



CHILDREN AS VICTIMS AND PERPETRATORS OF VIOLENCE: GANGS AND MIGRATION IN CENTRAL AMERICA

A Side Event during the 32nd Session of the UN Human Rights Council

EXECUTIVE SUMMARY

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INTRODUCTION

Organised by the International Catholic Centre of Geneva (CCIG) together with Edmund Rice International (ERI), the Marist International Solidarity Foundation (FMSI), and the Permanent Mission of the Republic of El Salvador, the side event “Children as Victims and Perpetrators of Violence: Gangs and Migration in Central America”, took place on the 22nd of June 2016 in conjunction with the 32nd Session of the UN Human Rights Council. It was also co-sponsored by Red Niña Niño, Instituto Internazionale Maria Ausiliatrice (IIMA), PAMI, Aldeas Infantiles SOS, Red COIPRODEN, and International Volunteerism Organization for Women, Education, and Development (VIDES International).

H.E. Ms. Carmen Elena Castillo, Ambassador, Deputy Permanent Representative of El Salvador to the United Nations Office moderated the event.



BACKGROUND

Thanks to the support of the Canton and Republic of Geneva and Adveniat, this event was part of a larger project commenced in September 2015 and aimed at empowering children's rights defenders in terms of advocacy at a local and international level. To this end, a training and capacity building session was held in Guatemala in February 2016. Three of the 25 children's rights defenders who attended the training were given the opportunity to participate as speakers in the side event in Geneva in order to share their experience and best practices as well as raise awareness about the challenges faced by children in Central America related to gang activity, violence and migration.

Despite the efforts made by local Governments and the international community to protect children from all forms of violence, the Latin American and Caribbean regions have the highest rate of homicide of people below 25 years of age. El Salvador and Guatemala are two out of the three countries with the highest homicide rate of children and adolescents in the world.¹

In Central America, children who avoid being killed but who are still victims of violence and neglect easily become perpetrators. Especially children left without parental care or left behind by migrant parents, and who spend most of their time on the street are easily recruited by local gangs known as maras. Once recruited by these criminal organisations, they are employed to carry out a variety of illegal activities, including the smuggling and selling of drugs and arms, extortions and killings. Despite the difficulty of collecting accurate data about the phenomenon, it appears that the number of children enrolled in gangs is increasing and the links of organised gangs to migration in the region is becoming more evident.

A major consequences of the gang violence in Central America is an increase in the migration of unaccompanied minors from the region. These children hope to escape the many dangers in their home countries. They therefore begin unsafe journeys that expose them to other forms of violence and human rights violations.

States are very concerned about migration as both a cause and consequence of violence against children. Accordingly, the Human Rights Council (HRC) on 2 July 2015) adopted Resolution 29/12, entitled *Unaccompanied migrant children and adolescents and human rights*, with the aim of bringing international attention to the extreme vulnerability and risk faced “[...] by migrants in transit and destination, in particular children, who are unaccompanied or separated from their families, who are forced to flee or decide to leave their homelands owing to multiple causes [...]”. Aware that migrant children and adolescents who attempt to cross international borders without their families are frequently exposed to serious human rights violations and abuses, the HRC called upon States of origin, transit and destination to work together toward solutions that promote the welfare and the best interests of children and adolescents “[...] within a framework of solidarity and regional and international cooperation.”² The HRC also requested the Advisory Committee to develop a research-based study on the global issue of unaccompanied migrant children and adolescents and human rights that will be submitted to the HRC at its 33rd Session, in September 2016.

1. http://www.unicef.org/ecuador/ocultos_a_plena_luz.pdf

2. <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ResDecStat.aspx> ; http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/29/12

The issue of children as victims and perpetrators of violence was also addressed by several UPR recommendations addressed to the states of Central America. In accordance with HRC Resolution 30/25, States are called to cooperate in the full implementation of such recommendations.

Panelists **Ms. Ana Myrella Saadeh Rivera, Ms. Liliam Mejia, Ms. Viara Isabel Sequiro Orozco and Ms. Monica Nascimento e Silva** delivered presentations that offered inputs on gangs, violence and migration and their impact on the enjoyment of human rights by children. The participation in the event of Representatives of the States concerned enriched the discussion and provided interesting insights into the challenges faced by Governments in addressing such a complex phenomenon.

The purpose of this brief report is to offer a summary of the discussions which took place during the side event and to keep all interested organisations, NGOs, and individuals up to date about the organisers' activities, works in the field, and achievements.



PANELISTS



OPENING REMARKS

MS. MARIA D'ONOFRIO

CCIG Secretary General

MS. ANA MYRELLA SAADEH RIVERA

Director of PAMI, Member of Red Niña Niño, Guatemala

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Project and Advocacy Officer, Casa Alianza, Nicaragua

MS. LILIAM MEJÍA

National Coordinator of Child and Youth Protection,
SOS Children's Villages, COIPRODEN, Honduras

MS. MONICA NASCIMENTO E SILVA

Human Rights Officer OHCHR

MODERATED BY

H.E. MS. CARMEN ELENA CASTILLO

Ambassador, Deputy Permanent Representative,
Mission of the Republic of El Salvador to the United Nations Office

EXECUTIVE SUMMARY

In her opening remarks, **Ms. Maria D’Onofrio** (CCIG Secretary General) thanked all of the organisations that helped coordinate and co-sponsor the event as well as the donors. She welcomed



all of the participants in attendance and expressed the wish for a productive afternoon. Ms. D’Onofrio explained how the event was a continuation of the training that took place in February 2016 and that the goal of the event was to share best practices and help connect all concerned stakeholders around this important topic, since complex issues need holistic and integrated solutions.

First to take the floor, **Ms. Ana Myrella Saadeh Rivera** (Director of PAMI, and Member of Red Niña Niño of Guatemala) briefly presented the Red Niña Niño of Guatemala, whose aim is to promote the rights of children and adolescents in Guatemala. She went on to explain the many struggles in terms of human rights violations faced by children in Guatemala and the impact this has on their lifestyle.



Many children are likely to be at risk of joining gangs, which are very common in Guatemala. Over 70 different gangs are known to exist with nearly 19,000 known members, according to statistics from 2014. Moreover, due to continuous threats to their safety, many children are forced to take up the option of emigrating, under conditions which violate their human rights. According to statistics from the United States customs and border protection³, as of 30 April 2016 - 57,463 Guatemalan children have been detained with 13,755 of these being unaccompanied minors. The number of unaccompanied minors coming from Guatemala has basically doubled on annual basis starting from 2011.

This exponential increase in the children’s migration is linked to the increased situation of structural violence which is due to substantial impoverishment in the country. Poverty and extreme poverty have produced a relapse in the enjoyment of fundamental rights, especially by children, as shown

by statistics: a 4.1% increase in birth rate of low weight babies in the last two years and a strong reduction of the attendance rate in education, which contributed to an alarming number of over 4 million children being out of the education system in 2015.⁴ At the core of these problems is the lack

«Without more government funding for our children, these issues will continue to exist in Guatemala.»

3. <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>

4. <http://www.prodessa.net/sites/default/files/No4-Boletin.pdf>

of funding provided per child in Guatemala: despite an increase of 38%, the total direct budget allocation for education, health and corresponded to just \$0.84 cents a day per child in the period of 2011-2014.

In conclusion Ms. Ana Myrella Saadeh Rivera, noted that the Universal Periodic Review (UPR) and the Millennium Development Goals (MDGs) have reached similar conclusions: that the full enjoyment of children's rights in Guatemala still presents a major challenge that needs to be effectively addressed through increased budget allocations for children, especially in the field of education and health.

Next panellist **Ms. Liliam Mejia** (National Coordinator of Child and Youth Protection, COIPRODEN and SOS Children's Villages - Honduras) spoke about the displacement of families and children due to the widespread violence and activity of organised criminal gangs existing in her country, an issue highlighted by the UN Special Rapporteur on the human rights of internally displaced persons on the occasion of his recent mission to Honduras.⁵



Ms. Mejia noted that Honduras has the highest homicide rate of Central America; at a whopping 66.5% percent for every 100,000 people, which is ten times more than the worldwide average. In 2015 alone, 387 children aged between 14 and 18 have been killed⁶. Moreover, it is estimated that in the main urban centres approximately 8,000 children live on the street where they are more exposed to gang violence and recruitment. Crime is so rampant that zones controlled by organised criminal gangs are considered lawless (“zonas sin ley”) by the government.

In this context, children and youth in Honduras experience multiple violations of their human rights due to a lack of parental care, domestic violence, economic and sexual exploitation, and, last but not least, their recruitment and exploitation by armed groups linked to organised criminal gangs and the drug trade. In order to escape the pressure exercised by these groups, many children have no other option other than to leave their country. However, migration itself exposes them to many dangers since the travel is carried out in extremely degrading and inhuman conditions.

«We need to continue strengthening connections and synergies between the State and Civil Society in order to provide a better present and future for the children of Honduras.»

5. See Report of the Special Rapporteur on the human rights of internally displaced persons on his recent mission to Honduras, 5 April 2016, UN Doc A/HRC/32/35/Add.4.

6. See Report of “Observatorio de la violencia”, IUDPAS 2015.

In the Universal Periodic Review (UPR) of Honduras held in 2015, Member States put forward several recommendations concerning measures to ensure full protection for children in Honduras, including children in migration. To conclude, Ms. Mejia reiterated the need to reinforce actions aimed at preventing violence, including educational and awareness raising interventions, and strongly encouraged the continued strengthening of connections and synergies between the State and Civil Society actors in order to provide a better present and future for the children of Honduras.

The third panelist, **Ms. Viara Isabel Sequiro Orozco** (Project and Advocacy Officer, Casa Alianza, Nicaragua) concentrated her presentation on the work at Casa Alianza, specifically with adolescents in conflict with the law. Although the phenomenon of gangs is not as widespread in Nicaragua, the country still presents some common challenges in the field of child protection along with other countries of the region. From an annual average of 780 adolescents who assume criminal responsibility, 580 are in detention.



According to a survey of adolescents in a detention centre in Managua, 80% of the adolescents in detention were affiliated to gangs and have used drugs. 90% dropped out of education through drug addiction, gang membership, informal work and/or through living in a street situation. Only 10% had entered a rehabilitation centre.

In accordance with its international obligations stemming from the ratification of relevant international treaties, the State of Nicaragua has made significant progress in the administration of the juvenile criminal system (e.g. through creating 18 District Criminal Courts for teenagers and hiring 32 professionals, including psychologists and social workers, to conduct follow-ups on adolescents who take criminal responsibility.) However, challenges still remain in the protection of children and adolescents in conflict with the law. The UPR of Nicaragua held in 2014 highlighted some of these challenges, in particular through recommendation 114.67 which stressed the need to “Continue efforts to strengthen its juvenile justice system through, inter alia, considering the incorporation of restorative justice principle” (Indonesia).

Ms. Sequiro Orozco presented Casa Alianza’s best practices in providing protection for at-risk adolescents between the ages of 13 and 17, including victims of multiple forms of violence. The nonprofit organisation helps an average of 450 adolescents annually and has reached 6,000 teenagers since

it was founded in 1998. In accordance with a human rights-based approach focusing on children and adolescents, a program of collaboration was established in 2010 with the Supreme Court of Justice. Thanks to the joint efforts made in the last six years, 80% of the 162 adolescents involved successfully completed the program and were reintegrated into society.

«Achievements and building their life projects is a key element to prevent recidivism in adolescents.»

In conclusion, Ms. Orozco stated that the most important lesson learned through the experience of Casa Alianza is that investment in care programs with a systematic restorative justice approach is necessary to avoid relapse and to ensure that children and adolescents in conflict with the law are successfully rehabilitated and reintegrated into society.

The final panelist was **Ms. Monica Nascimento e Silva** (Human Rights Officer, OHCHR) who stressed that from September 2014 to 2016, the Committee on the Rights of the Child (CRC) reviewed nine countries from Latin America and in more than half of those concerns were raised about the high number of children involved in gangs, *maras*, *pandillas* or other organised criminal groups, including drug trafficking groups; the targeted recruitment of children by criminal gangs and the widespread use of violence by, and against, child members of these groups.



There were also concerns about how States are currently tackling this issue. In particular: the lack of adequate resources for preventative initiatives to reduce the incorporation of children into criminal groups; insufficient measures to protect and provide psychosocial support for child victims; the prevalence of a repressive police approach to youth violence; the use of the armed forces to carry out military programs with children and the non-criminalisation of the recruitment of children by all armed groups.

Ms. Nascimento e Silva explained that the Committee created comprehensive and targeted recommendations to help State parties ensure the respect of the rights of the child in these specific contexts. These included addressing the root causes underlying child recruitment and acts of violence, such as poverty, marginalisation and the dropping-out of school, when designing a comprehensive strategy to prevent children from joining gangs, and to provide adequate human, technical and financial resources for the implementation of the strategy.

«States must develop a comprehensive strategy aimed at preventing children from joining gangs, maras, organized crime and drug trafficking groups.»

The Committee is also developing a General Comment on the implementation of the rights of the child during adolescence, which also addresses issues of concern related to the involvement of children in gangs. In particular the fact that States commonly respond to gang membership through an aggressive law enforcement approach without recognising alternatives that provide social support, a source of livelihood, protection, and a sense of identity. The General Comment also addresses the climate of fear, insecurity, threats and violence posed by gang membership which threatens the realisation of the rights of adolescents, and is a major contributory factor in adolescent migration;

the need to address the factors driving adolescents to migrate as well as the vulnerabilities and rights' violations faced by adolescents left behind when parents migrate, including vulnerability to violence and criminal activities.

Finally, this issue is also being considered in the preparation of the Joint General Comment, with the Committee on the Rights of all Migrant Workers and their Families, focusing on the Human Rights of Children in the Context of International Migration.



INTERACTIVE DIALOGUE

Panelist's presentations were followed by interventions of States representatives of El Salvador, Nicaragua and Honduras who took the floor to express their views on the topic and present measures currently in place to tackle this issue.

In particular, the representative of Honduras welcomed the constructive approach shown by Civil Society and reiterated Honduras' intention to enhance cooperation with Civil Society in order to formulate strategies and identify integrated solutions that will address not only the immediate effects, but also the root causes of this phenomenon, which is a major concern for Honduras. It was noted that the phenomenon of *maras* is extremely complex due to its transformative nature, which makes gangs difficult to eradicate. As a result, multiple and complementary measures are needed to effectively and consistently address the issue.

On the same lines, the representative of Nicaragua stressed the importance of the issue of *maras* which, although not as prevalent in Nicaragua compared to other countries of the region, does require an holistic and integrated effort from the countries of Central America to address with the support of actors like Casa Alianza. Ensuring adequate and responsible public policies as well as spaces for social and institutional dialogue is also needed.



The representative of El Salvador outlined several measures undertaken to tackle the issue, such as the work carried out in collaboration with Municipalities to limit youth involvement in gangs; programs of rehabilitation and reintegration into society of children and youth affiliated with gangs; the creation and implementation of the “Plan de Alianza para la prosperidad” jointly carried out by Honduras, Guatemala and El Salvador as well as other forms of collaboration with international institutions like the World Bank and the United Nations Development Program (UNDP), e.g. the Plan “El Salvador Seguro”.

Finally, questions and comments from the public contributed to the discussion, raising several points such as the need for common plans and coordination mechanisms involving all interested countries of the region; the importance of ensuring educational continuity, especially for unaccompanied migrant children and the inclusion in the education system of violence preventive programs.

Bringing together UN experts, Civil Society and States’ Representatives, the event offered an opportunity to share information on actions taken and to identify possible ways to continue to address the issue with more effective and integrated initiatives.





ANNEXES

1. List of participants and contacts

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ANNEXES

2. Links to presentations by the panelists

FOR THE FULL PRESENTATIONS OF THE PANELISTS,
PLEASE CONSULT THE FOLLOWING LINKS:

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Director of PAMI, Member of Red Niña Niño, Guatemala:

<http://www.ccig-iccg.org/wp-content/uploads/2016/07/Ana-Myrella-Saadeh-Rivera-ninez-en-guatemala.pdf>

<http://www.ccig-iccg.org/wp-content/uploads/2016/07/Ana-Myrella-Saadeh-Rivera-PPT-La-niñez-y-adolescencia-de-Guatemala-CDH-2016.pdf>

- **MS. VIARA ISABEL SEQUIRO OROZCO,**

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<http://www.ccig-iccg.org/wp-content/uploads/2016/07/Viara-Isabel-Sequeira-Orozco-ATENCION-A-ADOLESCENTES-CON-RESPONSABILIDAD-PENAL.pdf>

- **MS. LILIAM MEJÍA,**

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<http://www.ccig-iccg.org/wp-content/uploads/2016/07/Liliam-Mejía-ninez-en-Honduras.pdf>

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