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Testimony submitted before the hearing of the
International Relations Subcommittee on the Western
Hemisphere hearing entitled "Gangs and Crime in
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Wednesday, April 20, 2005
1:30 pm, 2172 Rayburn House Office Building.

Introduction

Latin America and the Caribbean exhibit two unfortunate characteristics: the highest homicide rates in the world and the largest income gap between the rich and the poor. Since the democratic transitions, these countries have experienced significant and growing crime waves, affecting personal security in particular. High homicide rates have affected rich and poor countries, but the criminal justice systems and social safety networks have yet to cope with these realities.

Table 1. Latin America and the Caribbean: Homicides, justice, development

Country	GDP per capita	Homicides per 100,000 inhabitants	Judges per 100,000 inhabitants	Primary School Enrollment	Income ratio
Honduras	712	154.0	8.2	88	49.1
Colombia	2,289	70.0	7.4	89	57.8
El Salvador	1,779	34.3	9.2	89	47.4
Guatemala	1,563	33.3	6.0	74	63.3
Venezuela	3,301	33.2	6.1	83	28.2
Bolivia	941	32.0	9.1	97	143.5
Ecuador	1,705	25.9	5.6	100	63.6
Nicaragua	503	24.1	6.0	79	56.2
Brazil	4,626	23.0	3.6	97	54.4
Dominican Republic	2,170	15.8	7.0	91	28.4
Paraguay	1,773	15.6	10.5	96	70.4
Mexico	3,803	14.0	0.7	100	45
Argentina	8,174	8.2	11.1		39.1
Costa Rica	3,911	6.2	16.0	89	25.1
Peru	2,334	5.0	6.0	94	46.2
Uruguay	6,449	4.6	15.5	94	18.9
Chile	5,305	4.5	5.0	90	40.6
Panama	3,484	2.0	8.0	90	62.3

The impact of these trends is dramatic. Homicides have affected poor countries like Guatemala, El Salvador, and Jamaica, but also larger countries like Argentina, Brazil and Colombia. Even lesser noticed countries like Guyana have recently experienced crime

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waves connected to emerging mafias associated with transnational criminal organizations operating on their shores.

The adverse impact of globalization on economic growth, the presence of transnational organized crime networks, and a legacy of war and culture of violence associated with weakly law-abiding societies have been main drivers of increasing crime.
The effects of violence on young people, women and the poor, are among the most troubling results of this phenomenon.

1. Youth gang and homicides

Violence among young Latin Americans has grown in Central America, Mexico and the Caribbean, particularly as a result of the formation of transnational youth gangs that operate in large numbers and in direct contact with gangs in the United States. These organizations have become increasingly involved in criminal activities as a result of the intensity of violence prevailing among their turfs and on occasion through their association with criminal networks (particularly drug networks). Youth gangs of Dominican, Salvadoran, Mexican, Guatemalan, and Jamaican origin, among others, operate in connection with young people in U.S. inner cities. Some of the most well-known of these groups include the Mara Salvatrucha, LA Kings, and 18th Street gang.

The end result has been on one hand the presence of intimidating pseudo-paramilitary forces that over time have escape the control of the police and the criminal justice system. On the other hand, there has been a growing criminalization of youth organizations, and the militarization of policing has produced greater instability and insecurity among citizens.

One critical issue with regards to youth gangs is that while they are a manifestation of belonging in a context of inner city poverty, these organizations have gradually become more violent and have grown in membership. This situation is more dramatic because 80 percent of homicide victims in many countries of Central America and the Caribbean are males ages 19-29. Moreover, over 40 percent of people are under 14 years of age (an age in which many youngsters choose to initiate into a gang), and another 20 percent are between the ages of 15 and 25.

2. Gender, violence and interpersonal violence

The effects of violence on women are also noticeable across the region. Although only ten percent homicide victims are women, violence against women is reflected through sexual assault and interpersonal violence. Sexual assault has resulted in many cases from increased unemployment and women's independence, particularly in post-war societies but also in places like Brazil and Costa Rica.

More importantly is that most violence against women takes place at home. In Costa Rica and El Salvador, over 80 percent of women experiencing interfamilial violence women were injured, and in many cases, they were murdered. Some analysts have estimated that half of all Latin American women have suffered abuse at home. For

example, a nationwide survey in Peru showed that 40 percent of women reported to have been battered. In Nicaragua, during the post-conflict period violence against women increased dramatically.

Rape in Post-Conflict Nicaragua

Year	Value
1996	1095
1995	1037
1994	906
1993	712
1992	527
1991	427
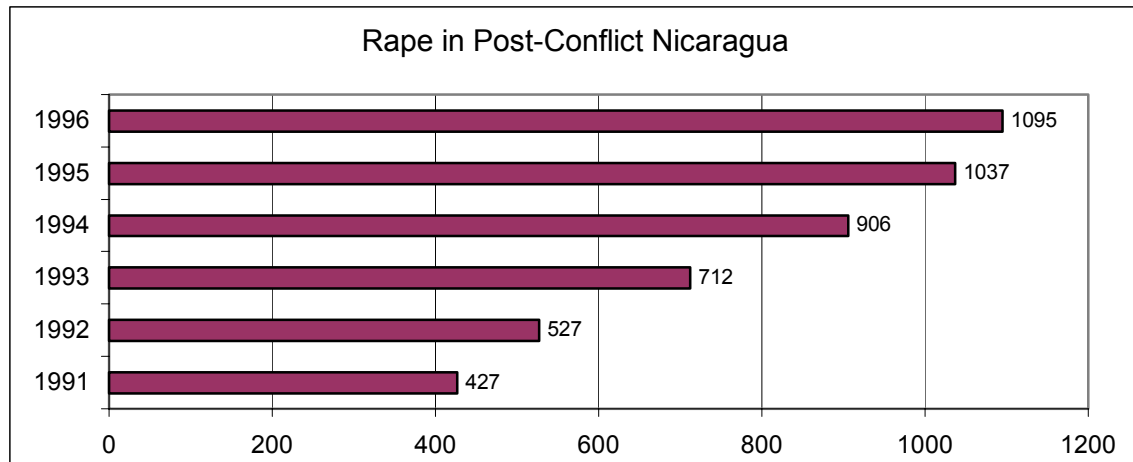
3. Robberies and organized crime

Problems with crime are also associated with prevailing inequalities and legacies of the wars. In many of these countries, like Guatemala and Colombia, what was believed as a wave of kidnappings increased insecurity among the wealthy and average citizens alike.

Such activities are associated with demobilized and unemployed former plain clothes police and irregular forces that resort to extortion and crime. In countries where economic growth is weak and unemployment high, crime has also increased significantly. One example is Venezuela: as the country hit the lowest point of its economic crisis in the early years of this decade, state and private security forces were involved in more than 200 extrajudicial killings that targeted alleged "undesirables," such as homosexuals, gang members, street children and the homeless. In El Salvador, where the economy has struggled to grow above 2 percent rates, people have resorted to robberies of various sorts.

Table 3. Robberies and Assaults in El Salvador

Crime	1997	1998	1999	2000	2001	2002
Banks		35	11	19	12	4
Kidnappings	63	97	101	114	49	19
Robbery	641	1,258	1,101	795	656	290
Car theft	1,442	2,481	1,870	1,701	1600	1,872
Total	2,146	3,871	3,083	2,629	2,317	2,185

Source: Policía Nacional Civil, El Salvador.

Organized crime is also a major contributing factor to violent crime in Latin America. Three major criminal organizations in Latin America are drug traffickers, arms traffickers, and sex trade mafias. In many cases these operate jointly to strengthen their activities. Drug trafficking has often contracted youth gangs, but they have also created their own private armies in South American countries and more recently in smaller countries like Guyana, Honduras, Nicaragua and Haiti.

Arms traffickers have taken advantage of a marketplace for light weapons, supplying to drug cartels, youth gangs and other criminal organizations. The end result has been increasingly vulnerable borders in countries where territorial control is difficult.

In Brazil, criminal organizations extend into state institutions: a congressional commission found evidence that elected officials, members of the judiciary, and police forces, participated in drug-trafficking and extrajudicial executions. Police brutality is a significant problem—while the police force has been subjugated to civilian authority since the end of the dictatorship, the democratic transition did not lead automatically to a change in the institutional culture of the police force. Similarly, in Honduras legislators were found to be involved in drug trafficking as ring leaders and couriers.

In urban Peru, crime rates are lower than in other countries, including El Salvador and Guatemala, which experienced high levels of political violence. But citizens' perception that Peruvian cities are unsafe has risen out of proportion to the actual magnitude of violent crime. Still, crime has increased since the end of the armed conflict, especially property crimes. The majority of victims of robbery and other crimes are the poorest sectors of Peruvian society.

4. Political effects of crime and violence
Public opinion sees crime as the number one problem in Latin America and the Caribbean, and tends to prefer solutions that provide quick fixes, such as the use of "firm hand" policies. Such attitudes reflect that confidence in democracy has declined as crime control has been ineffective. They also reflect the legacy of a culture of violence that prevailed in many of these societies throughout history. The support for firm hand policies is associated with a deeply embedded belief about the use of force as a social control mechanism. Societies do not adopt the more far-sighted approach of working through the prevailing system to reform the police forces, courts and prison systems.

Within the context of a legacy of political violence, the choice of "firm hand" policies may lead to the legitimization of the use of force to repress a wider section of groups in society and a return more authoritarian practices.

In response to citizens' fear of crime, the Peruvian government has adopted measures aimed at reducing crime through the same methods that were used to fight the Shining Path guerrilla movement. Its rationale—considered by many to be both misguided and harmful to democratic institutions in Peru—is that the repressive force that ended the insurgency can similarly halt the rising levels of crime in the country. The policies and
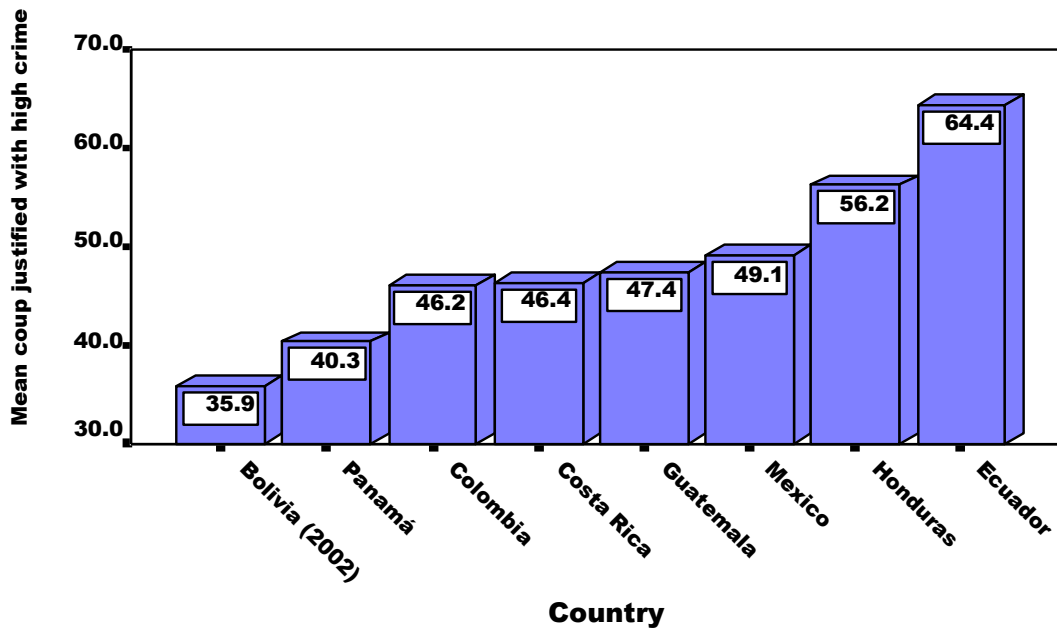
laws adopted in El Salvador and Honduras, Strong Hand, and Super Strong Hand, sought to respond in part to public opinion perceptions of fear and insecurity.

Perception of Insecurity and Support for the Political System

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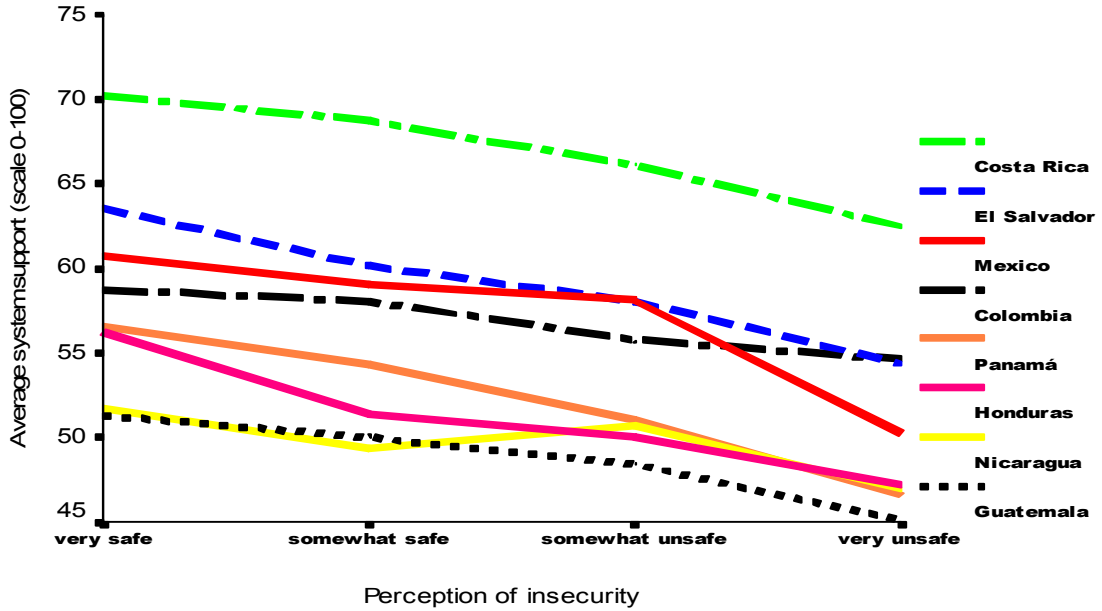
Justification for a coup: high crime

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5. Striking a Balance between Challenges and Solutions: The Realism of the Possible
There are several options to help reduce crime in Latin America and the Caribbean.
These are found at the intersection between law enforcement, democratization, and
development.

a) *Law enforcement*
There is no question that a crime reduction measure lies in enforcement by the criminal
justice systems. The problem of youth gang violence is overwhelming to many Central
American and Caribbean countries, and law enforcement in Central America has
responded by applying very strict measures. However, there is significant debate about
the effectiveness of this approach in reducing crime.

For example, homicide rates were on the decline before the law enforcement measures
became stricter in 2003 and resulted in the incarceration of more than 6,000 young people
in El Salvador and Honduras (a strong increase over previous years). Furthermore, gangs
have responded to the stricter laws with greater violence, as was illustrated in the
December 24, 2004 bus massacre in Honduras. While enforcing the law, governments
need still better advice in devising more comprehensive strategies that do not focus
exclusively on criminalization.

b) *Democratization and the rule of law*
U.S. foreign assistance can help reduce crime and violence in Latin America.
Operationally, the United States needs to continue its support of strategies that strengthen
the rule of law. Police forces, effective judiciaries, and decent prisons should be objects
of attention and program implementation. Historically, official development assistance
has provided little allocation to strengthen the rule of law and criminal justice systems.
Less than five percent of official development assistance has been allocated to support
the criminal justice system.

Even with these limited resources, assistance has paid off in many countries. USAID
assistance in the rule of law has concentrated on criminal justice and legal reform.
USAID has supported changes in judicial procedure shifting away from historical Latin
American practices and towards the oral and adversarial style. This has decreased the
length of criminal cases in some countries from four years to four months. Modern
criminal codes, accompanied by training of judges, have been implemented in several
countries to strengthen justice sectors. Alternative justice assistance has also been very
important. The creation of community justice centers in Colombia, Guatemala and Peru
has been a welcome approach to increase access to justice.

Greater focus needs to be made on the prison systems in these societies. Foreign
assistance should pay attention to rehabilitation programs for those in jail as well as on
revised sentencing guidelines. In countries where incarceration rates are increasing by
the thousands, the number of people in jail will exceed the number of people with
university education.

c) *A taskforce on crime, violence and development*
It is also important to form a transnational commission on gangs and crime looks at solutions to youth gang violence aside from purely criminal justice approaches, and looking instead at problems in inner cities where inequality prevails, both in the United States and Latin America. Youth gang activity is connected to Latino youngsters who in many cases came to the United States as infants with their parents.

Immigrant organizations in the United States, such as grassroots groups and hometown associations, are as concerned about the problem of youth gang violence as governments and societies in their home country. Yet there is very little dialogue between governments and their diaspora groups concerning the kind of responses needed to confront the problem of youth gang violence.

This transnational commission should be supported by an expert taskforce that provides input about the range of solutions available and should be composed of concerned and involved civil society organizations, human rights groups, academics, government officials (criminal justice and from other fields), the diaspora and U.S. representation.

d) *Light weapons reduction*
Military rule, civil war and intraregional tensions in Latin America and the Caribbean have resulted in the widespread availability of weapons in most of these countries. The smaller and poorer countries of Central America and the Caribbean are facing the greatest problems. In Central America it is believed that there are more than 4 million weapons, 2 million of which are light weapons such as machine guns. This means that 1 in 10 people have or own a gun.

Governments, through their police forces, need to increase methods to reduce the use of weapons, destroy already existing ones, and prevent from further trafficking. Very few weapons—perhaps just one fifth of the existing totals—are registered. Controlling the availability of weapons is an important strategy, as is reducing the market for weapons supplies, such as munitions.

e) *Social policy: rehabilitation, education and employment*
The policy responses to crime and violence are not in the exclusive realm of criminal justice. Preventing crime and rehabilitating law breaking individuals are important mechanisms. From a development perspective when a population is relatively young, the challenges to train such labor force are daunting. But such challenges are even more insurmountable when faced with crime and imprisonment and has costs on economic growth. Estimates of the cost of crime in various Latin American countries ranges from 25 percent in El Salvador and Guatemala to 10 percent in Mexico and Colombia.

Community-driven development approaches need to be accompanied with government social policies that address problems of lack of access to basic resources such as education and health. Low school enrollment ratios coincide with levels of violence in many countries, and the same is true with employment rates for a graduating labor force.

It is important to consider a transnational development approach that includes greater access to education for children of immigrants and relatives back home. Hometown associations in many of the countries where gang violence prevails have demonstrated an increasing interest to work on educational development projects. Designing a joint partnership on development and crime prevention would be a critical strategy to reduce violence in many countries of the Americas.

Homicide rates in selected LAC countries

Homicides per 100,000