

XXXI

TECMUN Jr.

Human Rights Council

XXXI TECMUN Jr.
Session Schedule

Wednesday, November 15th

Registry	8:00 – 9:00 h.
Opening Ceremony	9:00 – 10:00 h.
Recess	10:00 – 10:30 h.
First Session	10:30 – 12:30 h.
Recess	12:30 – 13:00 h.
Second Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Third Session	16:00 – 18:00 h.

Thursday, November 16th

Master Conference	8:30 – 9:30 h.
Recess	9:30 – 10:00 h.
Fourth Session	10:00 – 12:30 h.
Recess	12:30 – 13:00 h.
Fifth Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Sixth Session	16:00 – 18:00 h.

Friday, November 17th

Seventh Session	8:00 – 9:30 h.
Recess	9:30 – 10:00 h.
Eighth Session	10:00 – 12:00 h.
Recess	12:00 – 12:30 h.
Ninth Session	12:30 – 14:40 h.
Meal	14:40 – 16:00 h.
Closing Ceremony	16:00 – 18:30 h.

XXXI TECMUN Jr
General Agenda

Secretary General: Santiago Gutiérrez Caycedo

COORDINACIÓN GENERAL

Chief of General Coordination: *Lía Naomi Mejía Vargas*
Coordinating Supervisor for Media Content: *Emiliano Avalos Hernández y Cristian Rodríguez Lane*

ASAMBLEA GENERAL

Subsecretary General: Monserrat Ríos Fernández
Coordinating Supervisor: Juliette Abby Orihuela Núñez

Sesión Plenaria de la Asamblea General

Presidente: Regina Covarrubias Rosales

- A) Medidas para regular la crisis humanitaria en la República de Haití, partiendo de los desplazamientos forzados ocasionados por la violencia por parte de grupos criminales.
- B) Estrategias para regular la crisis social en la República Islámica de Irán y contrarrestar el uso de pena de muerte como medio de represión, partiendo de las protestas antigubernamentales contra las leyes de moralidad de 2022.

Primera Comisión de Desarme y Seguridad Internacional

Presidente: Paulo Souto Núñez

- A) Estrategias para imposibilitar la posesión y desarrollo de armamento nuclear en la República Islámica de Irán garantizando la seguridad internacional.
- B) Estrategias para evitar el uso de armamento y fuerza hostil en el conflicto fronterizo entre la República de Armenia y la República de Azerbaiyán por el enclave del Alto Karabaj en el Cáucaso del sur.

Alto Comisionado de las Naciones Unidas para los Refugiados

Presidente: Arantza González de la Peña

- A) Acciones para reforzar la respuesta internacional con el fin de garantizar la seguridad y el acceso a servicios básicos de los refugiados provenientes del llamado Cuerno de África como consecuencia de la sequía y los conflictos internos en la República Democrática de Somalia.
- B) Medidas para proteger y asegurar el cumplimiento de los derechos humanos de las personas desplazadas internamente, solicitantes de asilo y refugiados como consecuencia de la crisis social en la República Democrática del Congo.

United Nations Entity for Gender Equality and the Empowerment of Women

President: Nuri Valentina Galindo Gutiérrez

- A) Measures to guarantee the economic empowerment of women in the Middle East with an emphasis on the Islamic Republic of Afghanistan after the ban of work for Afghan women and its consequences.

B) Procedures to reinforce and protect reproductive rights for women in Africa as a consequence of the HIV and AIDS pandemic.

Programa de las Naciones Unidas para el Medio Ambiente

Presidente: Jorge Roel Rodríguez Alcantara

A) Mecanismos para frenar la desertificación en el continente africano, con énfasis en la sequía y las prácticas agrícolas no sostenibles en la región del Sahel.

B) Acciones para mitigar el impacto ambiental de la industria textil en países del sur de Asia, abordando la producción de moda rápida.

Histórica Organización de los Estados Americanos

Presidente: Abril Victoria Rodríguez Aguirre

A) Medidas para conciliar la paz entre las Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) y el gobierno de la República de Colombia con énfasis en salvaguardar los derechos humanos de los ciudadanos.

B) Estrategias para frenar las hostilidades desencadenadas por el control de las islas Malvinas entre Reino Unido de Gran Bretaña e Irlanda del Norte y la República de Argentina con énfasis en proteger los derechos de soberanía y los intereses de los poblado.

United Nations Office on Drugs and Crime

President: Valeria Arroyo Jerez

A) Strategies to curb and counter migrant smuggling coordinated by criminal organizations, with emphasis on the South and Central America to North America route.

B) Approaches to prevent and counter the spread of Xylazine and Fentanyl in North America with preeminence in Philadelphia's "Zombie zone".

CONSEJO ECONÓMICO Y SOCIAL

Subsecretary General: Catherine Romina Espinoza Mora

Coordinating Supervisor: Brenda Noreña Mejía

Comisión de Prevención del Delito y Justicia Penal

Presidente: Miranda Senties Carmona

A) Estrategias para disminuir la actividad del crimen organizado transnacional en la Triple Frontera, entre la República del Paraguay, la República Argentina y la República Federativa de Brasil debido al problema del control territorial ocasionado por la insuficiencia en el imperio de la ley y corrupción.

B) Acciones para erradicar cualquier sistema de tortura a prisioneros en los centros penitenciarios efectuado por el personal de seguridad en la República Árabe Siria.

Organización Mundial de la Salud

Presidente: Aranza Michelle Castro Rivero

A) Medidas para mejorar la salud mental en adolescentes con énfasis en la eliminación de trastornos psicológicos tras los efectos del confinamiento de la pandemia de COVID-19.

B) Estrategias para priorizar el acceso a los servicios de salud sexual reproductiva en zonas rurales de Latinoamérica y el Caribe.

Human Rights Council

President: Regina Lacorte Mariscal

A) Measures to stop the displacement of families caused by organized crime in vulnerable communities in the United States of Mexico

B) Actions to ensure the human rights of prisoners after the approval of the Exception Regime in the Republic of El Salvador, focusing on the so-called "conflict against gangs" headed by the government of Nayib Bukele.

Comisión Económica y Social para Asia y el Pacífico

Presidente: Giovanna Gamboa Molina

A) Estrategias para implementar un desarrollo de proyectos que aumenten el comercio e infraestructura en Asia y el Pacífico debido a que las zonas productivas se han visto afectadas por los desastres naturales.

B) Medidas para mejorar la calidad de vida de las personas de bajos recursos en las estructuras institucionales de salud y vivienda debido a los conflictos territoriales entre la República Kirguisa y la República de Tayikistán.

United Nations Convention Against Corruption

President: William Vázquez Hernández

A) Measures to reinforce and criminalize any act deemed corrupt in Latin America on the police department focusing on the systematic and police-citizens variants.

B) Measures to stop the theft of assets executed by the government in the Republic of Equatorial Guinea coming from the oil industry causing a defunding on education and health sectors.

Foro Político del Alto Nivel para el Desarrollo Sostenible

Presidente: Sara Sofía Govantes Cruz

A) Medidas para detener y prevenir el impacto que tiene la moda rápida en Europa y Asia, con énfasis en las tres dimensiones de desarrollo sustentable.

B) Acciones para impulsar el turismo sostenible con énfasis en los Pequeños Estados Insulares en Desarrollo del Caribe.

Commission on Science and Technology for Development

President: María José Parra Meza

A) Strategies to replace animal testing with new technological developments in the makeup industry in Latin America, the European Union and the People's Republic of China.

B) Measures to improve the challenges of the labor market due to new sciences and technologies, adapting workers to them with an emphasis on Europe and North America.

AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES

Subsecretary General: Bruno Ramírez Barcelata

Coordinating Supervisor: María Fernanda García Bautista

Organización de las Naciones Unidas para el Desarrollo Industrial

Presidente: María Sigaru Alcantara Nieva

- A) Medidas para reducir los efectos adversos por desastres ecológicos a causa de la industrialización química con énfasis en la República de la India, Japón y el Estado de Kuwait
- B) Estrategias para impulsar el desarrollo industrial sustentable con el fin de reducir los altos índices de gases de efecto invernadero en América Latina y el Caribe

Organization for the Prohibition of Chemical Weapons

President: María Fernanda Vázquez Trejo

- A) Measures to solve the multiple attacks of chemical weapons on the Syrian Arab Republic, focusing on the chemical problem of Khan Sheikhoun in 2017
- B) Measures to prevent the usage of neurotoxins as weapons, emphasizing the novichok attacks led by the Russian government

International Criminal Police Organization

President: Mariana Carolina Guerrero Zárate

- A) Measures to halt the growth of human trafficking networks in Southern Asia, with emphasis on organ trafficking
- B) Strategies to cope with the massive firearms trafficking in Latin America, focusing on the triple border between Paraguay, Brazil and Argentina

Comité Internacional de la Cruz Roja

Presidente: Silvia Alejandra Delgado López

- A) Medidas para proteger a las víctimas y desplazados después de la toma de control del partido Frente de Liberación Popular de Tigré en la República Democrática Federal de Etiopía.
- B) Acciones para garantizar el bienestar y salvaguardar la dignidad de los afectados por el conflicto civil en la República Árabe Siria en los campos de refugiados, así como en las rutas utilizadas.

Organización del Tratado del Atlántico Norte

Presidente: Paulette Mayen Álvarez

- A) Fortalecimiento de estrategias para la protección de civiles en el conflicto armado entre la República de Serbia y la República de Kosovo, con énfasis en el mantenimiento de la paz
- B) Estrategias para contrarrestar los ciberataques hacia la República de Ucrania en el ciberespacio; dentro de la problemática de la Federación de Rusia y sus consecuencias, con el fin de salvaguardar la información del Estado y la OTAN

Security Council

President: Yésika Pamela García Trejo

- A) Actions to mitigate the crisis in Lake Chad Basin, addressing violence, economic recovery and security restoration
- B) Strategies for the prevention of nuclear accidents with an emphasis on Russia, France and USA

International Criminal Court

President: Manuel Alejandro Grajales Santillán

- A) The Prosecutor v. Saif Al-Islam Gaddafi
- B) The Prosecutor v. Patrice-Edouard Ngaissona Abdel Raheem Muhammad Hussein

"When one does something with one's heart, one should feel proud."

-Fernando Alonso Diaz

For you:

6 years ago I was starting my adventure in the world of Model United Nations. I remember very much my first model, I was the delegate of Guinea Bissau in a UNESCO committee. We were looking for solutions for the theft of marine archaeology. That sixth grader, who almost cried his first time going to the list of speakers, today is the Secretary General of the largest Model United Nations in Latin America, TECMUN.

When I started in Model United Nations it was a world full of uncertainty, but little by little I got deeper, until I got here, it has been a long road, but it has been worth it. Along the way I have met many people who have inspired me, now it is your turn to inspire me. Thanks to you, I am still here, I want to thank you for inspiring me to continue to stand in front and follow a dream.

For you, delegation, embassy, judge, agent or defender; whether it's your first time in a model or your tenth, I hope these 3 days of debate and hard work will pay off. First of all, I would like you to feel **proud** of the work you have done, standing up in a forum is not easy, and you are the **brave** ones who do it. Feel even braver for becoming, even if only in 3 days, agents of change, for daring to raise your placard in moderate caucus, for having **initiative** to negotiate in simple caucus and for making your proposals, that, even if they sound very crazy, try to **change the world**.

I invite you to take advantage of this opportunity, to enjoy these 3 days and not to take this model as just another task or as an obligation of your school, but to **have the initiative and be brave enough to dare to change the world**.

Santiago Gutiérrez Caycedo
Secretary General for the
XXXI TECMUN Jr.

*“Be a lover. Give love. Choose love. Always”
- Harry Styles*

Dear participant:

I hope these three days will be more than a United Nations model, you have probably heard this at TECMUN before, or if it is your first time here, prepare to hear over and over again that TECMUN will change your life, or at least the following years. Maybe the phrase sounds very cliché, or maybe you think it is not true, but let me tell you that at least for me, it did change my course. You do not realize the great impact that something has on your life until it starts to end, and this being my penultimate TECMUN after two years as part of the Secretariat, I can say that nothing would have been the same without this family.

This United Nations model goes beyond assuming the role of a delegation and maintaining a position, it is also about recognizing alternate realities to our own and being able to recognize the power we have. In such a chaotic world, it is important that we always keep in mind that not all people live in the same reality, unfortunately, some face difficulties day by day, while others live in comfort and luxuries. Today more than ever we must raise our voices as new generations, it is of the utmost importance that we fight for a better world for ourselves and for the generations to come; because this is not about being selfish and looking out only for ourselves, but also taking care of the future of the next people who will be in this world.

It is very easy to hate something or someone, hate something you do, create a hate speech, promote discrimination, but the most difficult thing will always be to love, to love what you do, to love who you do it for, or to love yourself. And when you manage to love yourself, love what you do and for whom and why you do it, then you will have won.

If there is something that I want you to take into account during these three days, I want you to know that there is nothing more valuable than fighting for what you love, be it a cause or a hobby, never allow anything or anyone to take away your love for what you are doing. From my own experience, please never give up on what you are passionate about, because for a reason you have come so far and for a reason you are putting so much effort into what moves your soul and mind every day.

I hope with all my heart that you enjoy these three days of the model to the fullest, I hope that you meet new people, realities that are different from yours, or better yet, that you find that motivation to continue wanting to change the world. Believe me, there is no more satisfying achievement than impacting those around us.

Lía Naomi Mejía Vargas
Chief of General Coordination for the
XXXI TECMUN Jr.

“Qué maravilloso es que nadie tenga que esperar ni un segundo para empezar a mejorar el mundo”

- Ana Frank

Delegation,

Let me express my gratitude for taking the time to read these words and reflect on the importance of action in our world today. In these complex and changing times, it is true that the world needs more than empty promises. We need to make the commitment to act, to take charge and make a difference. Often, we find ourselves surrounded by rhetorical speeches, but it is concrete acts that really generate an effective impact on our environment.

There may be a number of reasons why we are here, but regardless, we must take this opportunity to grow, learn and leave our mark. It is not always easy to be part of a group or community, especially when participation is low, but it is in those moments that our courage and perseverance are most relevant.

Passion is a powerful engine that drives us to give the best of ourselves. If you are passionate about this space, if you find satisfaction in debating, defending your points of view and solving problems, then you have discovered an invaluable treasure. Passion is an indicator that you are on the right path, and when we find what we like to do, the desire to create change becomes an unstoppable force. On this journey towards discovering our true vocation, we must not lose sight of the importance of our actions. Words can be powerful, but it is actions that transform the world. Each small step we take towards a goal can have a positive impact on our lives and on the lives of others. Said like this, it is an honor and a privilege to be gathered once again in this meeting that transcends borders and allows us to imagine a world more united and collaborative. TECMUN, much more than a simple academic event, is a space where passion, leadership and the genuine desire to make a difference converge. Today, I invite you to give TECMUN a chance and allow this transformative experience to touch your lives as it did mine. Open your minds and hearts to new perspectives, as this is not just an event, it is a journey towards self-discovery and personal empowerment.

Catherine Romina Espinoza Mora
Subsecretary for the Economic and Social Council
for the XXXI TECMUN Jr.

“The passion for what you do will make you understand that the limits are in your head”
-Anonymous

Dear delegate,

Welcome to Human Rights Council and what will perhaps be your first UN model or your first TECMUN, welcome to what I am sure will be an experience that will change your life completely. If so, I want to congratulate you for being here, congratulations for challenging yourself, and getting out of your comfort zone, I commend you for the effort you will put into your research and the dedication with which you will debate in the following three days, I congratulate you for the firmness with which you will share your opinion and points of view and I congratulate you for knowing how to overcome the nerves and anxiety that this great challenge may cause you. I commend you and with great affection, I share with you that the reward for all that sacrifice and effort you made will be reflected in a priceless way. Most likely, as we have all done in the TECMUN family, you will find a new passion that will accompany you for many years of your life, hopefully as I did, you will find that your sweaty hands before participating in the speaker's list, the anxiety to finish your resolution paper as soon as possible and the nerves to stand up and make your opinion known, at the end of the day they gave you new long-lasting friendships, opportunities, and experiences that are priceless but the most important reward, in my opinion, is that you will discover you have no limits, that have the potential to change your perspective on the world and see beyond what you know, you will find out that you can achieve whatever you set your mind to and you are going to discover that you can change the world by working hard, believing in yourself, listening to others and doing everything with love and passion.

Coming up you have at your disposal the handbook with all the necessary information you need so that during these three days you can develop your debate in the best way. During the days of the model, please get out of your comfort zone and make your opinion and perspective known, because both are very valuable and important, take this opportunity to get to know yourself and the great potential you have. Finally, I also want to remind you of one of the most important things about this model, have fun and enjoy every minute of the sessions, create memories, and learn everything you can. Give yourself the opportunity to know and love TECMUN as much as I do, I am sure it will change your life in the most positive and beautiful way as it did for me and I hope you enjoy these three days that we have been preparing with great care and passion for you, delegate.

Regina Lacorte Mariscal
President of the Human Rights Council
for the XXXI TECMUN Jr.

Background

Replacing the Commission of Human Rights, the General Assembly created The Human Rights Council (HRC) on 15 March of 2006. Being an intergovernmental body of the United Nations the Human Rights Council is answerable for heightening the constant promotion and protection of human rights all around the world. Besides the HRC is also responsible for redirecting any case where constitutional rights are violated, with the aim of a satisfactory development of the faculties of this committee which is formed by 47 Member States who meet at the United Nations Office at Geneva so that in this way each year they discuss problems and situations in relation to civil rights around the world which require due awareness and monitoring of the council.

Faculties

With the purpose of enhance the effectiveness of the international promotion and protection of human rights, The Human Rights Council has the compromise of:

- Get involved with the respective authorities with the intention of offering collaboration and reporting any case of human rights violation.
- Establish commissions which investigate and address cases of civil liberties violations.
- Examine claims made by a Member State against another regarding breaches of its responsibilities under the International Covenant on Civil and Political Rights.

- Address urgent human rights crises and organize field visits to examine and facilitate better implementation of citizen rights.

Topic A

Measures to stop the displacement of families caused by organized crime in vulnerable communities in the United States of Mexico.

By: Regina Lacorte Mariscal

Introduction

In Mexico, for more than ten years the entire country, especially the most vulnerable communities, have suffered the consequences that organized crime has on them. However, to date one of the most severe problems facing Mexican communities is related to childhood. According to the report of a study carried out by *Reinserta*, a Mexican non-profit organization that focuses on crime and its effects in the country, today 30,000 children are recruited each year by criminal gangs¹ throughout the country to be exploited and become part of its criminal groups as well as participate actively and openly in illegal activities orchestrated by these groups. As a consequence of the forced recruitment of children in vulnerable situations, their families are facing the need of escaping from their communities.

Children and teenagers, especially between 13 and 15 years old, are called “*halcones*” and fulfill surveillance² roles, however, they also attain tasks such as packaging drugs, extorting, kidnapping, and monitoring safety houses, they even fulfill roles such as hitmen³. To carry out these types of tasks, young people are exploited to work long hours and in most cases, they resort to drugs such as cocaine to stay awake. Recruits are on the front lines of violence by actively participating in inter-cartel⁴ combat for which they receive specialized training. These trainings range from learning to shoot a weapon to being loyal to these criminal gangs and are gradually stripped of the sensitivity that they possess as children. Saskia Niño de Rivera Co-founder of *Reinserta* established for *El Financiero* "They find themselves in a situation by belonging to these groups, where it is their life or the

¹ **Gangs:** An organized group of criminals.

² **Surveillance:** Close observation, especially of a suspected spy or criminal.

³ **Hitmen:** Someone who is paid to take away the life of people, especially for a criminal or political organization.

⁴ **Inter-cartel:** Related to any activity or matter happening within a criminal organization.

life of the other".

Organized crime in Mexico

Organized crime is a phenomenon that has had the Mexican population under a wave of violence for more than 15 years, it is a crisis that is fed by different social, political, economic, and legal factors that come together to make this happening possible and get stronger over the years. Each organized group has a different way of operating with further complexity, depending on its environment and geographical position, factors such as customs also affect the operation of the gangs. The peculiarities that surround the situation are very complicated and make this problem very difficult for the authorities and civil society to face, which on many occasions is also forced to combat these problems. Mexican government provides little follow-up and resolution to many violence cases caused by organized crime so civil society has had to take action on its own.

One of the factors that make organized crime issues so complicated is the formality with which they are orchestrated. The organization of this type of criminal form resides in how important it is for these groups to have a solid structure in the illegal body, the actors that participate in it, the administration of the distribution and communication channels, and the administration of resources. But above all, one of the most important factors is the structures, that is, the legal authorities that they corrupt in order to obtain their illicit ends with success. A very important matter that makes these groups operate successfully is the sense of belonging that they produce, it becomes a lifestyle with which, above all, children identify and create a "nucleus" similar to what a family is.

The presence of the drug cartels in Mexico is spread over approximately 1.59

million kilometers of the country, 81% of the total Mexican territory. It is also estimated that throughout the national territory, 108 million Mexicans are daily exposed to violence and live at potential risk. The criminal organizations with the greatest presence in the country are the Jalisco Nueva Generación Cartel and the Sinaloa Cartel, and it is estimated that there are more than 170 criminal organizations in the country. Specialists affirm that the radius of influence held by the groups mentioned above is the following: The Jalisco Cartel dominates 477,000 square kilometers, and the Sinaloa Cartel 674,000.

The interest of criminal gangs for children and adolescents in vulnerable situations

There are many factors that cause children and adolescents to end up in a situation such as being part of a criminal group. However, there are two situations that in general summarize the causes of these events, the first one which is present in the outstanding minority of cases is the interest of young people to be included in these criminal groups. In this situation, children from an early age who have lived in environments of violence and insecurity are convinced that they will earn respect and security in their communities. The second situation is when families are forced to hand over their children to join criminal groups knowing that if they refuse, they are threatened⁵ with being deprived of life, this causes families with the possibility of moving to different communities to take refuge where they can, nevertheless in many occasions they are persecuted.

Another factor of great weight for organized crime groups to forcefully recruit minors is that in the Mexican system, the punishment for minors under 14 who carry out illegal activities is practically nil since it is considered that at that age they have no legal responsibility for their crimes. At ages 14 to 18 they simply receive very short minimum

⁵ **Threatened:** Express one's intention to harm.

sentences which allows them to be easily unaware of the consequences of their actions. Minors are also a very easy and accessible way for these groups to recover the armed forces lost during the armed conflict against cartels⁶ since the most abundant sector of Mexican society are young people. This situation also reveals that there is a great legal loophole to be able to face this problem and it is not really recognized as an emergency problem for the country.

Displacement

Populations of Sinaloa, Chihuahua, or Durango have become ghost towns because people flee out of fear or because they are forced to leave due to threats from criminal groups. There are cases in which drug traffickers force families to work for them, such as in the communities of the Tepehuana ethnic group in Durango where ranchers and farmers are forced to work the merchandise that illegal groups traffic so in response they fled to prevent this from happening. However, not only field workers are being expelled, but also other professionals who are crucial for the development of communities such as teachers, doctors, and nurses, among others are escaping their homes due to fear and insecurity. Other types of cases occur when people are trapped within their communities in the middle of disputes between cartels where people's lives are violated.

Another obstacle to solving this problem is that the Mexican government does not recognize this problem as a national crisis nor does it classify this crime that many communities in the country suffer. Despite the fact that the chamber of deputies has called for specialized programs to address this problem multiple times, the Mexican government has

⁶ **Cartels:** Acriminal organization that controls the promotion and distribution of narcotic drugs.

not yet recognized that there is a crisis of forced displacement of communities due to the dispute against narco⁷ in the country. Adding that there is also no official figure since an investigation that yields the exact figures and where these vulnerable communities are moving has not yet been carried out. However, specialists warned that the displaced could be up to a million and that especially indigenous people and peasants tend to groups in the suburbs of nearby cities or emigrate to the United States of America.

The departure of the people from their communities does not happen in a massive way, actually, there is a gradual way in which those affected flee their homes. The so-called *goteo* is a process that occurs when a family member moves to another state of the republic or to the United States and after a specific time, they return to get the other members of their family and return to their new home and settle. A reflection of the departure of the population from their places of origin can be seen in the enrollment of schools and universities, it is also reflected in the economic activity in a significant way. After the population of the communities leaves their places of origin, another critical problem arises when the neighborhoods or communities are left completely abandoned or without enough people to maintain the development of the community, and ghost towns are created in this way.

In most cases, armed groups and the country's armed forces clash violently, leaving innocent people and vulnerable communities in the middle. Their houses, schools, common areas, and fields are destroyed and riddled with bullets, so the people who have stayed in the ghost towns have taken it upon themselves to maintain and restore the towns that drug violence has left behind. However, the criminal groups are not limited there, the survivors continue to feel insecure because they know that the members of the groups continue to

⁷ **Narco:** Drug dealer

monitor and observe the communities that they have already taken over to use their fields for their benefit. In some cases where survivors who stayed in their communities help other people to escape, they are threatened and constantly monitored, even when they are supposedly protected by the government because of their vulnerable situation.

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Topic B

Actions to ensure the human rights of prisoners after the approval of the Exception Regime in the Republic of Salvador, focusing on the so-called "conflict against gangs" headed by the government of Nayib Bukele.

Introduction

Between March 25 and 27 of 2022, El Salvador had the most violent 24 hours in the entire century. In just one weekend, the criminal gang called *Mara Salvatrucha* (MS-13) killed 87 people who had no connection neither with that gang or any other, as a consequence, members of the administration of Nayib Bukele, President of the Republic of El Salvador who had been having secret agreements with gang leaders for at least three years by that time, ended the “relationship” and the dialogue ceased. In reaction, Bukele decreed an emergency in response to an extreme violence increase committed by gangs; and ordered his Legislative Assembly to approve a state of exception which suspended fundamental human rights and allowed any officer or soldier to imprison any citizen considered suspicious meaning that the army had returned to the streets in full force, it is estimated that almost over 61,000 Salvadorans were arrested in ten months and, every judicial process was completely reserved. However, hundreds of the arrested were people who had no gang involvement, nevertheless, the president of El Salvador assures the actions taken will end gang violence.

Background of criminal gangs in El Salvador

Emerging from a 12-year violent episode in El Salvador, in 1989 the United States decided to deport all criminals with a record who were involved with gangs in Southern California. The Salvadoran context was delicate, since there was a large amount of poverty and orphans, so the State was not capable of dealing with the arrival of this criminal group. The experience of the deportees to organize criminal groups was valuable since they had learned the best in the world capital of Latino gangs where there were more than 60 criminal organizations, in Southern California, more specifically, in Los Angeles. In El Salvador, those 4,000 deportees became 60,000 criminals throughout more than 14 states of the country, and

despite the attempts to resolve this conflict with repression since 2003, the failed attempts against the Maras left El Salvador as the country with the highest homicide rate in the world in 2009, with 71 homicides per 100,000 Salvadorans and years later with the highest figures of the century, having 103 homicides per 100,000 people.

Attempts by the authorities to stop the waves of violence, insecurity, and deaths caused by criminal groups were present with great force throughout the country, including a pact with these gangs. However, the authorities refused to make it public in any way, therefore, it was hidden from the population, deciding not to risk the votes since the measures taken to have a ceasefire were highly rejected and highly unpopular. In 2014, when the same political party and government won the presidency of El Salvador, they decided to start with a different strategy that included very strong repression never presented before in the country.

Criminal gangs among the country

Mara Salvatrucha is the best-known street gang in the West, *La Mara Salvatrucha* or also known as MS13, originates from the poorest neighborhoods in Los Angeles where refugees lived in the 1980s. Today the criminal organization has spread from Central American countries to Europe. It is known for living mostly from extortion and being a predatory gang, the social ties that the members maintain have been a strong point for the resilience they show, although these ties are created and strengthened through violence towards their rivals and among themselves, their illegal activities have been a great support to make the place with the most violence in the world without armed conflict taking place, "The Northern Triangle" made up of El Salvador, Honduras, and Guatemala. The United States has described the *Mara Salvatrucha* as a "transnational criminal organization" and also accused more than twelve of the most important leaders of this organization in El Salvador of

terrorism.

Barrio 18 has its origins in the late 1950s in Los Angeles, although in the 1980s it reached its current strength and shape after splitting from the *Clanton 14*, a south gang. As Latino nationalities began to join the immigrant population, *Barrio 18* began a very varied recruitment of members in terms of the origin, this made it easier for them to spread to many other countries with much more force, especially to Central America. After many attempts by the authorities to stop the criminal gang, at the end of the 1980s, the local police and the Federal Bureau of Investigation (FBI) dissolved the arrest of some of the most important leaders of *Barrio 18*, however, this did not mean much damage to the gang as they found a way to establish a new place to operate and recruit in the federal prisons. *Barrio 18* has been greatly weakened in El Salvador and it remains to be seen whether the organization will continue to exist in the long term, even so, they have a tendency to expand, in consequence, it is likely that they will consolidate their presence in other places.

State of Exception

As a consequence of the massacre that occurred in March, Bukele initially imposed a state of exception for a month, immediately afterward, there was a large increase in the arrests of those who allegedly had ties to criminal gangs so the Legislative Assembly prolonged the exception regime for another 30 days. Salvador's Constitution establishes that in extreme situations, ranging from serious disturbances of public order to armed conflict or a pandemic, the government has the right and power to invoke what it called a "state of exception". This means that while being implemented, El Salvador's congress, the Legislative Assembly is able to postpone the validity of certain basic rights such as free speech and protest rights and in some cases freedom of movement and defense.

The following constitutional guarantees and rights are suspended under the state of exception:

- Privacy protections around communications and correspondence (Art. 24).
- The right to be informed of the reasons behind detention, defendants may be compelled to testify and lose their right to defense (Art. 12, paragraph 2).
- Freedom of association (Art. 7).
- Suspension of the previous guarantees that limit how long someone may be detained (Art. 13 inc. 2).

In the last 10 months, more than 60,000 citizens have been arrested and El Salvador's president has managed to weaken two of the most important and violent criminal organizations, *Barrio-18* and *Mara Salvatrucha*, nevertheless, accusations against the government regarding human rights violations have increased in a very significant magnitude. An investigation made by Human Rights Watch (HRW) and Cristosal, an organization that contributes to improving human rights in Central America, revealed a long list of human rights violations and inconsistencies among the strategy of Bukele to stop gang violence in the country, for a start, HRW had access to a database which records showed “large-scale abuses” in the prisons under the decreed regime. The database reveals that Salvadoran authorities have arrested and subjected people, including children. It additionally shows that 7,900 women, the double total number detained the last February of 2021, were sent to provisional detention in conditions of extreme overcrowding, adding to the poor management and control of the Bukeles government, and harassment against the press and anyone defending human rights. Cristosal’s documentation also shows high figures of deaths inside prisons being classified as

“natural cause” or ”sudden death” by the government but, forensic reports point otherwise and in fact, indicate violent causes of death or torture.

In 75 cases, the investigation states as a "common pattern" the appearance of bruises, signs of strangulation, lacerations, and injuries with sharp objects on the corpses, alleging that mechanical asphyxia is one of the most frequent causes described in legal medical reports. Even so, Cristosal determined that the figures presented in the report could fall short since there is a lot of hidden information. In addition, the report includes stories and narrations from ex-prisoners who allege that the humiliations, overcrowding, beatings, mistreatment, and deplorable living conditions were part of daily life in prisons, for human rights defenders, these kinds of actions and measures taken in El Salvador back to its past. “In Salvadoran history, states of exception are not novelties. They are preferred instruments of social control and political repression. Today every Salvadoran knows that any encounter with a police officer can end in capture and being subjected to torture-to-death conditions” (Noah Bullock, director of Cristosal, told EL PAÍS. 2022).

In some cases they are only allowed to drink a glass of water during the day" or a testimonial stated that "One day a guard came with a bucket of food and said, are you hungry?" When we answered yes, the custodian threw the food on the ground that was full of mud and told us: "pick it up with your mouth, if you grab it with your hands, I'm going to take you out and I'm going to beat you up" and gave us five seconds to pick up food with the mouth. We, with hunger, had to eat from the muddy ground. Then he went to one side... when he came back, the guard said to the other: "the dogs were hungry". That same week, according to the story, representatives of a human rights organization visited, but a custodian had previously warned them not to complain: “Visits will come tomorrow and the first artist

to come out saying the deal here, He is the first to die with electric shocks. (Cristosal report, 2023).

The "Bukele effect"

Bukele, the "coolest dictator in the world" as he calls himself, thanks to his presence on social media and his millennial personality, leads the conflict against criminal gangs. His mega operation has resorted to misinformation and censorship of journalists and critics, as well as the most obvious situation, prisons, which causes great concern around the world as it is compared to torture chambers. Supporting these accusations with photographs and decease reports in custody, according to the executive itself. Adding to the construction and inauguration of the mega prison, the largest in Latin America, Bukele takes advantage of the fight against the gangs and his growing popularity to strengthen control in the country and likewise announce his candidacy for re-election, even though the Constitution indicates the prohibition of such intentions.

President Nayib Bukele affirmed in view of the United Nations General Assembly that his country in a very short time had gone from being "literally the most dangerous country in the world to being on the way to being the safest in America", his speech continued, praising the qualities and characteristics that can be found in his country and with great pride, he affirmed that everyone who visits El Salvador will be able to walk with peace and they will find united people who fight for their freedom. Although he also stated that "in order to be free it is an essential requirement that the powerful respect the freedom of their nation" (Nayib Bukele, 2022).

The acceptance of the President of El Salvador rose to a rate of 91%, according to the survey released by LPG Data, Salvadoran people consider that the president is achieving

something that no one has been able to do before, and despite the concerns and the many innocent people being affected, they classify what is happening as something that had to happen, Salvadorans affirm that there is a significant decrease in crime and insecurity that positively affects their daily lives. However, for the inhabitants of areas that are still militarized and the authorities enter their homes to search the place and their families, the benefit is not the same. Reiterating the presence of thousands of cases of arrests of innocents that end in human rights violations, the separation of children and their parents and, fear among the population. The concern is no longer towards the gangs, now the Government, which is there to protect Salvadorans, is responsible, a prison official even confessed to the AP news agency that there is great pressure from his authorities to arrest more civilians and that as a reward they are entitled to more vacation days on dates like Christmas, a large number of innocent people were arrested and he even admitted they were committing crimes.

Public clashes involving the president of El Salvador with The Congress have been very frequent, but it is not the only power he has faced, since he has also had many differences with the judiciary. For example, the Constitutional Chamber of the Supreme Court reported that they would issue a resolution with the aim of putting an end to "arbitrary" detentions to which Nyib Bukele responded by tweeting that he simply would not abide by what was declared. This type of difference between the state demonstrates once again that in El Salvador there is a weak rule of law.

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