



# Transnational Violence Against Asylum-Seeking Women and Children: Honduras and the United States-Mexico Border

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## Abstract

Corrupt political institutions, lack of resources, and gang violence in Central America fuel the influx of asylum-seeking women and children to the United States (US). Yet, immigrant women and children are still at risk for poor health and violence in the US due to the lack of protection and support. Through a case study of a teenage girl from Honduras living in the US who was murdered by her ex-boyfriend who followed her to the US, we elucidate ways in which the US and Honduras have violated the rights of women and children. As background, we describe the context of US foreign policy towards immigration and the market for illicit drugs; and, in Honduras, the lack of appropriate healthcare, education, and legal protections. We identify human rights-based solutions to protect the rights of women and children and provide recommendations for improvement for the US government and organizations in Honduras.

**Keywords** Women · Children · Asylum seekers · Violence · Human rights · Public health

## Introduction

While overall unauthorized immigration into the United States (US) has been declining, there has been an increase in Central American migration to the US-Mexico border (Cohn 2017). Women and children are at high risk of violence and trauma when fleeing

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dangerous situations and migrating into the US. Regardless of the dangers, women and children continue to travel from Central American countries, such as Honduras, El Salvador, and Guatemala, in order to seek asylum in the US (UN High Commissioner for Refugees 2014, 2015). The number of asylum-seeking individuals from Guatemala, El Salvador, and Honduras (known as the Northern Triangle) has increased by 25% in fiscal year 2017 compared to 2016 (Meyer 2018). Also in 2015, approximately 5400 unaccompanied children from Honduras crossed the US-Mexico border (U.S. Customs and Border Protection 2018). Oftentimes, they are seeking safety, better lives, and or escaping exploitive or abusive situations at home (Fazel and Stein 2002; McLeigh 2013; UN High Commissioner for Refugees 2014, 2015).

Women and children are pressured to flee their home countries due to serious violence and discrimination. For instance, a study from 2012 reported that 27% of women in Honduras have experienced physical violence at some point in their lives (Instituto Nacional de Estadística 2012), and gender-based violence is the second leading cause of death for women of reproductive age (Jones 2012). Asylum-seeking women and children from the Northern Triangle assume that once they arrive at the US-Mexico border, they will have a chance to survive (BBC 2018a). Currently, the US has welcomed asylum-seeking women and children at the US-Mexico border with tear gas and military troops to “harden” the border (BBC 2018a; Yuhas 2019). If asylum-seeking women and children are allowed to cross the border, they are placed under US Border Patrol custody, in reported inhumane conditions and inadequate care that have led to the deaths of at least two children in December 2018 (Jordan 2018; Sacchetti 2018). International human rights law dictates that every woman and child is entitled to certain rights and protections. However, the Northern Triangle and the US are in violation of these laws enshrined in The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), and other doctrines instated by the United Nations (UN General Assembly 1979, 1989).

In order to demonstrate reasons women and children are seeking asylum and how the current US government immigration policy is at odds with international human rights laws, we introduce an exemplary case study of a young Honduran woman and review the humanitarian crisis in Honduras. To provide context, we describe the experiences of children and women in Honduras in relation to the Honduran public health system. We characterize the motives for the influx of women and children asylum seekers arriving at the US-Mexico border from Central America and identify the related human rights violations. Lastly, we propose recommendations for how different entities in the US migratory process can incorporate human rights laws into their roles and protect the rights of asylum-seeking women and children, including the role and responsibility of Congress. The US is responsible for providing necessary resources to ensure that the violence and trauma that asylum-seeking women and children have experienced are identified at the US-Mexico border and addressed as they resettle in the US.

## Background

Historically, US public policy related to immigration across the US-Mexico border has generally neglected the mental and social health effects of immigration (McGuire and

Martin 2007). With the recent implementation of the “Zero Tolerance” policy, thousands of children have been separated from their family members once they arrive in the US-Mexico border when seeking asylum (Chishti 2018; Olivera 2018; The Attorney General 2018). While the US had experienced mass waves of immigration since its establishment during the colonial era (Ewing 2012; Population Reference Bureau 2014), most recently, the political articulation in the US has demonstrated and heightened anti-immigrant sentiment towards present-day asylum seekers (Bohman 2011; Olivera 2018). The “Zero Tolerance” policy was implemented to discourage immigration into the US from Central America and was fueled by racist, anti-immigration political rhetoric, and sentiment in the US (Kramer 2018), which is reaching a dangerous flashpoint in US history. Most recently, migrant caravans consisting of many women and children from the Northern Triangle region have arrived at the US-Mexico border to request asylum and have been turned away and forced to camp out in Mexico border towns, such as Tijuana (Villegas 2019). The current administration has characterized these migrant caravans as “an invasion,” portraying them in an ominous light and continuing to urge Congress to provide over \$5 billion for a border wall (BBC 2018a; Ernst et al. 2019). The US government has been in a partial shutdown, the longest in US history, due to the lack of support for the current administration’s demands in funding for a wall along the US-Mexico border (Collinson and Maegan 2019).

These harsh political and humanitarian realities of today are diverting attention from the widespread undercurrent of the lack of support and attention to violence against women and children. Many asylum seekers that arrive at the US-Mexico border are victims of domestic violence and have not had access to proper, adequate, or mental health care services in Honduras (Carmenate Milian et al. 2017). When they arrive in the US, they oftentimes face mistreatment, physical, sexual, and verbal abuse by Immigration and Customs Enforcement (ICE) when placed in detention centers (ACLU San Diego and Imperial Counties 2018; Ataiants et al. 2017; Dreby 2015; Slack et al. 2016; Young 1998). Regardless of documentation status, once anyone comes into contact with official immigration policies and procedures in the US, they are at high risk of experiencing human rights violations such as discrimination, economic or sexual exploitation, abuse, neglect, and physical violence (McLeigh 2013; Miranda et al. 2005).

With the “Zero Tolerance” policy, separated children and family members remain in detention facilities for an average of 51 days, much longer than the established 72 h suggested maximum (Cantor 2016; Domonoske 2018; Lind 2018; Rizzo 2018; The Attorney General 2018; Thompson 2018; Yan 2018). Separating children from their parents is illegal (Cumming-Bruce 2018), and the US is inflicting more violence and trauma against women and children that are seeking safety in the US causing detrimental effects on their emotional and psychological well-being (McGuire and Martin 2007; Rubio-Hernandez and Ayón 2016). We have seen recently that children that are in detention facilities at the border are mistreated by employees, including sexual abuse (ACLU San Diego and Imperial Counties 2018; Haag 2018). Also, through a report by government inspectors, there were thousands more of family separations at the US-Mexico border prior to implementation of the “Zero Tolerance” policy (Jordan 2019; Office of Inspector General 2019). A result of the lack of an effective and coordinated tracking system, the true total number of children separated from their parents by

immigration authorities remains unknown (Goldstein 2019; Office of Inspector General 2019).

Asylum-seeking women and children are less likely to report abuses and violence once they are in the US, oftentimes due to mistrust, cultural expectations, documentation status, or lack of support within their own communities (Bauer et al. 2000; Dutton et al. 2015; E S-M 2016; Earner 2010; Futures Without Violence 2018; Goodman et al. 2017; Kim et al. 2016; McLeigh 2013; Miranda et al. 2005; Modi et al. 2014; Moynihan et al. 2008; Sabina et al. 2014; Simmons et al. 2015). The US is intentionally failing asylum seekers from the Northern Triangle region as soon as they arrive at the US-Mexico border, and once they are in the US, their situations can be exacerbated.

## Case Study

Our case study is based on information from news reports and personal interviews carried out by the first author in 2017.

Yerson Nuñez Lopez was born in a rural area of southern Honduras, and like many in the region at a young age, his parents migrated to the US to work. He had been raised by several family members, including an uncle who was part of a gang that had much influence during Yerson's teenage years. During this time, the drug business and gang activity had started to swell in Honduras and many youths started to join gangs in Honduras (Servellon 2018). Yerson's grandmother was concerned and had Yerson brought back to his native village in southern Honduras where he started a romantic relationship with a teenage girl, named Jennifer. Jennifer's name has been changed to protect her identity. Jennifer eventually found out that her boyfriend was part of a gang and asked that he get out of the gang, or to end their relationship. In response, Yerson violently attacked her and threatened to kill her if she thought about leaving him. Seeing as Yerson had no intention in leaving the gang and also not ending his relationship with Jennifer, Jennifer confided in her mother. They decided that Jennifer and her younger brother should flee to the US to live with their father (Ferrufino 2017).

Jennifer and her younger brother arrived in the US as unaccompanied minors in 2014. Left with only court orders to attend hearings in the near future with a sponsor (e.g., parents, relatives, or family friends that make a commitment to care for the child), they resettled in Virginia with their father and were enrolled in public school. From interviews, Jennifer and her younger brother received health care services for vaccinations and a general physical examination and there did not seem to be concern for their well-being beyond these services (Ferrufino 2017). Just 3 years later at 17 years of age, Yerson killed her in a murder-suicide in October 2017 (Carey 2017; Ramirez 2017; Watts 2017; Weiner 2017). During the attack, her younger brother suffered bullet wounds but survived (Ferrufino 2017; Sergeant Meachum 2018). According to personal interviews, Yerson suffered during his upbringing due to his parent's absence and lack of parental love and support (Servellon 2018), which would also put him at increased risk of developing depression, anxiety, and substance use (Dreby 2015; Fellmeth et al. 2018). While Yerson was in Honduras, his violent behavior towards Jennifer may have been due to these factors related to his upbringing, exacerbated by his exposure to gang activity, and encouraged by cultural attitudes regarding violence against women, as we discuss below. Being at risk of developing poor health outcomes

paired with the lack of adequate health care services to address these poor health outcomes in Honduras contributed to the death of Jennifer in the US.

This avoidable murder-suicide is evidence of governmental and societal negligence for the rights of women and children existing in both the US and Honduras. Once children arrive in the US and are given to sponsors, there are no guarantees that services or mental health screening is available to address traumatic experiences or exposures to violence from back home and or during the migratory process itself (Cantor 2016; Fazel and Stein 2002; Masferrer 2018; McLeigh 2013).

While Jennifer and her brother were residing in a relatively safe area in the suburbs of Washington, D.C. in northern Virginia, the lack of appropriate resources in place once they arrived in the US is evident. For example, the northern Virginia region has focused heavily on building task forces (e.g., anti-gang task forces) in response to the influx of youths that have arrived from the Northern Triangle (Northern Virginia Regional Gang Task Force 2018). To our knowledge, these task forces have focused on reducing crime by punishing children that are involved in gang activity. These efforts lack attention to the potential trauma to which the young people may have been exposed (Crawford 2018).

Contrary to the current administration's immigration policy, including its threats for the closure of the US-Mexico border and the ongoing partial government shutdown for a border wall (BBC 2018b; Diamond et al. 2019; Itkowitz 2018), the US is responsible for complying with international law. Included in this responsibility is the reviewing of asylum-seeking requests, preventing the deaths of asylum-seeking women and children, and ensuring their safety and well-being. Violence towards women and children that cross international borders, such as in Jennifer's case, at this time needs to be addressed by local- and state-level entities and transnationally through a public health and human rights framework.

## How the Crisis in Honduras is Related to US Policy

While this case study first shows how intimate partner violence and gang violence can transcend international boundaries, it also brings to light a vast international human rights crisis that is affecting hundreds of thousands of people. The challenges that Yerson and Jennifer faced in Honduras are rooted in decades-old US foreign policy, strategies towards immigration, and the market for illicit drugs in the US. In 2012, Honduras had a murder rate of 90 per 100,000 persons (Krogstad and Lopez 2014) and has since decreased to 60 per 100,000 in 2016 (United States Department of State (OSAC); Bureau of Diplomatic Security 2018). Despite these reductions, these rates are one of the highest in the world (United States Department of State (OSAC); Bureau of Diplomatic Security 2018). For instance in the same year, the murder rate in the US was 5 per 100,000 persons (National Center for Health Statistics 2017). As part of the Northern Triangle, Honduras is known for gang-related crime and violence, overwhelming poverty, and government corruption that has given the region a reputation as the world's homicide capital (Inzunza 2017; Labrador 2018). The violence and crime rates in the Northern Triangle are driving the increase in asylum seekers arriving at the US-Mexico border (Labrador 2018; Martinez 2018). As gangs now run the majority of

organized crime in Honduras, many people like Jennifer are escaping and hoping for a safer place to live (Bangerter 2010; Labrador 2018; Masferrer 2018).

There is a general agreement that the characteristics of a gang are that it has a name, and the people participating have a sense of shared identity that can sometimes be represented by hand signs, graffiti, and symbols (National Criminal Justice Reference Service 2012; Seelke 2009). The proliferation of gangs plaguing the Northern Triangle can be traced back to the US and its long history of influence and intervention in the region (Rodgers and Stevenson 2009). In more recent history, during the 1980s, the US backed several anti-communist leaders with financial support, military support, and the sale of weapons in Central America (Williams 2018). As a consequence, many residents from Central America fled to the US to avoid economic instability, civil wars, political conflicts, and death (Masferrer 2018). Many of these refugees arrived in Los Angeles, California, where two major gangs that now operate heavily in Honduras originated—18th Street (M-18) and Mara Salvatrucha (MS-13)—for protection against established Mexican and African American gangs (Franco 2008; Seelke 2009). In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was passed in the US and allowed for the deportation of undocumented or legal immigrants to their countries of origin if they were convicted of certain violent and non-violent crimes (Acer 2017; Golash-Boza 2016). Between 1998 and 2005, nearly 46,000 convicts and 160,000 undocumented immigrants were deported to Central America under this rule, many of whom were gang members (Jütersonke and Rodgers 2009; United States Agency for International Development 2006).

Through US mass deportation of Northern Triangle citizens, over 25,000 MS-13 and 18th Street gang members brought gang culture to the region, where violence and extortion are now commonplace (Garcia 2017; Jütersonke and Rodgers 2009; Moloney 2017). Gang presence and influence in the Northern Triangle have only increased throughout the years. For instance, the Northern Triangle has received more than 90% of gang deportations from the US (Jütersonke and Rodgers 2009; Rodgers and Stevenson 2009; United States Agency for International Development 2006). In theory, while this practice may have served the political interests of the US, these gang members have developed networks and expanded their membership to include and exploit poverty-stricken communities in Honduras for financial gains in the drug trade (Labrador 2018). In response to gangs' influence and presence, there has been a dramatic increase in the migration of youth to the US, fleeing the violence and crime caused by gangs (Demombynes 2011).

While a corrupt political system and associated gang violence in Honduras drives many to seek asylum in the US, the high demand for illicit drugs from the US has been a major factor in the increase of organized crime activity. The US remains the largest market globally for illicit drugs (National Drug Intelligence Center 2011). Most recent estimates for illicit drug use in the US stands at approximately 10% of the population (National Center for Health Statistics 2017), with Latin America being geographically the closest source of illicit drugs and the only source of cocaine (Trinkunas 2015), and with 80% of the drugs supplied to the US crossing through Honduras (UN Office of the High Commissioner 2015). As of 2011, the increased drug abuse and addiction have cost the US \$193 billion in addressing crime, lost work productivity, and health care provision (National Drug Intelligence Center 2011). As the US continues to have the highest annual prevalence use of illicit drugs (UN Office on Drugs and Crime 2018a),

drug traffickers will continue to capitalize on this as they continue to seek financial gains, putting many people in the Northern Triangle in danger.

Drug trafficking, illicit trade involving the cultivation, manufacturing, distribution, and sale of substances subject to drug prohibition laws (UN Office on Drugs and Crime 2018b), is the major contributor to violence in Central America and in Mexico (Chalk 2011). To date, Mexican drug trafficking organizations, known as *cartels*, have become major criminal organizations that have contributed to 25,339 murders reported by the Mexican government for 2017 (Secretaría de Gobernación 2018). Drug trafficking has been a lucrative business and gangs in Honduras are not immune. Gang involvement in drug trafficking activities has allowed them to be part of an estimated \$100 billion per year market (National Drug Intelligence Center 2011; Woody 2016). As drug traffickers and gangs have gained power and influence through several mechanisms, the Honduran government and their weak criminal justice and judicial institutions have lost the trust of the Honduran people (Chalk 2011; Demombynes 2011; Hallock 2018; Martínez 2018; Masferrer 2018; McLeigh 2013).

### The State of Children and Women in Honduras

The corrupt systems and unstable political and economic infrastructure of the Honduran government have allowed for the growth of organized crime that includes violence against women and children which includes murder, extortion, kidnapping, torture, and intimidation (Bureau of Democracy 2017). Additionally, the same gang and drug traffickers can influence how police enforcement and governmental leaders act, especially with reported crimes (Bureau of Democracy 2017). Some of the mechanisms on how corruption is systemically engrained are through bribes or forced extortion (Bureau of Democracy 2017). The lack of government accountability also contributes to the consistent, widespread, and very deep poverty that especially affects the health and well-being of Honduran women and children. Economic opportunities are limited and contribute to Honduras' leading position among countries with the highest economic and social inequality in Latin America (The World Bank 2018). Conservative estimates report that 60% of Hondurans live in poverty; of those, 40% live in extreme poverty (Amnesty International 2017). In rural areas, approximately one out of five Hondurans live in extreme poverty, or on less than \$1.90 US per day (Amnesty International 2017). Female-headed households in hillside regions of Honduras have incomes that are 30% less than that of male-headed households, further widening the gender gap (Amnesty International 2017).

Honduran law seeks to ensure that children have access to public education; however, as children age, their school attendance drops dramatically. In 2014, it was estimated that the net enrollment for grades 1–6 was 92%, with a dramatic drop to only 45% in grades 7–9, and even lower for grades 10–11, at 26% (Bureau of Democracy 2017). Younger boys have higher nonattendance rates than girls, and the gap between them is even wider after reaching age 12. By age 15, on average, there are 6% fewer boys in schools than girls (Bureau of Democracy 2017). Gangs recruit children, in particular, boys between 8 and 12 years old to work as lookouts and collect extortion payments from anyone in their communities. As a consequence, many school areas are unsafe and are frequently battlegrounds for rival gangs trying to control territories and recruitment (Bureau of Democracy 2017). The school infrastructure is also inadequate

in Honduras. There is a lack of safety to keep children away from gang violence and recruitment, as well as limited supplies and basic needs for students, such as safe drinking water (Casa Alianza Honduras 2018). Due to language in anti-gang legislation, there are unjust differences in penalties for children allegedly involved in gang activity, including extrajudicial killings, leading to gangs to further exploit Honduran children for their own drug trade gains, such as by forcing them to do deliveries (Human Rights Watch 2018).

From the high rates of violence, Honduras has a problem with the vast amount of internally displaced persons, including women and children. It is estimated that between 174,000 and 182,000 persons have been internally displaced, with 190,000 as of December 2017 (Internal Displacement Monitoring Centre 2017). However, due to gang-controlled neighborhoods, these estimates are conservative and there are no official numbers for forced displacement (Bureau of Democracy 2017). Many of these displaced Hondurans are children that end up living in the streets of Tegucigalpa, the Honduran capital, and San Pedro Sula, the second largest city in Honduras (Garcia 2017). It is estimated that 8800 children aged 8 to 10 rely on the streets for food and income. As of February 2018, it has been reported that 202,032 children in Honduras are orphans and that 40% of them are orphans due to the violence (Casa Alianza Honduras 2018). With children being displaced and on the streets, there is a lack of familial care of at-risk youth, who may be forced or influenced to join gangs, or worse, killed (UN High Commissioner for Refugees 2014). From January to June of 2013 for instance, it was reported that 409 children were murdered in Tegucigalpa, according to data from a local youth shelter (Robles 2014). As a consequence of the corruption in Honduras, impunity and low levels of education, gangs, and violence infiltrate the lives of children. This combination of systemic factors has major and detrimental impacts on the health, well-being, and development of Honduran children.

Honduran women and girls are especially vulnerable. Honduran laws ostensibly guarantee women the right to live free from violence, especially domestic violence through the Domestic Violence Act passed in 1997, and amended in 2013 (Aponte 2018; Gobierno de la Republica de Honduras y Instituto Nacional de la Mujer 2015). However, punishments for perpetrators remain minimal (e.g., perpetrators may be ordered to do community service or serve a mere 24-h preventive detention if caught committing a crime against a woman) (Bureau of Democracy 2017). By international human rights standards, the Honduran legal system and public policies have failed to hold perpetrators accountable for violence against women (UN General Assembly 2015). The Special Rapporteur on Violence against Women has noted that between 2005 and 2013, the number of violent deaths of women in Honduras rose by 263.4% (UN Office of the High Commissioner 2014). According to the Honduran Public Prosecutors Office, there were modest estimates of 16,000 reported allegations of violence against women in 2012 alone, of which 75% were from domestic and intra-family violence and 20% were sexual offenses (UN Office of the High Commissioner 2014). A high percentage of women in Honduras will experience domestic violence, and in many instances, the perpetrators work for the government, the police force, or are gang members (Bureau of Democracy 2017; Hastings 2014; Kelly 2011; The Advocates for Human Rights 2016; UN General Assembly 2015; UN High Commissioner for Refugees 2015; UN Office of the High Commissioner 2014). Given the corruption and impunity in Honduras, this leaves little options for women. Gang

members, for example, can track anyone down, including their significant other who may be fleeing from a violent relationship (Bureau of Democracy 2017; Hallock 2018; UN High Commissioner for Refugees 2015). Oftentimes, fleeing to another part of Honduras also provides no relief and leads to women fleeing north towards the US in search for safety (Hallock 2018). These were the circumstances that influenced the lives and deaths of Yerson and Jennifer.

There is an unspoken cultural acceptance of violence against women in Honduras. Witnesses and others who know of violent acts against women oftentimes do nothing to stop it, including not reporting to authorities (Kelly 2011; Seelke 2009; UN Office of the High Commissioner 2015). Women in Honduras are fearful to contact the police out of potential retribution, especially when the perpetrator is a gang leader or is well-connected politically (Bureau of Democracy 2017). The entrenched corruption at all levels of Honduran society allows for this to occur. When women do turn to local law enforcement, they receive little support and, oftentimes, are encouraged to reconcile with their abuser (Bureau of Democracy 2017). Overall, domestic and sexual violence towards women in Honduras is handled with systemic indifference from law enforcement (Kelly 2011). This is a systemic failure of the Honduran government and society, deeply rooted in machismo and patriarchal culture that are imbued in public services and everyday life in Honduras (The Advocates for Human Rights 2016).

While a Special Prosecutor on Women in Honduras was created, there remains on average a 95% impunity rate for sexual violence and femicide crimes in Honduras (Hastings 2014; The Advocates for Human Rights 2016; UN High Commissioner for Refugees 2015; UN Office of the High Commissioner 2014). In 2014, there were 453 violent deaths of women reported, of which, only 10 summons were issued by prosecutors (IACHR 2015). There is also a lack of shelters for women seeking refuge. As of 2016, only 3 in the entire country exist, which lack the adequate resources to provide assistance (Bureau of Democracy 2017). Due to the lack of support for women experiencing violence, they oftentimes feel pressure to remain in dangerous situations for survival or flee the country (UN Office of the High Commissioner 2014). They generally have no place to go, other than family or friends, but they still often face continued threats and violence from their abusers. In a country with low resources, the reliability of the health system and specialized services to address violence and trauma experienced by women and children is inadequate. This was the case with Jennifer.

### **Public Health Services in Honduras**

In a country with low resources, access to the health system and specialized services for women and children that have experienced violence and trauma is limited, and the health system is ill equipped. The health system consists of a private and public sector programming, of which the former is operated by the Ministry of Health (MoH) and the Honduras Social Security Institute (IHSS) (Pan American Health Organization 2009). It has been estimated that only 50–60% of Hondurans use public sector services and that 17% have no regular access to health services (Bermúdez-Madrid et al. 2011). Institutionalized corruption is also present in Honduran health services; for instance, funds from IHSS were given to a political campaign in 2013 (Main 2016), leading to less resources for Hondurans accessing and using the public health sector.

Approximately 46% of physicians are unemployed in Honduras (Carmenate Milian et al. 2017), which can be detrimental for the health of Hondurans as the majority of health care access is based off of socioeconomic status (Pan American Health Organization 2009). This is especially impactful for children, as general health care and mental health services are limited, as are age appropriate services such as those that differentiate care between children and adolescents. There is also a lack of training for primary care providers in mental health and screening. In terms of mental and behavioral health that is important to help address exposure to violence, the population has few options for support (Rio Navarro et al. 2012). The lack of an adequate health care system in Honduras exacerbates the violations of human rights towards women and children, especially of those that are victims of domestic violence. Without adequate health care infrastructure in place, victims cannot access and utilize health services that are tailored to potential behavioral health care needs that focus on addressing trauma and its many and varied health effects (Substance Abuse and Mental Health Services Administration 2014). Women and children that remain in Honduras are, in general, not receiving adequate health care services to meet their needs, especially if they have experienced traumatic and violent events.

### **Asylum Seekers at the US-Mexico Border**

Many victims and some perpetrators of domestic violence and gang violence migrate into the US; however, many do not undergo appropriate health screening for potential violence exposure or mental health issues due to a lack of specialized training among border enforcement agents (Jensen et al. 2015). This contributes to the ongoing violations of human rights of women and children at a transnational scale. While the US has a more comprehensive but complex health care system compared to Honduras, many women and children who are asylum seekers do not have access to adequate health care services (Hacker et al. 2015). As many other asylum seekers, Jennifer's suffering from domestic violence did not start in the US. It started in Honduras and followed her through her migratory and resettlement process in the US. Jennifer's death in the US exemplifies the need for addressing violence and trauma transnationally from a human rights perspective. This calls for an urgency to implement a human rights framework to address safety, health, and well-being for children and women, at a transnational scale.

### **Human Rights Violations in Honduras and the United States**

Overall, poverty, corruption, and violence in Honduras and the intentional neglect or discriminatory treatment of immigrants in the US exemplify widespread violations of the right to health, the rights of women, and the rights of the child (Table 1).

Women and children in Honduras are often treated as inferior to adult men, and oftentimes there is no official, state-sponsored support when they are victims of domestic abuse and violence in their communities. This is a violation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC), both documents that Honduras has ratified, meaning that they have broken international treaty and can be held legally accountable (UN General Assembly 1979, 1989). Though the US has signed and not

**Table 1** Treaties and rights that are implicated, and examples of how these treaties are violated by both Honduras and the US

| Treaty                                                                             | Rights implicated (article number)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Human rights violations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Universal Declaration of Human Rights                                              | Free and equal (1), life, liberty, security (3), freedom of movement, residence (13), property (17), work (23), adequate standard of living (25), education (26), culture (27)                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>- Not free and equal when gangs take over a neighborhood, village, with the assistance of police enforcement</li> <li>- Inadequate standard of living in certain regions of Honduras that are controlled by gangs</li> <li>- Constant fear of deportation from US (no freedom of movement)</li> </ul>                                                                                                                                                                                                 |
| International Covenant on Economic, Social and Cultural Rights                     | Self-determination (1), duty to cooperate, means of subsistence (2), right to work (6), adequate standard of living, right to be free from hunger (11), education (13)                                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>- Unemployment and lack of educational support system in the US can impact self-determination of women that are victims of domestic abuse</li> <li>- Women in Honduras unable to work due to gender roles and control from a perpetrator</li> </ul>                                                                                                                                                                                                                                                   |
| Convention on the Rights of the Child (CRC)                                        | Best interests of child priority (3), child has right to life (6), opportunity to be heard in judicial and administrative proceedings (12), protect child from all forms of physical or mental violence, injury or abuse, neglect or treatment, maltreatment or exploitation (19), highest attainable standard of health (24), adequate standard of living (27), education (28), healthy development of abilities (29), protection from illicit use of narcotic drugs (33), promote physical and psychological recovery and reintegration of child victim (39) | <ul style="list-style-type: none"> <li>- Children recruited or threatened/forced to join gangs as foot soldiers</li> <li>- Police enforcement in Honduras may execute a child assumed to be in a gang</li> <li>- Border agents and judicial system in the US does not provide adequate legal representation for unaccompanied minors, may be held in inhumane conditions in detention centers</li> <li>- Lack of physical and psychological screening of women and children at border and lack of support for victims of violence</li> </ul> |
| Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) | Condemn discrimination (2), advancement (3), prejudices (5), traffic/exploitation (6), equal terms with men-voting (7), economic and social life (13), same rights as men (15), marriage and family relations (16)                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>- Women are consistently treated as inferior to men in Honduras, lack of support when they are victims of domestic abuse</li> <li>- In Honduras, women have higher rates of poverty compared to men, lack control in marriages and family relations</li> </ul>                                                                                                                                                                                                                                        |
| Convention Relating to the Status of Refugees                                      | The protection of refugees who are minors, in particular unaccompanied children and girls (Protocol B, 2)                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>- Mistreatment of accompanied women and children when they arrive at the Mexico-US border, placed in inhumane detention centers</li> </ul>                                                                                                                                                                                                                                                                                                                                                            |
| Convention Against Torture                                                         | Legislative, judicial measures to prevent acts of torture (2), return/expel person to another state where they can be in danger                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>- In Honduras, gangs partake in torturing individuals who do not cooperate with their</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                      |

**Table 1** (continued)

| Treaty                                              | Rights implicated (article number)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Human rights violations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UN Convention against Transnational Organized Crime | (3), education/information training of law enforcement (10), systemic review of interrogation rules (11), impartial investigations (12), right to complain (13)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>- demands—police/government oftentimes will not intervene</li> <li>- Lack of impartial investigations in Honduras</li> <li>- US ICE and Border Agent mistreatment refugee, immigrants, and asylum seekers</li> <li>- Detention centers and cruel punishment</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                 |
| UN Convention Against Corruption                    | Combat money laundering (7), criminalization of corruption (8), measures of corruption (9), criminalization of obstruction of justice (23), protection of witnesses (24), assistance to and protection of victims (25), law enforcement cooperation (27), collection, exchange and analysis of information on the nature of organized crime (28),                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>- Gangs and gang violence cross borders</li> <li>- Gangs have been found to influence government entities, including police enforcement</li> <li>- Journalists and reporters are murdered when they report on activities of gangs and of political leaders (Ahmed 2017; Bartman 2018)</li> <li>- Witnesses and victims of crimes are discouraged from reporting incidents of crimes/violence</li> </ul>                                                                                                                                                                                                                                                |
| UN Convention Against Corruption                    | Preventive anti-corruption policies and practices (5), codes of conduct for public officials (8), public procurement and management of public finances (9), public reporting (10), participation of society (13), measures to prevent money laundering (14), bribery of national public officials (15), bribery of foreign public officials and officials of public international organizations (16), misappropriation/other diversion of property by public official (17), abuse of functions (19), illicit enrichment (20), liability of legal persons (26), protection of witnesses, experts, and victims (32), protection of reporting persons (33), consequences of acts of corruption (34), | <ul style="list-style-type: none"> <li>- Honduras lacks the will, infrastructure, and accountability to follow through on anti-corruption policies and practices in place</li> <li>- The people of Honduras may lack the level of education needed to report or actively seek justice of corruption that occurs</li> <li>- National officials are constantly bribed in Honduras</li> <li>- Ministry of Education, for example, will not pay professors/teachers for 6 months and claim that they do not have the funds, but will use money instead for their own self-interests</li> <li>- Persons who report and investigate on this topic, oftentimes, have to flee or disappear</li> </ul> |

ratified CEDAW and the CRC, these documents can also identify a way forward for improving US policies and procedures. An example of child mistreatment as a human rights violation is from Article 22 in the CRC, which states: “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the

enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties” (UN General Assembly 1989).

The CRC states that children should not face discrimination and that protection of the best interest of the child should be a priority (UN General Assembly 1989). Both Honduras and the US are in violation of these international treaties. In the US, asylum-seeking children are also not given the right to life, survival, and development (UN General Assembly 1989) because they have been separated from their families at the US-Mexico border and have been placed in inhumane detention facilities for long periods of time, where they may be cramped into small sleeping units, exposed to cold conditions, given unsafe food to eat, or insufficient hygiene supplies (Kelly 2017). They also do not have fair immigration court proceedings for children in the US, which is a violation of article 12 of the CRC (Table 1). In addition, the United States has violated the Convention Relating to the Status of Refugees, Protocol B, 2: “protection of refugees who are minors, in particular unaccompanied children and girls” (UN General Assembly 1951). This violation is exemplified when US border agents and the ICE place children in inhumane detention centers and commit acts of mistreatment on the children, such as physical, verbal, sexual, and psychological abuses (ACLU San Diego and Imperial Counties 2018).

Both Honduras and the US are in violation of the Convention on the Elimination of Discrimination Against Women (CEDAW), including the lack of supportive services and preventive measures in both countries (UN General Assembly 1979). Women’s social position in Honduras and the associated barriers to achieving equal economic security and social opportunities exemplifies the violation of articles 3, 5, and 13 (Table 1). By not having adequate resources in place for asylum-seeking women, such as health professionals or organizations for domestic abuse present during the migratory process, the US is actively exacerbating the challenges faced by Honduran women. In addition, the US is neglecting significant attention to reducing illicit drug use and the opioid epidemic occurring in the US (Davis 2017; Lopez 2018). This contributes to gang violence in Honduras and indirectly contributes to the violence against women in Honduras by allowing the illicit drug market to flourish.

The lack of political will, infrastructure, and accountability on anti-corruption policies in Honduras continue to contribute to the violence perpetrated by organized crime and fuels the increase in asylum-seeking women and children in the US-Mexico border. By allowing gangs to infiltrate everyday life, social services, and government processes, they have such a strong influence in Honduras. These circumstances are a clear violation of the UN Convention against Transnational Organized Crime, the UN Convention against Corruption, and the UN Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN General Assembly 1984, 2001, 2003). When women and children arrive at the US-Mexico border seeking asylum, the US is in violation of several conventions from the United Nations, such as Article 11 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment that states “arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture” (UN General Assembly 1984). In

Honduras, government and judicial leaders are bribed, or sometimes may face extortion from organized crime and thus is in violation of the UN Convention against Corruption.

## Recommendations

The increase in women and children arriving at the US-Mexico border seeking asylum from the Northern Triangle is a crisis that needs to be addressed immediately by the international community. The US must improve its protections for women and children once they arrive and pressure needs to start from local- and state-level advocates and practitioners. Jennifer's situation is a prime example of how deadly a lack of official US protection can be.

In separating children from their families, the US is violating international law. Advocates, health practitioners, public health experts, lawyers, policy makers, school systems, and governmental agencies must focus on the well-being and health of migrant women and children and recognize that they are fleeing dangerous situations caused by the US and by corruption in Honduras. The migration process brings increased risks and vulnerabilities for women and children and this must be addressed through a human rights framework. Everyone involved in the migratory process in the US and in the health of asylum seekers must approach their role with a human rights lens by using CEDAW and the CRC as a guide.

**Protect Rights of Immigrants, Refugees, and Asylees** The present “Zero Tolerance” policy alienates asylum seekers and identifies immigrants and refugees as “illegals,” when in fact, arriving at the US-Mexico border and requesting asylum is an internationally protected legal process. The US government needs to be held accountable and must decriminalize asylum seekers and use different language when discussing immigration. Given the current administration's stance, local- and state-level entities must ensure that, regardless of documentation status, women and children can access to health, education, and adequate shelter in place, not cages or detention facilities (UN General Assembly 1951, 1989). When women and children arrive in the US, their rights to life, survival, and development need to be protected. Incorporating action related to articles from CEDAW, CRC, and the Violence Against Women Act (Modi et al. 2014) into domestic immigration laws would be a start in ensuring that the rights of asylum-seeking women and children are respected.

**Provide Specialized, Comprehensive Screening, Referral, and Care for Women and Children** The US must address the reasons for which women and children are seeking safety. Before women or children are repatriated back to their home countries or released to a community, without assessment for their safety is a blatant and dangerous disregard of their life. Placing women and children unjustly and inhumanely in detention centers worsens psychological symptoms and causes developmental and physical health problems (International Detention Coalition 2012; Young 1998), as does the separation of children from parents (Derluyn et al. 2009; Dreby 2015; Fazel and Stein 2002; Miranda et al. 2005). Violence and psychological screening among asylum seekers must be done at the border by

trained professionals, not ICE or border security. Through this, abuses and violence perpetrated by ICE and border patrol agents themselves can be eradicated (Slack et al. 2016). Training would also need to be performed for all ICE and border patrol agents that come into immediate contact with asylum seekers, by public health and medical professionals for how to initially screen and interact with women and children who may have had violent experiences. Detention centers in the US are known for their inadequate conditions that deprive women and children of their rights including right to education, physical and mental health, privacy, and information (Hamilton 2011).

**Ensure Protections from Violence and Appropriate Systems of Care to Address the Consequences of Violence Exposure** The US can implement violence prevention and mitigation programs to assist asylum seekers once they arrive and during their entire migratory process to ensure that violence against them is addressed at the individual, community, and societal levels (Hyman et al. 2016). Also, resettlement programs must be appropriate for every asylum seeker based on their experiences to ensure that they are safe regardless of documentation status. A coordinated system of care should be created where different types of services, such as mental health, social, educational, and health services, are intertwined for the protection and health promotion of children and their families (Stroul and Blau 2010; Stroul and Friedman 1988). Such an approach could be implemented in resettlement programs for asylum-seeking women and children and would be appropriate as asylum seekers may have several challenges to face and will come into contact with several systems in the migratory and resettlement process in the US. Through a systems of care approach, resettlement programs working with families with multiple challenges and involvement in multiple systems, while also responding to cultural values can be successful in protecting women and children (Dettlaff and Rycraft 2010). A positive example is from Prince George's County Maryland, where the education systems provide support for unaccompanied minors that have resettled in the area through the TNI@School program (Coalition for Community Schools at the Institute for Educational Leadership 2018; Prince George's County Maryland 2018). TNI@School focuses on connecting students with resources and referrals for services through social services and community resource advocates. Behavioral health counseling is also a significant component and Prince George's County has developed relationships with numerous providers in the region (e.g., La Clinica del Pueblo) that provide tailored health services for unaccompanied minors from the Northern Triangle (Prince George's County Maryland 2018).

Protecting women and children asylum seekers, in particular, those that are fleeing domestic abuse and gang-related violence should have their identities protected, given the expansive network of gangs and their ability to track individuals and their relatives. Protection of asylum seekers' identity and information on their resettlement location should be kept confidential by resettlement programs as well as the sponsor and asylum seekers themselves. Training on how to go about their everyday life without exposing too much information about their location in the US should be provided by local entities, including domestic violence organizations, and resettlement programs. The role and responsibility of domestic violence organizations should encompass all women and children

regardless of documentation status in the US. As well, they should strive to be accessible, inclusive, culturally responsive, and trauma informed (Earner 2010; Warsaw 2018).

**Provide Opportunities to Build Connection and Resilience** In programs that assist in resettling women and children that have endured violence, incorporating empowerment and strength-based models within their facilities can help improve the strength and confidence of victims of domestic abuse (Philbin and Ayón 2016). Mental health, resiliency, and safety have been shown to improve among abused immigrant women when there are appropriate shelters or services in place to address domestic abuse (Cesario et al. 2014). Eliminating the mistrust that immigrant women and children have with the criminal justice system in the US would be imperative to ensure that the fear to report any domestic abuse or danger is no longer a barrier (Messing et al. 2015, 2017). There should also be an increase in the implementation of evidence-based programs at schools to ensure that asylum-seeking youth are provided with adequate and appropriate resources once they resettle in the US (e.g., TNI@School).

**Policy Assessment to Protect the Right to Life Regardless of Immigration Status** The 116th US Congress has the responsibility to rigorously hold accountable and evaluate the current state of US Customs and Border Protection authority. In particular, the enforcement practices that take place at the US-Mexico border should be reviewed where asylum-seeking women and children have their first contact with the US. Furthermore, there should be a full, independent and transparent investigation of alleged harm perpetrated by the US Customs and Border Patrol and ICE agents, while also ensuring that perpetrators are held accountable for their mistreatment of women and children. Lastly, the Congress must also include investigations about alleged mistreatment into contractors that hold women and children on behalf of the Department of Homeland Security and US Customs and Border Protection.

**Provide Supports to Organizations in Honduras** Given an agreement between the Honduran government and the Transparency International and Association for a More Just Society (Transparency International 2014), the US should invest in programs against corruption while also ensuring transparency and efficiency. Funding should be directed to community-level actors that have valuable experience and expertise, not the current Honduran government. Identifying organizations (e.g., Nongovernmental Organizations, civil society groups) or community leaders in Honduras that are independent and have shown success in keeping children and women in their communities safe should receive direct funding from the US government (Jütersonke and Rodgers 2009). For instance, the Association for a More Just Society has worked with communities and police departments to facilitate communication and trust and have found that crime rates drop in areas where police, witnesses, and victims trust each other in reporting (Transparency International 2015). Another organization that has been on the forefront on publishing studies in Honduras is the Alliance for Peace and Justice, and it has collaborated with the Association for a More Just Society to place pressure on the Honduran government through citizen grassroots and media campaigns

(Transparency International 2015). Implementing these recommendations may help support women in their own communities so that they do not feel the need to flee, or so that they can build the resources they need to navigate and avoid violence exposure if they arrive in the US.

## Conclusion

Incorporating human rights framework in the US migratory process can save and protect the lives of women and children. Furthermore, a systems of care approach to welcoming them into the US and the best that the public health systems have to offer can not only help keep young people like Jennifer and Yerson alive and her younger brother un-injured but can also improve their health, resilience, and opportunity to thrive.

## Compliance with Ethical Standards

**Conflict of Interest** The authors declare that they have no conflict of interest.

**Ethical Approval** This article does not contain any studies with human participants or animals performed by any of the authors.

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