esta Semana" director, denounced before CENIDH and public opinion, a series of illegal intimidation actions and political espionage carried out by officers who claim to be from the Nicaraguan army and government party FSLN operators against Confidencial staff and against the media.

The harassment and intimidation faced by Confidencial' journalists has been extended to administrative personnel and technicians, with increasing serious implication every time. On September 20th, an administrative worker was called by a known person, to meet Rafael Moreno and Ramón Abarca in a public place, to talk about a supposed job offer. On that occasion, the worker was asked to supply private information about the media.

Two days later, on September 22, Walter Abarca, a person who was identified by a Nicaraguan army ID, came to a Confidencial technical area worker's domicile requesting information about the office security conditions, issues that were discussed at the media, and the topics researched by journalists, among others things.

He also requested the key word to access Confidencial web site. This is clearly a harassment case, arbitrary investigation and persecution to workers and the media.

Similarly, CEJUDHCAN members have received death threat because they defend the indigenous territories, therefore, precautionary measures for all CEJUDHCAN members were processed and obtained before CIDH. In the CIDH solution, a series of messages signed by "los nicas" (a short form of Nicaraguans), addressed to CEJUDHCAN defenders. Messages were, for example: "your head is in my list", "look for your black clothes because I have a surprise for you, (...) your leader head will get lead", "Your death is near". Added to this, in a televised program, "a well-known pro government political leader (...) has often disqualified such organization's work and accuses it of inciting violence in the area" because the organization accompanies victims and denounce Miskitos human rights violations on the Nicaraguan Caribbean Coast.

During the 56th Extraordinary Sessions of the Inter-American Court for Human Rights taken place in Quito, Ecuador, on October, 10th and

11th, 2016, a public hearing was celebrated in the case of human rights defender María Luisa Acosta, Coordinator of Centro de Asistencia Legal a Pueblos Indígenas (CALPI in Spanish) Legal Aid Center for Indigenous Peoples against the Nicaraguan State, accompanied by CENIDH since 2002, as a result of the assassination of Francisco José García Valle, husband of Dr. Maía Luisa Acosta, in Bluefields, at RACS. When the incident took place, Dr. Acosta was the legal person empowered of indigenous and Afro-descendant communities in Laguna de Perelas basin an of the Rama and Kriol territories. These communities had been harmed by the internet sale of Cayos Perla (Perla Keys) and other properties by Peter Tsokos and Peter Martínez Fox, who Acosta has made responsible as the murder intellectual authors.

The case was presented to CEJUDHCAN and CENIDH in the name of the victims. After exhausting all procedures in looking for a friendly solution with the Nicaraguan State, CIDH found violations to personal integrity, to guaranties and legal protection established in the American Convention. Consequently, on August 9th, 2015, CIDH presented the case before IDH Court.

On August 24th, it was planned that Michel Forst, United Nations Special Rapporteur, visit Nicaragua concerned about the situation of human rights defenders. He would meet with Costa Rican, Panamanian and Nicaraguan defenders, besides carrying out a consultation about "Impunity and its impact on human rights defenders' situation: proposals to combat them". This visit was suspended days earlier notifying the rapporteur's office to the organizers of the event that the United Nations System does not authorize such a visit, since they considered "that there is no climate in Nicaragua for this type of activity and could not guarantee their safety nor the defenders of Costa Rica and Panama called to participate in the consultation."

The cancellation of the Rapporteur's visit is a clear demonstration of the systematic violation of human rights that has been generated by the Government of President Daniel Ortega with the frequent arbitrary expulsions of human rights defenders and the abuses that he has

repeatedly maintained against human rights defenders, especially against those who oppose the construction of the canal and the imposition of the extractive model, as well as feminist organizations, defenders of sexual and reproductive rights and women's rights.

Defenders also face the government's tendency to pass restrictive and criminalizing laws of human rights defense, such as the Sovereign Security Law (Ley de Seguridad Soberana), passed in December 2015.

In Panama, Ligia Arreaga, a journalist, environmentalist, human rights defender and coordinator of the Alliance for a Better Darien, has received numerous threats following the publication of her investigations and allegations regarding the titling of lands belonging to a wetland (about 50,000 hectares) to individuals in an attempt to privatize the area, contrary to national and international laws that prohibit the change of land use of a wetland. In 2009, the communicator and activist escaped an assassination attempt after receiving serious threats because the reports made from Radio Voz sin Fronteras.

The peasant leader and defender of the Cobre river, Larissa Duarte was sued for the sum of \$ 10 million by the AHM company¹⁷⁶ before the Eighteenth Civil Court of Panama. The lawsuit is because, allegedly, the company was adversely affected by the cancellation of the Los Estrechos, S. A., hydroelectric project, which would be built on the Cobre river. The Human Rights Network of Panama has come out in defense of the activist and through a statement considered that the lawsuit is an act not only of harassment and intimidation against the activist, but is a threat against all other defenders of the country.

According to the report published by the Mesoamerican Initiative of Women Defenders, the most frequent type of aggression against women defenders are: psychological intimidation and harassment (21%), threats and ultimatum (16%), slander and smear campaigns (9%), excessive use of force (6%), criminalization and illegal detention (8%). It should be noted

that the General Assembly of the United Nations in its resolution of 12/18/2013 expressed its concern about the "systematic and structural discrimination and violence faced by women human rights defenders and women rights defenders, asking", calling on States to develop and implement gender-specific policies to ensure their protection. For their part, women defenders of sexual and reproductive rights are constantly attacked from religious structures as from the State; in the same manner, to intimidate them, they are criminally investigated for crimes such as defense of abortion (a crime), among others.

The Citizens' Group for Decriminalization of Abortion in El Salvador (Agrupación Ciudadana por la Despenalización del Aborto en El Salvador) has received attacks between 2014 and early 2015 due to the legal counseling provided to 17 women who suffered obstetric emergencies and were convicted of homicide; and therefore have been called "increscible groups", "pro-death groups", "capable of multiplying the blood that already runs like rivers in our homeland", "unpatriotic traitors to leave in El Salvador as infamous" and to be "instrumentalising women in vulnerability". To these previous statements made by private individuals joined State agents like the then Director of the Institute of Legal Medicine, an agency dependent on the judicial branch, who said those seeking a legislative change for the decriminalization of abortion behave like the Nazis. Likewise, some legislators stated that the organizations promoted "the culture of death" from the human womb" and that "there is any amount of money for this campaign only because they want to change the Constitution and approve abortion".

Also, women labor rights defenders are persecuted and prosecuted for demanding respect and guarantees for workers of private companies, such as Dalila Mérida, regional coordinator of the Committee of Peasant Unity (Comité de Unidad Campesina –CUC-) on the Southern Coast of Guatemala, captured on September 24 by the National Civil Police when leaving the University in Coatepeque, Quetzaltenango. The defender had an arrest warrant for false accusations against her by

representatives of the San Gregorio Piedra Parada estate, located in the municipality in question. The accusations arise in order to disqualify and impede her work to defend the rights of some 300 workers of the San Gregorio estate to whom the previous owners (the Campollo family, one of the richest families of Guatemala) for decades, deducted the Guatemalan Institute of Social Security (IGSS, for its Spanish initials) fee to the workers, but never transferred to the institution; this case is being accompanied by the defender, reason why she has been accused of several crimes before the Public Prosecutor, that has requested several arrest warrants, without investigating the history of the case.

Likewise, defenders who fight for the rights of LGBTI groups have suffered harassment, aggression and, in the case of Honduras, have denounced to the IACHR the murder of at least six people, defenders of rights, related to this group last year.

On March 29, 2016, human rights defender and trans woman Ms. Jlo Córdoba suffered an assassination attempt. A few days earlier, on March 24, 2016, also a LGBTI rights defender Mr. Juan José Zambrano was the object of another assassination attempt.

Marco Aurelio López, director of the Association Manos Amigas-LGBTI (AMAS, for its Spanish initials) of the city of La Ceiba, in August of the 2015, was kidnapped in a Military Police patrol when leaving the facilities of the Association Arcoiris; he was taken to the northeast of the city by the patrol, where he was physically assaulted and raped by agents of the Military Police.

There exists other used ways to harm human rights defenders, such is the case of the Bribri indigenous leader, from Salitre territory, Sergio Rojas from Costa Rica, who has fought for more than the two decades in defense of indigenous peoples rights.

The indigenous territory of Salitre, located in the south of the country, has suffered a wave of systematic violence for at least four years, as a result of the defense and recovery of its territory.

Salitre has an area of 12,700 hectares where disputes occur between indigenous groups - to whom the law protects - and non-indigenous farmers who claim to have possession rights and demand compensation to withdraw from it. Due to a series of threats and violent attacks against the indigenous peoples of Salitre and Térraba in recent years, as a result of autonomous cultural and territorial reaffirmation processes, the Inter-American Commission on Human Rights granted precautionary measures (MC-321-12) on September 30 Of April 2015, in which it ordered the State of Costa Rica to take the necessary measures to protect the life and physical integrity of the two indigenous groups and their members.

The image and morality of Sergio Rojas has been questioned after accusing him of mismanagement of funds in the Association of Integral Development (ADI, for its initials in Spanish) of the indigenous territory of Salitre; to such an extent, that a criminal proceeding was initiated against him, where the Criminal Court of Buenos Aires de Puntarenas ordered his arrest, and it was 7 months later that his release

was ordered while the process continues, due to the fact that no strong evidence has been incorporated as facts of what is attributed to him and 11 indigenous leaders of the community.

In addition to this, the Legal Directorate of the National Department of Community Development (DINADECO, for its Spanish initials) has denied the possibility of re-election as president of ADI of the indigenous territory of Salitre, after annulling his election.

This reflects a different way of operating against those who defend rights, in which they make use of the institutionalism of the State to discredit the men and women leaders.



The Bribri indigenous leader Sergio Rojas, is being discredited after his tough fight for indigenous peoples' rights.

CONCLUSIONS

In Central America, the different activities carried out by people who defend rights, far from being promoted by States, are directly repressed by public force or institutional mechanisms are used to control them.

The level of aggression against the people who defend and promote human rights in the region is progressively increasing, all within a framework of impunity and lack of legal and institutional protection aimed at protecting those who defend rights. States, far from guaranteeing the role of this sector and protecting their human rights, promote disreputable climates, use the judicial system to persecute them, and uses public forces to repress them.

There is a tendency to hold up and obstruct the work of human rights defenders through unfounded accusations, unjust detentions, fabrication of evidence, irregular and dilated processes, demonstrating that both state and non-state actors make improper use of the justice system. This tendency is strengthened

by a legal structure that, under the justification of "national security", specifically targets the criminalization of those who fight for their rights. Broad and vague criminal types are also used that do not comply with the principle of legality to criminalize the activities of defenders.

In the region, the work of rights advocates is aimed at promoting and demanding that governments comply with their obligations to guarantee and respect the rights of all people on an equal footing, to combat abuses of power by state and non-state agents and promote inclusive and sustainable development, develop and debate new ideas and principles related to human rights, as well as advocate their acceptance and build a true democracy; conditions that make the work of defenders who seek to change this reality even more relevant and dangerous in the face of weakened States and in the absence of an economic model that guarantees the rights of the majority of the population.

RECOMENDATIONS

States should strengthen secure access of persons defending rights to international mechanisms for the protection of human rights, such as the Declaration of Human Rights Defenders and the Resolution of the General Assembly of the United Nations on this matter.

Governments should create or revise existing government protection mechanisms, with a view to adopting preventive measures against attacks against human rights defenders; they must also create conditions so that they can carry out their work without fear of reprisals, loss of life or violation of their rights in general.

Judicial systems should not be used to carry out persecution of the activities carried out by persons defending rights in the exercise of their functions; rather, they should investigate, prosecute and condemn in an effective and timely manner any type of aggression (threats, persecutions, murders, etc.) against human rights defenders, making use of the mechanisms, laws, protection protocols and require their compliance.

States must eliminate any form of repression, harassment and criminalization that may be exercised by public institutions to the work of human rights defenders. The institutions of the justice system must create special units for the promotion and protection of the human rights of those who defend them.

Parliaments in the region must pass laws to protect the human rights of those who defend rights.

All measures aimed at the protection of human rights must be taken in a coordinated manner with all the countries that make up the Central American isthmus.

The Inter-American System must adopt mechanisms so that the protection measures emanating from it fulfill its purpose and are not mere symbolic acts.

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Abbreviations and acronyms

Acuerdo Transpacífico de Cooperación Económica (Trans-Pacific Partnership)	TPP, for its initials in English.
Alianza Liberal Nicaragüense (Nicaraguan Liberal Alliance)	ALN, for its initials in Spanish.
Alianza por la República de Nicaragua (Alliance for the Republic of Nicaragua)	APRE
Asociación Costarricense de la Judicatura (Costa Rican Judicial Association)	ACAJUD
Asociación de Desarrollo Integral, de Costa Rica (Association of Integral Development, from Costa Rica)	ADI
Asociación Nacional de la Empresa Privada, de El Salvador (National Association of the Private Enterprise, from El Salvador)	ANEP
Asociación Seguridad en Democracia, de Guatemala (Security in Democracy Association, from Guatemala)	SEDEM
Banco Central de Nicaragua (Central Bank of Nicaragua)	BCN
Cámara Costarricense Norteamericana de Comercio (Costa Rican-American Chamber of Commerce)	AMCHAM
Centro de Acción Legal Ambiental y Social de Guatemala (Guatemalan Center for Legal, Environmental and Social Action)	CALAS
Centro de Asistencia Legal a pueblos Indígenas, de Nicaragua (Center for Legal Assistance to Indigenous Peoples, from Nicaragua)	CALPI
Centro de Justicia y Derechos Humanos de la Costa Atlántica Norte (Justice and Human Rights Center of the Northern Atlantic Coast)	CEJUDHCAN
Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura, de Honduras (Prevention, Treatment and Rehabilitation Center for victims of Torture, from Honduras)	CPTRT
Centro Internacional de Arreglo de Diferencias Relativas a Inversiones (International Center for Settlement of Investment Disputes)	CIADI (ICSID)
Centro Internacional para la Justicia Transicional (International Center for Transitional Justice)	(ICTJ)
Centro Nicaragüense de Derechos Humanos (Nicaraguan Human Rights Center)	CENIDH
Centro por la Justicia y los Derechos Humanos de la Costa Atlántica de Nicaragua (Nicaraguan Atlantic Coast Center for Justice and Human Rights)	CEJUDHCAN
Comisión Contra la Impunidad en Guatemala (Commission against Impunity in Guatemala)	CICIG
Comisión Interamericana de Derechos Humanos (Inter-American Commission on Human Rights)	CIDH (IACHR)

Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala)	CICIG
Comisión Nacional de Derechos Humanos de Panamá (Panamanian National Commission for Human Rights)	CONADEHUPA
Comisión para la Promoción de la Alianza Público Privada, de Honduras (Commission for the Promotion of the Public Private Alliance, from Honduras)	COALIANZA
Comisionado Nacional de los Derechos Humanos, de Honduras (National Commission Office for Human Rights, from Honduras)	CONADEH
Comité de Unidad Campesina, de Guatemala (Peasants Unity Committee)	CUC
Comité por la Libre Expresión, de Honduras (Freedom of Expression Committee, from Honduras)	C-LIBRE
Compañía Nacional de Petróleo China, de Costa Rica (China National Petroleum Corporation International, from Costa Rica)	(CNPCI)
Concesionaria Vial, de Honduras (Road Concessionary, from Honduras)	COVI
Conferencia de la Fuerzas Armadas Centroamericanas (Central American Armed Forces Conference)	CFAC
Congreso de la Federación Internacional de Derechos Humanos (International Federation of Human Rights Congress)	FIDH
Consejo de Derechos Humanos (Human Rights Council)	ONU (UN)
Consejo de Ministros de Integración Económica, de Centro América (Economic Integration Ministers Council, from Central America)	COMIECO
Consejo de Organizaciones Populares e Indígenas de Honduras (Honduran Popular and Indigenous Organizations Council)	COPINH
Consejo Nacional Para la Atención de Personas con Discapacidad, de Guatemala (National Council for the Attention of People with Disabilities, from Guatemala)	CONADI
Consejos de Poder Ciudadano, Nicaragua (Citizen's Power Council, Nicaragua)	CPC
Consortio Internacional de Periodistas de Investigación (International Consortium of Investigative Journalists)	ICIJ, for its initials in English
Corporación Retos del Milenio (Millennium Challenge Corporation)	MCC, for its initials in English
Corte Suprema de Justicia (Supreme Court of Justice)	CJS

Departamento de Investigación Judicial, de El Salvador (Judicial Investigation Department, from El Salvador)	DIJ
Derechos Económicos, Sociales y Culturales (Economic, Social and Cultural Rights)	DESC
Dirección de Evaluación y Depuración de la Carrera Policial, de Honduras (Evaluation and Vetting Directorate for the Police career, from Honduras)	DGECP
Dirección Nacional de Desarrollo de la Comunidad, de Nicaragua (Community Development National Directorate, from Nicaragua)	DINADECO
Encuesta de Medición de Nivel de Vida, de Nicaragua (Level of Life Measurement Survey, from Nicaragua)	EMNV
Encuesta Nacional de Discapacidad, de Nicaragua (National Survey for Disabilities, from Nicaragua)	ENDIS
Encuesta Nacional de Hogares, de Costa Rica (Household National Survey, from Costa Rica)	ENAH0
Examen Periódico Universal (Periodic Universal Exam)	EPU
Exploraciones Mineras de Guatemala (Guatemalan Mining Explorations)	EXMINGUA
Fondo Monetario Internacional (International Monetary Fund)	FMI
Fondo Nacional de Financiamiento Forestal, de Costa Rica (Forestry Financing National Funds, from Costa Rica)	(IMF)
Frente Sandinista de Liberación Nacional, de Nicaragua (Sandinista National Liberation Front, from Nicaragua)	FONAFIFO
Fundación para el Desarrollo de la Vivienda Social, Urbana y Rural, de Honduras (Urban and Rural Social Housing Development Foundation)	FSLN
Generadora del Istmo S.A., de Panamá (Isthmus Energy Generator, from Panama)	FUNDEVIH
Grupo de Apoyo Mutuo, de Guatemala (Mutual Support Group, from Guatemala)	GENISA
Índice de Desarrollo Democrático (Democratic Development Index)	GAM
Instituto Costarricense de Electricidad (Costa Rican Electricity Institute)	IDD
Instituto de Acceso a la Información Pública, de El Salvador (Public Information Access Institute)	ICE
Instituto de Acueducto y Alcantarillados, de Costa Rica (Aqueducts and Sewers Institute, from Costa Rica)	IAIP

Instituto de Estudios de la Mujer “Norma Virginia Guirola de Herrera” (Norma Virginia Guirola de Herrera Women’s Study Institute)	AyA
Instituto de Medicina Legal, de Nicaragua (Forensic Medicine Institute, from Nicaragua)	CEMUJER
Instituto Guatemalteco de la Seguridad Social (Guatemalan Social Security Institute)	IML
Instituto Nacional de Estadística, de Guatemala (Statistics National Institute, from Guatemala)	IGSS
Instituto Nacional de Estadísticas y Censos, de Costa Rica (Statistics and Census National Institute, from Costa Rica)	INE INEC
Instituto para la Economía y la Paz (Economy and Peace Institute)	IEP
Instituto Salvadoreño del Migrante (Salvadoran Institute for Migrants)	INSAMI
La Asociación Manos Amigas, de Honduras (Friendly Hands Association, from Honduras)	AMAS
Ley de Desarrollo y Protección Social de El Salvador (Development and Social Protection Law of El Salvador)	LDPS
Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las mujeres, de El Salvador (Equality, Equity and Discrimination Eradication against women Law, of El Salvador)	LIE
Libertad y Refundación, de Honduras (Liberty and Refounding, from Honduras)	LIBRE
Ministerio de Ambiente y Energía, de El Salvador (Environment and Energy Ministry, from El Salvador)	MINAE
Ministerio de Trabajo, de Nicaragua (Ministry of Labor, from Nicaragua)	MITRAB
Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras (Support Mission Against Corruption and Impunity in Honduras)]	MACCIH
Objetivos de Desarrollo del Milenio (Millennium Development Goals)	ODM (MDGs)
Observatorio de Salud Sexual y Reproductiva, de Guatemala (Sexual and Reproductive Health Monitor, from Guatemala)	OSAR
Organización de Ayuda Solidaria Contra la Injusticia Social, de Guatemala (Solidarity Aid Against Social Injustice Organization, from Guatemala)	OASIS
Organización de Estados Americanos (Organization of American States)	OEA (OAS)

Organización de Naciones Unidas (United Nations)	ONU (UN)
Organización Internacional de las Migraciones (International Organization for Migration)	OIM (IOM)
Organización Internacional del Trabajo (International Labor Organization)	OIT (ILO)
Organización Mundial contra la Tortura (World Organization Against Torture)	OMCT
Partido Liberal Constitucionalista, de Nicaragua (Constitutionalist Liberal Party, from Nicaragua)	PLC
Partido Liberal Independiente, de Nicaragua (Independent Liberal Party, from Nicaragua)	PLI
Partido Revolucionario Democrático, de Panamá (Democratic Revolutionary Party, from Panama)	PRD
Patronato Nacional de la Infancia, de Costa Rica (National Board of Infancy, from Costa Rica)	PANI
Policía Nacional Civil (Civil National Police)	PNC
Producto Interno Bruto (Gross Domestic Product)	PIB (GDP)
Proyecto de Acompañamiento en Honduras (Accompanying Project in Honduras)	PROAH
Refinería Costarricense de Petróleo (Costa Rican Petroleum Refinery)	RECOPE
Secretaría de Planificación y Programación de la Presidencia, en Guatemala (Presidency Planning and Programming Secretariat, in Guatemala)	SEGEPLAN
Servicio Fitosanitario del Estado, de Costa Rica (State Phytosanitary Service, from Costa Rica)	SFE
Sociedad Reconstructora Chino Costarricense (Chinese Costa Rican Reconstruction Corporation)	SORESCO
The Economist Intelligence Unit	EUI
Tratado de Libre Comercio entre Estados Unidos, Centro America y República Dominicana	CAFTA-DR (For its initials in English)
Unidad de Mantenimiento del Orden, de El Salvador (Order Maintaining Unit, from El Salvador)	UMO
Unión Costarricense de Cámaras y Asociaciones de la Empresa Privada (Costa Rican Private Enterprise Chambers and Associations Unity)	UCCAEP

Universidad Autónoma de Honduras (Honduran Autonomous University)	UNAH96
Urge Justicia y Transparencia en El Salvador (Justice and Transparency is Urged in El Salvador)	UJUXTE

Equipo Regional de Monitoreo y Análisis
de Derechos Humanos
en Centroamérica

